

Agenda of Regular Meeting

The Board of Trustees

Marathon ISD

Preparing Each Student for a Successful Future as a Lifelong Learner

A Regular Meeting of the Board of Trustees of Marathon ISD will be held February 24, 2021, beginning at 6:00 PM in the Marathon High School Library.

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

- I. Call Meeting to Order
- II. Pledge of Allegiance to the American and Texas Flags
- III. Moment of Silence
- IV. Public Comment
- V. Approve Consent Items
 - a. Monthly Tax Collection Report 3
 - b. Budget Amendments 7
 - c. Review and approve previous Board Minutes--January, 2021 8
 - d. Board adoption of new policies (#115 & #116) 11
- VI. Financial Reporting for Board Information
 - a. Financial Reports - As of January 2021 1043
 - b. Check Payments for January 2021 1066
- VII. Letter of Engagement - District Audit Services for Year Ending August 31, 2021 1071
- VIII. Authorized Representatives - West Texas National Bank and Transpecos Bank Accounts 1078
- IX. Marathon ISD Bank Depository Contract for 09/01/2021 to 08/31/2023 1079
Board Resolution Extending Depository Contract for Funds of Independent School Districts
- X. 2020-2021 Budget Manual 1081
- XI. 2020-2021 Activity Account Manual
- XII. Superintendent Report
 - a. Response to Covid-19/bad weather
 - b. Consideration of bad weather waivers through TEA
 - c. Consideration of budget and tax rate preparations and adoption calendar 1099
 - d. Consideration of 2021-22 district calendar 1100
 - e. Formulation of master schedule 1101
 - f. District Goals Updates
 - 1. Student Performance

- a. Online course grades
 - 2. Graduation Rate
 - 3. Staff Quality
 - 4. Safe and Healthy School Climate
 - a. MHMR support
 - b. Feb. 26--Active shooter drill
 - c. Consideration of School Health and Advisory Committee (SHAC) recommendations
 - 1. 2021-22 district wellness program--Coordinated Approach to Child Health (CATCH) 1103
 - 2. ½-1 Health credit for HS graduation 2021-22
 - 3. Review of breakfast offerings for 2021-22 1105
 - 4. Human Sexuality curriculum (Big Decisions) for HS 2nd semester 1124
 - 5. Fiscal Responsibility and Facilities Management
 - a. Energy Management 1126
 - b. Presentation of plan to transform shop storeroom into computer room 1130
 - 6. Board/Parent/Community Engagement
- XIII. Closed Session
- In accordance with the Texas Open Meetings Act (Subchapter D and F of Chapter 551 of the Texas Government Code), the board will now enter into a closed meeting to deliberate subjects listed on this agenda authorized by Subchapter D. Any final action, decision, or vote on a subject deliberated in the closed meeting will be taken in an open meeting held in compliance with the Texas Open Meetings Act.
- Tex. Gov't Code 551.071, 551.129, 551.074
- a. Consideration of Administrative contracts
 - b. Consultation with the District's lawyer regarding legal issues related to student dress code. Tex. Gov't Code 551.071
- XIV. Open Session
- a. Consideration of Administrative contracts
 - b. Consideration of student dress code
- XV. Upcoming Events
- a. March 24--5 p.m. Budget Workshop
 - b. March 24--6 p.m. Board meeting
- XVI. Adjourn

The Marathon ISD seven-member Board of Trustees is focused on student achievement and the overall success of the school district.

Marathon ISD
Jan-21

Total Monthly Collected:	620,266.91
Total Paid Taxes	
Current Base (M&O)	619,595.19
Penalty	0.00
Interest	0.00
Atty Fees	0.00
Current Base (I&S)	
Penalty	
Interest	
Delinquent Base (M&O)	431.67
Penalty	51.79
Interest	188.26
Atty Fees	134.35
Delinquent Base (I&S)	
Penalty	
Interest	
Atty Fees	
Current BPP	323.75
Penalty	0.00
Interest	0.00
Atty Fees	0.00
Delinquent BPP	0.00
Penalty	0.00
Interest	0.00
Atty Fees	0.00
CED Base	0.00
Penalty	0.00
Interest	0.00
Atty Fees	0.00
Refunds	0.00

Total Yearly Collected:	\$928,589.54
Total Paid Taxes	<u>10/01/19 to</u> <u>1/31/2021</u>
Current Base (M&O)	925,253.60
Penalty	0.00
Interest	0.00
Atty Fees	0.00
Current Base (I&S)	
Penalty	
Interest	
Delinquent Base (M&O)	2,393.01
Penalty	292.51
Interest	650.42
Atty Fees	690.48
Delinquent Base (I&S)	0.00
Penalty	
Interest	
Atty Fees	
Current BPP	326.20
Penalty	0.00
Interest	0.00
Atty Fees	0.00
Delinquent BPP	0.00
Penalty	0.00
Interest	0.00
Atty Fees	0.00
CED Base	0.00
Penalty	0.00
Interest	0.00
Atty Fees	0.00
Refunds	0.00
Percentage	89.28%

Tax Collections Activity Report - Current/Delinquent

2/8/2021

11:02:59AM

Report Criteria

Entity:

ALL

Year:

ALL

Date Range:

01/01/2021 to 01/31/2021

Batch(es):

ALL

Brewster County Tax Office

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Entity Marathon ISD

Current Year	M&O	I&S	Delinquent Years	M&O	I&S	All Years	M&O	I&S
Taxes	619,804.50	0.00	Taxes	431.67	0.00	Taxes	620,236.17	0.00
Discounts	0.00	0.00	Discounts	0.00	0.00	Discounts	0.00	0.00
Penalty	0.00	0.00	Penalty	51.79	0.00	Penalty	51.79	0.00
Interest	0.00	0.00	Interest	188.26	0.00	Interest	188.26	0.00
Total Collected	619,804.50	0.00	Total Collected	671.72	0.00	Total Collected	620,476.22	0.00
Total Collected	619,804.50		Total Collected	671.72		Total Collected	620,476.22	
Refunds Paid			Refunds Paid			Refunds Paid		
Taxes	209.31	0.00	Taxes	0.00	0.00	Taxes	209.31	0.00
Penalty	0.00	0.00	Penalty	0.00	0.00	Penalty	0.00	0.00
Interest	0.00	0.00	Interest	0.00	0.00	Interest	0.00	0.00
Total Refunded:	209.31	0.00	Total Refunded:	0.00	0.00	Total Refunded:	209.31	0.00
Total Refunded:	209.31		Total Refunded:	0.00		Total Refunded:	209.31	
Taxes	619,595.19	0.00	Taxes	431.67	0.00	Taxes	620,026.86	0.00
Penalty	0.00	0.00	Penalty	51.79	0.00	Penalty	51.79	0.00
Interest	0.00	0.00	Interest	188.26	0.00	Interest	188.26	0.00
Total Disbursed:	619,595.19	0.00	Total Disbursed:	671.72	0.00	Total Disbursed:	620,266.91	0.00
Total Disbursed:	619,595.19		Total Disbursed:	671.72		Total Disbursed:	620,266.91	
Current Year			Delinquent Years			All Years		
Total Collected	619,804.50		Total Collected	671.72		Total Collected	620,476.22	
Attorney Fees	0.00		Attorney Fees	134.35		Attorney Fees	134.35	
Other Fees	0.00		Other Fees	0.00		Other Fees	0.00	
Overpayments	0.22		Overpayments	0.00		Overpayments	0.22	
Total Paid	619,804.72		Total Paid	806.07		Total Paid	620,610.79	
Underpayments	0.44		Underpayments	0.00		Underpayments	0.44	
Total Paid	619,804.72		Total Paid	806.07		Total Paid	620,610.79	
Attorney Fees	0.00		Attorney Fees	134.35		Attorney Fees	134.35	
Refunds Paid - Attorney Fees	0.00		Refunds Paid - Attorney Fees	0.00		Refunds Paid - Attorney Fees	0.00	
Attorney Fee Disbursement Amount	0.00		Attorney Fee Disbursement Amount	134.35		Attorney Fee Disbursement Amount	134.35	

Tax Collections Activity Report - Current/Delinquent

2/8/2021

11:02:59AM

Report Criteria

Entity:

ALL

Year:

ALL

Date Range:

01/01/2021 to 01/31/2021

Batch(es):

ALL

Brewster County Tax Office

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Entity MISD BPP

Current Year	M&O	I&S	Delinquent Years	M&O	I&S	All Years	M&O	I&S
Taxes	323.75	0.00	Taxes	0.00	0.00	Taxes	323.75	0.00
Discounts	0.00	0.00	Discounts	0.00	0.00	Discounts	0.00	0.00
Penalty	0.00	0.00	Penalty	0.00	0.00	Penalty	0.00	0.00
Interest	0.00	0.00	Interest	0.00	0.00	Interest	0.00	0.00
Total Collected	323.75	0.00	Total Collected	0.00	0.00	Total Collected	323.75	0.00
Total Collected	323.75		Total Collected	0.00		Total Collected	323.75	
Refunds Paid			Refunds Paid			Refunds Paid		
Taxes	0.00	0.00	Taxes	0.00	0.00	Taxes	0.00	0.00
Penalty	0.00	0.00	Penalty	0.00	0.00	Penalty	0.00	0.00
Interest	0.00	0.00	Interest	0.00	0.00	Interest	0.00	0.00
Total Refunded:	0.00	0.00	Total Refunded:	0.00	0.00	Total Refunded:	0.00	0.00
Total Refunded:	0.00		Total Refunded:	0.00		Total Refunded:	0.00	
Taxes	323.75	0.00	Taxes	0.00	0.00	Taxes	323.75	0.00
Penalty	0.00	0.00	Penalty	0.00	0.00	Penalty	0.00	0.00
Interest	0.00	0.00	Interest	0.00	0.00	Interest	0.00	0.00
Total Disbursed:	323.75	0.00	Total Disbursed:	0.00	0.00	Total Disbursed:	323.75	0.00
Total Disbursed:	323.75		Total Disbursed:	0.00		Total Disbursed:	323.75	
Current Year			Delinquent Years			All Years		
Total Collected	323.75		Total Collected	0.00		Total Collected	323.75	
Attorney Fees	0.00		Attorney Fees	0.00		Attorney Fees	0.00	
Other Fees	0.00		Other Fees	0.00		Other Fees	0.00	
Overpayments	0.00		Overpayments	0.00		Overpayments	0.00	
Total Paid	323.75		Total Paid	0.00		Total Paid	323.75	
Underpayments	0.00		Underpayments	0.00		Underpayments	0.00	
Total Paid	323.75		Total Paid	0.00		Total Paid	323.75	
Attorney Fees	0.00		Attorney Fees	0.00		Attorney Fees	0.00	
Refunds Paid - Attorney Fees	0.00		Refunds Paid - Attorney Fees	0.00		Refunds Paid - Attorney Fees	0.00	
Attorney Fee Disbursement Amount	0.00		Attorney Fee Disbursement Amount	0.00		Attorney Fee Disbursement Amount	0.00	

Tax Collections Activity Report - Current/Delinquent

2/8/2021

11:02:59AM

Report Criteria

Entity:

ALL

Year:

ALL

Date Range:

01/01/2021 to 01/31/2021

Batch(es):

ALL

Brewster County Tax Office

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Entity MCED

Current Year	M&O	I&S	Delinquent Years	M&O	I&S	All Years	M&O	I&S
Taxes	0.00	0.00	Taxes	0.00	0.00	Taxes	0.00	0.00
Discounts	0.00	0.00	Discounts	0.00	0.00	Discounts	0.00	0.00
Penalty	0.00	0.00	Penalty	0.00	0.00	Penalty	0.00	0.00
Interest	0.00	0.00	Interest	0.00	0.00	Interest	0.00	0.00
Total Collected	0.00	0.00	Total Collected	0.00	0.00	Total Collected	0.00	0.00
Total Collected	0.00		Total Collected	0.00		Total Collected	0.00	
Refunds Paid			Refunds Paid			Refunds Paid		
Taxes	0.00	0.00	Taxes	0.00	0.00	Taxes	0.00	0.00
Penalty	0.00	0.00	Penalty	0.00	0.00	Penalty	0.00	0.00
Interest	0.00	0.00	Interest	0.00	0.00	Interest	0.00	0.00
Total Refunded:	0.00	0.00	Total Refunded:	0.00	0.00	Total Refunded:	0.00	0.00
Total Refunded:	0.00		Total Refunded:	0.00		Total Refunded:	0.00	
Taxes	0.00	0.00	Taxes	0.00	0.00	Taxes	0.00	0.00
Penalty	0.00	0.00	Penalty	0.00	0.00	Penalty	0.00	0.00
Interest	0.00	0.00	Interest	0.00	0.00	Interest	0.00	0.00
Total Disbursed:	0.00	0.00	Total Disbursed:	0.00	0.00	Total Disbursed:	0.00	0.00
Total Disbursed:	0.00		Total Disbursed:	0.00		Total Disbursed:	0.00	
Current Year			Delinquent Years			All Years		
Total Collected	0.00		Total Collected	0.00		Total Collected	0.00	
Attorney Fees	0.00		Attorney Fees	0.00		Attorney Fees	0.00	
Other Fees	0.00		Other Fees	0.00		Other Fees	0.00	
Overpayments	0.00		Overpayments	0.00		Overpayments	0.00	
Total Paid	0.00		Total Paid	0.00		Total Paid	0.00	
Underpayments	0.00		Underpayments	0.00		Underpayments	0.00	
Total Paid	0.00		Total Paid	0.00		Total Paid	0.00	
Attorney Fees	0.00		Attorney Fees	0.00		Attorney Fees	0.00	
Refunds Paid - Attorney Fees	0.00		Refunds Paid - Attorney Fees	0.00		Refunds Paid - Attorney Fees	0.00	
Attorney Fee Disbursement Amount	0.00		Attorney Fee Disbursement Amount	0.00		Attorney Fee Disbursement Amount	0.00	

							BA No.	
Account Number						Description	Debit	Credit
Transfer from one function to another to meet technology/program needs								
199	53	6399	03	999	199000	Microsoft Office Renewal		\$ 606.00
199	53	6499	00	999	199000	Misc Costs/Technology		\$ 394.00
199	13	6237	00	001	130000	Professional Development/SCE	\$ 1,000.00	
							\$ 1,000.00	\$ 1,000.00

Prepared by:

☐

Approved

☐

Denied

Victoria Sanchez, Business Manager

President, Board of Trustees

Secretary, Board of Trustees

2/24/2021

2/24/2021

MARATHON INDEPENDENT SCHOOL DISTRICT
REGULAR BOARD MEETING
JANUARY 27, 2021

Regular Board Meeting: The Board of Trustees of the Marathon Independent School District met on January 27, 2021 in the High School Library and was offered Via Zoom.

Present Board Members: Judy Briones, Hayes West

Via Zoom Board Members: Marina Aguilar, Steven Aguilar, Craig Carter, Dara Cavness, Cheyenne Marta

Staff: Dr. Peter Price, Juan Saldana, Victoria Sanchez, Coy Gonzalez

Audience of Individuals: Ron Subaba, Student Council Members: Izabella Briones, Annaliese West, and Madeline West

- I. Call Meeting to Order: Board President Judy Briones called meeting to order at 6:00 p.m.
 - a. Roll Call by Board President Judy Briones: Present Judy Briones, Hayes West, Dr. Peter Price, Juan Saldana, Victoria Sanchez, Coy Gonzalez, VIA ZOOM – Marina Aguilar (6:03 – 6:46 p.m.), Steven Aguilar, Craig Carter, Dara Cavness
- II. Recited the Pledge of Allegiance to the American Flag and Texas Flag
- III. Moment of Silence
- IV. Public Comments – Ron Subaba concerns on Hair Gender the specifics on hair length for boys.
- V. Board Organization- **Board President** - Hayes West nominates Judy Briones as Board President, Cheyenne Marta makes the second nomination – nominates Judy Briones as Board President. Marina Aguilar nominates Cheyenne Marta as Board President, no second nomination made. Nomination made by Hayes West and second by Cheyenne Marta to nominate Judy Briones as Board President, Motion Carried, with Marina Aguilar abstaining. **Vice-President**, Dara Cavness nominates Hayes West as Vice President and Craig Carter makes the second nomination. Vice President nomination was carried with Marina Aguilar abstaining. Motion Carried. **Board Secretary** – Hayes West nominates Cheyenne Marta as Board Secretary, Dara Cavness makes the second motion to nominate Cheyenne Marta as Board Secretary. Nomination for Board Secretary Carried with Marina Aguilar abstaining. Motion Carried.
- VI. Consent Items – A motion was made by Judy Briones and seconded by Dara Cavness to approve the Consent Items listed as presented by Business Manager Victoria Sanchez. All in favor Motion Carries.
 - a. Monthly Tax Collection Report
 - b. Budget Amendments
 - c. Review and approve previous Board Minutes—December 16, 2020
 - d. Investments Quarterly Report
- VII. Consent Items – Board Information Only. Reports prepared by Business Manager Victoria Sanchez.
 - a. Financial Reports – As of December 2020
 - b. Check Payments for December 2020
- VIII. Superintendent Report

- a. School Board Appreciation Month – Dr. Price expressed his appreciation to the board and stated the school has a very Positive School Board who cares about the children and staff.
- b. Response to COVID-19 – review of January 13-17 actions; CARES Act reimbursement for staff leave; test supplies. Dr. Price reminded board about the Privacy and Confidentiality of students, staff be mindful as how you respond when community asks questions regarding COVID-19 and students. CARES Act reimbursement for staff leave; Victoria Sanchez has done some research for staff leave and there is a process and will have more information. Test supplies another shipment of supplies have arrived. Board members asked for an update on Virtual classes. Dr. Price informed the board the Virtual Classes went well, teachers were more prepared, and students engaged in class. Board concerns on worksheets not being as effective, students struggling with the worksheets. A few students not having internet at home was also an issue for some students. Teachers overall did their best providing instruction to students.
- c. District Goals Updates
 - 1. Student Performances
 - a. Instructional progress monitoring – mid-year benchmark assessments; walkthroughs – Dr. Price gave a report on benchmark assessments that were administered and discussed the student progress. Dr. Price also discussed intervention planning.
 - b. Students behavior/consequences
 - 1. Consideration of dress code modifications: Dr. Price recommends revisiting the dress code policy regarding clothing that is torn or has holes beyond three inches above the knee is not permitted. Consideration modifying policy on gender ponytails, allowing boys to wear a ponytail. No action was taken on modifications. Hayes West made a motion to TABLE modifications for the next board meeting and contact school legal counsel for legal advice motion seconded by Dara Cavness. Motion Carried.
 - 2. Graduation Rate
 - a. Project Celebration Grant Award – Marathon ISD received a Senior Project Grant Award in the amount of \$750.00
 - 3. Staff Quality
 - a. School Board Learning Walk
 - b. Mid-year survey results – staff, Dr. Price reported results of surveys had a good response
 - 4. Safe and Healthy School Climate
 - a. Mid-year survey results – students, discussed surveys might consider a few changes on the survey.
 - b. Counseling support for semester – Dr. Price reported, Kelly Springfield will begin her Counseling Internship here at school.
 - 5. Fiscal Responsibility and Facilities Management – Storeroom is being cleaned out
 - 6. Board/Parent Community Engagement

- a. Mid-year survey results – parents. Not very high response. Concerns - Parent communication, outburst in the classroom.
 - d. 2021 -22 district and budget calendars
- IX. Closed Meeting 7:22 p.m.
In accordance with the Texas Open Meetings Act (Subchapters D and F of Chapter 551 of the Texas Government Code), the Board will now enter a closed meeting to deliberate subjects listed on this agenda authorized by Subchapters D. Any final action, decision, or vote on a subject deliberated in the closed meeting will be taken in an open meeting held in compliance with the Texas Open Meetings Act.
Tex. Gov't Code 551.071, 551.129, 551.074
 - a. Consideration of Guardian Program update
- X. Open Meeting – at 7:46 p.m.
 - a. Consideration of Guardian Program update – A motion was made by Hayes West and second by Dara Cavness to proceed with the Guardian Program and make future changes by Administrator as needed. Motion Carried.
- XI. Upcoming Events
 - a. February 24 Board Meeting
 - b. March 24 – Budget and Board Meetings
- XII. Adjourn – A motion was made by Hayes West and second by Dara Cavness to adjourn board meeting at 7:50 p.m. Motion Carried.

Board President _____

Board Secretary _____



Policy Reference Manual **Update 115**

Update 115 revisions to legal policies are described in the update Explanatory Notes.

The *Policy Reference Manual* is a comprehensive collection of federal and state statutes and regulations, case law, attorney general opinions, and commissioner's decisions affecting Texas school districts. As such, it is an excellent reference document that recites a broad array of legal requirements, many of which apply to all districts, others to only a certain few. For this reason, these (LEGAL) policies are not suitable for incorporation in localized policy manuals.

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

If you have any questions concerning this update or the *TASB Policy Reference Manual*, please call 800-580-7529 or 512-467-0222.

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Instruction Sheet

TASB Policy Reference Manual Update 115

Policy Reference Manual

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AF	(LEGAL)	Replace policy	Revised policy
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
BBA	(LEGAL)	Replace policy	Revised policy
BBBB	(LEGAL)	Replace policy	Revised policy
BBD	(LEGAL)	Replace policy	Revised policy
BDF	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
BQA	(LEGAL)	Replace policy	Revised policy
BQB	(LEGAL)	Replace policy	Revised policy
CBB	(LEGAL)	Replace policy	Revised policy
CCA	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CCGB	(LEGAL)	Replace policy	Revised policy
CCH	(LEGAL)	Replace policy	Revised policy
CFA	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CKA	(LEGAL)	Replace policy	Revised policy
CKE	(LEGAL)	Replace policy	Revised policy
CKEA	(LEGAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
CQ	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CQB	(LEGAL)	Replace policy	Revised policy
CRE	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
CY	(LEGAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DAA	(LEGAL)	Replace policy	Revised policy
DBAA	(LEGAL)	Replace policy	Revised policy

Instruction Sheet

TASB Policy Reference Manual Update 115

Policy Reference Manual

Code	Type	Action To Be Taken	Note
DC	(LEGAL)	Replace policy	Revised policy
DF	(LEGAL)	Replace policy	Revised policy
DHC	(LEGAL)	Replace policy	Revised policy
DHE	(LEGAL)	Replace policy	Revised policy
DIA	(LEGAL)	Replace policy	Revised policy
DMA	(LEGAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
EEL	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy
EHB	(LEGAL)	Replace policy	Revised policy
EHBA	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBE	(LEGAL)	Replace policy	Revised policy
EHBG	(LEGAL)	Replace policy	Revised policy
EHBJ	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EKC	(LEGAL)	Replace policy	Revised policy
ELA	(LEGAL)	Replace policy	Revised policy
F	(LEGAL)	Replace table of contents	Revised table of contents
FB	(LEGAL)	Replace policy	Revised policy
FDB	(LEGAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FFAC	(LEGAL)	Replace policy	Revised policy
FFAE	(LEGAL)	Replace policy	Revised policy
FFB	(LEGAL)	Replace policy	Revised policy
FFC	(LEGAL)	Replace policy	Revised policy
FFE	(LEGAL)	DELETE policy	See explanatory note
FFEA	(LEGAL)	Replace policy	Revised policy
FFEB	(LEGAL)	ADD policy	See explanatory note
FFG	(LEGAL)	Replace policy	Revised policy

Instruction Sheet
TASB Policy Reference Manual Update 115

Policy Reference Manual

Code	Type	Action To Be Taken	Note
FFH	(LEGAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
GBAA	(EXHIBIT)	DELETE exhibit	See explanatory note
GKA	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Policy Reference Manual Update 115

Policy Reference Manual

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Update 115 includes new Title IX regulations, effective August 14, 2020, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment. The final Title IX regulations and related materials are available on the U.S. Department of Education [Office for Civil Rights](#) website.

Multiple changes at Update 115 are based on legislation from the Regular Session of the 86th Texas Legislature that impose changes effective with the 2020–21 school year. Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 86th Legislature.

AF(LEGAL)

INNOVATION DISTRICTS

Revisions to the Administrative Code, effective January 2020:

- Specify that an innovation district may not be exempted from Education Code Chapters 48 (Foundation School Program) and 49 (Options for Local Revenue Levels in Excess of Entitlement); and
- Authorize the commissioner to terminate district of innovation status for a district's failure to comply with the duty to discharge or refuse to hire certain employees or applicants as required by state law.

AIA(LEGAL)

ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Administrative rule changes, effective August 2019, specify that districts with a local accountability system must use the local accountability system rating standards established by the commissioner. These standards will be updated annually and published in the *Local Accountability System Manual*.

Definitions for the various accreditation statuses have also been added.

AIB(LEGAL)

ACCOUNTABILITY: PERFORMANCE REPORTING

TEA has renamed the Performance-Based Monitoring Analysis System (PBMAS) to the Results Driven Accountability (RDA) system, effective December 3, 2019. This was to align with the Office of Special Education Programs (OSEP) framework.

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Beginning with the 2020–21 school year, HB 4205 creates a new option for campuses that are required to submit campus turnaround plans—an accelerated campus excellence (ACE) turnaround plan. The commissioner is required to approve an ACE turnaround plan if the commissioner determines that the plan meets the statutory requirements.

Other changes are from revised Administrative Code rules, effective March 31, 2020. The rules clarify interventions and sanctions provisions, including campus intervention team membership and participation and campus turnaround plan submission, approval, and implementation processes.

Additional detail has been included about the required notice the campus intervention team must provide regarding the public meeting for soliciting input on development of a targeted improvement plan.

BBA(LEGAL)

BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

This legally referenced policy on eligibility and qualifications for board members has been revised to clarify that a person cannot *run* for the board if the person has a final felony conviction from which the person

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has not been pardoned or had the disabilities removed (see Eligibility). The provision at Ineligibility indicating that a person cannot serve as a member of the board if the person has been convicted of a felony remains unchanged.

BBBB(LEGAL) ELECTIONS: POST-ELECTION PROCEDURES

HB 2640 deleted the requirement for the presiding officer of the board to prepare a report of precinct results for the secretary of state.

BBD(LEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION

Extensive changes to this legally referenced policy on board member training and orientation are from revised Administrative Code rules, effective March 24, 2020. See the TASB Board Development Services website for helpful overviews of the [training requirements](#).

BDF(LEGAL) BOARD INTERNAL ORGANIZATION: CITIZEN ADVISORY COMMITTEES

HB 18 revised the list of persons that a board may appoint to the school health advisory council (SHAC). The bill also added requirements for a district to publish in the student handbook and on the district's website certain information on student physical and mental health resources, policies, and procedures and whether each campus has a full-time nurse or school counselor. The 2020–21 [TASB Model Student Handbook](#) has been updated to meet this requirement.

BQ(LEGAL) PLANNING AND DECISION-MAKING PROCESS

HB 18 revised the list of strategies for improvement of student performance that must be included in the district improvement plan (DIP) to include positive behavior interventions and support and implementation of a comprehensive school counseling program. In addition, the DIP must include:

- Strategies for providing elementary school students information about higher education; and
- The district's procedures on mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention.

Details about dating violence have been moved to FFH addressing harassment; details about sexual abuse, sex trafficking, and other maltreatment of children have been moved to FFG addressing child abuse and neglect.

BQA(LEGAL) PLANNING AND DECISION-MAKING PROCESS: DISTRICT-LEVEL

Provisions on the district-level decision-making committee's responsibilities have been revised to better match statute.

BQB(LEGAL) PLANNING AND DECISION-MAKING PROCESS: CAMPUS-LEVEL

Provisions on the campus-level decision-making committee's responsibilities have been revised to better match statute.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

The Note on page 5 has been adjusted to include a link to a USDA memo addressing micro-purchase and simplified acquisition thresholds for federal child nutrition programs.

CCA(LEGAL) LOCAL REVENUE SOURCES: BOND ISSUES

TASB Policy Service engaged an outside law firm with expertise in the area of bonds to review the federal securities law provisions in this legally referenced policy, which resulted in revisions throughout that section of the policy.

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In addition, we have included two existing statutory provisions on:

- Attorney general review and approval of a public security and the record of proceedings, and
- Authority of the issuer of public securities to contract for certain services.

CCG(LLEGAL)

LOCAL REVENUE SOURCES: AD VALOREM TAXES

At Tax Rate Adoption, we have added information on the maximum compressed rate from HB 3 and new Administrative Code rules effective April 10, 2020.

HB 492 repeals existing law regarding reappraisal of property damaged in a disaster area. However, an amendment to the Texas constitution approved by voters in November 2019 authorizes a temporary exemption for property damaged in a disaster. These new provisions have been added to CCGA(LLEGAL) addressing ad valorem tax exemptions.

A board must conduct an efficiency audit before holding an election seeking voter approval to adopt an M&O tax rate. In conducting the audit, the auditor selected by the board must follow the Legislative Budget Board (LBB) guidelines, to which we have included a link.

CCGA(LLEGAL)

AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

HB 492 provides for a temporary exemption for property damaged in a disaster, as authorized in an amendment to the Texas Constitution approved by voters in November 2019.

CCGB(LLEGAL)

AD VALOREM TAXES: ECONOMIC DEVELOPMENT

Revisions to this legally referenced policy reflect amended Administrative Code rules, effective February 6, 2020, and include:

- The exclusion of any employee names or other personal identifying information from the definition of *substantive documents* submitted to the comptroller in connection with economic development applications,
- Clarification of the procedures for an applicant to obtain continued eligibility for a limitation on appraised value, and
- Extended timelines for the comptroller to review a written agreement for a limitation on appraised value.

CCH(LLEGAL)

LOCAL REVENUE SOURCES: APPRAISAL DISTRICT

Effective September 1, 2020, SB 2 requires an appraisal district board in a county with a population of a million or more to increase the size of the appraisal review board (ARB) to an appropriate number of members. The ARB must establish special panels to conduct protest hearings.

CFA(LLEGAL)

ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

Revisions to the provisions on the Annual Local Debt Report are from amended Administrative Code rules, effective April 5, 2020.

Other revisions are to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CFC(LLEGAL)

ACCOUNTING: AUDITS

This legally referenced policy on audits has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

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CKA(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: INSPECTIONS

This legally referenced policy on asbestos has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CKE(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL

Revisions regarding training are from amended Administrative Code rules, effective February 5, 2020, and require district police officers and school resource officers to receive a school-based law enforcement proficiency certificate within 180 days of commission or placement in the district.

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

The addition of provisions regarding reporting on appointment and separation of licensed peace officers was prompted by amended Administrative Code rules, effective February 5, 2020.

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

Revisions to the provisions prohibiting certain expenditures of funds from the instructional materials allotment are from amended Administrative Code rules, effective February 6, 2020.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

A Note has been added pointing to the Texas Department of Agriculture's Records Retention List, which can assist districts with retaining documentation to demonstrate program compliance.

CQ(LEGAL) TECHNOLOGY RESOURCES

This legally referenced policy has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources. Citations to various laws pertaining to unlawful interception, use, or disclosure of communications have also been added to this policy for reference.

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

Online posting provisions have been updated to:

- Clarify that notification by the campus intervention team regarding public input on development of a targeted improvement plan must be published on the district and campus websites,
- Add the requirement to post a completed campus turnaround plan 30 days before the final plan is submitted to the board,
- Add details about posting of the Annual Local Debt Report,
- Add the requirement to post information on designated agents under the Digital Millennium Copyright Act for districts seeking to limit liability, and
- Add the requirement to post the district's family engagement plan.
- Add contact information for the district's Title IX coordinator and the district's policy of nondiscrimination; and
- Add materials used to train the Title IX coordinator and other individuals who are relevant to resolving complaints under Title IX.

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CQB(LEGAL) TECHNOLOGY RESOURCES: CYBERSECURITY

We have removed provisions on the Electronic Communication Privacy Act that address the criminal consequences of the Act. A high-level reference to this information has been added to CQ(LEGAL).

CRE(LEGAL) INSURANCE AND ANNUITIES MANAGEMENT: WORKERS' COMPENSATION

We have removed case law addressing enforcement of a reasonable absence-control rule because the case is also included in DEC(LEGAL).

CS(LEGAL) FACILITY STANDARDS

Provisions on termination of LP-gas service have been revised as a result of amended Administrative Code rules, effective January 6, 2020.

CY(LEGAL) INTELLECTUAL PROPERTY

This legally referenced policy on intellectual property has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

D(LEGAL) PERSONNEL

The D Section table of contents has been revised to rename DBAA Pre-Employment Reviews.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been revised at Bankruptcy Discrimination to better match statute.

The provisions addressing compliance coordinators for federal nondiscrimination laws have been updated in response to the new Title IX regulations.

DBAA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: PRE-EMPLOYMENT REVIEWS

This legally referenced policy has been retitled and reorganized to include various pre-employment reviews. As a result, provisions on the required pre-employment affidavit and the Do Not Hire Registry have been moved to this policy from DC(LEGAL).

Provisions have been added on the U.S. Department of Transportation's (DOT) national commercial driver license drug and alcohol clearinghouse. A district may not employ a driver subject to DOT drug and alcohol testing who will perform a safety-sensitive function without first conducting a pre-employment inquiry through the clearinghouse.

DC(LEGAL) EMPLOYMENT PRACTICES

As mentioned above, provisions on the required pre-employment affidavit and the Do Not Hire Registry have been moved to DBAA(LEGAL), which now addresses pre-employment reviews.

DF(LEGAL) TERMINATION OF EMPLOYMENT

Failure to terminate an employee on the Do Not Hire Registry has been added as a reason for which the State Board for Educator Certification may impose sanctions on an educator. This change is from amended Administrative Code rules, effective March 5, 2020.

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DHC(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY

Changes to this legally referenced policy on reports to TEA regarding non-certified employee misconduct are from revised Administrative Code rules, effective December 31, 2019. The rules clarify the information that must be in a report and include several relevant definitions.

DHE(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

Information on postaccident alcohol or controlled substances testing has been incorporated from DHE(EXHIBIT), which is being deleted.

Additional detail has been included regarding required Department of Transportation drug and alcohol testing of commercial vehicle operators.

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

The Note pointing to other relevant policies has been updated to reflect Title IX changes. We have added the recent U.S. Supreme Court case, *Bostock v. Clayton County, Georgia*, which held that firing an employee on the basis of homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. Margin notes have also been updated.

DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

HB 18 revises both optional and required training for district staff development. Required training, which must be provided annually, focuses on various aspects of student mental health, as listed in the policy. Suicide prevention training must address the specific components indicated.

Details about required mental health support programs have been updated in accordance with HB 18 and moved to FFEB addressing student mental health.

Provisions addressing required training on child abuse, trafficking, and maltreatment have been updated based on revised Administrative Code rules, effective November 6, 2019.

DP(LEGAL) PERSONNEL POSITIONS

This legally referenced policy on personnel has been revised to include provisions on various physical and mental health professionals, including:

- School nurses,
- Certified school counselors,
- Nonphysician mental health professionals, and
- Licensed specialists in school psychology (LSSPs).

EEL(LEGAL) INSTRUCTIONAL ARRANGEMENTS: CONTRACTS WITH OUTSIDE AGENCIES

In accordance with new federal provisions, districts that have Junior Reserve Officers' Training Corps programs must permit homeschooled students to participate in the program.

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

Provisions on coordinated health programs have been updated based on HB 18.

HB 18 amends the SHAC's duties to include making recommendations about various aspects of student mental health.

EHB(LEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

New provisions on dyslexia compliance monitoring are from revised Administrative Code rules, effective December 25, 2019.

SB 2075 requires that a district notify the parent of a student who has or is at risk for dyslexia or a related disorder that the Texas State Library and Archives Commission provides audiobooks free of charge to students with eligible disabilities.

EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

Provisions on off-campus programs to provide special education and related services during school hours in a non-district facility are from new Administrative Code rules, effective November 10, 2019. The rules address placement in the programs, notification to and review by TEA, contract requirements, and changes of student residence.

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

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care. For such students who transfer into the district, the rules require the receiving district to:

- Accept a referral done by a previous district for a special education evaluation and complete any written report of a full individual and initial evaluation by the timelines in law, and
- Ensure that the district meets student transfer requirements relating to the ARD committee for a student who is already eligible for services.

EHBE(LEGAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

This legally referenced policy on bilingual education has been revised throughout as a result of amended Administrative Code rules, effective April 10, 2020. The rules address requirements for administering the home language survey, parental notice and consent, and assessment options for students in a two-way dual language immersion program.

Other revisions are to better match statute.

EHBG(LEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Amended Administrative Code rules, effective February 13, 2020, prompted revisions throughout the high-quality prekindergarten program provisions.

EHBJ(LEGAL) SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS

Changes to the application process for requesting approval from the State Board of Education or the commissioner to offer an innovative course are from amended Administrative Code rules, effective December 25, 2019.

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EHDD(LEGAL)

ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

Provisions on dual credit agreements have been updated based on amended Administrative Code rules, effective November 24, 2019. We have also added some existing statutory provisions on dual credit programs to address faculty supervision and student transcripts.

EI(LEGAL)

ACADEMIC ACHIEVEMENT

Provisions on partial award of credit have been updated to reflect revised Administrative Code rules, effective March 15, 2020. The rules revised terminology regarding awarding of credit proportionately when a student receives a passing grade in "half" of a course, rather than per "semester."

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care and require districts to:

- Adopt local policy to assist with awarding credit for a course that was earned prior to the student enrolling in or transferring to the district,
- Develop credit recovery plans for students who were denied credits outside the district or if the student's credit deficit would impede on-time promotion or graduation,
- Create course transition plans for students who were denied credit,
- Develop and administer personal graduation plans for junior or middle school students, and
- Comply with existing Education Code provisions regarding awarding of diplomas.

EIF(LEGAL)

ACADEMIC ACHIEVEMENT: GRADUATION

Beginning with students enrolled in the 12th grade in the 2021–22 school year, HB 3 will require a student to complete and submit a federal or Texas application for financial aid to graduate. The provision has been added to the policy manual now in case the district starts receiving questions about this provision. TEA will be issuing rules with more details.

Details on forming an individual graduation committee, including acceptable alternate members, have been added from amended Administrative Code rules, effective February 10, 2020.

Administrative Code rules effective November 24, 2019, provide that a student who completes the core curriculum of an institution of higher education meets the curriculum requirements for the foundation high school program, earns an endorsement and the distinguished level of achievement, and is entitled to a high school diploma.

Provisions on transitioning to the foundation high school program have been deleted from law.

EKB(LEGAL)

TESTING PROGRAMS: STATE ASSESSMENT

Changes to this legally referenced policy on assessments include:

- Additional detail on end-of-course assessments, for more complete information;
- Deletion of detailed provisions on use of the TSI as a substitute assessment in lieu of a statutory reference; and
- Revisions to testing requirements for accountability purposes based on amended Administrative Code rules, effective February 23, 2020.

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EKC(LEGAL)

TESTING PROGRAMS: READING ASSESSMENT

Effective with the 2020–21 school year, HB 3 requires a district to administer the commissioner-adopted reading instrument or the commissioner-approved alternative reading instrument to students at the kindergarten level and report results of reading instruments to parents within 60 calendar days of administration.

ELA(LEGAL)

CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

This legally referenced policy on partnership charters has been significantly revised in accordance with amended Administrative Code rules, effective March 31, 2020. The rules:

- State that operating partners have final and sole authority over certain campus decisions;
- Add numerous requirements for performance contracts; and
- Update the TEA approval process.

In accordance with amended Administrative Code rules, effective September 1, 2019, a performance contract for a partnership charter only needs to include assurances that the district has consulted with relevant campus personnel if the partnering entity is an open enrollment charter school and not for other partnering entities approved by TEA.

F(LEGAL)

STUDENTS

Update 115 includes reorganization of student mental health provisions. As a result:

- FFE has been renamed Counseling and Mental Health;
- FFEA has been renamed Counseling; and
- FFEB has been renamed Mental Health.

FB(LEGAL)

EQUAL EDUCATIONAL OPPORTUNITY

The provisions on required grievance procedures and retaliation have been updated based on the new Title IX regulations.

FDB(LEGAL)

ADMISSIONS: INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

Clarification has been added regarding transfer of a student with a disability who receives special education services and who engaged in bullying.

FEA(LEGAL)

ATTENDANCE: COMPULSORY ATTENDANCE

From HB 3, we have added a provision, effective September 1, 2020, clarifying that a student is not required to attend school for the additional instructional days for which a district receives a financial incentive under Education Code 48.0051. See FEB(LEGAL) for more information.

FEB(LEGAL)

ATTENDANCE: ATTENDANCE ACCOUNTING

Amended Administrative Code rules, effective December 25, 2019, delete the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be taken at the official attendance-taking time during the campus's instructional day. There is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.

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From HB 3, we have added a provision, effective September 1, 2020, under which a district may receive a financial incentive for offering an additional 30 days of half-day instruction above the required minimum number of minutes for students in prekindergarten through fifth grade.

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Provisions on nursing peer review committees have been moved to DP(LEGAL).

Provisions on psychotropics and psychiatric evaluations have been moved to FFEB(LEGAL).

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

HB 18 permits the board (in addition to a local health education and health-care advisory council) to initiate the establishment of a school-based health center at a campus. The bill also expands the list of services that may be provided at school-based health centers to include physical health care, treatment of mental health conditions, and treatment for substance abuse.

Other changes from HB 18 address parental consent for referrals, the membership of the advisory council, and coordination with existing providers.

FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

Provisions on the recommended best practice programs and research-based practices on student mental health have been moved to FFEB(LEGAL).

FFC(LEGAL) STUDENT WELFARE: STUDENT SUPPORT SERVICES

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care. The rules address processes and practices on the following:

- Transferring student records;
- Developing systems to ease transition for students, including welcome packets, introductions, and mechanisms for receiving school nutrition program benefits;
- Convening enrollment conferences;
- Determining appropriate placement in educational programs and courses;
- Facilitating participation in extracurricular programs;
- Promoting postsecondary information; and
- Notifying the educational decision-maker and caseworker of events that significantly impact the student's education.

FFE(LEGAL) STUDENT WELFARE: COUNSELING AND MENTAL HEALTH

Provisions on counseling have been moved to FFEA.

FFEA(LEGAL) COUNSELING AND MENTAL HEALTH: COUNSELING

This legally referenced policy has been reorganized to focus on both behavioral and academic counseling programs. As a result:

- Personnel provisions on school counselors and their duties have been moved to DP(LEGAL), and

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- Various provisions regarding consent to counseling services previously at FFE(LEGAL) have been moved to this code.

From HB 18, we have added a provision requiring a school counselor to work with various stakeholders to plan, implement, and evaluate a comprehensive school counseling program.

From HB 114, we have added a provision applicable with the 2020–21 school year requiring a school counselor to provide information regarding availability of college credit for military experience, education, and training obtained during military service.

FFEB(LEGAL)

COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

This legally referenced policy has been added to focus on student mental health programs. As a result, provisions on psychotropics and psychiatric evaluations previously at FFAC(LEGAL) have been moved to this code.

The policy now addresses the various mental health programs, as revised by HB 18, for which the district must develop practices and procedures. The practices and procedures must be included in the student handbook and district improvement plan. The 2020–21 [TASB Model Student Handbook](#) has been updated to meet this requirement.

FFG(LEGAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

This legally referenced policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules, effective November 6, 2019. The rules address the required policy on sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook. The 2020–21 [TASB Model Student Handbook](#) has been updated to meet this requirement. The rules also revise the elements of the required child abuse and neglect reporting policy.

FFH(LEGAL)

STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy addressing discrimination, harassment, and retaliation against students has been significantly revised to include the new Title IX regulations, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment.

The final Title IX regulations and related materials are available on the U.S. Department of Education [Office for Civil Rights](#) website.

Provisions on dating violence have been moved from BQ(LEGAL) to this code on discrimination, harassment, and retaliation.

FM(LEGAL)

STUDENT ACTIVITIES

The detailed list of honors classes for purposes of eligibility to participate in extracurricular activities has been deleted in lieu of a reference to the Administrative Code.

Existing statutory provisions on before- and after-school programs for elementary and middle school grades have been added.

GBAA(EXHIBIT)

INFORMATION ACCESS: REQUESTS FOR INFORMATION

This exhibit referring to the attorney general's guidelines for charges under the Public Information Act is being deleted. The citation to the Administrative Code where these charges are found has been added to GBAA(LEGAL).

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See GBAA in the [TASB Regulations Resource Manual](#) for updated forms related to requests for information.

GKA(LEGAL)

COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Provisions on drones have been updated based on changes to federal law and replace previous provisions on model aircraft.

Definitions

“District-level committee” means the committee established under Education Code 11.251, or a comparable committee if the district is exempted (or has exempted itself) from this provision.

“Innovation plan committee” means a committee appointed by the board of trustees to develop the innovation plan in accordance with statutory requirements. The district-level committee may also serve in this role.

“Public hearing” means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation and provides the opportunity for the public to give opinions and comments on the proposed actions.

“Public meeting” means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation.

“Unacceptable academic performance rating” means a rating of Improvement Required or Unacceptable Performance or as otherwise indicated in the applicable year's academic accountability manual.

“Unacceptable financial accountability rating” means a Financial Integrity Rating System of Texas (FIRST) rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual.

19 TAC 102.1301

District of Innovation

A district is eligible for designation as a district of innovation if the district's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

A board may not vote on the final approval of the innovation plan if the district is assigned either a final or preliminary rating below acceptable performance. In the event the preliminary rating is changed, the board may then vote to become an innovation district.

Consideration of designation as a district of innovation may be initiated by a resolution adopted by the board or a petition signed by a majority of the members of the district-level committee [see BQA].

Education Code 12A.001; 19 TAC 102.1303

Public Hearing

After adopting a resolution or receiving a petition for consideration as a district of innovation, a board shall hold a public hearing as soon as possible, but not later than 30 days, to consider whether the district should develop a local innovation plan for the designation of the district as a district of innovation.

**Local Innovation
Plan**

At the conclusion of the public hearing or within 30 days after conclusion of the public hearing, the board may decline to pursue designation of the district as a district of innovation or appoint a committee to develop a local innovation plan.

The board may outline the parameters around which the innovation plan committee may develop the plan.

Education Code 12A.002; 19 TAC 102.1305

A local innovation plan meeting all legal requirements must be developed for a district before the district may be designated as a district of innovation.

The local innovation plan must provide for a comprehensive educational program for the district, which program may include:

1. Innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
2. Modifications to the school day or year [see EB, EC];
3. Provisions regarding the district budget and sustainable program funding;
4. Accountability and assessment measures that exceed the requirements of state and federal law; and
5. Any other innovations prescribed by the board of trustees.

The plan must also identify requirements imposed by the Education Code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Education Code 12A.004. [See Exceptions, below]

The commissioner of education shall maintain a list of provisions from which designated districts of innovation are exempt. The commissioner shall notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

Education Code 12A.003, .004(b); 19 TAC 102.1305(d)

**Prohibited
Exemptions**

A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the provisions listed in Education Code 12A.004 and 19 Administrative Code 102.1309.
Education Code 12A.004; 19 TAC 102.1309

An innovation district may not be exempted from the following sections of the Education Code and the rules adopted thereunder:

1. A state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under

Education Code Chapter 12, Subchapter D, including, but not limited to, the requirements listed in Education Code 12.104(b), and:

- a. Education Code Chapter 22, Subchapter B;
 - b. Education Code Chapter 25, Subchapter A, sections 25.001, .002, .0021, .0031, and .004;
 - c. Education Code Chapter 28, sections 28.002, .0021, .0023, .005, .0051, .006, .016, .0211, .0213, .0217, .025, .0254, .02541, .0255, .0258, .0259, and .026;
 - d. Education Code Chapter 29, Subchapter G;
 - e. Education Code Chapter 30, Subchapter A;
 - f. Education Code 30.104;
 - g. Education Code Chapter 34;
 - h. Education Code Chapter 37, sections 37.006(l), .007(e), .011, .012, .013, and .020; and
 - i. Education Code Chapter 39;
2. Education Code Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from Education Code 11.1511(b)(5) and (14) and 11.162;
 3. Education Code Chapter 13;
 4. Education Code Chapter 41;
 5. Education Code Chapter 42;
 6. Education Code Chapter 44, sections 44.0011, .002, .003, .004, .0041, .005, .0051, .006, .007, .0071, .008, .009, .011, .0312, .032, .051, .052, .053, and .054;
 7. Education Code Chapter 45, sections 45.003, .0031, .005, .105, .106, .202, and .203; ~~and~~
 8. Education Code Chapter 46;
 9. Education Code Chapter 48; and
 - ~~8-10.~~ Education Code Chapter 49.

In addition to the prohibited exemptions specified above, an innovation district may not be exempted from:

1. A requirement of a grant or other state program in which the district voluntarily participates;

2. Duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute; and
3. Requirements imposed by provisions outside the Education Code, including requirements under Government Code Chapter 822.

19 TAC 102.1309; Education Code 12A.004

Adoption of Local Innovation Plan

The board may not vote on adoption of a proposed local innovation plan unless:

1. The final version of the proposed plan has been available on the district's website for at least 30 days;
2. The board has notified the commissioner of the board's intention to vote on adoption of the proposed plan; and
3. The district-level committee [see BQA] has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. The public meeting may occur at any time, including up to or on the same date at which the board intends to vote on final adoption of the proposed plan.

The board may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

On adoption of a local innovation plan, the district is designated as a district of innovation for the term specified in the plan, but no longer than five calendar years, and shall begin operation in accordance with the plan. In addition, the district is exempt from state requirements identified under Education Code 12A.003(b)(2). [See Local Innovation Plan, above]

The district shall notify the commissioner of approval of the plan along with a list of approved exemptions by completing the agency's form provided at 19 Administrative Code 102.1307(d).

A district's exemption under the plan includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to an innovation district.

The district shall ensure that a copy of the plan is posted on the district's website in accordance with Education Code 12A.0071, for the term of the designation as an innovation district.

Education Code 12A.005; 19 TAC 102.1307

Notice to TEA	Not later than the 15th day after the date on which the board finalizes a local innovation plan either through adoption, amendment, or renewal, the district shall provide a copy of the current local innovation plan to TEA, which shall promptly post the current local innovation plan on the agency's website. <i>Education Code 12A.0071(b); 19 TAC 102.1307(g)</i>
Term	The term of a district's designation as a district of innovation may not exceed five years and is effective upon district approval and notification of the plan to the Texas Education Agency (TEA). A district may only have one innovation plan at any given time. <i>Education Code 12A.006; 19 TAC 102.1311</i>
Amendment, Rescission, or Renewal of Local Innovation Plan	A local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee [see BQA] and a two-thirds majority vote of the board of trustees. An amendment to an approved plan does not change the date of the term of designation as an innovation district. Exemptions that were already formally approved are not required to be reviewed. A district must notify TEA within five business days of rescission and provide a date at which time it will be in compliance with all sections of the Education Code, but no later than the start of the following school year. During renewal, all sections of the plan and exemptions shall be reviewed, and the district must follow all components outlined in 19 Administrative Code 102.1307 relating to Adoption of Local Innovation Plans. The district shall notify the commissioner of any actions taken along with the associated exemptions and local approval dates. <i>Education Code 12A.007; 19 TAC 102.1313</i>
Website Posting	A district designated as a district of innovation shall ensure that a copy of the district's current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's internet website. <i>Education Code 12A.0071(a); 19 TAC 102.1307(f)</i> The district's innovation plan must be clearly posted on the district's website for the term of the designation as an innovation district. <i>19 TAC 102.1307(f)</i>
Criminal History Background Checks	A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (district employee and volunteer criminal history records), applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 (National Criminal History Record Information Review of Certain Open-Enrollment Charter School Employees) may result in termination of the district's designation as a district of innovation.

Education Code 22.0815(b)–(c)

**Termination by
Commissioner**

Discretionary
Termination

The commissioner may terminate a district's designation as a district of innovation if the district receives for two consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. A final unacceptable academic performance rating under Education Code 39.054 for one of the school years and an unacceptable financial accountability rating under Education Code 39.082 for the other school year.

~~Instead of terminating a district's designation,~~ The commissioner may permit the district to amend the local innovation plan to address concerns specified by the commissioner in lieu of terminating the district's designation.

Education Code 12A.008(a)–(b); 19 TAC 102.1315(a)(1)–(a)(2)

The commissioner may terminate a district's designation as a district of innovation if the district fails to comply with the duty to discharge or refuse to hire ~~certain employees or applicants for employment under Education Code 12.1059. Education Code 12A.008(b-1) [See DBAA];~~

1. Certain employees or applicants for employment under Education Code 12.1059;
2. Certain employees or applicants convicted of certain offenses under Education Code 22.085; or
3. Certain employees or applicants not eligible for employment in public schools under Education Code 22.092.

19 TAC 102.1315(a)(3); Education Code 12A.008(b-1) [See DBAA, DF]

Mandatory
Termination

The commissioner shall terminate a district's designation as a district of innovation if the district receives for three consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. Any combination of one or more unacceptable ratings Education Code 39.054 and one or more unacceptable ratings under Education Code 39.082.

Education Code 12A.008(c); 19 TAC 102.1315(b)

No Appeal

The commissioner's decision to terminate a district's designation as a district of innovation is final and may not be appealed. *Education Code 12A.008(d); 19 TAC 102.1315(d)*

Accreditation

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

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

Statuses

The commissioner shall determine criteria for the following accreditation statuses:

1. **Accredited.** Accredited means TEA recognizes the district as a public school of this state that meets the standards determined by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1059; and is not currently assigned an accreditation status of Accredited-Warning or Accredited-Probation;
2. **Accredited-Warning.** Accredited-Warning means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(b), that, if not addressed, will lead to probation; and or revocation of its accreditation status;
3. **Accredited-Probation.** Accredited-Probation means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(c), that must be addressed to avoid revocation of its accreditation status; and
4. **Not Accredited-Revoked.** Not Accredited-Revoked means TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1055(d).

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

Annual Evaluation

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

1. Shall evaluate and consider performance:
 - a. On achievement indicators under Education Code 39.053 [see Performance Indicators, below]; and

- b. Under the financial accountability rating system developed under Education Code, Chapter 39, Subchapter D [see CFA].
- 2. May evaluate and consider:
 - a. The district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education that relate to:
 - (1) Reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;
 - (2) High school graduation requirements; or
 - (3) Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs;
 - b. The effectiveness of the district's programs for special populations; and
 - c. The effectiveness of the district's career and technology program.

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

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

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

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

Notice of Status

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

*To Parents and
Property Owners*

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

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

The district's notice must:

1. Not later than 30 calendar days after the accreditation status is assigned, appear on the home page of the district's website, with a link to the required notification, and remain until the district is assigned the accredited status; and
2. Appear in a newspaper of general circulation, as defined in 19 Administrative Code 97.1051 (relating to Definitions), in the district for three consecutive days as follows:
 - a. From Sunday through Tuesday of the second week following assignment of the status; or
 - b. If the newspaper is not published from Sunday through Tuesday, then for three consecutive issues of the newspaper beginning the second week following assignment of the status; or
3. Not later than 30 calendar days after the status is assigned, be sent by first class mail addressed individually to each parent of a student enrolled in the district and each property owner in the district; or
4. Not later than 30 calendar days after the status is assigned, be presented as a discussion item in a public meeting of the board of trustees conducted at a time and location that allows parents of students enrolled in the district and property owners in the district to attend and provide public comment.

To TEA

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

1. The universal resource locator (URL) for the link to the notification required above; and
2. Copies of the notice in the newspaper showing dates of publication, or a paid invoice showing the notice content and its dates of publication; or
3. Copies of the notice sent by mail and copies of all mailing lists and postage receipts; or
4. Copies of the notice presented at a public meeting and copies of the board of trustees meeting notice and minutes for the

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

19 TAC 97.1055(f)

**Performance
Indicators**

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

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

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

Education Code 39.053(a-1)

*Achievement
Indicators*

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

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

Education Code 39.053(c)

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

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

**A–F Performance
Ratings**

The commissioner shall adopt rules to evaluate district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F.

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

An overall or domain performance rating of:

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

A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D or exemplary, recognized, or acceptable performance, or performance that needs improvement.

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

Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted by the commissioner.

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

Local Accountability System

The ~~commissioner shall adopt rules regarding the assignment of campus performance ratings by districts. The rules:~~

~~6. Must require a district, in assigning an overall performance~~
local accountability system rating ~~for a campus, to incorporate:~~

~~Domain performance ratings assigned~~standards established by the commissioner under Education Code 39.054 ~~[see A–F Performance 0544 shall be used by districts to locally evaluate the performance of districts and campuses. The procedures and criteria required to determine campus grades by the districts will be annually published in official TEA publications.]~~

~~a. Ratings, above]; and~~

~~b. Performance ratings based on locally developed domains or sets~~
may be revised as a result of accountability measures;

~~May permit a district to assign weights to each domain or set of accountability measures, as determined by the district, provided that the domains~~investigative activities by the commissioner as authorized~~under Education Code 39.054 must in the aggregate account for at least 50 percent of the overall performance rating;~~057(d) and (e).

- ~~7. Must require that each locally developed domain or set of accountability measures:~~
 - ~~a. Contains levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels;~~
 - ~~b. Provides for the assignment of a letter grade of A, B, C, D, or F; and~~
 - ~~c. Meets~~The specific criteria and~~standards for reliability and validity;~~
- ~~8. Must require that calculations for overall performance ratings and each locally developed domain or set of accountability measures be capable of being audited by a third party;~~
- ~~9. Must require that a district produce a campus score card that may be displayed on TEA's website; and~~
- ~~10. Must require that a district or school develop and make available to the public an explanation of the methodology used to assign performance ratings under this section.~~

Approval by TEA

~~The commissioner shall develop a process to approve a request by a district to assign campus performance ratings under which a district must obtain approval of a local accountability plan submitted by the district to TEA. A plan may be approved only if:~~

- ~~11. After review, the agency determines the plan meets the minimum requirements under this section and agency rule;~~
- ~~12. At the commissioner's discretion, an audit conducted by the agency verifies the calculations included in the plan; and~~
- ~~13. A review panel approves the plan.~~

Review Panel

~~The commissioner shall appoint a review panel that includes a majority of members who are superintendents or members of the board of trustees of school districts with approved~~used in the~~local accountability plans~~system manual are established annually by the commissioner and communicated to all districts.

19 TAC 97.1003(a), (c)–(d)

Campus
Performance
Ratings

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

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

Education Code 39.0544[\(e\)](#)

If a district has been approved under Education Code 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the district-assigned performance rating under the local accountability system. A reference in law to an acceptable rating or acceptable performance includes an overall domain performance rating of A, B, C, or D or performance that is exemplary, recognized, or acceptable performance, or performance that needs improvement. *Education Code 39.054(a)*

**Distinction
Designations for
Outstanding
Performance**

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

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

Education Code 39.201

Academic
Distinction

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

Campus Distinction

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

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

Education Code 39.203

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

**Excellence
Exemptions**

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

An exemplary campus or district is not exempt from:

1. A prohibition on conduct that constitutes a criminal offense;
2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
3. A requirement, restriction, or prohibition relating to:
 - a. Curriculum essential knowledge and skills or high school graduation requirements;
 - b. Public school accountability;
 - c. Extracurricular activities;
 - d. Health and safety;
 - e. Purchasing;
 - f. Elementary class size limits;
 - g. Removal of a disruptive student from the classroom;
 - h. At-risk programs;
 - i. Prekindergarten programs;
 - j. Rights and benefits of school employees;
 - k. Special education programs; or
 - l. Bilingual education programs.

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

Education Code 39.232

**District Annual
Report**

The board shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner of education. *Education Code 39.306(a)*

**Texas Academic
Performance Report
(TAPR)**

The performance report provided by the Texas Education Agency (TEA) under Education Code 39.306 shall be termed the Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

The district may not alter the report provided by TEA. However, the district may concurrently provide additional information to the public that supplements or explains information in the TAPR.

19 TAC 61.1022(a)–(b), (e); Education Code 39.306(d)

**Other Annual
Report Information**

The annual report must also include:

1. Campus performance objectives established under Education Code 11.253 and the progress of each campus toward those objectives, which shall be available to the public;
2. Information indicating the district's accreditation status and identifying each district campus awarded a distinction designation or considered an unacceptable campus under Education Code Chapter 39A;
3. The district's current special education compliance status with the agency;
4. A statement of the number, rate, and type of violent or criminal incidents that occurred on each district campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);
5. Information concerning school violence prevention and violence intervention policies and procedures that the district is using to protect students;
6. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and
8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

Education Code 39.306(a)

The report must include a statement of the amount, if any, of the school district's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents. *Education Code 39.306(g)*

The report must also include the number of school counselors providing counseling services at each campus. *Education Code 39.306(d-1)*

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;
2. Financial information, including revenues and expenditures;
3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held; teacher and administrator salaries; and teacher turnover;
4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and
5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Education Code 39.306(e)

Supplemental information to be included in the reports shall be determined by the board. *Education Code 39.306(b)*

Public Hearing

The board shall hold a hearing for public discussion of the report. The board shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notice of hearing must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district. *Education Code 39.306(c)*

	A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. <i>19 TAC 61.1022(c)</i>
Publication	The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. <i>19 TAC 61.1022(d)</i> The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. <i>Education Code 39.306(c); 19 TAC 61.1022(f)</i>
Report Uses	The information in the annual report shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. <i>Education Code 39.307</i>
Campus Performance Report	Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.
Distribution	The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC. The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party. The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail. <i>Education Code 39.305; 19 TAC 61.1021</i>

Website Notices

Not later than the tenth day after the first day of instruction of each school year, a district that maintains an internet website shall make the following information available:

1. The information in the most recent campus report card for each campus in the district;
2. The information contained in the most recent performance report for the district;
3. The most recent accreditation status and performance rating of the district; and
4. A definition and explanation of each accreditation status, based on commissioner rule.

Education Code 39.362

Student Performance Report

Each year, TEA shall report to a district whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, .302*

Notice to Parents

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the district shall include in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

Notice to Teachers and Students

A district shall prepare a report of the annual improvement information and provide the report at the beginning of the school year to:

1. Each teacher for all students, including incoming students, who took a state assessment; and
2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement.

Education Code 39.304

**Quality of Learning
Indicators**

The commissioner shall also adopt indicators of the quality of learning for the purpose of preparing performance reports. Performance on the indicators shall be evaluated in the same manner provided for evaluation of the achievement indicators under Education Code 39.053(c) [see Achievement Indicators, AIA].

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the percentage of students promoted through the grade placement committee process; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the school year following that promotion on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;
11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and
12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301

**Performance-Based
Monitoring Analysis
System**

**Results Driven
Accountability (RDA)**

In accordance with Education Code 7.028(a), the purpose of the **Performance-Based Monitoring Analysis System (PBMAS Results Driven Accountability (RDA))** is to report annually on the performance of districts in selected program areas: bilingual education/English as a Second Language, career and technical education, special education, and certain Title programs under federal law. The performance of a district is reported through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner. *19 TAC 97.1005; Education Code 7.028(a)*

Federal Report Card

A district that receives Title I funding shall prepare and disseminate an annual federal report card that includes information on the district as a whole and each school within the district.

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

Minimum
Requirements

The federal report card shall include the information required in the annual state report card described at 20 U.S.C. 6311(h)(1)(C), as applied to the district and each school served by the district, including:

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;
2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and

3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

20 U.S.C. 6311(h)(2)

**District Data on
Academic
Achievement**

On request by the board, TEA shall create a website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

The website must:

1. Include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:
 - a. Student academic achievement and growth;
 - b. Teacher and student attendance; and
 - c. Student discipline records; and
2. Be updated at least once each quarter of the school year.

The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

A district must provide requested information to the commissioner for the creation of the website. Confidential information received by the commissioner remains confidential. The commissioner shall design the website to ensure that public information is made available to the public, and information submitted by districts noted as confidential is not made available to the public.

A request for public information under this provision shall be submitted to the district that provides the agency with the information. TEA may not release information submitted by a district that is noted as confidential information.

Education Code 11.1516

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**Interventions and
Sanctions for School
Districts**

Grounds for
Commissioner
Action

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

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

Education Code 39A.001

*Authorized
Commissioner
Actions*

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

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

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

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or
Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of
Accreditation

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

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

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

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

Education Code 39A.005

Intervention to
Improve High
School Completion
Rate

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

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

Education Code 39A.007

**Campus Intervention
Team and Targeted
Improvement Plan**

Actions Based on
Campus
Performance

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

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

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

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

Education Code 39A.051

Texas
Accountability
Intervention System

If a campus's performance is below any standard under Education Code 39.054(e), the campus shall engage in ~~the Texas Accountability Intervention System (TAIS) continuous improvement process~~ 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 ~~39.106~~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.
- ~~4.~~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.

Campus Intervention Team	<u>19 TAC 97.1061(a)–(c), (e)–(i)</u> 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. <i>Education Code 39A.052</i> A campus intervention team must include a ~~professional service provider (PSP) and a~~ district coordinator of school improvement (DCSI). <u>and the campus principal's direct supervisor, if the DCSI is not the campus principal's direct supervisor.</u> The DCSI must submit qualifications to TEA for approval. ~~19 TAC 97.1063~~ <u>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.</u>
On-Site Needs Assessment	<u>19 TAC 97.1063(b)–(c)</u> 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) <u>and 19 Administrative Code 97.1061(d).</u> 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

Recommendations

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

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

Education Code 39A.054

Targeted Improvement Plan

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

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

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

Notice of Public Meeting

The campus intervention team must provide written notice of the public meeting to the parents of students attending the campus

and post notice of the meeting on the campus's internet website. The notice must include the date, time, and place of the meeting.
Education Code 39A.056

The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers, or other media that reach the general public, and the parent liaison, if present on the campus. 19 TAC 97.1061(d)(3)(A)(2)

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

Needs Improvement
Rating

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

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

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

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

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

Education Code 39A.0545

Campus Planning
and Site-Based
Decision-Making

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

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

Education Code 39A.061

Submission of
Campus
Improvement Plan

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

Compliance
Through Federal
Accountability

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

**Campus Turnaround
Plan**

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

Updated Targeted
Improvement Plan

A campus intervention team shall assist the campus in:

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

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

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

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

~~19 TAC 97.1064(d), (g)–(h); Education Code 39A.103–.104~~[\(j\)–\(k\)](#)

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)]

ACE Turnaround
Plan

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

1. The assignment of a principal to the campus who has demonstrated a history of improvement in student academic growth at campuses in which the principal has previously worked;
2. That the principal has final authority over personnel decisions at the campus;
3. That at least 60 percent of the classroom teachers assigned to the campus be teachers who demonstrated instructional effectiveness during the previous school year, with instructional effectiveness determined by:

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

Education Code 39A.105(b)

Implementing
Entities

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

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

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

Education Code 39A.102, .108

Effective Date

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

Commissioner
Approval or
Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

Implementation

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

Assistance and
Partnerships

A district may:

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

Education Code 39A.109

Change in Campus
Performance Rating

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

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

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

Education Code 39A.110

Continued
Unacceptable
Performance Rating

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

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

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

*Parent Petition
for Action*

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

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

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

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

*Repurposing of
Closed Campus*

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

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

- c. Has been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year.

Student Enrollment
and Assignment

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

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

*Noncontracted
Repurposed
Campus*

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

*Enrollment
Provision in
Contract*

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

Education Code 39A.113

Targeted Technical
Assistance

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

Commissioner
Authority

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

**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 1073. Action under any other section of 19 Administrative Code Chapter 97, Subchapter EE is not a prerequisite to acting under this section. *19 TAC 97.1073*

Solicitation of
Proposals

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

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

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

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

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

Education Code 39A.151

Qualifications of
Managing Entity

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

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

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

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

Education Code 39A.152

Contract with
Managing Entity

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

The management contract must include:

1. A provision describing the district's responsibilities in supporting the operation of the campus; and
2. Provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

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

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

Education Code 39A.153; 19 TAC 97.1067

*Extension of
Management
Contract*

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

*Evaluation of
Managing Entity*

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

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

1. Terminate the contract, with the commissioner's consent, for nonperformance or breach of contract; and
2. Select another provider from an approved list provided by the commissioner.

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

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

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

Education Code 39A.155

*Cancellation of
Management
Contract*

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

Return of
Management to
District

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

Applicability of
Accountability
Provisions

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

Funding

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

Open Meetings and
Public Information

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

1. A managing entity is considered to be a governmental body for purposes of the Texas Open Meetings Act and Public Information Act; and
2. Any requirement in the Texas Open Meetings Act or Public Information Act that applies to a school district or the board of trustees of a district applies to a managing entity.

Education Code 39A.160

Board of Managers

General Powers
and Duties

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

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

Education Code 39A.201

Board of Managers
of District

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

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

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

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

Education Code 39A.202

Board of Managers
of Campus

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

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

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

Education Code 39A.203

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. <i>19 TAC 97.1073(h)</i>
Compensation	The commissioner may authorize payment of a board of managers from TEA funds. A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner. <i>Education Code 39A.206</i>
Replacement of Member of Board of Managers	The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. <i>Education Code 39A.207</i>
Expiration of Appointment	A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires. Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees. If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years. On the expiration of the appointment of the board of managers, the board of trustees assumes all of the powers and duties assigned to a board of trustees by law, rule, or regulation. Following the expiration of the period of appointment of a board of managers for a school district, the commissioner shall provide training in effective leadership strategies to the board of trustees.

Education Code 39A.208; 19 TAC 97.1073

**Removal of Board
of Managers**

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

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

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

Education Code 39A.209; 19 TAC 97.1073

**Challenge of
Intervention or
Sanction**

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

**Review of
Sanctions by SOAH**

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

Notwithstanding other law:

1. The State Office of Administrative Hearings (SOAH) shall conduct an expedited review of a challenge;
2. The administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed;
3. The decision of the administrative law judge is final and may not be appealed; and
4. The decision of the administrative law judge may set an effective date for an action under this section.

Education Code 39A.301

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)–(b)

**Special
Accreditation
Investigations**

The commissioner may authorize a special accreditation investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to TEA of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration

clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;

7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;
13. When an excessive number of students is graduating with a particular endorsement;
14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;
15. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;
16. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers; or
17. As the commissioner otherwise determines necessary.

Education Code 39.057(a)–(c)

TEA shall adopt written procedures for conducting special accreditation investigations, including procedures that allow TEA to obtain

information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.058(a); 19 TAC 102.1401*

Commissioner
Action

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

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

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

Education Code 39.057(d), (e)

**Miscellaneous
Provisions**

Acquisition of
Professional
Services

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

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

Education Code 39A.902

Costs Paid by
District

The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider shall be paid by the district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

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

Education Code 39A.903

Monitoring Reviews
and On-Site
Investigations

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

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

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.

The commissioner may at any time convert a monitoring review to a special accreditation investigation under Education Code 39.057, provided the commissioner promptly notifies the district of the conversion. TEA shall give written notice to the superintendent and the board of any impending monitoring review.

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 7.028, 39.056

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 ~~Prohibited~~	In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the commissioner may not require that the name of the campus be changed. <i>Education Code 39A.905</i>
Transitional Interventions and Sanctions	For a campus that received an unacceptable performance rating for the 2013–14, 2014–15, and 2015–16 school years, the commissioner may apply the interventions and sanctions authorized by Chapter 39 as that chapter existed on January 1, 2015, to the campus. If a campus receives an unacceptable performance rating for the 2016–17 and 2017–18 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law. For a campus that received an acceptable performance rating for the 2013–14 school year and an unacceptable performance rating for the 2014–15 and 2015–16 school years, the commissioner shall apply interventions and sanctions in current law to the campus. If the campus receives an unacceptable performance rating for the 2016–17, 2017–18, and 2018–19 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law. These transition provisions expire September 1, 2020. <i>Education Code 39A.906</i>
Special Program Performance: Intervention Stages	The commissioner shall assign a district to an intervention stage based on performance levels under 19 Administrative Code 97.1005 (Performance-Based Monitoring Analysis System) [see AIB] according to the criteria and requirements in 19 Administrative Code 97.1071. Intervention actions taken under this section are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1005 and do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE. <i>19 TAC 97.1071</i>
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
EOP

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

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

Student Board
Member

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

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

Eligibility

To be eligible to be a candidate for, or elected or appointed to, the office of school board member, a person must:

1. Be a United States citizen.
2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
3. Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.
4. Have not been [finally](#) convicted of a felony [from which the person has not been pardoned or otherwise released from the resulting disabilities \[but see Ineligibility below\]](#).
5. Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
 - a. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
 - b. For a write-in candidate, the date of the election at which the candidate's name is written in.
 - c. For an appointee to an office, the date the appointment is made.
6. Be registered to vote in the territory from which the office is elected on the date described at item 5, above.

Election Code 1.020, 141.001(a); Education Code 11.066; Gov't Code 601.009; ~~Brown v. Patterson, 609 S.W.2d 287 (Tex. Civ. App.—Dallas 1980, no writ); Tex. [Tex.](#)~~ Const. Art. XVI, Sec. 14

Qualified Voter

A person may not be elected trustee of an independent school district unless the person is a qualified voter. *Education Code 11.061(b)*

“Qualified voter” means a person who:

1. Is 18 years of age or older;
2. Is a United States citizen;
3. Has not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote;
4. Has not been finally convicted of a felony [see also Atty. Gen. Op. LO 96-114 (1996) (concluding that caveat at Election Code 11.002 does not mitigate blanket prohibition in Election Code 141.001, above at Eligibility)];
5. Is a resident of this state; and
6. Is a registered voter.

Election Code 1.020, 11.002

Residency

“Residence”
Defined

“Residence” means domicile, one’s home and fixed place of habitation to which one intends to return after any temporary absence; one does not lose one’s residence status by leaving to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person’s home. Residence shall be determined in accordance with the common-law rules, as enunciated by the courts of this state, except as otherwise provided by the Election Code. *Election Code 1.015*

Note: The issue of whether a candidate has satisfied residency requirements should be judicially determined. *State v. Fischer*, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dismissed w.o.j.)

Intent to Return

For purposes of satisfying the continuous residency requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only in accordance with Election Code 141.001(a-1), which does not apply to a person displaced from the person’s residence due to a declared local, state, or national disaster. *Election Code 141.001(a-1)–(a-2)*

Single-Member
Districts

A candidate for board member representing a single-member district must be a resident of the district the candidate seeks to represent. *Education Code 11.052(g)*

Ineligibility

A person is ineligible to serve as a member of the board of a district if the person has been convicted of a felony or an offense under Penal Code 43.02(b) (prostitution). *Education Code 11.066*

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

Tie Votes

Second Election

In an election requiring a plurality, if two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held in accordance with the deadlines and other requirements of Election Code 2.002.

Other Options

Casting Lots

The tying candidates may agree to cast lots to resolve the tie. The agreement must be filed with the board. The board president shall supervise the casting of lots.

Withdrawal

A tying candidate may resolve the tie by filing with the board a signed and acknowledged written statement of withdrawal. On receipt of the statement, the remaining candidate is the winner, and a second election or casting of lots is not held.

Automatic Recount

If the tie is not resolved by casting lots or withdrawal, an automatic recount shall be conducted under Election Code Chapter 216 before the second election is held.

Election Code 2.002

Runoff Election

In a district in which trustees are elected by majority vote under Education Code 11.057(c) [see BBB], if no candidate for a particular office receives the vote necessary to be elected, a runoff election for that office is required. *Election Code 2.021 et seq.*

If the candidates in a runoff election tie, an automatic recount shall be conducted under Election Code Chapter 216. If the recount does not resolve the tie, the tied candidates shall cast lots to determine the winner. The board president shall supervise the casting of lots. A tying candidate may resolve the tie by filing with the board president a signed and acknowledged written statement of withdrawal. On receipt of the statement, the remaining candidate is the winner, and a casting of lots is not held. *Election Code 2.028*

Ballot Order

The order of the candidates' names on the ballot of any resulting runoff election or election held to resolve a tie vote shall be the relative order of names on the original election ballot. *Election Code 2.002(d), 52.094(a)*

Recounts

The district shall conduct an authorized recount in accordance with Election Code Title 13. *Election Code 211.001*

A candidate in a board election may obtain an initial recount in an election if the difference in the number of votes received by the candidate and any candidate for the office who is shown by the election returns to be elected, tied, or entitled to a place on a runoff ballot, if applicable, is less than ten percent of that candidate's number of votes, or the total number of votes received by all candidates for the office is less than 1,000. *Election Code 212.022*

A ground for obtaining an initial recount is not required to obtain an initial recount of electronic voting system results. A candidate may obtain an initial recount of electronic voting system results in an election only if the candidate is shown by the election returns not to be elected. *Election Code 212.0241*

An initial recount may not be conducted unless an authorized candidate submits a petition for the recount to the presiding officer of the local canvassing authority in accordance with Election Code Chapter 212, Subchapter B, accompanied by a deposit to cover the costs of the recount in accordance with Subchapter E. *Election Code 212.025, .026, .111*

Effect of Petition

The submission of a recount petition before a board completes its canvass does not delay the canvass for the office involved in the recount. The board shall make a notation on the tabulation of any office involved in a recount. The submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. This provision does not affect a candidate who has received a certificate of election and qualified for office before the submission of a recount petition involving the office. *Election Code 212.033, .0331*

Canvass Returns

General Rule

Except as provided below, a board shall convene to conduct the local canvass at the time set by the presiding officer not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;
2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Election Code 67.003(b)

November Election—Even-Numbered Years	For an election held on the date of the general election for state and county officers (the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002), the time for the canvass may be set not later than the 14th day after election day. <i>Election Code 65.051(a-1), 67.003(c)</i>
Quorum for Canvass	Two members of a board constitute a quorum for purposes of canvassing an election. At the time set for convening the board for the local canvass, the presiding officer shall deliver the sealed precinct returns to the board. The board shall open the returns for each precinct and canvass them as provided by Election Code 67.004.
Minutes	The presiding officer shall note the completion of the canvass in the minutes or in the recording required by the Open Meetings Act (Government Code 551.021). [See BE] <i>Election Code 67.004(a), (g)</i>
Certificate of Election	After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by the board's canvass. A certificate of election must contain: 1. The candidate's name; 2. The office to which the candidate is elected; 3. A statement of election to an unexpired term, if applicable; 4. The date of the election; 5. The signature of the officer preparing the certificate; and 6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies. The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition. [See Effect of Petition, above] A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office. ~~The presiding officer shall also prepare a report of the precinct results as contained in the election register and deliver the report to the secretary of state not later than the 30th day after election day in an electronic format prescribed by the secretary of state.~~ <i>Election Code 67.016, .017</i>

Certificate for Unopposed Candidate	A certificate of election shall be issued to each unopposed candidate declared elected in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. <i>Election Code 2.053(e)</i> [See BBBA regarding the election of an unopposed candidate.]
Officer's Statement	All elected and appointed board members, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. <i>Tex. Const. Art. XVI, Sec. 1(b), (c)</i>
Oath of Office	All elected and appointed trustees, before they enter upon the duties of the office, shall take the official oath or affirmation of office. Newly elected trustees shall file their official oaths with the board president. <i>Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061(a)</i> The oath may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including: 1. A judge, retired judge, or clerk of a municipal court. 2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record. 3. A justice of the peace or clerk of a justice court. 4. A notary public. <i>Gov't Code 602.002</i>
Election Records	Except as otherwise provided by the Election Code, a district shall preserve the precinct election records distributed to it for at least 22 months after election day. <i>Election Code 66.058(a)</i> [See CPC]
Destruction of Records	After expiration of the prescribed period for preserving election records under the Election Code, the records may be destroyed or otherwise disposed of unless, at the expiration of the preservation period, an election contest or a criminal investigation or proceeding connected with the election is pending. In that case, the records shall be preserved until the contest, investigation, or proceeding is completed and the judgment, if any, becomes final. <i>Election Code 1.013</i>

**Open Meetings Act
Training**

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

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

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

Gov't Code 551.005

**Public Information
Act Training**

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its officers and employees under Government Code Chapter 552 (Public Information Act). A board member may designate a public information coordinator to satisfy the training for the board member if the public information coordinator is primarily responsible for administering the responsibilities of the board member or board under the Public Information Act. [See GBAA regarding public information coordinator training] *Gov't Code 552.012*

**SBOE-Required
Training**

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

~~The continuing education required under Education Code 11.159 applies to each member of the board and consists of orientation sessions, an annual team-building session with the board and the superintendent, and specified hours of continuing education based on identified needs. To the extent possible, an entire board shall participate in continuing education programs together. 19 TAC 61.1(b), (i)~~

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

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

No continuing education shall take place during a board meeting unless that meeting is called expressly for the delivery of board member continuing education. Continuing education may take

place ~~before~~prior to or after a legally called board meeting in accordance with Government Code 551.001(4) (definition of “meeting”). *19 TAC 61.1(ce)*

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

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

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

19 TAC 61.1(k), (l)

Verification

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

Reporting

At the last regular board meeting before an election of trustees, the board president shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member’s election or appointment to the board. ~~or two-year anniversary of his or her previous training, as applicable.~~ The announcement shall state that completing the required continuing education is a basic obligation and expectation of any board member under SBOE rule. The minutes of the last regular board meeting held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee’s election or appointment. ~~or two-year anniversary of his or her previous training, as applicable.~~ The president shall cause the minutes to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district’s internet website within ten business days

~~Orientation~~

Local District
Orientation

of the meeting and maintain the posting until the trustee meets the requirements. 19 TAC 61.1(j); Education Code 11.159(b)

Each ~~new~~ board member shall ~~participate in~~complete a local district orientation session ~~within one year before or 120 days after the board member's election or appointment.~~ The purpose of ~~this-~~the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities. ~~The orientation shall be at least three hours in length for each new board member and, in addition to topics chosen by the district, shall address local district practices in curriculum and instruction, business and finance operations, district operations, superintendent evaluation, and board member roles and responsibilities.~~

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

The orientation shall:

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

Each board member should be made aware of the continuing education requirements of 19 Administrative Code 61.1 and those of the following: ~~Any sitting board member may attend or participate in the local district orientation.~~

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

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

~~19 TAC 61.1(b)(1)(A)~~

Education Code
Orientation

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

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

The orientation shall be ~~delivered by regional education service centers and shall be no less than~~at least three hours in length. Topics shall include, ~~but not be limited to,~~ Education Code Chapter 26 (Parental Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction).

0. ~~New Members~~

~~A newly elected or appointed board member shall receive the Education Code orientation within the first 120 days of service.~~

Current
Members

~~The Education Code orientation shall~~

The orientation shall:

1. Be provided by an ESC.

~~4-2.~~ Be open to any sitting board member who chooses to attend.

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

~~19 TAC 61.1(b)(2)~~

~~19 TAC 61.1(b)(1)(B)~~

Legislative
UpdatesUpdate

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

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

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

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

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

19 TAC 61.1(b)(~~1~~)(~~6~~3)

Team Building

~~Annually,~~ The entire board, ~~including all board members,~~ shall participate with their superintendent in a team-building session ~~facilitated by a regional education service center or any registered provider. The team-building session shall be at least three hours in length.~~

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

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

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

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

19 TAC 61.1(b)(4)

~~19 TAC 61.1(b)(2)~~

~~Annual~~Additional
Continuing
Education (Based
on Assessed
Needs)

In addition to the continuing education requirements ~~at Orientation and Team Building~~ set out above, each board member shall ~~receive~~ complete additional continuing education ~~on an annual basis in fulfillment of assessed needs and~~ based on the framework for governance leadership. [See BBD(EXHIBIT)]

The purpose of continuing education ~~may be provided by a regional education service center or other registered provider. 19 TAC 61.1(b)(3)~~ is to address the continuing education needs referenced at Team Building above.

The continuing education shall be completed annually.

At least 50 percent of the continuing education shall be designed and delivered by persons not employed or affiliated with ~~a~~the board member's school district. No more than one hour of the required continuing education that is delivered by the district may use self-instructional materials. ~~19 TAC 61.1(h)~~

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

~~First Year~~

~~In the first year of service, a board member shall receive at least ten hours of continuing education in fulfillment of assessed needs. Up to five of the required ten hours may be fulfilled through online instruction, provided the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. 19 TAC 61.1(b)(3)(A)~~

~~Subsequent Years~~

~~After the first year of service, a board member shall receive at least five hours of continuing education annually in fulfillment of assessed needs. A board member may fulfill the five hours of continuing education~~ The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. ~~19 TAC 61.1(b)(3)(B)~~

First Year

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

Subsequent Years

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

Board President

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

~~19 TAC 61.1(b)(3)(C5)~~

Evaluating Student
Academic
Performance

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

The purpose of the training on evaluating student academic performance is to provide research-based information to board members

that is designed to support the oversight role of the board of trustees outlined in Education Code 11.1515. [See BAA]

~~19 TAC 61.1(b)(4)~~

~~Authorized
Provider~~

~~An authorized provider for training on evaluating student academic performance is a provider who is registered pursuant to 19 Administrative Code 61.1(f) and has demonstrated proficiency in the content required [see Contents, below]. 19 TAC 61.1(b)(4)(C)~~

~~Contents~~

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

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

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

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

1. Instruction in school board behaviors correlated to with improved student outcomes with emphasis on inputs, outcomes, and collaborative:
 - a. Setting specific, quantifiable student outcome goal setting; goals; and
 - b. Adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under Education Code Chapter 39;
- ~~1.2.~~ Instruction in progress monitoring to improve student outcomes with emphasis on progress monitoring practices, formative assessments, interim assessments, and summative assessments to improve student outcomes; and
- ~~2.3.~~ Instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under the Education Code Chapter 39, and the state accountability rating-system established under Chapter 39.

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

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

19 TAC 61.1(b)(~~4~~6)

Identifying and
Reporting Abuse

~~The SBOE~~Each board member shall ~~require a trustee to~~ complete ~~every two years at least one hour of training~~continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children- in accordance with Education Code 11.159(c)(2).

~~Time for Completion~~

A candidate for school board may complete the training ~~on evaluating student academic performance or identifying and reporting abuse~~ up to one year before ~~the candidate~~he or she is elected.

or appointed. A new trustee shall newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after ~~the date of the trustee's~~ election or appointment.

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

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

The training required by this provision shall include, at a minimum:~~A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.~~

~~Education Code 11.159(c)(2), (c-2)~~

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

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

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

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

19 TAC 61.1(b)(7)

Training Provider

Registered
Provider

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

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

19 TAC 61.1(c)

Authorized
Provider

~~A trustee or candidate may complete the training on evaluating student academic performance or identifying and reporting abuse at a regional education service center or through another authorized provider. Education Code 11.159(d)~~

An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required by 19 Administrative Code 61.1(b)(4) and (6). Proficiency may be demonstrated in accordance with 19 Administrative Code 61.1(d).

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

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

19 TAC 61.1(d)

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

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

**School Health
Advisory Council**

~~A~~The board shall establish a local School Health Advisory Council (SHAC) to assist ~~a~~the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See EHAA regarding duties of the SHAC.]

The SHAC shall meet at least four times each year. *Education Code 28.004(d-1)*

Composition

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

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

1. Classroom teachers,~~public-~~employed by the district;
2. School counselors certified under Education Code Chapter 21, Subchapter B, employed by the district;
3. School administrators,~~employed by the~~ district;
4. District students,~~;~~
5. Health-care professionals,~~members of~~ licensed or certified to practice in this state, including medical or mental health professionals;
6. The business community,~~;~~
7. Law enforcement~~representatives,~~;
8. Senior citizens,~~;~~
9. The clergy,~~representatives of;~~
10. Nonprofit health organizations,~~representatives of;~~ and
- ~~4.11.~~ Local domestic violence programs,~~or representatives of an other group.~~

Education Code 28.004(d)

Physical Activity
and Fitness
Planning
Subcommittee

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

Annual Report	In addition to its other duties, the SHAC shall submit to the board, at least annually, a written report that includes: 1. Any SHAC recommendation concerning the district's health education curriculum and instruction or related matters that the SHAC has not previously submitted to the board; 2. Any suggested modification to a SHAC recommendation previously submitted to the board; 3. A detailed explanation of the SHAC's activities during the period between the date of the current report and the date of the last prior written report; and 4. Any recommendations made by the physical activity and fitness planning subcommittee. <i>Education Code 28.004(m)</i>
Changes in Curriculum	A district must consider the recommendations of the local SHAC before changing the district's health education curriculum or instruction. <i>Education Code 28.004(b)</i>
Public Statement	A district shall publish in the student handbook and post on the district's internet website, if the district has an internet website, a statement of: 1. ~~District~~The policies and procedures adopted to promote the physical health and mental health of students, the physical health and mental health resources available at each campus, contact information for the nearest providers of essential public health services under Health and Safety Code Chapter 121, and the contact information for the nearest local mental health authority; ~~1.2.~~ The policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Education Code 28.002(l) [see EHAB and EHAC]; ~~2.3.~~ The number of times during the preceding year the SHAC has met; ~~3.4.~~ Whether the district has adopted and enforces policies to ensure ~~compliance~~that district campuses comply with the Texas Education Agency's vending machine and food service guidelines for restricting student access to vending machines; ~~4.5.~~ Whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined ~~at~~by Education Code 38.006, and tobacco

products by students and others on school campuses or at school-sponsored or school-related activities [see DH and GKA]; ~~and~~

~~5-6.~~ Notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year [see FFAA~~1-1~~; and

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

Education Code 28.004(k)

**Planning and
Decision-Making
Process**

A board shall adopt a policy to establish a district- and campus-level planning and decision-making process that will involve the professional staff of a district, parents of students enrolled in a district, business representatives, and community members in establishing and reviewing the district's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

The planning and decision-making requirements do not:

1. Prohibit a board from conducting meetings with teachers or groups of teachers other than the district-level committee meetings.
2. Prohibit a board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decision making.
3. Limit or affect the power of a board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

Education Code 11.251(g), ~~252(e)~~, ~~253(f)~~

Evaluation

At least every two years, a district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to district- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

**Administrative
Procedure**

A board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the superintendent, central office staff, principals, teachers, district-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization.

A board shall ensure that the district-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the district and campus levels.

Education Code 11.251(d)

**Federal
Requirements**

The district policy must provide that all pertinent federal planning requirements are addressed through the district- and campus-level planning process. *Education Code 11.251(f)*

Single-Campus District

In a district that has only one campus, the district- and campus-level committees may be one committee and the district and campus plans may be one plan. *Education Code 11.252(c)*

Required Plans

A board shall ensure that a district improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. A board shall annually approve district and campus performance objectives and shall ensure that the district and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and
2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

Education Code 11.251(a)

Shared Services Arrangement for DAEP Services

A district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall ensure that the district improvement plan and each campus-level plan include the performance of the DAEP student group for the district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, and with a disability who receive special education and limited English proficiency services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

19 TAC 103.1201(b)

District Improvement Plan

A district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators. *Education Code 11.252(a)* [See AIA]

[Availability to TEA](#)

[A district's plan for the improvement of student performance is not filed with the Texas Education Agency \(TEA\), but the district must](#)

make the plan available to TEA on request. *Education Code 11.252(b)*

Required
Provisions

The district improvement plan must include provisions for:

1. A comprehensive needs assessment addressing performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by a district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.
2. Measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.
3. Strategies for improvement of student performance that include:
 - a. Instructional methods for addressing the needs of student groups not achieving their full potential.
 - b. ~~Methods for addressing~~ Evidence-based practices that address the needs of students for special programs, including:
 - (1) Suicide prevention programs, in accordance with ~~Health and Safety~~ Education Code Chapter ~~461~~ 38, Subchapter ~~O-4~~ G, which include a parental or guardian notification procedure [see ~~FFB~~ FFEB];
 - (2) Conflict resolution programs;
 - (3) Violence prevention programs; and
 - (4) Dyslexia treatment programs.
 - c. Dropout reduction.
 - d. Integration of technology in instructional and administrative programs.
 - e. Positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care.
 - ~~e.f.~~ Staff development for professional staff of a district.

~~f.g.~~ Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.

~~g.h.~~ Accelerated education.

i. Implementation of a comprehensive school counseling program under Education Code 33.005. [See FFEA]

4. Strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:
 - a. Higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program.
 - b. The need for students to make informed curriculum choices to be prepared for success beyond high school.
 - c. Sources of information on higher education admissions and financial aid.
5. Resources needed to implement identified strategies.
6. Staff responsible for ensuring the accomplishment of each strategy.
7. Timelines for ongoing monitoring of the implementation of each improvement strategy.
8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

9. The policy under Education Code 38.0041 addressing sexual abuse and other maltreatment of children. [See FFG]

~~9.10.~~ The trauma-informed care policy required under Education Code 38.036. [See FFBA]

Education Code 11.252(a)

Law
Enforcement
Duties

The law enforcement duties of peace officers, school resource officers, and security personnel must be included in the district improvement plan. *Education Code 37.081(d)(1)* [See CKE]

Discipline
Management

A district shall adopt and implement a discipline management program ~~providing for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, and~~

~~other forms of bullying in schools, on school grounds, and in school vehicles.~~ to be included in the district improvement plan. *Education Code 37.083(a)* [See FNC]

Dating Violence

~~4. A district shall adopt and implement a dating violence policy to be included in the district improvement plan. that must:~~

- ~~a. Include 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 to be included in a dating relationship, as defined by Family Code 71.0021; and~~
- ~~b. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.~~

Education Code 37.0831 [See FFH]

~~2. A policy addressing sexual abuse, sex trafficking, and other maltreatment of children that must include:~~

- ~~a. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse, sex trafficking, or other maltreatment, using resources developed by the Texas Education Agency (TEA) or the commissioner regarding these issues, including resources developed by TEA under Education Code 38.004 (regarding child abuse reporting and programs). These methods must include the staff training described at Education Code 38.0041(c) [see DMA];~~
- ~~b. Actions that a child who is a victim of sexual abuse, sex trafficking, or other maltreatment should take to obtain assistance and intervention; and~~
- ~~c. Available counseling options for students affected by sexual abuse, sex trafficking, or other maltreatment.~~

~~The policy must be included in any informational handbook provided to students and parents.~~

~~*Education Code 11.252(a)(9), 38.0041*~~

~~A district's plan for the improvement of student performance is not filed with TEA, but the district must make the plan available to TEA on request.~~

Mental Health,
Substance
Abuse, and
Suicide

The practices and procedures developed under Education Code 38.351(i) (mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention) must be included in the district improvement plan. Education Code 38.351(k)(2) [See FFEB]

Campus-Level Plan

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. *Education Code 11.253(c)*

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the achievement indicator system.
2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.
3. Identify how the campus goals will be met for each student.
4. Determine the resources needed to implement the plan.
5. Identify staff needed to implement the plan.
6. Set timelines for reaching the goals.
7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.
8. Include goals and methods for violence prevention and intervention on campus.
9. Provide for a program to encourage parental involvement at the campus.
10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:

- a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;
- b. Student academic performance data;
- c. Student attendance rates;
- d. The percentage of students who are educationally disadvantaged;
- e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and
- f. Any other indicator recommended by the local school health advisory council.

Education Code 11.253(d)

Committee	A district's policy and procedures shall establish a district level planning and decision-making committee as provided by Education Code 11.251(b)–(e). The committee shall include representative professional staff, parents of students enrolled in the district, business representatives, and community members. <i>Education Code 11.251(b)</i>
Professional Staff	A board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff to nominate and elect the professional staff representatives who shall serve on the district-level committee. If practicable, the committee shall include at least one professional staff representative with the primary responsibility for educating students with disabilities. At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and district-level professional staff members. <i>Education Code 11.251(e)</i>
Parents	Board policy shall provide procedures for the selection of parents to the district-level committee. For purposes of establishing the composition of the committee: 1. A person who stands in parental relation to a student is considered a parent. 2. A parent who is an employee of a district is not considered a parent representative on the committee. 3. A parent is not considered a representative of community members on the committee. <i>Education Code 11.251(c), (e)</i>
Business Representatives and Community Members	Board policy must provide procedures for the selection of community members and business representatives to serve on the district-level committee in a manner that provides for appropriate representation of the community's diversity. The committee shall include a business representative without regard to whether the representative resides in the district or whether the business the person represents is located in the district. Community members must reside in the district and must be at least 18 years of age. <i>Education Code 11.251(b), (c), (e)</i>

Meetings	A board shall establish a procedure under which the district-level committee holds regular meetings. The board or designee shall periodically meet with the district-level committee to review the committee's deliberations. <i>Education Code 11.251(b)</i>
Public Meetings	The district-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual district performance report from TEA for the purpose of discussing the performance of a district and the district performance objectives. <i>Education Code 11.252(e)</i>
Communications	District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the district-level committee. <i>Education Code 11.252(e)</i>
Consultation	A superintendent shall regularly consult the district-level committee in the planning, operation, supervision, and evaluation of the district educational program. <i>Education Code 11.252(f)</i>
Responsibilities	The district-level committee shall assist the superintendent with the annual development, evaluation, and revision of the district improvement plan. <i>Education Code 11.252(a)</i> [See District Improvement Plan at BQ(LEGAL)]
District Plan	Each school district <u>and campus</u> shall use the results from the teaching and learning conditions survey required by Education Code 7.065(a), ~~conducted biennially,~~ to review and revise, as appropriate, the district-level <u>or campus-level</u> improvement plan, and for other purposes, as appropriate to enhance the district <u>and campus</u> learning ~~environment~~ <u>environments</u> . <i>Education Code 7.065(e)</i>
Dropout Prevention Review	A district-level committee of a district with a junior high, middle, or high school campus shall analyze information related to dropout prevention, including: 1. The results of the audit of dropout records; 2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade 9; 3. The number of students who enter a high school equivalency certificate program and: a. Do not complete the program, b. Complete the program but do not take the high school equivalency examination, or

- c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;
- 4. For students enrolled in grades 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and
- 5. The results of an evaluation of each school-based dropout prevention program in a district.

Each district-level committee shall use the information in developing the district improvement plan.

Education Code 11.255

Staff Development

For staff development under Education Code 21.451(a), a district may use district-wide staff development developed and approved through the district-level decision process. *Education Code 21.451(c)* [See DMA]

Note: See BF for information on the committee's role in requesting waivers.

	A district shall maintain policies and procedures to ensure that effective planning and site-based decision making occur at each campus to direct and support the improvement of student performance for all students. <i>Education Code 11.253(a)</i>
Committees	A district's policy and procedures shall establish campus-level planning and decision-making committees as provided by Education Code 11.251(b)–(e). The committees shall include representative professional staff, parents of students enrolled in a district, business representatives, and community members. <i>Education Code 11.251(b), .253(b)</i>
Professional Staff	A board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff to nominate and elect the professional staff representatives who shall serve on the campus-level committees. If practicable, a committee shall include at least one professional staff representative with the primary responsibility for educating students with disabilities. At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and district-level professional staff members. <i>Education Code 11.251(e)</i>
Parents	Board policy shall provide procedures for the selection of parents to the campus-level committees. For purposes of establishing the composition of committees: 1. A person who stands in parental relation to a student is considered a parent. 2. A parent who is an employee of a district is not considered a parent representative on the committee. 3. A parent is not considered a representative of community members on the committee. <i>Education Code 11.251(c), (e)</i>
Business Representatives and Community Members	Board policy must provide procedures for the selection of community members and business representatives to serve on the committee in a manner that provides for appropriate representation of the community's diversity.

A committee shall include a business representative without regard to whether the representative resides in the district or whether the business the person represents is located in the district.

Community members must reside in the district and must be at least 18 years of age.

Education Code 11.251(b), (c), (e)

Meetings

A board shall establish a procedure under which campus-level committees hold regular meetings. *Education Code 11.251(b)*

Public Meeting

Each campus-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual campus rating from TEA to discuss the performance of the campus and the campus performance objectives. *Education Code 11.253(g)*

Communications

District policy and campus procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input, and to provide information to those persons regarding the recommendations of the campus-level committees. *Education Code 11.253(g)*

Consultation

A principal shall regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. *Education Code 11.253(h)*

Responsibilities

In accordance with the administrative procedures established under Education Code 11.251(b) [see BQ], the campus-level committee shall be involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. *Education Code 11.251(d)*

Campus Improvement Plan

Each school year, the campus-level committee shall assist the campus principal with the development, review, and revision of the campus improvement plan. *Education Code 11.253(c)* [See Campus-Level Plan at BQ(LEGAL)]

Each school district and campus shall use the results from the teaching and learning conditions survey required by Education Code 7.065(a), ~~conducted biennially,~~ to review and revise, as appropriate, the district-level or campus-level improvement plans, and for other purposes, as appropriate to enhance the district and campus learning ~~environment~~environments. *Education Code 7.065(e)*

Staff Development

The campus-level committee must approve the portions of the campus plan addressing campus staff development needs. *Education Code 11.253(e)*

	The staff development described by Education Code 21.451(a) must be predominantly campus-based, related to achieving campus performance objectives established under Education Code 11.253, and developed and approved by the campus-level committee. <i>Education Code 21.451(b)</i> [See DMA]
Dropout Prevention Review	A campus-level committee for a junior, middle, or high school campus shall analyze information related to dropout prevention, including: 1. The results of the audit of dropout records; 2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade 9; 3. The number of students who enter a high school equivalency certificate program and: a. Do not complete the program; b. Complete the program but do not take the high school equivalency examination; or c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate; 4. For students enrolled in grades 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and 5. The results of an evaluation of each school-based dropout prevention program in the district. A campus-level committee shall use the information in developing the campus improvement plan. <i>Education Code 11.255</i>
Principal Performance Incentives	A performance incentive awarded to a principal shall be distributed to the principal's school. The campus-level committee shall determine the manner in which the performance incentive shall be distributed and used, in accordance with Education Code 39.264(a). <i>Education Code 21.357(c)</i> Note: See BF for information on the committee's role in requesting waivers.

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). <i>34 C.F.R. 77.1(c)</i>
Uniform Guidance (2 C.F.R. 200)	The Department of Education (DOE) 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 DOE. <i>2 C.F.R. 3474.1</i> The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts. <i>2 C.F.R. 200.64(j), .69, .100</i> Note: The Uniform Guidance applies to all new grant awards and non-competing continuations (NCCs) made on or after December 26, 2014 (see 2 C.F.R. 200.110). For more information on EDGAR, the Uniform Guidance, and the federal regulations that apply to federal education grant awards, visit TEA's EDGAR Materials and Resources¹ and the DOE's EDGAR website,² Uniform Guidance website,³ and FAQs.⁴
General Compliance	A district is responsible for complying with all requirements of the federal award. <i>2 C.F.R. 200.300(b)</i>
Disclosures Conflicts	A district must disclose in writing any potential conflict of interest to the federal awarding agency (e.g., DOE) or pass-through entity (e.g., TEA) in accordance with applicable federal awarding agency policy. <i>2 C.F.R. 200.112</i>
Crimes	A district must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.338 (Remedies for Noncompliance), including suspension or debarment. <i>2 C.F.R. 200.113</i>
Procurement Standards District Procedures	The district must use its own documented procurement procedures [see below at Competition] which reflect applicable state, local, and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Guidance.

Oversight	The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
Conflicts of Interest	The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the district must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, districts may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]
Records	The district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below] <i>2 C.F.R. 200.318</i>
<i>Financial Management</i>	The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award. The district's financial management system must comply with 2 C.F.R. 200.302(b). <i>2 C.F.R. 200.302 [see also 2 C.F.R. 200.333 (Retention Requirements for Records), .334 (Requests for Transfer of Records), .335 (Methods for Collection, Transmission and Storage of Information),</i>

.336 (Access to Records), and .337 (Restrictions on Public Access to Records)]

Internal Controls The district must:

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

2 C.F.R. 200.303

“Internal controls” means a process, implemented by a district, designed 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. 200.61

Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work,

or invitations for bids or requests for proposals must be excluded from competing for such procurements.

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

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

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

2 C.F.R. 200.319

Procurement Methods

The district must use one of the following methods of procurement.
2 C.F.R. 200.320

Note: For information on the amounts of the micro-purchase threshold and the simplified acquisition threshold, see [OMB Memorandum M-18-18](#),⁵ TEA's [To the Administrator Addressed letter](#)⁶ (August 28, 2018), and [New TEA Guidance on Micro-Purchase Flexibility Under EDGAR](#).⁷ For information regarding these thresholds and school nutrition purchases, see the Texas Department of Agriculture (TDA) Food and Nutrition Division's [Administrator's Reference Manual](#),⁸ Section 17, and [USDA Memo SB20-2019; CACFP07-2019; SFSP06-2019](#).⁹ (Revised October 30, 2019).

Micro- Purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. To the extent practicable, the district must distribute micro-purchases equitably among qualified suppli-

ers. Micro-purchases may be awarded without soliciting competitive quotations if the district considers the price to be reasonable. *2 C.F.R. 200.320(a)*

“Micro-purchase” means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchase procedures comprise a subset of a district’s small purchase procedures. The district uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 Definitions. *2 C.F.R. 200.67*

Small
Purchases

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. *2 C.F.R. 200.320(b)*

*Simplified
Acquisition
Threshold*

“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 costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 Definitions and in accordance with 41 U.S.C. 1908. *2 C.F.R. 200.88*

Sealed Bids

Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions set out below apply.

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

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

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local governments, the bids must be opened publicly;
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
5. Any or all bids may be rejected if there is a sound documented reason.

2 C.F.R. 200.320(c)

Competitive
Proposals

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. Proposals must be solicited from an adequate number of qualified sources;
3. The district must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
5. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering

(A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

2 C.F.R. 200.320(d)

Sole Source

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-federal entity; or
4. After solicitation of a number of sources, competition is determined inadequate.

2 C.F.R. 200.320(f)

Cooperative
Purchasing

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

Affirmative Steps

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

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

small and minority businesses, and women's business enterprises;

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

2 C.F.R. 200.321

*Pre-procurement
Review*

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

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;
2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
3. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;
4. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.324(b)

*Contract Cost
and Price*

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

The district must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all

cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

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

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

2 C.F.R. 200.323

Contract Provisions

The district's contracts must contain the applicable provisions described in 2 C.F.R. Part 200, Appendix II—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. *2 C.F.R. 200.326*

Suspension and Debarment

Non-federal entities are subject to non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.213*

Remedies for Noncompliance

If a district fails to comply with federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.207 (Specific Conditions). If the federal awarding agency or pass-through entity determines that non-compliance cannot be remedied by imposing additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the district or more severe enforcement action by the federal awarding agency or pass-through entity.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.

4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency).
5. Withhold further federal awards for the project or program.
6. Take other remedies that may be legally available.

2 C.F.R. 200.338

Travel Costs

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

In the absence of an acceptable, written district policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), or by the administrator of general services, or by the president (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under federal awards [48 C.F.R. 31.205-46(a)].

2 C.F.R. 200.474(a), (d)

*Property
Standards*

Federally
Owned Property

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

"Exempt federally owned property" means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the district without further obligation to the federal government, based upon the explicit terms and conditions of the federal award.

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

Property Trust
Relationship

Real property, equipment, and intangible property that are acquired or improved with a federal award must be held in trust by the district as trustee for the beneficiaries of the project or program under

which the property was acquired or improved. The federal awarding agency may require the district to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. *2 C.F.R. 200.316*

Real Property

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

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

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

1. Retain title after compensating the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(1).
2. Sell the property and compensate the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(2).
3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The district is entitled to be paid an amount calculated by applying the district's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

2 C.F.R. 200.311

Equipment

Title and Use

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

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

3. Use and dispose of the property in accordance with the provisions below.

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

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

Disposition

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

When original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, except as otherwise provided in federal statutes, regulations, or federal awarding agency disposition instructions, the district must request disposition instructions from the federal awarding agency if required by the terms and conditions of the federal award. Disposition of the equipment will be made as prescribed in 2 C.F.R. 200.313(e), in accordance with federal awarding agency disposition instructions.

2 C.F.R. 200.313

Supplies

Title to supplies will vest in the district upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the district must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2). *2 C.F.R. 200.314(a)*

Intangible
Property

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

Direct Grant
Programs

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

State-Administered Programs	The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the DOE. <i>34 C.F.R. 76.1</i>
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 DOE and implement Part E of the General Education Provisions Act (GEPA). <i>34 C.F.R. 81.1</i>

¹ TEA EDGAR Materials and Resources:

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

² DOE EDGAR website:

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

³ DOE Uniform Guidance website:

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

⁴ DOE Uniform Guidance FAQs:

<https://www2.ed.gov/policy/fund/guid/uniform-guidance/edfaqs1216.pdf>

⁵ OMB Memorandum M-18-18: <https://www.whitehouse.gov/wp-content/uploads/2018/06/M-18-18.pdf>

⁶ TEA *To the Administrator Addressed* letter (August 28, 2018):

<https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/implementing-statutory-changes-to-micro-purchase-and-the-simplified-acquisition-thresholds-under-the-education-department-general-administrative-regulations-edgar>

⁷ New TEA Guidance on Micro-Purchase Flexibility Under EDGAR:

https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/New_TEA_Guidance_on_Micro-Purchase_Flexibility_Under_EDGAR/

⁸ TDA Food and Nutrition Division's *Administrator's Reference Manual*:

<http://squaremeals.org/Publications/Handbooks.aspx>

⁹ USDA Memo SB20-2019; CACFP07-2019; SFSP06-2019: <https://files.constantcontact.com/884733b0501/37aa4af8-6f12-4d92-a163-27dffdc08993.pdf>

**Bonds and Bond
Taxes**

The board may issue bonds for:

1. The construction, acquisition, and equipment of school buildings in the district;
2. The acquisition of property or the refinancing of property under a contract entered under the Public Property Finance Act (Local Government Code, Chapter 271, Subchapter A), regardless of whether payment obligations under the contract are due in the current year or a future year;
3. The purchase of the necessary sites for school buildings;
4. The purchase of new school buses;
5. The retrofitting of school buses with emergency, safety, or security equipment; and
6. The purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes.

The board may levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds as or before the principal and interest become due, subject to the provisions at Bond Elections, below.

Education Code 45.001(a)

All bonds shall be issued in accordance with the Public Security Procedures Act. *Gov't Code, Ch. 1201*

Limitation

A district may not issue general obligation bonds to purchase, improve, or construct one or more improvements to real property, to purchase one or more items of personal property, or to do both, if the weighted average maturity of the issue of bonds exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds. *Gov't Code 1253.002*

**Use of Proceeds for
Utilities**

The proceeds of bonds issued by school districts for the construction and equipment of school buildings in the district and the purchase of the necessary sites for school buildings may be used, among other things, to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of a municipality or private utility company, whether or not the water, sewer, or gas lines adjoin the school, so that the school district may provide its public school buildings the water, sewer, or gas services. *Education Code 45.101*

State Facilities
Funding

*Instructional
Facilities
Allotment*

“Instructional facility” means real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching the required curriculum. *Education Code 46.001*

Under the Instructional Facilities Allotment, Education Code Chapter 46, Subchapter A, for each year, except as provided by Education Code 46.005 (limitation on the guaranteed amount) and 46.006 (shortage or excess of appropriated funds), a district is guaranteed a specified amount per student in state and local funds for each cent of tax effort, up to the statutory maximum in Education Code 46.003(b), to pay the principal of and interest on eligible bonds issued to construct, acquire, renovate or improve an instructional facility. *Education Code 46.003(a); 19 TAC 61.1032*

*Existing Debt
Allotment*

A district is guaranteed a specified amount per student in state and local funds for each cent of tax effort to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible to be paid with state and local funds under Subchapter B if the district made payments on the bonds during the final school year of the preceding state fiscal biennium or taxes levied to pay the principal and interest on the bonds were included in a district’s audited debt service collections for that school year, and the district does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032(a), .033; 19 TAC 61.1035*

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

Investment of Bond
Proceeds

For legal requirements regarding investment of bond proceeds, see CDA(LEGAL).

Unspent Bond
Proceeds

A district may use unspent proceeds of issued general obligation bonds only:

1. For the specific purposes for which the bonds were authorized;
2. To retire the bonds; or
3. For a purpose other than the specific purposes for which the bonds were authorized if:
 - a. The specific purposes are accomplished or abandoned; and
 - b. The board at a public meeting held only for the purpose of considering the use of the unspent bond proceeds approves in separate votes the use of the proceeds for:

- (1) A purpose other than to retire the bonds; and
- (2) The purpose specified at the time the vote is taken.

In addition to other requirements, notice of a public meeting held under this provision must include a statement that the board will consider the use of unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized. A public meeting held under this provision must provide the public an opportunity to address the board on the question of using the unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized.

Education Code 45.1105

**Capital Appreciation
Bonds**

For purposes of the following policy provisions, a “capital appreciation bond” is a bond that accrues and compounds interest from its date of delivery, the interest on which by its terms is payable only upon maturity or prior redemption.

Limitation on
Issuance

A school district may not issue capital appreciation bonds that are secured by ad valorem taxes unless:

1. The bonds have a scheduled maturity date that is not later than 20 years after the date of issuance;
2. The board has received a written estimate of the cost of the issuance, including:
 - a. The amount of principal and interest to be paid until maturity;
 - b. The amount of fees to be paid to outside vendors, including vendors who sell products to be financed by the bond issuance;
 - c. The amount of fees to be paid to each financing team member; and
 - d. The projected tax impact of the bonds and the assumptions on which the calculation of the projected tax impact is based;
3. The board has determined in writing whether any personal or financial relationship exists between the members of the board and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance and submitted the determination to the Ethics Commission; and
4. The board posts prominently on the district's internet website and enters in the minutes of the board:

- a. The total amount of the proposed bonds;
- b. The length of maturity of the proposed bonds;
- c. The projects to be financed with bond proceeds;
- d. The intended use of bond proceeds not spent after completion of the projects identified;
- e. The total amount of the district's outstanding bonded indebtedness at the time of the election on the bonds, including the amount of principal and interest to be paid on existing bond indebtedness until maturity;
- f. The total amount of the district's outstanding bonded indebtedness, including the amount of principal and interest to be paid until maturity; and
- g. The information received at item 2 above and determined under item 3 above.

The board shall regularly update the debt information posted on the district's internet website under item 4.f above to ensure that the information is current and accurate.

Limitation on Use of
Proceeds

Capital appreciation bond proceeds may not be used to purchase the following items, unless an item has an expected useful life that exceeds the bond's maturity date:

1. Items more regularly considered maintenance items, including replacement HVAC units, upgraded plumbing, or similar items; or
2. Transportation-related items, including buses.

*Unspent
Proceeds*

Capital appreciation bond proceeds unspent after completion of the project identified as the proceeds' intended use may be used only for a use identified on the district's website as required above, unless another use is approved by the voters of the district at an election held for that purpose.

Total Amount of
Capital Appreciation
Bonds

The total amount of capital appreciation bonds may not exceed 25 percent of the district's total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

Extension

A district may not extend the maturity date of an issued capital appreciation bond, including through the issuance of refunding bonds that extend the maturity date, unless:

1. The extension of the maturity date will decrease the total amount of projected principal and interest to maturity; or

2. The maximum legally allowable tax rate for indebtedness has been adopted and TEA certifies in writing that the solvency of the permanent school fund's bond guarantee program would be threatened without the extension.

Gov't Code 1201.0245

The foregoing provisions of Government Code 1201.0245 do not apply to the issuance of refunding bonds under Government Code Chapter 1207 or capital appreciation bonds for the purpose of financing transportation projects. *Gov't Code 1201.0245(j)*

Bond Elections

Bonds may not be issued and taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election held for such purpose, at the expense of the district, in accordance with the Election Code, except as provided by Education Code 45.003. The election shall be called by resolution or order of the board. The resolution or order must state the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters considered necessary or advisable by the board. *Education Code 45.003(a)*

Each special election in this state shall be held on one of the following dates:

1. The first Saturday in May; or
2. The first Tuesday after the first Monday in November.

Election Code 41.001(a) [See BBB]

Call for Election

For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day. *Election Code 3.005* [See BBBA]

Election Order

In addition to other legal requirements regarding the election order [see BBBA(LEGAL)], the document ordering an election to authorize a district to issue debt obligations must distinctly state:

1. The proposition language that will appear on the ballot;
2. The purpose for which the bonds are to be authorized;
3. The principal amount of the bonds to be authorized;
4. That taxes sufficient to pay the principal of and interest on the bonds may be imposed;
5. The estimated tax rate if the bonds are authorized or the maximum interest rate of the bonds or any series of the bonds, based on the market conditions at the time of the election order;

6. The maximum maturity date of the bonds to be authorized or that the bonds may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law;
7. The aggregate amount of the outstanding principal of the district's debt obligations as of the date the election is ordered;
8. The aggregate amount of the outstanding interest on the district's debt obligations as of the date the election is ordered, which may be based on the district's expectations relative to variable rate debt obligations; and
9. The district's ad valorem debt service tax rate at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

Election Code 3.009(b)

Posting

The election order must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;
2. Not later than the 21st day before the election in three public places in the boundaries of the district; and
3. During the 21 days before the election, on the district's internet website, prominently and together with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election, if the district maintains an internet website.

Election Code 4.003(f) [See Voter Information, below]

Election Notice

The notice of election must comply with Election Code Chapter 4. [For specific requirements regarding contents of the election notice, see BBBA(LEGAL).]

Publication and Posting

The notice of election must be published and posted in accordance with Election Code requirements. [For specific requirements regarding publication and posting, see BBBA(LEGAL).]

Notice to Election Officials

Notice must be given to the county clerk, voter registrar, and election judge in accordance with Election Code Chapter 4. [For specific requirements, see BBBA(LEGAL).]

Propositions

A proposition submitted to authorize the issuance of bonds must include the question of whether the board may levy, pledge, assess, and collect annual ad valorem taxes, on all taxable property in the district, either:

1. Sufficient, without limits as to rate or amount, to pay the principal of and interest on said bonds; or
2. Sufficient to pay the principal of and interest on the bonds, provided that the annual aggregate bond taxes in the district may never be more than the rate stated in the proposition.

The ballot proposition must include the following statement: "THIS IS A PROPERTY TAX INCREASE."

Education Code 45.003(b), (b-1)

A district that submits to the voters a proposition for the approval of the issuance of debt obligations shall prescribe the wording of the proposition that is to appear on the ballot in accordance with the requirements of Government Code Chapter 1251, Subchapter B. *Election Code 52.072(f)*

The district shall assign a letter to each measure on the ballot that corresponds to its order on the ballot. Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095*

Ballot Contents

The ballot for a measure seeking voter approval of the issuance of debt obligations by a district shall specifically state:

1. A plain language description of the single specific purposes for which the debt obligations are to be authorized;
2. The total principal amount of the debt obligations to be authorized; and
3. That taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

Each single specific purpose for which debt obligations requiring voter approval are to be issued must be printed on the ballot as a separate proposition. A proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose.

Gov't Code 1251.052(a)–(a-1)

Exception

Notwithstanding the requirements at Ballot Contents, above, the question of whether to approve the issuance of bonds for the construction, acquisition, and equipment of school buildings in the district, the purchase of new school buses, and the purchase of necessary sites for school buildings may be submitted to the voters in a single ballot proposition, except that bonds for each of the following purposes must be stated in a separate proposition:

1. The construction, acquisition, or equipment of:
 - a. A stadium with seating capacity for more than 1,000 spectators;
 - b. A natatorium;
 - c. Another recreational facility other than a gymnasium, playground, or play area;
 - d. A performing arts facility;
 - e. Housing for teachers as determined by the district to be necessary to have a sufficient number of teachers for the district; and
2. An acquisition or update of technology equipment, other than equipment used for school security purposes or technology infrastructure integral to the construction of a facility.

The question of whether to approve the issuance of bonds for a building described by items 1a–e above must be printed on the ballot as a separate ballot proposition regardless of whether that building is proposed as part of the same complex or building that contains traditional classroom facilities. Each separate ballot proposition must state the principal amount of the bonds to be issued that constitutes the cost for construction of that portion of the building or complex attributable to the building described by items 1a–e above or to the traditional classroom facilities, as applicable.

Education Code 45.003(g)–(h)

Definition

"Debt obligation" means a public security, as defined by Government Code 1201.002, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities. *Gov't Code 1251.051(1)*

Voter Information

A district with at least 250 registered voters on the date the board adopts the debt obligation election order must prepare a voter information document for each proposition to be voted on at the election.

*Posting
Requirements*

The district shall post the voter information document in the same manner as a debt obligation election order is required to be posted under Election Code 4.003(f) [see Posting, above] and may include the voter information document in the debt obligation election order.

A district that maintains an internet website shall provide the information described at Contents, below, on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election.

Contents

The voter information document must distinctly state:

1. The language that will appear on the ballot;
2. The following information formatted as a table:
 - a. The principal of the debt obligations to be authorized;
 - b. The estimated interest for the debt obligations to be authorized;
 - c. The estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and
 - d. As of the date the district adopts the debt obligation election order:
 - (1) The principal of all outstanding debt obligations of the district;
 - (2) The estimated remaining interest on all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations; and
 - (3) The estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations;
3. The estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the district with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the board; and
4. Any other information that the board considers relevant or necessary to explain the information required by these provisions.

Assumptions

The board shall identify in the voter information document the major assumptions made in connection with the statement required by item 3 above, including:

1. The amortization of the district's debt obligations, including outstanding debt obligations and the proposed debt obligations;
2. Changes in estimated future appraised values within the district; and
3. The assumed interest rate on the proposed debt obligations.

Gov't Code 1251.052(b)–(d)

Electioneering and
Political Advertising

For additional information and prohibitions related to electioneering and political advertising, see BBBD(LEGAL).

**50 Cent Test for New
Debt**

Before issuing bonds, a district must demonstrate to the attorney general that, with respect to the proposed issuance, the district has a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed \$0.50 per \$100 of valuation (the “50 Cent Test”).

A district may demonstrate the ability to comply with the 50 Cent Test by using the most recent taxable value of property in the district, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.

Future Taxable
Value

A district may demonstrate the ability to comply with the 50 Cent Test by using a projected future taxable value of property in the district anticipated for the earlier of the tax year five years after the current tax year or the tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.

The district must submit to the attorney general a certification of the district's projected taxable value prepared by a registered, certified professional appraiser who has demonstrated professional experience in projecting taxable values or who can obtain any necessary assistance from an experienced person.

The certification of a district's projected taxable value must be signed by the superintendent. The attorney general must base a determination of whether a district has complied with the 50 Cent Test on a taxable value that is equal to 90 percent of the value certified.

Education Code 45.0031

**Attorney General
Review and Approval**

Unless exempt under Government Code 1202.007, before the issuance of a public security, the issuer shall submit the public security and the record of proceedings to the attorney general. Gov't Code 1202.003(a); see, e.g., 1 TAC 53.3 (Content of Transcripts), 53.16 (Submission and Approval of Transcripts), and 53.61 (School District Tax Bond Elections)

Refunding Bonds

A board may refund or refinance all or any part of any of the district's outstanding bonds and matured or unmatured but unpaid interest on those bonds payable from ad valorem taxes by issuing refunding bonds payable from ad valorem taxes. *Education Code 45.004; Gov't Code Ch. 1207*

**Instructional
Facilities Allotment
for Refunding
Bonds**

A district may use state funds received under Education Code Chapter 46 to pay principal of and interest on refunding bonds that:

1. Are issued to refund bonds eligible under Education Code 46.003;
2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;
3. May not be called for redemption earlier than the earliest call date of all bonds being refunded; and
4. Result in a present value savings as defined in Education Code 46.007(4).

Education Code 46.007

**Authorized Unissued
Bonds**

If a district has authorized school bonds for a specific purpose and that purpose has been accomplished by other means or has been abandoned and all or a portion of the authorized bonds remains unissued, a board may order an election [see BBBA] to submit to the qualified voters of the district the proposition of whether or not the authorized but unissued bonds may be issued, sold, and delivered for other and different purposes specified in the election order and notice. The election shall be ordered, held, and conducted in the same form and manner as that at which the bonds were originally authorized. If a majority of those voting at the election vote in favor of the sale and delivery of the unissued bonds for the purposes specified in the election order and notice, the board may issue, sell, and deliver the bonds and use the proceeds for the purposes authorized at the election. *Education Code 45.110*

**Bond Guarantee
Program**

Eligibility

A district seeking guarantee of eligible bonds under the Bond Guarantee Program shall apply to the commissioner of education using a form adopted by the commissioner. To be eligible for approval, district bonds must be issued under Education Code Chapter 45,

Subchapter A, or under Government Code Chapter 1207. *Education Code 45.054, .055(a); 19 TAC 33.65(b)(5)*

Application

An application must include:

1. The name of the district and the principal amount of the bonds to be issued;
2. The name and address of the district's paying agent, which means the financial institution designated by a district as its agent for payment of principal and interest on guaranteed bonds; and
3. The maturity schedule, estimated interest rate, and date of the bonds.

Education Code 45.051(2), .055

An application must be accompanied by a fee set by rule of the State Board of Education. *Education Code 45.055(c); 19 TAC 33.65(f)(1)*

On approval by the commissioner, bonds issued by a district are guaranteed by the corpus and income of the permanent school fund. The guarantee remains in effect until the date those bonds mature or are defeased in accordance with state law. *Education Code 45.052*

If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied approval for the guarantee will not be retained for consideration in subsequent months. *19 TAC 33.65(f)(5)*

A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee. *19 TAC 33.65(g)(4)(D)*

**Credit Enhancement
Program**

If a district's application for guarantee of district bonds by the permanent school fund is rejected, the district may apply under Education Code Chapter 45, Subchapter I for credit enhancement of bonds described by Education Code 45.054 (eligibility for the Bond Guarantee Program) by money appropriated for the Foundation School Program, other than money that is appropriated to districts specifically:

1. As required under the Texas Constitution; or
2. For assistance in paying debt service.

The credit enhancement remains in effect until the date the bonds mature or are defeased in accordance with state law.

Education Code 45.252

Eligibility

To be eligible for approval by the commissioner for credit enhancement:

1. Bonds must be issued in the manner provided by Education Code 45.054;
2. Payments of all of the principal of the bonds must be scheduled during the first six months of the state fiscal year;
3. The district's lowest credit rating from any credit rating agency may not be the same as or higher than that of the School District Bond Enhancement Program;
4. The bonded debt for which the credit enhancement is sought must be structured so that no single annual debt service payment exceeds two times the quotient produced by dividing the total proposed annual debt service, as defined in 19 Administrative Code 61.1038(b)(10), for the term of the bonds by the number of years in the amortization schedule; and
5. The district must agree in its application that the total annual debt service on bonds approved for the credit enhancement will be paid on or before August 15 of each state fiscal year.

Education Code 45.254; 19 TAC 61.1038(f)

Application

A district seeking credit enhancement of eligible bonds shall apply to the commissioner using a form adopted by the commissioner for the purpose. The application must:

1. Include the information required by Education Code 45.055(b), at Bond Guarantee Program—Application, above; and
2. Be accompanied by a fee set by the State Board of Education. 19 TAC 61.1038(d)(1)

Education Code 45.255

The district may not submit an application for a guarantee or credit enhancement before the successful passage of an authorizing proposition.

If a district does not receive a credit enhancement or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a

subsequent month. Applications that were denied a credit enhancement will not be retained for consideration in subsequent months.

A district may not represent the bonds as approved for credit enhancement for the purposes of pricing or marketing the bonds before the date of the letter granting approval for the credit enhancement.

19 TAC 61.1038(e)(1), (8), (10)

Authority to Contract for Services

An issuer has exclusive authority to select, contract with, and determine the basis for compensation of a person to provide legal and other services as may be determined by the issuer to be necessary in connection with the issuer's issuance of public securities or administration of its affairs that pertain to the issuance of public securities. The selection of legal counsel shall be made in accordance with the provisions of Government Code Chapter 2254, Subchapter A, applicable to the selection by a governmental entity of a provider of professional engineering services. Government Code 1201.027(a) [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

Federal Securities Law

Disclosure
Obligations for
Bond and Other
Debt Offerings

Prior to publicly offering bonds, a school district must prepare and deliver to an underwriter an official statement containing the terms of the bond offering, a description of the district itself, financial and operating data of the district, and any other information that may be material to an investor interested in purchasing the district's bonds or otherwise required by Rule 15c2-12 ~~(the "Rule")~~ of the Securities Exchange Commission (SEC). (SEC Rule 15c2-12(b)). 17 C.F.R. 240.15c2-12 [See Note, below]

Continuing
Disclosure after
Issuing Bonds

Except for exempt offerings, SEC Rule 15c2-12(b) requires underwriters to obtain a continuing disclosure agreement (CDA) from the district when the district issues bonds. A CDA obligates the district to prepare and file continuing disclosures of financial information and operating data annually after the bonds are issued. A CDA also requires filing notice regarding the occurrence of events listed under SEC Rule 15c2-12(b)(5)(i)(C) within 10 business days following the occurrence of any such event. 17 C.F.R. 240.15c2-12 [See Note, below]

Liability under
Federal Securities
Law

School districts, board members, and certain employees of the district are subject to liability under the "antifraud provisions" of the federal securities laws contained in Section 17(a) of the Securities Act of 1933 (the "Securities Act"), Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 of the SEC. The antifraud provisions generally prohibit false or misleading

statements made in connection with the offer or sale of a district's bonds (or the omission of material facts from such statements), including the official statement itself and any other statement reasonably expected to reach bond investors (~~"disclosures"~~). *SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

The antifraud provisions also apply to a district's continuing disclosure obligations under ~~the~~SEC Rule [15c2-12\(b\)](#) after a district's bonds are issued. [See Continuing Disclosure after Issuing Bonds, ~~below~~[above](#)] *SEC Report on the Municipal Securities Market (July 31, 2012) (the "SEC 2012 Report") at pg. ~~29 and SEC Exchange Act Release No. 33741 (Mar. 9, 1994)~~*[29](#)

Note: [In preparing an official statement, a district may reasonably rely on the advice of outside professionals who are also subject to the antifraud provisions, but a district is primarily liable for the content of its official statement and other disclosures. SEC Exchange Act Release No. 36761 \(Jan. 24, 1996\)](#)

[A district may engage qualified consultants, including qualified disclosure or securities counsel and a financial adviser, to assist with preparing an official statement and other primary disclosures relating to a bond offering. Creation of internal procedures may help to insulate a district against criticism or liability under federal securities laws.](#)

[Districts may also engage disclosure counsel and/or other professionals to assist with secondary disclosure, including advice and assistance ensuring that \(1\) reporting requirements imposed by a CDA are satisfied and \(2\) information disclosed in periodic and occasional reports is accurate and complete.](#)

[Internal procedures may provide for \(1\) appointment of, and disclosure training for, district officials and employees who will be part of the financing team, \(2\) a procedure of accountability for review of the disclosures, and \(3\) ensuring that any procedures established are in fact followed.](#)

[\[See SEC Report on the Municipal Securities Market \(July 31, 2012\)\]](#)

~~Continuing
Disclosure after
Issuing Bonds~~

~~Except for exempt offerings, the Rule requires underwriters to obtain a continuing disclosure agreement (CDA) from the district when the district issues bonds. The CDA obligates the district to prepare and file "continuing disclosures" of financial information~~

~~and operating data after the bonds are issued. SEC Rule 15c2-12(b)(5) [See Note, below]~~

Note: ~~In preparing an official statement, a district may reasonably rely on the advice of outside professionals who are also subject to the antifraud provisions, but a district is primarily liable for the content of its official statement and other disclosures. SEC Exchange Act Release No. 36761 (Jan. 24, 1996)~~

~~A district may engage qualified consultants, including qualified disclosure or securities counsel and a financial adviser, to assist with preparing an official statement and other disclosures relating to a bond offering. Creation of internal procedures may help to insulate a district against criticism or liability under federal securities laws.~~

~~Internal procedures may provide for (1) appointment of, and disclosure training for, district officials and employees who will be part of the financing team, (2) a procedure of accountability for review of the disclosures, and (3) ensuring that any procedures established are in fact followed.~~

~~[See SEC Report on the Municipal Securities Market (July 31, 2012) at pg. 109]~~

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Tax Rate Adoption

Maintenance Taxes

The board may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. Taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election called for that purpose. *Education Code 45.002, .003(a)*

*Restriction on
Maintenance Tax
Levy*

A district may not increase the rate of the district's maintenance taxes to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service. *Education Code 45.0021(a)* [See Taxpayer Injunction, below]

*Maintenance Tax
Rate
Components*

Tier One

A district's tier one maintenance and operations tax rate is the number of cents levied by the district for maintenance and operations that does not exceed the ~~product of the state compression percentage~~ maximum compressed rate, as determined under Education Code 48.255, ~~multiplied by \$1.00~~ 2551.

Maximum
Compressed
Rate

"MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per \$100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under Education Code Chapter 48. The Texas Education Agency (TEA) shall calculate and make available school districts' maximum compressed rates.

Education Code 48.2551

School districts' maximum compressed maintenance and operations tax rates shall be calculated using locally certified property values and adjusted to estimate for exclusions under Government Code 403.302(d).

TEA will open a data collection from 12:01 a.m. on July 18 through 11:59 p.m. on August 1 for districts. Districts must submit the data specified in 19 Administrative Code 61.1000(c). TEA will use any available data to calculate MCR absent data collection submissions from a school district.

19 TAC 61.1000(b), (c), (h)

TEA will calculate and make available preliminary maximum compressed tier one tax rates to each district on or before August 5. If TEA receives an appeal of a preliminary MCR, TEA will issue a final determination to the district no later than August 31. If TEA does not receive an appeal of a preliminary MCR, the preliminary MCR automatically becomes a final MCR ten calendar days following TEA's approval of the district's preliminary MCR. 19 TAC 61.1000(d)–(f)

A district may appeal its preliminary MCR through the following process:

1. The TEA division responsible for MCRs must receive a written appeal no later than ten calendar days after TEA's approval of the district's preliminary MCR. The appeal must include adequate evidence and additional information that supports the position of the district. Appeals received 11 calendar days or more after TEA approves a district's preliminary MCR will not be considered.
2. TEA will only consider appeals that would result in a change of the preliminary MCR.

19 TAC 61.1000(g)

Tier Two

A district's enrichment tax rate consists of:

1. Any cents of additional maintenance and operations tax effort, not to exceed eight cents over the maximum tier one tax rate; and
2. Any cents of additional maintenance and operations tax effort that exceeds the sum of the maximum tier one tax rate and the maximum number of cents permitted under item 1 above.

Education Code 45.0032(a), (b)

Districts Subject
to Disaster
Exception

For a district to which the Disaster Exception to Election Requirement described below applies, the amount by which the district's maintenance tax rate exceeds the district's voter-approval tax rate, excluding the district's current debt rate under Tax Code 26.08(n)(1)(C) for the preceding year is not considered in determining a district's tier one maintenance and operations tax rate or the district's enrichment tax rate for the current tax year. *Education Code 45.0032(d)*

*Maximum Tax
Rate*

For any year, the maintenance tax rate per \$100 of taxable value adopted by the district may not exceed the rate equal to the sum of \$0.17 and the ~~product of the state compression percentage~~ district's maximum compressed rate, as determined under Education Code 48.255, ~~multiplied by \$1.00~~ 2551.

A rate that exceeds the maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this provision may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.

Education Code 45.003(d), (e)

Districts with
2005 Tax Rate
over \$1.50

Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than \$1.50 per \$100 of taxable value in the district as permitted by special law [Art. 2784g Tex. Rev. Civ. Stat.] may not levy a maintenance tax at a rate that exceeds the rate per \$100 of taxable value that is equal to the sum of \$0.17 and the product of 66.67 percent multiplied by the rate of the maintenance tax levied by the district for the 2005 tax year, minus any amount by which \$1.00 exceeds the product of the state compression percentage, as determined under Education Code 48.255, multiplied by \$1.00. *Education Code 45.003(f)*

For a district described above, any cents of maintenance and operations tax effort that exceeds the maximum rate described at Maximum Tax Rate are not included in the district's tier one maintenance and operations tax rate or the district's enrichment tax rate and the district is not entitled to the guaranteed yield amount of state funds under Education Code 48.202 for those cents of tax effort. *Education Code 45.0032(c)*

Assessor and
Collector

The board may employ a person to assess or collect the district's taxes and may compensate the person as the board considers appropriate. This provision does not prohibit a district from providing for the assessment or collection of the district's taxes under a method authorized by Tax Code Chapter 6, Subchapter B. *Education Code 45.231*

A district that used a method of selection for the 1994 tax year that was authorized by former Education Code Chapter 23, Subchapter F, may continue to use that method until the district uses another method authorized above. *Education Code 45.232*

The assessor and collector shall assess, collect, or assess and collect taxes, as applicable. *Tax Code 6.23(b)*

Collector's Bond

A district that has its own collector shall require the collector to give bond conditioned on the faithful performance of duties. The bond must be made payable to and be approved by the board in an amount determined by the board. The board may require a new bond at any time, and failure to give new bond within a reasonable time after demand is a ground for removal from office. The board may prescribe additional requirements for the bond.

A district whose taxes are collected by a person other than the district's own collector may require that person to give bond conditioned on the faithful performance of duties. The bond must be payable to, approved by, and paid for by the board in an amount determined by the board. The board may prescribe additional requirements for the bond.

A district shall pay the premium for a required bond from its general fund or as provided by intergovernmental contract.

Tax Code 6.29

Certified Estimate of Values By April 30, the chief appraiser shall prepare and certify to the district's assessor an estimate of the taxable value of district property.
Tax Code 26.01(e)

Appraisal Roll By July 25, the chief appraiser shall prepare and certify to the assessor for the district that part of the appraisal roll that lists the property taxable by the district. The part certified to the assessor is the appraisal roll for the district.

If by July 20 the appraisal review board has not approved the appraisal records as required under Tax Code 41.12, the chief appraiser shall not later than July 25 prepare and certify to the assessor for a school district an estimate of the taxable value of property in the school district.

Tax Code 26.01(a)–(a-1)

By August 1 or as soon thereafter as practicable, the district's assessor shall submit to the board the district's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.

By August 1 or as soon thereafter as practicable, a district's collector shall certify to the board the anticipated collection rate for the current year. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.

Tax Code 26.04(b)

~~Reappraisal after
Disaster~~

~~The board of a district that is located partly or entirely inside an area declared to be a disaster area by the governor may authorize the reappraisal of all property damaged in the disaster at its market value immediately after the disaster. A district that authorizes a reappraisal pursuant to this provision must pay the appraisal district all the costs of making the appraisal.~~

~~If property damaged in a disaster is reappraised as provided by this provision, the board shall provide for prorating the taxes on the property as specified in Tax Code 23.02(d) for the year in which the disaster occurred.~~

~~Tax Code 23.02; Att'y Gen. Op. KP-0192 (2018)~~

Designated Employee/Officer to Calculate Rates	After the district's assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district. <i>Tax Code 26.04(c)</i>
Truth-in-Taxation Requirements	Note: The <i>Truth in Taxation</i> website maintained by the Texas comptroller of public accounts offers detailed guidance on setting local property tax rates for school districts.¹
<i>Traditional Method</i>	When the budget has been prepared under Education Code 44.002, the board president shall call a meeting of the board for the purpose of adopting a budget for the succeeding tax year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. <i>Education Code 44.004(a), (g)</i> [See CE]
<i>Published Notice</i>	The board president shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or bi-weekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for publication of notice in at least one newspaper of general circulation in the county in which the district's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.
Form and Contents	The notice of public meeting to discuss and adopt the budget and the proposed tax rate may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type and contain the information set out in Education Code 44.004(c) and (c-1). The notice must include a statement that a district may not increase its maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service. A notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller. <i>Education Code 44.004(b)–(d)</i>
Debt Service Rate Decrease	If the published interest and sinking fund (debt service) rate decreases after the publication of the required notice, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate. <i>Education Code 44.004(g-1)</i>

*Districts with
July 1 Fiscal Year*

Notwithstanding the provisions above, a district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the required notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

After receipt of the certified appraisal roll, a district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or
2. The district's voter-approval rate determined under Tax Code 26.08 using the certified appraisal roll.

Education Code 44.004(h), (i)

*Early Adoption
Method*

Notwithstanding the provisions above or at Deadline below, a district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. If a district elects to adopt a tax rate before adopting a budget, the district must publish notice and hold a meeting for the purpose of discussing the proposed tax rate as provided above. Following adoption of the tax rate, the district must publish notice and hold another public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notices. The district may use the certified estimate of taxable value in preparing a notice under this provision. *Education Code 44.004(j)*

The board of a district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year may adopt a tax rate for the current tax year before receipt of the certified appraisal roll for the district if the chief appraiser of the appraisal district in which the district participates has certified to the assessor for the district an estimate of the taxable value of property in the district as specified at Certified Estimate of Values above. If a district adopts a tax rate under this provision, the no-new-revenue tax rate and the voter-approval tax rate of the district shall be calculated based on the certified estimate of taxable value. *Tax Code 26.05(g)*

Tax Rate Adoption
Requirements

Deadline

The board shall adopt a tax rate for the current tax year and shall notify the assessor of the tax rate adopted. [See Adoption of Tax Roll, below] The board must adopt a tax rate before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the district, except that the board must adopt a tax rate that exceeds the voter-approval tax rate not later than the 71st day before the next uniform election date that occurs in November of that year. [Note that Election Code 3.005(c) requires that an election to be held on a uniform date be ordered not later than the 78th day before election day; see Time for Election, below.]

The tax rate consists of two components, each of which must be approved separately. The components are:

1. The interest and sinking fund (debt service) rate calculated under Education Code 44.004(c)(5)(A)(ii)(b); and
2. The rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the district for the next year.

Tax Code 26.05(a)

Tax Date for
Certain Districts

A district that before January 1, 1989, has for at least ten years followed a practice of adopting its tax rate at a different date than as provided by Tax Code Chapter 26 and of billing for and collecting its taxes at different dates than as provided by Chapters 31 and 33 may continue to follow that practice. This does not affect the dates provided by the Property Tax Code (Tax Code Title 1) for other purposes, including those relating to the appraisal and taxability of property, the attachment of tax liens and personal liability for taxes, and administrative and judicial review under Chapters 41 and 42.
Tax Code 26.135

Vote

A board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the district's no-new-revenue maintenance and operations tax rate and the district's current debt rate must be a record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order.

Motion

A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form: "I move that the property tax rate be increased

*Language and
Internet Posting*

by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate.”

If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the district that exceeds the amount of taxes imposed for that purpose in the preceding year the district must:

1. Include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:
 - a. The following statement: “THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE”; and
 - b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: “THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount).”; and
2. Include on the home page of any internet website operated by the district:
 - a. The following statement: “(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE”; and
 - b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: “THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount).”

Tax Code 26.05(b)

Adoption of Tax Roll

On receipt of notice of the tax rate for the current tax year, the assessor for a district shall calculate the tax imposed on each property included on the appraisal roll for the district. The assessor

shall enter the amount of tax in the appraisal roll and submit it to the board for approval. The appraisal roll with amounts of tax entered as approved by the board constitutes the district's tax roll. *Tax Code 26.09(a), (e)*

Failure to Adopt Tax Rate

If the board does not adopt a tax rate before the date required at Deadline above, the tax rate for the district for that tax year is the lower of the no-new-revenue tax rate calculated for that tax year or the tax rate adopted by the district for the preceding tax year. A tax rate established by this provision is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this provision, the board must ratify the applicable tax rate in the manner set out at Tax Rate Adoption Requirements above. *Tax Code 26.05(c)*

Taxpayer Injunction

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district has not complied with the requirements above at Published Notice, including Form and Contents, Districts with July 1 Fiscal Year, if applicable, and Tax Rate Adoption Requirements, and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 44.004(e); Tax Code 26.05(e)*

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district adopts a maintenance tax in violation of the prohibition described above at Restriction on Maintenance Tax Levy. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 45.0021(b)*

Tax Information to County

A district shall provide to the county assessor-collector for each county in which all or part of district territory is located the district's adopted tax rate, maintenance and operations rate, debt rate, no-new-revenue tax rate, no-new-revenue maintenance and operations rate, and voter-approval tax rate for posting on the county's internet website. The district shall provide the information annually following the adoption of a tax rate by the district for the current tax year. *Tax Code 26.16(a)–(b)*

Appraisal District Property Tax Database

The officer or employee designated by the board to calculate the no-new-revenue tax rate and the voter-approval tax rate for the district must electronically incorporate into the database created and maintained by the chief appraiser under Tax Code 26.17 the information required by Tax Code 26.17(e). *Tax Code 26.17(e)*

**Internet Posting of
Tax Rate and Budget
Information**

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18 in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for required information]

**Election to Approve
Tax Rate**

If the board adopts a tax rate that exceeds the district's voter-approval tax rate, the registered voters of the district at an election held for that purpose must determine whether to approve the adopted tax rate. *Tax Code 26.08(a), (n)*

[For information on conducting elections, see the BBB series.]

Efficiency Audit

"Efficiency audit" means an investigation of the operations of a district to examine fiscal management, efficiency, and utilization of resources.

The board shall conduct an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of the district at an election held for that purpose and may not hold an election without complying with this requirement.

The board may select the auditor that conducts the district's annual audit under Education Code 44.008 and may include the efficiency audit as part of the district's annual audit. [See CFC] A district must pay for the costs associated with an efficiency audit required under this provision. A district shall provide all documents, records, and personnel requested by the auditor as needed to conduct the audit in an efficient manner.

The board must select an auditor to conduct an efficiency audit not later than four months before the date on which the district proposes to hold an election to adopt a maintenance and operations tax rate. An auditor selected by the board must maintain independence from the district and complete the efficiency audit not later than three months after the date the auditor was selected.

Before an election at which a district seeks voter approval to adopt a tax rate, the board must hold an open meeting to discuss the results of the efficiency audit. Not later than 30 days before the date of the election, the results of an efficiency audit must be posted on the district's internet website.

Education Code 11.184

[Legislative
Budget Board
Guidelines](#)

[The Legislative Budget Board \(LBB\) shall establish guidelines identifying the scope and areas of investigation of an efficiency audit, including identification of resources being used effectively and efficiently and identification of cost savings or reallocations. The](#)

auditor selected by the board of a district must follow the guidelines established by the LBB under this provision. *Education Code 11.184(f)*

Efficiency Audit Guidelines² are found on the LBB website.

Disaster Exception	The board of a district all or part of which is located in an area declared a disaster area by the governor may hold an election to seek voter approval to adopt a maintenance and operations tax rate during the two-year period following the date of the declaration without conducting an efficiency audit otherwise required above. <i>Education Code 11.184(b-1)</i>
<i>To Efficiency Audit Requirement</i>	
<i>To Election Requirement</i>	When increased expenditure of money by a district is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, that has impacted a district and the governor has requested federal disaster assistance for the area in which the district is located, an election is not required to approve the tax rate adopted by the board for the year following the year in which the disaster occurs. A tax rate adopted under this provision applies only in the year for which the rate is adopted. If a district adopts a tax rate under this provision, the amount by which that rate exceeds the district's voter-approval tax rate for that tax year may not be considered when calculating the district's voter-approval tax rate for the tax year following the year in which the district adopts the rate. <i>Tax Code 26.08(a-1)</i>
Time for Election	The board shall order that the election be held in the district on the next uniform election date prescribed by Election Code 41.001 that occurs after the date of the election order and that allows sufficient time to comply with the requirements of other law. <i>Tax Code 26.08(b)</i>
<i>Uniform Election Date</i>	For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day. An election to ratify a tax rate adopted by a board under the early adoption method described above shall be ordered not later than the 30th day before election day. <i>Election Code 3.005 [See BBBA]</i>
<i>Notice to County Clerk</i>	The board shall deliver notice of the election to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day.
Exception	A board that orders an election to ratify a tax rate adopted by the board under the early adoption method described above shall deliver notice of the election to the county clerk of each county in

which the district is located not later than the 30th day before election day.

Election Code 4.008

Proposition

At the election, the ballots shall be prepared to permit voting for or against the proposition: "Ratifying the ad valorem tax rate of _____ (insert adopted tax rate) in (name of school district) for the current year, a rate that will result in an increase of _____ (insert percentage increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year) percent in maintenance and operations tax revenue for the district for the current year as compared to the preceding year, which is an additional \$_____ (insert dollar amount of increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year)." *Tax Code 26.08(b)*

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the imposition or increase of a tax shall specifically state the amount of or maximum tax rate of the tax or tax increase for which approval is sought.

Election Code 52.072(e)(1)

Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095(c)*

Election Outcome

If a majority of the votes cast in an election favor the proposition, the tax rate for the current year is the rate that was adopted by the board. If the proposition is not approved, a board may not adopt a tax rate for the current year that exceeds the district's voter-approval tax rate. *Tax Code 26.08(c)–(d)*

¹ Truth-in-Taxation: Tax Rate Adoption:

<https://comptroller.texas.gov/taxes/property-tax/truth-in-taxation/index.php>

² LBB Efficiency Audit Guidelines: http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6365_HB3_Efficiency_Audit_Guidelines.pdf

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Note: For more information on property tax exemptions, see the Texas Comptroller's [Property Tax Exemptions](#)¹ website.

Exemptions

Homestead

Mandatory

An adult is entitled to exemption from taxation by a district of \$25,000 of the appraised value of the adult's residence homestead, as defined by Tax Code 11.13(j), except that only \$5,000 of the exemption applies to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995, as permitted by Education Code 11.301. *Tax Code 11.13(b)*

Persons 65 or Older or Disabled

In addition to the mandatory exemption above, an adult who is disabled, as defined by Tax Code 11.13(m)(1), or 65 or older is entitled to an exemption of \$10,000 of the appraised value of the individual's residence homestead. *Tax Code 11.13(c)*

Tax Limitation

A district may not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. *Tax Code 11.26(a)*

Improvements

If an individual subject to a tax limitation makes improvements to the individual's residence homestead, other than improvements required to comply with governmental requirements or repairs, the district may increase the tax on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. A limitation then applies to the increased amount of tax until more improvements, if any, are made. *Tax Code 11.26(b)*

Exception

An improvement to property that would otherwise constitute an improvement discussed above is not treated as an improvement if it is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement, the replacement structure is considered to be an improvement only if the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred or the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure. *Tax Code 11.26(o)*

Portability of Tax Limitation	If an individual who receives a tax limitation, including a surviving spouse, discussed below, subsequently qualifies a different residence homestead for the same exemption, a district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes calculated in accordance with Tax Code 11.26(g). <i>Tax Code 11.26(g)</i>
Surviving Spouse	If an individual who qualifies for the exemption at Persons 65 or Older or Disabled, above, dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. <i>Tax Code 11.26(i)</i>
<i>Local Options</i> All Taxpayers	In addition to other exemptions in Tax Code 11.13, an individual is entitled to an exemption from taxation by a district of a percentage of the appraised value of the individual's residence homestead if the exemption is adopted by the board before July 1 in the manner provided by law for official action by the board. If the percentage set by the district produces an exemption in a tax year of less than \$5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of \$5,000 of the appraised value. The percentage adopted by the district may not exceed 20 percent. <i>Tax Code 11.13(n)</i>
Disabled or 65 or Older	An individual who is disabled or 65 or older is entitled to an exemption from taxation by a district of a portion of the appraised value of the individual's residence homestead if the exemption is adopted either by the board or by a favorable vote of a majority of the qualified voters of the district at an election called by the board, and the board shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the district.
<i>Amount</i>	The amount of an exemption adopted as provided at Disabled or 65 or Older is \$3,000 of the appraised value of the residence homestead unless a larger amount is specified by the board if the board authorizes the exemption or the petition for the election if the exemption is authorized through an election. Once authorized, an exemption adopted may be repealed or decreased or increased in amount by the board or by the petition and election procedure. In the case of a decrease, the amount of the exemption may not be reduced to less than \$3,000 of the market value. <i>Tax Code 11.13(d)–(f)</i>

<i>Continuation of Exemption during Construction</i>	If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135. <i>Tax Code 11.135(a), .26(n); 34 TAC 9.416</i>
<i>Surviving Spouse of First Responder</i>	The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615 as determined by the Employees Retirement System of Texas and has not remarried since the first responder's death. <i>Tax Code 11.134</i>
Veteran Exemptions	
<i>100 Percent Disabled</i>	A disabled veteran who receives from the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. <i>Tax Code 11.131(b)</i>
<i>Partially Disabled with Donated Residence</i>	A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, or at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date of the donation. <i>Tax Code 11.132(b)</i>
<i>Surviving Spouse of Veteran</i>	The surviving spouse of a disabled veteran, as defined by Tax Code 11.22(h)(3), is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if it had been in effect on the date of death if: 1. The surviving spouse has not remarried since the death of the disabled veteran; and 2. The property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

Tax Code 11.131, .132

<i>Surviving Spouse of Individual Killed in Action</i>	The surviving spouse of a member of the armed services of the United States who is killed in action is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. <i>Tax Code 11.133</i> <i>Tex. Const. Art. VIII, Sec. 1-b (Residence Homestead Tax Exemptions and Limitations)</i>
<i>Disabled Veteran</i>	A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22(f). <i>Tax Code 11.22</i>
Exemption for Subsequent Residence	The surviving spouse of a first responder, disabled veteran, or armed services member killed in action who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a different property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried. <i>Tax Code 11.131(d), .132(d), .133(c), .134(d)</i>
<u>Temporary Exemption for Property Damaged by Disaster</u>	<u>A person is entitled to an exemption from taxation by a district of a portion of the appraised value of qualified property, as defined by Tax Code 11.35(a), that the person owns in an amount determined by the chief appraiser under Tax Code 11.35(h). <i>Tax Code 11.35(b)</i></u>
<u>Automatic</u>	<u>A person who qualifies for an exemption under this provision must apply for the exemption not later than the 105th day after the date the governor declares the area in which the person's qualified property is located to be a disaster area. <i>Tax Code 11.43(s)</i></u>
<u>Board-Adopted</u>	<u>Notwithstanding the provisions above, if the governor first declares territory in a district to be a disaster area as a result of a disaster on or after the date the district adopts a tax rate for the tax year in which the declaration is issued, a person is not entitled to the exemption for that tax year unless the board adopts the exemption in the manner provided by law for official action by the board.</u> <u>An exemption adopted by the board must:</u> <u>1. Specify the disaster to which the exemption pertains; and</u> <u>2. Be adopted not later than the 60th day after the date the governor first declares territory in the district to be a disaster area as a result of the disaster.</u>

Not later than the seventh day after the date the board adopts the exemption, the district shall notify the chief appraiser of each appraisal district in which the school district participates, the assessor for the school district, and the comptroller of the adoption of the exemption.

Tax Code 11.35(c)–(e)

A person who qualifies for an exemption adopted by the board under this provision must apply for the exemption not later than the 45th day after the date the board adopts the exemption. *Tax Code 11.43(s)*

Optional
Exemptions

Among others, a board may grant additional tax exemptions in accordance with applicable law for:

1. Residential property owned by the United States or an agency of the United States and used to provide transitional housing for the indigent under a program operated or directed by the U.S. Department of Housing and Urban Development. *Tax Code 11.111*
2. Land and housing units on the land owned by a community land trust. *Tax Code 11.1827*
3. Certain historic structures or archeological sites and the land necessary to access and use the structure or archeological site. The board may not repeal or reduce the amount of an exemption for a property that otherwise qualifies for the exemption unless the property owner consents to the repeal or reduction or the district provides written notice of the repeal or reduction to the owner not later than five years before the date the board repeals or reduces the exemption. *Tax Code 11.24*
4. Property on which approved water conservation initiatives, desalination projects, or brush control initiatives have been implemented. *Tax Code 11.32*

If a district adopts, amends, or repeals an exemption that the district by law has the option to adopt or not, the district shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. *Tax Code 6.08*

Goods-in-Transit

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit, as defined in Tax Code 11.253(a)(2).

A board, by official action, may provide for the taxation of goods-in-transit exempt under Tax Code 11.253(b) and not exempt under

other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the board proposes to tax goods-in-transit. Before acting to tax the exempt property, a board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). If the board provides for the taxation of the goods-in-transit as provided by this provision, the exemption stated above does not apply to that district. The goods-in-transit remain subject to taxation by the district until the board, by official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to that district.

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, a district may not tax such goods-in-transit in a tax year that begins on or after January 1, 2012, unless the board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

Exception

If a board, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the district, the district tax officials may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created.

Tax Code 11.253(b), (j)–(j-2)

Payment Options

Discounts

The board may adopt, by official action, one or both of the discount options below. *Tax Code 31.05(a)*

Option 1

A district may adopt the following discounts to apply regardless of the date on which the district mails its tax bills:

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

Tax Code 31.05(b)

This discount does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

Option 2

A district may adopt the following discounts to apply when the district mails its tax bills after September 30:

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.

2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

Tax Code 31.05(c)

<i>Both Options</i>	If a board adopts both discounts, the discounts described at Option 1 apply unless the tax bills for the district are mailed after September 30, in which case only the discounts described at Option 2 apply. <i>Tax Code 31.05(a)</i>
<i>Rescission</i>	The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. <i>Tax Code 31.05(d)</i>
Split Payments	The board of a district that collects its own taxes may provide, by official action, that a person who pays one-half of the district's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year. If a board contracts with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the appraisal district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the appraisal district collects and filed with the secretary of the appraisal district board of directors. The split-payment option may be revoked in the same manner as provided for adoption. <i>Tax Code 31.03</i> This payment option does not apply to taxes that are calculated too late for it to be available. <i>Tax Code 31.04(c)</i>
<i>In Certain Counties</i>	The board of a district located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide, by official action, that the split-payment option does not apply to the district's taxes collected by the other taxing unit. <i>Tax Code 31.03(d)</i>
Installment Payments	An individual who is disabled or at least 65 years of age and qualified for a homestead exemption under Tax Code 11.13(c), or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22, may pay district taxes imposed on the person's residence homestead property in four equal installments
<i>Certain Homesteads</i>	

without penalty or interest if paid by the applicable dates set out in Tax Code 31.031. *Tax Code 31.031*

Disaster Area

A person may pay district taxes imposed on certain property the person owns in four equal installments without penalty or interest if paid by the applicable dates set out in Tax Code 31.032. This option applies to real or personal property described in Tax Code 31.032(a) and taxes that are imposed on the property by a district before the first anniversary of the disaster, as defined by Government Code 418.004. *Tax Code 31.032*

Services in Lieu of
Paying Taxes

The board by resolution may permit certain individuals or business entities to perform certain services for the district in lieu of paying the district property taxes. While performing services for a district, the individual is not an employee of the district and is not entitled to any benefit, including workers' compensation coverage, that the district provides to its employees. *Tax Code 31.035, .036, .037*

*Persons 65 and
Over*

Subject to the requirements of Tax Code 31.035, the board by order or resolution may permit an individual who is at least 65 years of age to perform service for the district in lieu of paying taxes imposed by a district on property owned by the individual and occupied as the individual's residence homestead. Property owners performing services for a district under this provision may only supplement or complement the regular personnel of the district. A district may not reduce the number of persons the district employs or reduce the number of hours to be worked by employees of the district because the district permits property owners to perform services for the district under this provision. *Tax Code 31.035(a), (g)*

*Teaching
Services*

An individual is qualified to perform teaching services for a district under the provisions below only if the individual holds a baccalaureate or more advanced degree in a field related to each course to be taught and:

1. Is certified as a classroom teacher under Education Code Chapter 21, Subchapter B; or
2. Obtains a school district teaching permit under Education Code 21.055.

Tax Code 31.036(h), .037(i)

By Individual

Subject to the requirements of Tax Code 31.036, the board by resolution may permit qualified individuals to perform teaching services for the district at a junior high school or high school of the district in lieu of paying taxes imposed by the district on property owned and occupied by the individual as a residence homestead. *Tax Code 31.036*

By Employee of Business Entity	Subject to the requirements of Tax Code 31.037, a board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the district in lieu of paying taxes imposed by the district on property owned by the business entity. <i>Tax Code 31.037</i>
Delinquent Taxes Delinquency Date	Except as provided by Tax Code 31.02(b) (payment by certain eligible persons on active duty in the armed forces), 31.03 (split payments), and 31.04 (postponement of delinquency date based on mailing date of tax bills), taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. <i>Tax Code 31.02</i>
	Note: Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.
Delinquent Tax Collection	A board may contract with any competent attorney to represent the district to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. <i>Tax Code 6.30(c)</i> [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(ee) for additional requirements.]
Additional Penalties	The board may provide, by official action, that taxes that become delinquent at a certain time incur an additional penalty to defray costs of collection if the board has contracted with an attorney as provided above. <i>Tax Code 33.07, .08</i>

¹ Texas Comptroller Property Tax Exemptions website:
<https://comptroller.texas.gov/taxes/property-tax/exemptions/>

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**Tax Increment
Financing Act**

Board of Directors

Except as provided at Large Municipality below, each district that levies taxes on real property in a reinvestment zone designated by a county or municipality in accordance with the Tax Increment Financing Act, Tax Code Chapter 311, may appoint one member of the reinvestment zone board of directors if the district has approved the payment of all or part of the tax increment produced by the district into the tax increment fund for the zone. A district may waive its right to appoint a director. *Tax Code 311.009(a), (b)*

*Large
Municipality*

In a reinvestment zone designated by a municipality which is wholly or partially located in a county with a population of less than 1.8 million in which the principal municipality has a population of 1.1 million or more, each taxing unit that approves the payment of all or part of its tax increment into the tax increment fund is entitled to appoint a number of members to the board in proportion to the taxing unit's pro rata share of the total anticipated tax increment to be deposited into the tax increment fund during the term of the zone. *Tax Code 311.0091(a)–(c)*

Tax Increments
Amount

The amount of a district's tax increment for a year is the amount of property taxes levied and assessed by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone or the amount of property taxes levied and collected by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone. The board of the district shall determine which of the methods is used to calculate the amount of the district's tax increment.

"Captured
Appraised
Value"

The captured appraised value of real property taxable by a district for a year is the total taxable value of all real property taxable by the district and located in a reinvestment zone for that year less the tax increment base of the district.

"Tax Increment
Base"

The tax increment base of a district is the total taxable value of all real property taxable by the district and located in a reinvestment zone for the year in which the zone was designated under Tax Code Chapter 311.

Tax Code 311.012

*Collection and
Deposit*

Each district that taxes real property located in a reinvestment zone shall provide for the collection of its taxes in the zone as for any other property taxed by the district. Each district shall pay into the tax increment fund for the zone an amount equal to the tax increment produced by the district, less the sum of:

1. Property taxes produced from the tax increments that are, by contract executed before the designation of the area as a reinvestment zone, required to be paid by the district to another political subdivision; and
2. A portion, not to exceed 15 percent, of the tax increment produced by the district as provided by the reinvestment zone financing plan or a larger portion as provided at Agreement Required below.

Tax Code 311.013(a)–(b)

Notwithstanding any termination of the reinvestment zone and unless otherwise specified by an agreement between the district and the municipality or county that created the zone, a district shall make the required payment not later than the 90th day after the later of the delinquency date for district property taxes or the date the municipality or county that created the zone submits to the district an invoice specifying the tax increment produced by the district and the amount the district is required to pay into the tax increment fund for the zone. A district is not required to pay into a tax increment fund the applicable portion of a tax increment attributable to delinquent taxes until those taxes are collected. *Tax Code 311.013(c), (i)*

A district whose taxable value is reduced under Government Code 403.302(d)(4) (determination of district property values by the comptroller) shall pay into the tax increment fund, in addition to the amount otherwise required to be paid, an amount equal to the amount by which the amount of taxes the district would have been required to pay into the fund in the current year if the district levied taxes at the rate the district levied in 2005 exceeds the amount the district is otherwise required to pay into the fund in the year of the reduction. This additional amount may not exceed the amount the district receives in state aid for the current tax year under Education Code 48.253 (additional state aid for tax increment financing payments). The district shall pay the additional amount after the district receives the state aid to which the district is entitled for the current tax year under Education Code 48.253. *Tax Code 311.013(n)*

*Agreement
Required*

A district is not required to pay into the tax increment fund any of its tax increment produced from property located in a reinvestment zone designated under Tax Code 311.005(a) or in an area added to a reinvestment zone under Tax Code 311.007 unless the district enters into an agreement to do so with the governing body of the municipality or county that designated the zone. *Tax Code 311.013(f)*

A district that participates in a zone is not required to increase the percentage or amount of the tax increment to be contributed by the district because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the board by official action approves the amendment. *Tax Code 311.011(g)*

A district is not required to pay into the tax increment fund any of its tax increment produced from property located in an area added to the reinvestment zone under Tax Code 311.007(a) or (b) unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.013(k)*

If the governing body of the municipality or county that designated a reinvestment zone extends the term of all or a portion of the zone, a district is not required to participate in the zone or portion of the zone for the extended term unless the district enters into a written agreement to do so. *Tax Code 311.007(c)*

Notwithstanding the designation of a later termination date under Tax Code 311.017(a), a district that taxes real property located in the reinvestment zone is not required to pay any of its tax increment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.017(a-1)*

**Property
Redevelopment and
Tax Abatement Act**

On or after September 1, 2001, a school district may not enter into a tax abatement agreement under Tax Code Chapter 312. *Tax Code 312.002(f)*

**Reinvestment Zone
for Chapter 313**

Notwithstanding any other provision of Tax Code Chapter 312 to the contrary, the board, in the manner required for official action and for purposes of Tax Code Chapter 313, Subchapter B or C [see Texas Economic Development Act below], may designate an area entirely within the territory of the district as a reinvestment zone if the board finds that, as a result of the designation and the granting of a limitation on appraised value, for property located in the reinvestment zone, the designation is reasonably likely to:

1. Contribute to the expansion of primary employment in the reinvestment zone; or
2. Attract major investment in the reinvestment zone that would:
 - a. Be a benefit to property in the reinvestment zone and to the district; and

- b. Contribute to the economic development of the region of this state in which the district is located.

The board may seek the recommendation of the commissioners court of each county and the governing body of each municipality that has territory in the district before designating an area as a reinvestment zone.

Tax Code 312.0025

Texas Economic Development Act

In implementing the Texas Economic Development Act, Tax Code Chapter 313, districts should strictly interpret the criteria and selection guidelines provided by Chapter 313 and approve only those applications for an ad valorem tax benefit that:

1. Enhance the local community;
2. Improve the local public education system;
3. Create high-paying jobs; and
4. Advance the economic development goals of Texas.

Tax Code 313.004(3)

Definitions

Agreement

“Agreement” means the written agreement between the board and the approved applicant on the form adopted by reference in 34 Administrative Code 9.1052 (Forms) to implement a limitation on the appraised value for district maintenance and operations ad valorem property tax purposes on an entity’s qualified property, required by Tax Code 313.027(d).

Agreement Holder

“Agreement holder” means an entity that has executed an agreement with a district.

Applicant

“Applicant” means an entity that has applied for a limitation on appraised value for district maintenance and operations ad valorem property tax purposes on the entity’s property, as provided by Tax Code Chapter 313.

Application

“Application” means an application for limitation of appraised value for district maintenance and operations ad valorem property tax purposes on an entity’s qualified property on the form adopted by reference in 34 Administrative Code 9.1052 (Forms), the schedules attached thereto, and the documentation submitted by an entity for the purpose of obtaining an agreement for a limitation on appraised value from a district.

Application Review Start Date

“Application review start date” means the later date of either the date on which the district issues its written notice that an applicant has submitted a completed application or the date on which the

comptroller issues its written notice that an applicant has submitted a completed application.

*Completed
Application*

“Completed application” means an application in the form and number and containing all the information required pursuant to 34 Administrative Code 9.1053 (Entity Requesting Agreement to Limit Appraised Value), that has been determined by the district and the comptroller to include all minimum requirements for consideration.

Entity

“Entity” means any entity upon which a tax is imposed by Tax Code 171.001, including a combined group as defined by Tax Code 171.0001(7) or members of a combined group, provided, however, an entity does not include a sole proprietorship, partnership, or limited liability partnership.

34 TAC 9.1051(1), (2), (3), (7), (10), (12), (20)

*Qualified
Investment*

“Qualified investment” means:

1. Tangible personal property that is first placed in service in this state during the applicable qualifying time period that begins on or after January 1, 2002, without regard to whether the property is affixed to or incorporated into real property, and that is:
 - a. Described as Section 1245 property by Section 1245(a), Internal Revenue Code of 1986;
 - b. Used in connection with the manufacturing, processing, or fabrication in a cleanroom environment of a semiconductor product, without regard to whether the property is actually located in the cleanroom environment, including integrated systems, fixtures, and piping; all property necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity, or other environmental conditions or manufacturing tolerances; and production equipment and machinery, moveable cleanroom partitions, and cleanroom lighting;
 - c. Used in connection with the operation of a nuclear electric power generation facility, including property, including pressure vessels, pumps, turbines, generators, and condensers, used to produce nuclear electric power; and property and systems necessary to control radioactive contamination;
 - d. Used in connection with operating an integrated gasification combined cycle electric generation facility, including property used to produce electric power by means of a

combined combustion turbine and steam turbine application using synthetic gas or another product produced by the gasification of coal or another carbon-based feedstock; or property used in handling materials to be used as feedstock for gasification or used in the gasification process to produce synthetic gas or another carbon-based feedstock for use in the production of electric power in the manner described herein;

- e. Used in connection with operating an advanced clean energy project, as defined by Health and Safety Code 382.003; or
2. A building or a permanent, nonremovable component of a building that is built or constructed during the applicable qualifying time period that begins on or after January 1, 2002, and that houses tangible personal property described by items 1a–e above.

Tax Code 313.021(1)

*Qualified
Property*

“Qualified property” means:

- 1. Land:
 - a. That is located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303;
 - b. On which a person proposes to construct a new building or erect or affix a new improvement that does not exist before the date the person submits a complete application for a limitation on appraised value under Tax Code Chapter 313, Subchapter B;
 - c. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312; and
 - d. On which, in connection with the new building or new improvement described by item 1b above, the owner or lessee of, or the holder of another possessory interest in, the land proposes to:
 - (1) Make a qualified investment in an amount equal to at least the minimum amount required by Tax Code 313.023; and
 - (2) Create at least 25 new qualifying jobs, except as provided at Exception below;

2. The new building or other new improvement described by item 1b above; and
3. Tangible personal property:
 - a. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312;
 - b. For which a sales and use tax refund is not claimed under Tax Code 151.3186; and
 - c. Except for new equipment described in Tax Code 151.318(q) or (q-1), that is first placed in service in the new building, in the newly expanded building, or in or on the new improvement described by item 1b above, or on the land on which that new building or new improvement is located, if the personal property is ancillary and necessary to the business conducted in that new building or in or on that new improvement.

Tax Code 313.021(2); see also 34 TAC 9.1051(16) (additional requirements for "Qualified Property")

Exception

For purposes of Tax Code Chapter 313, Subchapter C, applicable to certain rural districts, a property owner is required to create at least 10 qualifying jobs. *Tax Code 313.051(b)*

Qualifying Job

"Qualifying job" means a permanent full-time job that:

1. Requires at least 1,600 hours of work a year;
2. Is not transferred from one area in this state to another area in this state;
3. Is not created to replace a previous employee;
4. Is covered by a group health benefit plan for which the business offers to pay at least 80 percent of the premiums or other charges assessed for employee-only coverage under the plan, regardless of whether an employee may voluntarily waive the coverage; and
5. Pays at least 110 percent of the county average weekly wage for manufacturing jobs in the county where the job is located.

Tax Code 313.021(3); 34 TAC 9.1051(30)

To be eligible for a limitation on appraised value under Tax Code Chapter 313, the property owner must create the required number of new qualifying jobs and the average weekly wage for all jobs created that are not qualifying jobs must exceed the county average weekly wage for all jobs in the county where the jobs are located. *Tax Code 313.024(d)*

Waiver of New
Jobs Creation
Requirement

Notwithstanding any other provision of Tax Code Chapter 313 to the contrary, the board may waive the new jobs creation requirement and approve an application if the board makes a finding that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application. *Tax Code 313.025(f-1)*

*Qualifying Time
Period*

“Qualifying time period” means:

1. The period that begins on the date that a person’s application for a limitation on appraised value under Tax Code Chapter 313 is approved by the board and ends on December 31 of the second tax year that begins after that date, except as provided by items 2 and 3 below or Tax Code 313.027(h);
2. In connection with a nuclear electric power generation facility, the first seven tax years that begin on or after the third anniversary of the date the district approves the property owner’s application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner; or
3. In connection with an advanced clean energy project, the first five tax years that begin on or after the third anniversary of the date the district approves the property owner’s application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner.

Tax Code 313.021(4)

*Substantive
Document*

“Substantive document” means a document or other information or data in electronic media determined by the comptroller to substantially involve or include information or data significant to an application, the evaluation or consideration of an application, or the agreement or implementation of an agreement for limitation of appraised value pursuant to Tax Code Chapter 313. The term includes, but is not limited to, any application requesting a limitation on appraised value and any amendments or supplements, any economic impact evaluation made in connection with an application, any agreement between applicant and the district and any subsequent amendments or assignments, any district written finding or report filed with the comptroller as required under 34 Administrative Code Chapter 9, Subchapter F; and any completed annual eligibility report (Form 50-772A) submitted to the comptroller. The term shall not include any employee names or other personal identifying information that is submitted to the comptroller. Positions can be described by job type, category, or general title. *34 TAC 9.1051(19)*

School District Categories	For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter B applies are categorized according to the taxable value of property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.022. <i>Tax Code 313.022(b); 34 TAC 9.1058(d)</i> For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter C applies are categorized according to the taxable value of industrial property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.052. <i>Tax Code 313.052; 34 TAC 9.1058(d)</i>
Minimum Amounts of Qualified Investment	For each category of district established by Tax Code 313.022, the minimum amount of a qualified investment is set out in Tax Code 313.023. <i>Tax Code 313.023</i> For each category of district established by Tax Code 313.052, the minimum amount of a qualified investment is set out in Tax Code 313.053. <i>Tax Code 313.053</i>
Eligibility	Tax Code Chapter 313, Subchapters B and C apply only to property owned by an entity subject to franchise tax (Tax Code Chapter 171). To be eligible for a limitation on appraised value, the entity must use the property for a purpose stated in Tax Code 313.024.
<i>Exception for Wind-Powered Energy Device</i>	An owner of a parcel of land that is located wholly or partly in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land may not receive a limitation on appraised value for the parcel of land, building, improvement, or tangible personal property under an agreement under Tax Code Chapter 313, Subchapter B that is entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of land at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. This prohibition applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone. <i>Tax Code 313.024</i>

Application for
Limitation on
Appraised Value

The owner or lessee of, or the holder of another possessory interest in, any qualified property may apply to the board for a limitation on the appraised value of the person's qualified property for district maintenance and operations ad valorem tax purposes. An application must be made on the form prescribed by the comptroller, must include the information required by the comptroller, and must be accompanied by:

1. The application fee established by the board;
2. Information sufficient to show that the real and personal property identified in the application as qualified property meets the applicable criteria established by Tax Code 313.021(2); and
3. Any information required by the comptroller for the purposes of Tax Code 313.026 (economic impact evaluation).

Tax Code 313.025(a)

*Required
Contents and
Format*

A completed application shall consist of, at a minimum, the items set forth in 34 Administrative Code 9.1053(a)(1) and shall be provided in the formats specified in 34 Administrative Code 9.1053(a)(2).

Optional
Requests

An applicant may include in an application:

1. A request that the district waive the applicable requirement to create new jobs. In order for a completed application to include a job waiver request, the applicant shall submit the information specified in 34 Administrative Code 9.1053(b)(1); or
2. A request to begin the qualifying time period on a date that is after the date that the application is approved. In order for a completed application to include a qualifying time period deferral request, the applicant shall submit the information specified in 34 Administrative Code 9.1053(b)(2).

34 TAC 9.1053(a), (b)

Changes

At the request of the district or the comptroller, or with the prior approval of the district and the comptroller, the applicant may submit an application amendment or application supplement at any time after the submission of the initial application. In order to be considered as part of the application, the application amendment or supplement shall:

1. Be submitted in the same form or schedule and manner as the information was initially submitted or should have been initially submitted;

2. Include a date for the submission and a sequential number identifying the number of submissions made by the applicant;
3. Have the signature of the authorized representative(s) by which the applicant confirms and attests to the truth and accuracy of the information submitted in the application amendment or supplement, as applicable, to the best knowledge and belief of the applicant and its representative(s); and
4. Be submitted before the 120th day after the application was accepted by the district or within another time period as provided in writing by the comptroller.

34 TAC 9.1053(c)

If a district receives an amended application or a supplemental application from an applicant after the district has prepared or sent written notice that the applicant has submitted a completed application, the district shall either:

1. Reject the amended application, supplemental application, or application, in whole or in part, and discontinue consideration of any submission by the applicant;
2. With the written concurrence of the comptroller, consider the completed application, as amended or supplemented, before the 151st day from the application review start date; or
3. Review the documents submitted by the applicant, issue an amended written notice of a completed application, and present the amended application to the board in the manner and time period authorized by 34 Administrative Code 9.1053(c)(5).

34 TAC 9.1054(e) [See Acting on Completed Application, below]

Confidential
Business
Information

Information provided to a district in connection with an application for a limitation on appraised value that describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application shall be segregated in the application from other information in the application and is confidential and not subject to public disclosure unless the board approves the application. Other information in the custody of a district or the comptroller in connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Tax Code Chapter 313, such as the nature and amount of the projected investment, employment, wages, and benefits, may not be considered confidential business information if the board agrees to consider the application. Information in the custody of a

district or the comptroller if the board approves the application is not confidential under this provision. *Tax Code 313.028; 34 TAC 9.1055(a)(1)–(4)*

At the time that the applicant submits its application, application amendment, or application supplement, the applicant may request that all or parts of such document not be posted on the internet and not otherwise be publicly released. In order to make such request, the applicant shall:

1. Submit a written request that:
 - a. Specifically lists each document or portion of document and each entry in any form prescribed by the comptroller that the applicant contends is confidential; and
 - b. Identifies specific detailed reasons stating why the applicant believes each item listed should be considered confidential and identifies any relevant legal authority in support of the request;
2. Segregate the documents which are subject to the request from the other documents submitted with the application, application amendment, or application supplement that are not subject to the request; and
3. Adequately designate the documents subject to the request as “confidential.”

34 TAC 9.1053(e)

Action on
Application
Initial Review

Within seven days of receipt of each document, the district shall submit to the comptroller a copy of the application and the proposed agreement between the applicant and the district. If the applicant submits an economic analysis of the proposed project, the district shall submit a copy of the analysis to the comptroller. In addition, the district shall submit to the comptroller any subsequent revision of or amendment to any of those documents within seven days of receipt. *Tax Code 313.025(a-1); 34 TAC 9.1054(b)*

*Acting on
Completed
Application*

If the board by official action elects to consider an application and determines that the application received is a completed application, the district shall:

1. Provide written notice to the applicant and to the comptroller, with a copy to the appraisal district, that the district has received and will be considering a completed application. The notice shall include:
 - a. The date on which the application was received;

- b. The date on which the board elected to consider the application; and
 - c. The date on which the district determined that applicant has submitted a completed application;
- 2. At the time the district provides notice of a completed application, deliver to the comptroller:
 - a. A copy of the completed application including all material required by 34 Administrative Code 9.1053(a), and if applicable (b), (Entity Requesting Agreement to Limit Appraised Value); and
 - b. A request to the comptroller to provide an economic impact evaluation;
- 3. If the district maintains a generally accessible internet web site, provide a clear and conspicuous link on its web site to the internet web site maintained by the comptroller where substantive documents for the value limitation application for such district are posted;
- 4. On request of the comptroller, provide such written documents containing information requested by the comptroller as necessary for the consideration of a limitation on appraised value pursuant to Tax Code Chapter 313 within 20 days of the date of the request.

34 TAC 9.1054(c)(1)–(4)

***Economic Impact
Evaluation and
Certification***

The board is not required to consider an application for a limitation on appraised value. If the board elects to consider an application, the board shall deliver a copy of the application to the comptroller and request that the comptroller conduct an economic impact evaluation of the proposed investment. The comptroller shall conduct or contract with a third person to conduct the economic impact evaluation, which shall be completed and provided to the board, along with the comptroller's certificate or written explanation of the decision not to issue a certificate, as soon as practicable but not later than the 90th day after the date the comptroller receives the application. The board shall provide to the comptroller or to a third person contracted by the comptroller to conduct the economic impact evaluation any requested information. The board shall provide a copy of the economic impact evaluation to the applicant on request. *Tax Code 313.025(b); 34 TAC 9.1055(d)*

Supplemental application information, amended application information, and additional information requested by the comptroller shall be promptly forwarded to the comptroller within 20 days of the

date of the request. On request of the district or applicant, the comptroller may extend the deadline for providing additional information for a period of not more than ten working days. *34 TAC 9.1055(b)(1)(A)–(B)*

After receiving a copy of the application, the comptroller shall determine whether the property meets the requirements for eligibility for a limitation on appraised value. The comptroller shall notify the board of the comptroller's determination and provide the applicant an opportunity for a hearing before the determination becomes final. If the comptroller's determination becomes final, the comptroller is not required to provide an economic impact evaluation of the application or to submit a certificate for a limitation on appraised value of the property or a written explanation of the decision not to issue a certificate, and the board may not grant the application. *Tax Code 313.025(h), (i); 34 TAC 9.1055(b)(3), (c), (d), .1056*

*Effect on
Instructional
Facilities*

The comptroller shall promptly deliver a copy of the application to the Texas Education Agency (TEA). TEA shall determine the effect that the applicant's proposal will have on the number or size of the district's instructional facilities and submit a written report containing TEA's determination to the district. The board shall provide any requested information to TEA. Not later than the 45th day after the date TEA receives the application, TEA shall make the required determination and submit the written report to the board. *Tax Code 313.025(b-1)*

Fees

The board by official action shall establish reasonable nonrefundable application fees to be paid by property owners who apply to the district for a limitation on the appraised value of the person's property. The amount of an application fee must be reasonable and may not exceed the estimated cost to the district of processing and acting on an application, including any cost to the district associated with the required economic impact evaluation. *Tax Code 313.031(b); 34 TAC 9.1054(a)*

The total fee shall be paid at the time the application is submitted to the district. Any fees not accompanying the original application shall be considered supplemental payments. *34 TAC 9.1054(a)*

The comptroller may charge the applicant a fee sufficient to cover the costs of providing the economic impact evaluation. *Tax Code 313.025(b)*

*Supplemental
Payments*

A person and the district may not enter into an agreement under which the person agrees to provide supplemental payments to a district or any other entity on behalf of a district in an amount that exceeds an amount equal to the greater of \$100 per student per

year in average daily attendance or \$50,000 per year, or for a period that exceeds the period beginning with the qualifying time period and ending December 31 of the third tax year after the date the person's eligibility for a limitation under Tax Code Chapter 313 expires. This limit does not apply to amounts described below at item 4 at Contents, Required and item 1 at Contents, Optional. *Tax Code 313.027(i)*

Approval

The board shall approve or disapprove an application not later than the 150th day after the date the application is filed, unless the economic impact evaluation has not been received or an extension is agreed to by the board and the applicant. *Tax Code 313.025(b)*

The board may extend the time period to approve a completed application required only if:

1. Either:
 - a. An economic impact analysis has not been submitted to the district by the comptroller; or
 - b. By agreement with the applicant; and
2. Notice of the extension is provided to the comptroller within seven days of the decision to provide the extension.

34 TAC 9.1054(d)

Before approving or disapproving an application that the board elects to consider, the board must make a written finding as to any criteria considered by the comptroller in conducting the economic impact evaluation under Tax Code 313.026. The board shall deliver a copy of those findings to the applicant.

The board may approve an application only if the board finds that the information in the application is true and correct, finds that the applicant is eligible for the limitation on the appraised value of the person's qualified property, and determines that granting the application is in the best interest of the district and this state.

The board may not approve an application unless the comptroller submits to the board a certificate for a limitation on appraised value of the property.

Tax Code 313.025(d-1), (e), (f)

When presented a completed application for which the comptroller has submitted a certificate for a limitation, the board shall either:

1. By majority vote adopt a written resolution approving the application which shall include:

- a. Written findings:
 - (1) As to each criterion listed in 34 Administrative Code 9.1055(d)(3)(B)–(D) (Comptroller Application Review and Agreement to Limit Appraised Value);
 - (2) As to the criteria required by Tax Code 313.025(f-1) (waiver of new jobs creation requirement) if applicable;
 - (3) That the information in the application is true and correct; and
 - (4) That the applicant is eligible for the limitation on the appraised value of the entity's qualified property;
 - b. A determination that granting the application is in the best interest of the district and this state; and
 - c. Designate and direct a representative of the board to execute the agreement for property tax limitation presented by the approved applicant that complies with 34 Administrative Code Chapter 9, Subchapter F and Tax Code Chapter 313;
2. By majority vote disapprove the application; or
 3. Take no official action and the application shall be considered disapproved on the 151st day after the application review start date.

34 TAC 9.1054(c)(5), (f)

In determining whether to approve an application, the board is entitled to request and receive assistance from the comptroller, the Texas Economic Development and Tourism Office, the Texas Workforce Investment Council, and the Texas Workforce Commission. The Texas Economic Development and Tourism Office or its successor may recommend that a district approve an application under Tax Code Chapter 313. In determining whether to approve an application, the board shall consider any recommendation made by the Texas Economic Development and Tourism Office or its successor. *Tax Code 313.025(c), (g)*

Continued Eligibility

In order to obtain and continue to receive a limitation on appraised value pursuant to Tax Code Chapter 313, an applicant shall:

1. Have a completed application approved by the board in compliance with 34 Administrative Code 9.1054(f) (School District Application Review and Agreement to Limit Appraised Value);

2. At least ~~20~~30 days prior to the meeting at which the board is scheduled to consider the application, provide to the district and the comptroller a Texas Economic Development Act Agreement, as specified in 34 Administrative Code 9.1052(a)(6), with terms acceptable to the applicant;
3. If the applicant includes a combined group or members of the combined group, have the agreement executed by the authorized representative of each member of the combined group that owns a direct interest in property subject to the proposed agreement by which such members are jointly and severally liable for the performance of the stipulations, provisions, terms, and conditions of the agreement;
4. Comply with all stipulations, provisions, terms, and conditions of the agreement for a limitation on appraised value executed with the district, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313;
5. Be and remain in good standing under the laws of this state and maintain legal status as an entity;
6. Owe no delinquent taxes to the state;
7. Maintain eligibility for limitation on appraised value pursuant to Tax Code Chapter 313; ~~and~~
8. Provide to the district, the comptroller, and the appraisal district any change to information provided in the application, including but not limited to changes of the authorized representative(s); changes to the location and contact information for the approved applicant including all members of the combined group participating in the limitation agreement; and copies of any valid assignments of the agreement and contact information for authorized representative(s) of any assignees; ~~and~~
and
9. Within 30 days after filing a completed application with the district, provide the comptroller with estimates of the gross tax benefit resulting from the requested limitation on appraised value for school district maintenance and operations ad valorem tax and future revenues from the qualified property.

34 TAC 9.1053(f)

Agreement

No later than 20 business days after receiving an agreement for limitation on appraised value acceptable to an applicant, the comptroller:

1. Shall review the agreement for compliance with Tax Code Chapter 313 and the applicable rules (34 Administrative Code 9.1051–.1060), and consistency with the application submitted to the comptroller and as amended or supplemented;
- ~~1.2. May amend or withdraw the comptroller certificate for a limitation~~ if the comptroller determines that the agreement as submitted by the applicant does not comply with Tax Code Chapter 313 or the applicable rules or that the agreement contains provisions that are not consistent with or represents information significantly different from that presented in the application as submitted, ~~the comptroller may amend or withdraw the comptroller certificate for a limitation, and~~ to the comptroller; and ~~Provide written notification to the district of the actions taken. 34 TAC 9.1055(e)(2)–(3)~~
3. Provide written notification to the district of the actions taken.

34 TAC 9.1055(e)

The board and the property owner shall enter into a written agreement for the implementation of the limitation on appraised value on the owner's qualified property. *Tax Code 313.027(d); 34 TAC 9.1054(g), .1060*

*Limitation on
Appraised Value*

If the person's application is approved by the board, the appraised value for district maintenance and operations ad valorem tax purposes of the person's qualified property as described in the agreement between the person and the district may not exceed the lesser of:

1. The market value of the property; or
2. Subject to the minimum limitation amount below, the amount agreed to by the board.

Minimum
Limitation

The amount agreed to by the board must be an amount in accordance with Tax Code 313.027(b), according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount.

Tax Code 313.027(a), (b), (c)

For a district to which Tax Code Chapter 313, Subchapter C applies, the amount agreed to by the board must be an amount in accordance with Tax Code 313.054, according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount.
Tax Code 313.054

Contents

Required

The agreement must:

1. Provide that the limitation applies for a period of ten years;
2. Specify the beginning date of the limitation, which must be January 1 of the first tax year that begins after the application date, the qualifying time period, or the date commercial operations begin at the site of the project;
3. Describe with specificity the qualified investment that the person will make on or in connection with the person's qualified property that is subject to the limitation; other property of the person that is not specifically described in the agreement is not subject to the limitation unless the board, by official action, provides that the other property is subject to the limitation;
4. Incorporate each relevant provision of Tax Code Chapter 313, Subchapter B, and, to the extent necessary, include provisions for the protection of future district revenues through the adjustment of the minimum valuations, the payment of revenue offsets, and other mechanisms agreed to by the property owner and the district;
5. Require the property owner to maintain a viable presence in the district for at least five years after the date the limitation on appraised value of the owner's property expires;
6. Provide for the termination of the agreement, the recapture of ad valorem tax revenue lost as a result of the agreement if the owner of the property fails to comply with the terms of the agreement, and payment of a penalty or interest, or both, on that recaptured ad valorem tax revenue;
7. Specify the ad valorem tax years covered by the agreement;
8. Be in a form approved by the comptroller; and
9. Disclose any consideration promised in conjunction with the application and the limitation.

Tax Code 313.027(a-1), (e), (f), (j)

Optional

The agreement may:

1. Provide that the property owner will protect the district in the event the district incurs extraordinary education-related expenses related to the project that are not directly funded in state aid formulas, including expenses for the purchase of portable classrooms and the hiring of additional personnel to accommodate a temporary increase in student enrollment attributable to the project.

2. Specify any conditions the occurrence of which will require the district and the property owner to renegotiate all or any part of the agreement.
3. Provide for a deferral of the date on which the qualifying time period for the project is to commence or, subsequent to the date the agreement is entered into, be amended to provide for such a deferral. The agreement may not provide for the deferral of the date on which the qualifying time period is to commence to a date later than January 1 of the fourth tax year that begins after the date the application is approved except that if the agreement is one of a series of agreements related to the same project, the agreement may provide for the deferral of the date on which the qualifying time period is to commence to a date not later than January 1 of the sixth tax year that begins after the date the application is approved.

Tax Code 313.027(f), (h)

If an agreement for limitation on appraised value includes a provision in which the qualifying time period starts more than one year after the date that the application is approved, no earlier than 180 days and no later than 90 days prior to the start of the deferred qualifying time period:

1. The district shall provide the comptroller:
 - a. Copies of any documents or other information received from the applicant; and
 - b. After reviewing documents and information provided by the applicant, either:
 - (1) A written acknowledgment of receiving the application amendment or supplement; or
 - (2) A statement that no such amendment or supplement has been submitted; and
2. If the comptroller provides:
 - a. A comptroller certificate for a limitation with conditions different from the existing agreement, the board shall hold a meeting and determine whether to amend the agreement to include the conditions required by the comptroller or terminate the agreement; or
 - b. A written explanation of the comptroller's decision not to re-issue a certificate, the district shall terminate the agreement.

34 TAC 9.1054(h), .1055(g)

Compliance and
Enforcement

The district shall provide to the comptroller any documents that reasonably appear to be substantive documents, and, within seven days of executing the agreement, a copy of the executed agreement and any attachments thereto. The district shall provide a copy of the executed agreement to the appraisal district.

The district shall comply with and enforce the stipulations, provisions, terms, and conditions of the agreement for limitation of the appraised value, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313. To determine and obtain compliance with each agreement, for each calendar year during the term of the agreement the district shall require the approved applicant to submit:

1. Either the information necessary to complete the annual eligibility report, or a completed annual eligibility report;
2. A completed job creation compliance report (Form 50-825); and
3. Any information required by the state auditor office or its designee.

34 TAC 9.1054(i)

Disclosure of
Appraised Value
Limitation
Information

If a district maintains a generally accessible internet website, the district shall maintain a link on its internet website to the area of the comptroller's internet website where information on each of the district's agreements to limit appraised value is maintained. *Tax Code 313.0265(c)*

Accessibility of
Documents

Any documents submitted in an electronic format (including searchable pdfs) to the comptroller must comply with the accessibility standards and specifications described in 1 Administrative Code Chapters 206 and 213. *34 TAC 9.1055(a)(5)*

Appraisal Function	The county appraisal district is responsible for appraising property in the appraisal district for ad valorem tax purposes of each taxing unit in the appraisal district. <i>Tax Code 6.01(b)</i>
Restrictions on Employment	An individual may not be employed by an appraisal district if the individual is an officer or employee of a taxing unit that participates in the appraisal district. <i>Tax Code 6.054</i>
Notice of Boundary Change	If a new taxing unit is formed or an existing taxing unit's boundaries are altered, the unit shall notify the appraisal office of the new boundaries within 30 days after the date the unit is formed or its boundaries are altered. <i>Tax Code 6.07</i>
Appraisal District Board of Directors	The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the appraisal district as provided by Tax Code 6.03.
Eligibility	To be eligible to serve on the appraisal district board, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the appraisal district and must have resided in the appraisal district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the appraisal district board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit is not eligible to serve on the appraisal district board unless the employee is also a member of the governing body or an elected official of a taxing unit that participates in the appraisal district. <i>Tax Code 6.03(a)</i>
Restrictions <i>Nepotism</i>	An individual is ineligible to serve on an appraisal district board if the individual is related within the second degree by consanguinity or affinity, as determined under Government Code Chapter 573 [see DBE], to an individual who is engaged in the business of appraising property for compensation for use in proceedings under Tax Code Title 1 (the Property Tax Code) or of representing property owners for compensation in proceedings under the Property Tax Code in the appraisal district.
<i>Delinquent Taxes</i>	An individual is ineligible to serve on an appraisal district board if the individual owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless the delinquent taxes and any penalties and interest are being paid under an installment payment agreement, or a suit to collect the delinquent taxes is deferred or abated. <i>Tax Code 6.035(a)</i>

<i>Prior Property Appraiser or Owner Representative</i>	An individual is ineligible to serve on an appraisal district board if the individual has engaged in the business of appraising property for compensation for use in proceedings under the Property Tax Code or of representing property owners for compensation in proceedings under the Property Tax Code in the appraisal district at any time during the preceding three years. <i>Tax Code 6.035(a-1)</i>
<i>Conflict of Interest</i>	An individual is not eligible to be appointed to or to serve on an appraisal district board if the individual or a business entity in which the individual has a substantial interest is a party to a contract with the appraisal district or a taxing unit that participates in the appraisal district, if the contract relates to the performance of an activity governed by the Property Tax Code. A taxing unit may not enter into a contract relating to the performance of an activity governed by the Property Tax Code with a member of the appraisal district board or with a business entity in which an appraisal district board member has a substantial interest. An individual has a substantial interest in a business entity if the combined ownership of the individual and the individual's spouse is at least ten percent of the voting stock or shares of the business entity, or the individual or the individual's spouse is a partner, limited partner, or officer of the business entity. "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law. <i>Tax Code 6.036</i>
Recall	In accordance with Tax Code 6.033, the governing body of a taxing unit, by resolution filed with the chief appraiser, may call for the recall of a member of the appraisal district board for whom the unit cast any of its votes in the appointment of the appraisal district board. <i>Tax Code 6.033(a)</i>
Budget and Financing	Each year the chief appraiser shall prepare a proposed budget for the operations of the appraisal district for the following tax year as described in Tax Code 6.06(a) and shall submit copies to each taxing unit and the appraisal district board before June 15.
Public Inspection	Each taxing unit shall maintain a copy of the proposed budget for public inspection at its principal administrative office.
Budget Adoption	The appraisal district board shall hold a public hearing to consider the budget. The secretary of the appraisal district board shall deliver to the presiding officer of the governing body of each taxing unit not later than the tenth day before the date of the hearing a

written notice of the date, time, and place fixed for the hearing. The appraisal district board of directors shall complete its hearings, make any amendments to the proposed budget it desires, and finally approve a budget before September 15.

If governing bodies of a majority of the taxing units adopt resolutions disapproving a budget and file them with the secretary of the appraisal district board within 30 days after its adoption, the budget does not take effect, and the appraisal district board shall adopt a new budget within 30 days of the disapproval.

Amendments

The appraisal district board may amend the approved budget at any time, but the secretary of the appraisal district board must deliver a written copy of a proposed amendment to the presiding officer of the governing body of each taxing unit not later than the 30th day before the date the appraisal district board acts on it.

Allocation

Each taxing unit participating in the appraisal district is allocated a portion of the amount of the budget equal to the proportion that the total dollar amount of property taxes imposed in the appraisal district by the unit for the tax year in which the budget proposal is prepared bears to the sum of the total dollar amount of property taxes imposed in the district by each participating unit for that year. Unless the governing body of a unit and the chief appraiser agree to a different method of payment, each taxing unit shall pay its allocation in four equal payments to be made at the end of each calendar quarter, and the first payment shall be made before January 1 of the year in which the budget takes effect.

Tax Code 6.06(a)–(e)

**Changes in Method
of Financing**

The appraisal district board, in accordance with Tax Code 6.061(a), may prescribe a different method of allocating the costs of operating the appraisal district unless the governing body of any taxing unit adopts a resolution opposing the different method, and files it with the appraisal district board before September 1.

The taxing units may adopt a different method of allocating the costs of operating the appraisal district in accordance with Tax Code 6.061.

Tax Code 6.061

**Disapproval of
Appraisal District
Board Actions**

If the governing bodies of a majority of the taxing units adopt resolutions disapproving an action, other than adoption of the budget, by the appraisal district board and file them with the secretary of the appraisal district board within 15 days after the action is taken, the action is revoked effective the day after the day on which the required number of resolutions is filed. *Tax Code 6.10*

Appraisal Review Board

An appraisal review board is established for each appraisal district. This does not preclude the boards of directors of two or more adjoining appraisal districts from providing for the operation of a consolidated appraisal review board by interlocal contract.

Appointment
Counties of Less than 120,000

Members of the appraisal review board are appointed by resolution of a majority of the appraisal district board of directors.

Counties of 120,000 or More

Members of the board are appointed by the local administrative law judge under Government Code Chapter 74, Subchapter D in the county in which the appraisal district is established.

Tax Code 6.41

Eligibility

Appraisal review board members are subject to the eligibility restrictions described in Tax Code 6.412 and the conflict of interest provisions set forth in Tax Code 6.413. *Tax Code 6.412, .413*

Prohibition on Contracts

A school district may not enter into a contract with a member of the appraisal review board established for an appraisal district in which the school district participates or with a business entity in which a member of the appraisal review board has a substantial interest as defined in Tax Code 6.413(d). *Tax Code 6.413(c)*

Auxiliary Appraisal Review Board Members

The appraisal district board by resolution may provide for a number of auxiliary appraisal review board members that the board considers appropriate to hear taxpayer protests before the appraisal review board and to assist the board in performing its duties. *Tax Code 6.414(a)*

Special Appraisal Review Board Panels

An appraisal district board for a district established in a county with a population of one million or more by resolution of a majority of the board's members shall increase the size of the district's appraisal review board to the number of members the board of directors considers appropriate to manage the duties of the appraisal review board, including the duties of each special panel established under Tax Code 6.425. *Tax Code 6.41(b-2)*

The appraisal review board for an appraisal district described above shall establish special panels to conduct protest hearings under Tax Code Chapter 41 relating to property described in Tax Code 6.425(b). *Tax Code 6.425(a)–(b)*

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 ~~of~~by the state auditor. *Education Code 44.007(a), (b)*

The rules for financial accounting are described in the official ~~TEA-~~Texas Education Agency (TEA) publication, *Financial Accountability System Resource Guide*. 19 TAC 109.1, .41

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. ~~The report shall include management, cost accounting, and financial information in a format prescribed by the State Board and in a manner sufficient to enable the State Board to monitor the funding process and determine educational system costs by district, campus, and program.~~ *Education Code 44.007(c), (d)*

Financial Statement

The board shall prepare an annual financial statement ~~that shows the following~~showing for each fund subject to ~~its~~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(c), (d)~~

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).

~~Form~~
Submission to
Comptroller

The comptroller shall provide ~~an~~ 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 ~~Form for use by a district.~~

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 ~~via upload to the comptroller's internet website the completed~~ an Annual Local Debt Report ~~Form provided to the comptroller as described at Submission to Comptroller, above, in the form and in the manner prescribed~~ by the comp-

troller 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.

~~The board of~~ A district that elects to post a report of its ~~annual debt financial~~ information on its own internet website as described in item 2 above shall ~~take action~~ provide upon request an electronic link to ~~ensure that:~~

3. ~~This information is made available for inspection by any person and posted continuously~~ the location on the district's website ~~until the district posts the next year's annual debt information; and~~

~~The main office is posted continuously on the website and such information includes a physical address, mailing address, main telephone number~~ 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 ~~an email address~~ 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*

Financial Management Report

Each district ~~must prepare~~ is required to report information and ~~distribute an annual financial management report~~ accountability ratings to parents, taxpayers, and other stakeholders by implementing the reporting procedures below. *19 TAC 109.1001(q)(1)*

~~The district's annual financial management report must include a description of the district's financial management performance based on a comparison, provided by TEA, of the district's performance on the indicators in 19 Administrative Code 109.1001 to state established standards and the district's previous performance on the indicators. Education Code 39.083(b) [See CFC]~~

~~Education Code 39.083(d); 19 TAC 109.1001(q)(2)~~

Report
Requirements

~~The~~ 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:~~shall~~

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,~~and~~ [see CFC]; Any descriptive information required by the commissioner, including:

~~4.2.~~ 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 ~~the district's~~ 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 ~~a~~ 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; ~~however,~~ (this exclusion does not apply to trips for entertainment purposes or pleasure trips-);

~~(2)~~(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

~~2.3.~~ Any other information the board of ~~a~~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 ~~shall~~must hold a public hearing on the report. ~~The public hearing must be held in the district's facilities~~ 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.

~~Education Code 39.083(d); 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 ~~prior~~ or later than ten days before the date of the hearing. If no newspaper is published in the county in which the district's central administration office is located, then the board must publish the notice in the county nearest to the county seat of the county in which the district's central administration office is located; and
2. Through electronic mail to the mass communication media serving the district, including, but not limited to, radio and television.

19 TAC 109.1001(q)(4); ~~Education Code 39.083(d); 19 TAC 109.1001(q)(4)~~

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 ~~a district's~~ its district fiscal accounts audited annually at district expense by a ~~Texas~~ certified or public accountant holding a permit from the State Board of Public Accountancy. The audit ~~shall~~ must be completed following the close of each fiscal year, ~~and shall~~.

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 ~~a~~ 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 (FASRG)* ~~),~~ 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

~~A~~ 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;
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; or
 - 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, ~~including the selection of an auditor and the requirements for the audit,~~ are described in the official TEA publication, *Financial Accountability System Resource Guide, as amended dated July 2019*, which is adopted by reference as ~~the SBOE's~~ TEA's official rule. **19 TAC 109.41**

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 ~~does not~~ declines or refuses to approve ~~the audit~~ its auditor's report, it shall nevertheless file with TEA a copy of ~~it~~ the audit report with ~~TEA, accompanied by~~ its statement detailing ~~its~~ reasons for ~~failing~~ 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 ~~of~~ with

**Financial
Accountability
Rating System**

each of the different classes of its school funds ~~received, coming into the treasurer's hands. The treasurer's records of the district's itemized accounts~~ and ~~these~~ records shall be available to audit.
Education Code 44.008(c)

~~Data Reviewed~~

TEA will assign a financial accountability rating to each district. ~~The commissioner of education will evaluate the rating system every three years and may modify the system to improve the effectiveness of the rating system. Education Code 39.082; 19 TAC 109.1001(b), (c)~~ as required by Education Code 39.082.

~~TEA will use the following sources of data in calculating the financial accountability indicators for school districts:~~

- ~~4. Audited financial data in a district's annual financial report, the audited annual report required by Education Code 44.008 [see Audit Requirements and Procedures above].~~
- ~~5. PEIMS data submitted by a district.~~
- ~~6. Warrant holds as reported by the comptroller.~~
- ~~7. The average daily attendance information used for foundation school program purposes for a district.~~

~~19 TAC 109.1001(d)~~

~~Basis for Rating~~

TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner. Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year. ~~19 TAC 109.1001(e)~~

~~Types of Ratings~~

~~The types of financial accountability ratings a district may receive are A for superior achievement, B for above standard achievement, C for standard achievement, and F for substandard achievement. A school district receiving territory due to an annexation order by the commissioner under Education Code 13.054, or consolidation under Education Code Chapter 41, Subchapter H, will not receive a rating for two consecutive years beginning with the rating year that is based on financial data from the fiscal year in which the order of annexation becomes effective. After the second rating year, the receiving district will be subject to the financial accountability rating system.~~

~~The commissioner may lower a financial accountability rating based on the findings of an action conducted under Education Code Chapter 39, or change a financial accountability rating in~~

~~cases of disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.~~ A financial accountability rating remains in effect until replaced by a subsequent rating.

~~19 TAC 109.1001(i), (k), (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 ~~under 19 Administrative Code 109.1001(n),~~ TEA will issue a final rating to ~~a~~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 ~~a~~the preliminary rating.

~~19 TAC 109.1001(m)~~

~~Appeals A district may appeal its preliminary financial accountability rating through the appeals process described at 19 Administrative Code 109.1001(n).~~

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(o)~~

Annual Audit of Dropout Records

~~The commissioner shall develop a process for auditing district dropout records electronically. The commissioner shall also develop a system and standards for review of the audit or use systems already available at TEA. The system must be designed to identify districts that are at high risk of having inaccurate dropout records and that, as a result, require on-site monitoring of dropout records.~~

~~If the electronic audit of a district's dropout records indicates that the district is not at high risk of having inaccurate dropout records, the district may not be subject to on-site monitoring. If the risk-based system indicates that a district is at high risk of having inaccurate dropout records, the district is entitled to an opportunity to respond to the commissioner's determination before on-site monitoring may be conducted. A district must respond not later than the 30th day after the date the commissioner notifies the district of the commissioner's determination. If a district's response does not~~

~~change the commissioner's determination that the district is at high risk of having inaccurate dropout records or if the district does not respond in a timely manner, the commissioner shall order TEA staff to conduct on-site monitoring.~~

~~Education Code 39.308(a)-(c)~~ [19 TAC 109.1001\(m\)-\(o\)](#)

**Asbestos Hazard
Emergency
Response Act**

The rules adopted under the Asbestos Hazard Emergency Response Act (AHERA), (15 U.S.C. 2641-2656) require a district ~~shall~~to identify asbestos-containing material (ACM) in schools by visually inspecting school buildings for such materials ~~and implement an~~, sampling such materials if they are not assumed to be ACM, and having samples analyzed by appropriate techniques; submit management plans; and implement the plans in a timely ~~manner~~-fashion. Districts are required to use persons who have been accredited to conduct inspections, reinspections, develop management plans, or perform response actions. The rule includes recordkeeping requirements.

Delegation

Districts may contractually delegate their duties, but they remain responsible for the proper performance of those duties.

40 ~~CFR~~C.F.R. 763.80(a)

Duties

A district shall ~~ensure that~~:

1. ~~All~~Ensure that the activities of any persons who perform inspections, reinspections, and periodic surveillance, ~~who~~ develop and update management plans, and ~~who~~ develop and implement response actions ~~comply with federal and state law, including operations and maintenance, are carried out in accordance with 40 C.F.R. 763.80-.99 and appendices (subpart E).~~
2. Ensure that all custodial and maintenance employees are properly trained as required by ~~law~~subpart E and other applicable federal and/or state regulations (e.g., the Occupational Safety and Health Administration asbestos standard for construction, the Environmental Protection Agency [EPA] worker protection rule, or applicable state regulations).
3. Ensure that workers and building occupants, or their legal guardians, are informed ~~annually~~at least once each school year about inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress.
4. Ensure that short-term workers (e.g., telephone repair workers, utility workers, or exterminators) who may come in contact with asbestos in a school are informed of the locations of "asbestos-containing building material" (ACBM) and suspected ACBM assumed to be ~~"asbestos-containing material" (ACM).~~
5. Ensure that warning labels are posted in accordance with 40 ~~CFR~~C.F.R. 763.95 (see Warning Labels, below).

6. Ensure that management plans are available for inspection, and ~~notice~~notification of ~~their~~such availability has been provided as specified in the management plan under 40 ~~CFR~~C.F.R. 763.93(g).
7. ~~An asbestos coordinator, trained in accordance with 40 CFR 763.84(g)(2) is designated~~ Designate a person to ensure that ~~legal~~ requirements ~~are met~~ under 40 C.F.R. 763.84 are properly implemented and ensure that the designated person receives adequate training to perform duties assigned.
8. Consider whether any conflict of interest ~~that~~ may arise from the interrelationship among accredited asbestos personnel ~~is considered, especially when selecting~~ and whether that should influence the selection of accredited personnel to perform activities under subpart E.

40 ~~CFR~~C.F.R. 763.84

Management Plan

~~An~~ Each district shall develop an asbestos management plan ~~shall be developed~~ for each school, including all buildings that they lease, own, or otherwise use as school buildings, and ~~submitted-~~ submit the plan to the Texas Department of State Health Services (TDSHS) ~~for approval. This~~. Each district shall maintain and update its management plan to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, reinspection and response action activities. All provisions required to be included in the management plan shall be retained as part of the management plan, as well as any information that has been revised to bring the plan up-to-date. 40 C.F.R. 763.93(a), (d)

The management plan shall be developed by an accredited management planner ~~who may be required to sign a statement that the plan is in compliance with federal asbestos regulations. The plan and~~ shall include:

1. A list of the name and address of each school building and whether it contains friable ACBM, nonfriable ACBM, and friable and nonfriable suspected ACBM assumed to be ACM.
2. Specific information ~~about inspections~~ for each inspection conducted before December 14, 1987.
3. Specific information ~~about required inspections~~ for each inspection and ~~reinspections~~ reinspection conducted under 40 C.F.R. 763.85.
4. The name, address, and telephone number of the person designated ~~asbestos coordinator~~ under 40 C.F.R. 763.84 to

ensure that the duties of the district are carried out, and details of his or her required the course name, and dates and hours of training. The plan must also contain a true and correct statement signed taken by the coordinator certifying that the general district responsibilities have been met that person to carry out the duties.

5. The ~~written~~ recommendations on made to the district regarding response actions ~~from a district's accredited asbestos management planner(s), including, under 40 C.F.R. 763.88(d), the name, signature, state of accreditation, and of each person making the recommendations, and if applicable, his or her accreditation number, if applicable, of each planner.~~
6. A detailed description of preventive measures and response actions to be taken, including methods to be used, for any friable ACBM, the locations where such measures and action will be taken, reasons for selecting the response action or preventive measure, and a schedule for beginning and completing each preventive measure and response action.
7. ~~In regard to asbestos inspectors and~~ With respect to the persons who inspected for ACBM and who will design or carry out response actions, ~~a statement that a district uses or will use person(s) who have been accredited by an Environmental Protection Agency (EPA)-approved course and licensed by TDSHS except for operations and maintenance, a statement regarding the person's accreditation.~~
8. A detailed description ~~of any material described in item 1~~ the form of this list ~~a blueprint, diagram, or in writing of any ACBM or suspected ACBM assumed to be ACM that remains after in the school once response actions are taken. The undertaken pursuant to 40 C.F.R. 763.90. This~~ description shall be updated ~~when~~ as response actions are completed.
9. A plan for reinspection under 40 C.F.R. 763.85, a plan for operations and maintenance activities under 40 C.F.R. 763.91, a plan for periodic surveillance under 40 C.F.R. 763.92, a description of the management planner's recommendation regarding additional cleaning under 40 C.F.R. 763.91(c)(2) as part of an operation's maintenance program, and a the district's response to that recommendation.
10. A description of steps taken to inform workers and building occupants, or their legal guardians, about inspections, re-inspections, response actions, and post-response action activi-

ties, ~~and the availability of management plans~~ including periodic reinspection and surveillance activities that are planned or in progress.

11. An evaluation of the resources needed to complete ~~the~~ response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance, and training.
12. ~~The name of~~ With respect to each consultant ~~contributing who contributed~~ to the management plan, ~~the name of the consultant~~ and a statement ~~that the consultant is accredited under another state's~~ regarding the person's accreditation ~~plan or accredited by an EPA-approved course.~~

40 C.F.R. 763.93(e); Occupations Code 1954.101 (License Required for Certain Activities)

Plan Availability

Upon submission of a management plan to TDSHS for review, a district shall keep a copy of the plan ~~submitted to TDSHS shall be kept in a district's~~ its administrative office ~~and~~. The management plans shall be available, without cost or restriction, for inspection by ~~the~~ representatives of EPA, ~~and~~ the state, ~~and~~ the public, including teachers, other school personnel, ~~employee and their~~ representatives, and parents. The district may charge a reasonable cost to make copies of management plans.

~~Updated management plans for each school~~ Each school shall maintain in its administrative office a complete, updated copy of the management plan for that school. Management plans shall also be available for inspection ~~during normal business hours in the administrative office and at the school itself~~. Individual, without cost or restriction, to workers before work begins in any area of a school plans building. The school shall ~~be made~~ make management plans available for inspection to representatives of EPA and the state, the public, including parents, teachers, and other school personnel and their representatives, within ~~at least~~ five working days after receiving a request ~~is received~~ for inspection. The school may charge a reasonable cost to make copies of the management plan.

Notice of Availability

~~Annually~~ Upon submission of its management plan to TDSHS and at least once each school year, a district shall notify in writing parent, teacher, and employee organizations of the availability of the management plans and shall include in the management plan a description of the steps taken to notify such organizations, and a dated copy of the notification.

40 ~~CFR~~ C.F.R. 763.93; ~~Occupations Code 1954.101~~ (g)

Inspections	Each building leased, ~~owned~~ , or <u>acquired to be</u> used as a school building shall be inspected ~~to determine~~ <u>in accordance with 40 C.F.R. 763.85(a)(3) and (4) prior to use as a school building. In the locations</u> ~~event that emergency use of friable and nonfriable ACBM.~~ <u>an uninspected building as a school building is necessitated, such buildings shall be inspected within 30 days after commencement of such use.</u> At least once every three years after a management plan is in effect, <u>a</u> ~~each~~ district shall conduct ~~reinspections. Inspectors shall collect samples of suspected ACBM material for analysis. The~~ <u>a reinspection of all friable and nonfriable known or assumed ACBM in each school building that they lease, own, or otherwise use as a school building. For each inspection and reinspection, the district shall have an accredited</u> inspector ~~shall~~ provide a written assessment of all friable known or assumed ACBM in the school building ~~for each inspection or reinspection.~~ <u>40 C.F.R. 763.85, .88</u>
<u>Response Actions</u>	<u>The district shall select and implement in a timely manner the appropriate response actions in 40 C.F.R. 763.90 consistent with the assessment</u> ~~shall meet all legal requirements and. The response actions selected~~ shall be ~~signed and dated, with the inspector's accreditation information. A copy shall be sent to the coordinator for inclusion in the management plan within 30 days. 40 CFR 763.85, .88~~ <u>sufficient to protect human health and the environment. The district may then select, from the response actions that protect human health and the environment, that action which is the least burdensome method. 40 C.F.R. 763.90(a)</u>
Periodic Surveillance	At least once every six months after the management plan is in effect, <u>a</u> ~~each~~ district shall conduct ~~and document~~ periodic surveillance ~~on any~~ <u>in each building that it leases, owns, or otherwise uses as a</u> school building ~~containing that contains~~ ACBM or <u>is</u> assumed to contain ACBM. ~~A record of this surveillance shall be submitted to the coordinator for inclusion in the management plan. 40 CFR~~ <u>C.F.R. 763.92(b)</u>
~~Response Actions~~	~~A district shall select and implement, consistent with the assessment, the least burdensome method of appropriate response actions from those that protect human health and the environment. 40 CFR 763.90~~
<u>Operations and Maintenance Training</u>	<u>The district shall ensure, prior to the implementation of operations and maintenance provisions of the management plan, that all members of the maintenance and custodial staff who may work in a building that contains ACBM receive awareness training of at least two hours, whether or not they are required to work with ACBM. New custodial and maintenance employees shall be</u>

trained within 60 days after commencement of employment. Training shall include information specified in 40 C.F.R. 763.92(a)(1)(i)–(v). The district shall ensure that all members of its maintenance and custodial staff who conduct any activities that will result in the disturbance of ACM shall receive training described above and 14 hours of additional training that includes information specified in 40 C.F.R. 763.92(a)(2)(i)–(iv). 40 C.F.R. 763.92(a)

~~An “asbestos-related activity” means the removal, encapsulation, or enclosure of asbestos; the performance of asbestos surveys; the development of management plans or response actions; the collection or analysis of asbestos samples; sponsorship of training courses necessary for asbestos licensure or registration; the transportation of ACMs from any facility for purposes of disposal; and any other activity required to be licensed under the Occupations Code 1954.002, .101~~

~~An asbestos-related activity shall be performed by a person (an individual, organization, or other legal entity recognized by law as the subject of rights and duties) licensed by TDSHS. TDSHS shall be notified not less than ten working days before an asbestos-related activity is initiated. Occupations Code 1954.252, .101; 25 TAC 295.61~~

Records

~~A district licensed to perform asbestos-related activities shall keep an appropriate record or records of each activity it performs in public buildings and shall make the record(s) available to TDSHS at any reasonable time. It shall also keep a copy of any violations issued against a district by the EPA or TDSHS. Records shall be maintained for at least 30 years, or as long as required by federal law or regulation. Occupations Code 1954.251; 25 TAC 295.58(d)~~

~~For each area where all ACM has been removed, the required records shall be maintained for at least three years after each required reinspection or its equivalent in both the school and the central administration office. 40 CFR 763.94~~

Warning Labels

The district shall attach a warning label ~~shall be attached~~immediately adjacent to any friable and nonfriable ACM and suspected ACM assumed to be ACM located in routine maintenance areas at each school building. This shall include friable ACM that was responded to by a means other than removal and ACM for which no response action was carried out. All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACM that is labeled is removed. The warning label shall read, in print which is readily visible because of large size or bright color, as follows: CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT. 40 C.F.R. ~~40 CFR~~ 763.95

**Texas Asbestos
Health Protection
Act**

~~Operations/
Maintenance
Training~~

~~Members of the maintenance and custodial staff in buildings containing ACBM~~

A district shall ensure compliance with AHERA for all schools in its jurisdiction. 25 TAC 295.63

Asbestos- Related
Activity

~~receive~~ An “asbestos-related activity” means the removal, encapsulation, or enclosure of asbestos; the performance of an asbestos survey; the development of an asbestos management plan or response action; the collection or analysis of an asbestos sample; or the performance of another activity for which a license is required training, including under Occupations Code Chapter 1954 (the Texas Asbestos Health Protection Act). Occupations Code 1954.002, .101 (License Required for Certain Activities)

Notice of Certain
Activities

A person engaged in removing asbestos from or encapsulating or enclosing asbestos in a public building shall notify TDSHS in writing at least ~~two hours of awareness training and an additional 14 hours of~~ ten days before the date the person begins the removal, encapsulation, or enclosure project according to applicable laws. A person may give the required notice orally if the removal, encapsulation, or enclosure project is of an emergency nature. Occupations Code 1954.252

Responsibility

It is the responsibility of the facility owner and/or operator to notify TDSHS under 25 Administrative Code 295.61. In a public building, this task may be delegated to the owner's agent such as a licensed asbestos abatement contractor or consultant and must be delegated in writing. In a demolition where a licensed abatement contractor or consultant is not required, the task may be delegated in writing to the demolition contractor or other agent. The notification must be filed on the form specified by TDSHS. The notification shall have all information completed with no blocks left blank. The facility owner, and the agent to whom the task of notification has been delegated, are jointly and severally responsible for the accuracy and timeliness of the notification. 25 TAC 295.61(b)

Records

~~training if their work activities may result in the incidental disturbance of ACBM.~~ Recordkeeping requirements are set out in 40 CFR U.S.C. 763.9294.

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

Jurisdiction

The board may employ security personnel, enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers, and commission peace officers to carry out Education Code Chapter 37, Subchapter C, ~~relating to~~ (Law and Order).

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

Education Code 37.081(a)

Duties

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

1. The district improvement plan under Education Code 11.252 [see BQ];
2. The student code of conduct adopted under Education Code 37.001 [see FO];
3. Any memorandum of understanding providing for a school resource officer; and
4. Any other campus or district document describing the role of peace officers, school resource officers, or security personnel in the district.

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

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

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

Prohibited Duties

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

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

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

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

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

Refusal or Removal
from District
Property

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

Weapons

If a board authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer.
Education Code 37.081(a) [See CKEA]

Training

A district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement (TCOLE).

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

Education Code 37.0812

~~TCOLE shall require a~~ School district peace ~~officer~~ officers or school resource ~~officer to successfully complete an education and training program under Occupations Code 1701.263 before or~~ officers providing law enforcement services at a district must obtain a school-based law enforcement proficiency certificate within 180 days of the officer's commission ~~by~~ or placement in the district or ~~a~~ campus of the district. 37 TAC 218.3(d)(5); Occupations Code 1701.263(b)

**Notice of Exposure
to Communicable
Disease**

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

Handgun Licensees

A board may promulgate written regulations or written authorization allowing the holder of a handgun license to carry a handgun on school premises pursuant to Penal Code 46.03(a)(1).

A board may appoint a school marshal [see CKEB] and authorize another person to serve under the district's regulations and authorization under Penal Code 46.03(a)(1).

The holder of a handgun license does not commit a criminal offense under Penal Code 46.035 by carrying a handgun in a building where a high school sporting event or interscholastic event is taking place or at an open meeting of the board when the person is lawfully carrying a handgun pursuant to a board's written regulations and authorization.

Att'y Gen. Op. GA-1051 (2014) (citing Education Code 11.151(b))

Note: For general provisions applicable to district security personnel, including district peace officers, see CKE.

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. ~~Those duties must include protecting the safety and welfare of any person in the officer's jurisdiction and protecting the property of the district. *Education Code 37.081(d)*~~ [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)*

Reporting Appointment and Separation

Before a law enforcement agency may appoint a person licensed or seeking a license as a peace officer, the agency head or designee must comply with the requirements of 37 Administrative Code 217.7(a), including:

1. For a person's initial appointment, submit an appointment application (L1 Form) and receive an approval of the application before the person discharges any duties related to the license sought.
2. For current licensees, submit a Statement of Appointment (L1 Form) within seven days of the appointment.

37 TAC 217.7(a)(9)(B)(vi), (10)

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 these provisions 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)

Memorandum 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)*

Body-Worn Cameras

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.

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 1701.655, .656

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 ~~that alleges~~ by an individual who believes that a peace officer employed by the ~~department~~ agency has engaged in racial profiling with respect to ~~an~~ the individual ~~and~~ 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 provisions regarding selection and adoption of instructional materials, see EFA.

**Instructional
Materials and
Technology**

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)–(b)*

Allotment

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

No Appeal

The amount of the allotment determined by the commissioner is final and may not be appealed. *19 TAC 66.1307(d)*

**Delayed Publisher
Payment Option**

A district may requisition and receive state-adopted instructional materials before allotment funds for those materials are available. The total cost of delayed-payment-option materials requisitioned may not exceed 80 percent of the district's expected allotment for the subsequent biennium.

When a district submits a requisition for instructional materials under this provision, the Texas Education Agency (TEA) will expend a district's existing allotment balance before applying the delayed payment option. TEA will make payment for any remaining balance for a district's order as the allotment funds become available and will prioritize payment for requisitions over reimbursement of purchases made directly by a district.

The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline individual orders or orders from individual districts. Government Code Chapter 2251 does not apply to requisitions under this provision.

Education Code 31.0215; 19 TAC 66.1312

Allotment
Adjustment

*Change in
Enrollment*

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

*High Enrollment
Growth*

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

High-enrollment growth adjustments will be based on the difference between the district's percentage of enrollment growth and that of the state. Enrollment growth calculations will be determined each fiscal year based on fall Texas Student Data Systems Public Education Information Management System (TSDS PEIMS) enrollment data. The amount of the adjustment determined by the commissioner is final and may not be appealed.

If sufficient funds are available, high-enrollment growth adjustments will be granted once each fiscal year. Notwithstanding this, a district that experiences an unexpected growth:

1. Of at least two percent due to a natural or man-made disaster or catastrophic event may apply for additional funding at any time during a fiscal year.
2. In its bilingual population of at least ten percent in any school year may apply for additional bilingual funding at any time during a fiscal year.

Any additional funding will be dependent on the availability of funds.

The per-student high-enrollment growth adjustment granted in the second year of a biennium shall not exceed one-half of the per-student amount established as the biennial allotment.

19 TAC 66.1309

Permitted
Expenditures

The allotment may be used to purchase:

1. Materials on the list adopted by the commissioner under Education Code 31.0231;
2. Instructional materials, regardless of whether the instructional materials are on the list adopted under Education Code 31.024;
3. Consumable instructional materials, including workbooks;
4. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
5. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
6. Supplemental instructional materials, as provided by Education Code 31.035;
7. State-developed open education resource instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
8. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
9. Technological equipment necessary to support the use of materials included on the list adopted by the commissioner under Education Code 31.0231 or any instructional materials purchased with an allotment under these provisions; and
10. Inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of the instructional materials.

The allotment may be used to pay:

1. For training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use; and

2. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.

Education Code 31.0211(c); 19 TAC 66.1307(f)

Prohibited
Expenditures

The allotment may not be used to pay for:

1. Services for installation;
2. The physical conduit that transmits data such as cabling and wiring or electricity;
3. Office and school supplies; or
4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;
5. Travel expenses; or
6. Equipment ~~or software~~ used for moving, ~~or~~ storing, ~~tracking,~~ ~~or taking inventory of~~ instructional materials.

19 TAC 66.1307(g)

Certification of
Allotment

A district shall annually certify to the commissioner that the district's allotment has been used only for permitted expenses. *Education Code 31.0213*

Priority of Purchase

Each biennium a district shall use the district's allotment to purchase, in the following order:

1. Instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level.
2. Any other instructional materials or technological equipment as determined by the district.

Education Code 31.0211(d); 19 TAC 66.1307(e)

**Instructional
Materials and
Technology Account**

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

A district may also use funds in the district's account to purchase electronic instructional materials or technological equipment. The district shall submit to the commissioner a request for funds for this purpose from the district's account in accordance with the commissioner's rules.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

Education Code 31.0212

Access to Allotment

The allotment for each biennium will be made available for district use through the state's online instructional material ordering system (EMAT) as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated. A district may access its allotment for any upcoming school year upon completion of:

1. Submission to the commissioner certification that:
 - a. The district has instructional materials that cover all the required Texas essential knowledge and skills (TEKS), except those for physical education, as required by Education Code 31.004 [see Certification of Instructional Materials, below]; and
 - b. The district has used its allotment for only the allowable expenditures [see Permitted Expenditures and Certification of Allotment Use, above]; and
2. Preparation by TEA of EMAT for the new school year with the new allotment amounts.

Upon completion of these requirements, a district may access its funds by correctly providing all information required in EMAT.

19 TAC 66.1307(h)–(j)

Online Requisition System (EMAT)

The commissioner shall maintain an online requisition system (EMAT) for districts to requisition instructional materials to be purchased with the district's allotment. *Education Code 31.101(f)*

Delegation of
Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds	A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. <i>Education Code 31.106</i>
Requisitions, Use, and Distribution	A district shall make a requisition for instructional materials using the online requisition program (EMAT) maintained by the commissioner. A district may requisition instructional materials on the State Board of Education (SBOE) instructional materials list for grades above the grade level in which a student is enrolled. <i>Education Code 31.103(b)–(c)</i>
Distribution	The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. <i>Education Code 31.102(c)</i>
Supplemental Instructional Materials	A district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list adopted under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Education Code 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. <i>Education Code 31.035(d)</i>
Availability of Open Education Resource Instructional Materials	A district that selects open education resource instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student: 1. Electronic access to the instructional material at no cost to the student; or 2. Printed copies of the portion of the instructional material that will be used in the course. <i>Education Code 31.103(d)</i>
Employee Training	The board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the allotment and the use of the instructional materials ordering system (EMAT). Training shall be completed prior to ordering instructional materials for the first time and again each time the district is notified by TEA that the training has been updated. The district shall maintain documentation of the completion of the required training. <i>19 TAC 66.107(d)</i>
Special Instructional Materials	All laws and rules applying to instructional materials provided to students with no disabilities that are not in conflict with Education Code 31.028 or 19 Administrative Code 66.1311 shall apply to the

distribution and control of special instructional materials. Special instructional materials include braille, large-print, and audio books and any other formats designed specifically to provide equal access to students with disabilities.

Requisitions for special instructional materials shall be based on actual student enrollment but may include up to two copies per student if necessary to meet individual need.

Special instructional materials are the property of the state. A district is responsible for replacing or reimbursing the state for lost, stolen, or damaged special instructional materials.

For Teachers

Adopted instructional materials needed by a teacher with a print disability to carry out his or her instructional duties shall be furnished in the required format without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed.

For Parents

Adopted instructional materials in a specialized format that are requested by a parent with a print disability shall be furnished without cost by the state. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws, including those that forbid reproduction of the files and their transfer to other parties. All specialized instructional material formats and electronic files that have been provided must be returned to the local school district at the end of the school year.

19 TAC 66.1311

**Bilingual
Instructional
Materials**

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. The commissioner shall determine the amount of the allotment for bilingual education based on TSDS PEIMS bilingual enrollment data from the fall collection of the school year preceding the first year of each biennium. *Education Code 31.029; 19 TAC 66.1307(c)*

**Certification of
Instructional
Materials**

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that for each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level, the district provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level. The certification shall be submitted in a format approved by the commissioner and can be based on both state-adopted and non-state-adopted materials.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Materials adopted or purchased by the commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;
3. Open education resource instructional materials submitted by eligible institutions and adopted by the SBOE;
4. Open education resource instructional materials made available by other public schools;
5. Instructional materials developed or purchased by the district; and
6. Open education resource instructional materials and other electronic instructional materials included in the repository under Education Code 31.083.

The certifications shall be ratified by the board in a public, noticed meeting.

Education Code 31.004; 19 TAC 66.105

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which open education resource instructional material that a district does not intend to use for another student is distributed, the printed copy of the open education resource instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(d), (e), (h); 19 TAC 66.107(c) [See also EF]

Acceptable
Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and

4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged
Instructional
Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of open education resource instructional material. *Education Code 31.104*

Sale or Disposal

The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale

The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.

Use of Proceeds

Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal

The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

Education Code 31.105

Annual Inventory

A district shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by and delivered to the district. The results of the inventory shall be recorded in the district's files. *19 TAC 66.107(a)*

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
(LEGAL)

**Local Handling
Expenses**

School districts shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(d)*

**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 3-year review cycle, provided that each SFA is reviewed at least once every 4 years.

“Administrative reviews” means the comprehensive off-site and/or on-site evaluation of all SFAs participating in the specified programs. The term administrative review is used to reflect 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, and includes other areas of program operations determined by TDA to be important to program performance.

7 C.F.R. 210.18

Note: [For recordkeeping and retention information, see TDA's School Nutrition Program \(SNP\) Records Retention List.](#)¹

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. *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. See *Summary of School Nutrition Program Director Professional Standards by Local Educational Agency Size chart*, *7 C.F.R. 210.30(b)(2)*.

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 donate food to a nonprofit organization through an official of the nonprofit organization who is affiliated with the campus, including a teacher, counselor, or 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 a snack to be served at 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 may include packaged and unpackaged unserved food, packaged served food if the packaging is in good condition, whole uncut produce, wrapped raw produce, and unpeeled fruit required to be peeled before consumption.

Food donated to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing as volunteers of the nonprofit organization.

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

¹ TDA's School Nutrition Program (SNP) Records Retention List:
http://www.squaremeals.org/Portals/8/FND%20Forms/Program%20Forms/SNP_RecordsList_List_V001_200423.pdf

² USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies*:
<https://fns-prod.azureedge.net/sites/default/files/cn/SP46-2016os.pdf>

**Next Generation
Technology**

A district, in the administration of the district, shall consider using next generation technologies, including cryptocurrency, blockchain technology, and artificial intelligence. *Gov't Code 2054.601*

**Children's Internet
Protection Act**

~~Under the Children's Internet Protection Act (CIPA), a district must, as a prerequisite to receiving universal service discount rates, implement certain internet safety measures and submit certification to the Federal Communications Commission (FCC). 47 U.S.C. 254 [See Universal Service Discounts, below, for details]~~

~~Districts that do not receive universal service discounts but do receive certain federal funds under the Elementary and Secondary Education Act (ESEA) must, as a prerequisite to receiving these funds, implement certain internet safety measures and submit certification to the Department of Education (DOE). 20 U.S.C. 7131 [See ESEA Funding, below, for details]~~

Definitions*Harmful to Minors*

"Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

47 U.S.C. 254(h)(7)(G); 20 U.S.C. 7131(e)(6)

*Technology
Protection
Measure*

"Technology protection measure" means a specific technology that blocks or filters internet access ~~to the material covered by a certification described at Certifications to the FCC, below, to which such certification relates.~~ *47 U.S.C. 254(h)(7)(I)*

**Universal Service
Discounts [\(E-Rate\)](#)**

An elementary or secondary school having computers with internet access may not receive universal service discount rates unless ~~a~~[the](#) district submits to the FCC the certifications described below at Certifications to the FCC and a certification that an internet safety policy has been adopted and implemented as described at Internet Safety Policy, below, and ensures the use of computers with internet access in accordance with the certifications. *47 U.S.C. 254(h)(5)(A); 47 C.F.R. 54.520*

*Certifications to
the FCC*

A district that receives discounts for internet access and internal connections services under the federal universal [service](#) support

mechanism for schools must make certifications in accordance with 47 C.F.R. 54.520(c) each funding year. A district that only receives discounts for telecommunications services is not subject to the certification requirements, but must indicate that it only receives discounts for telecommunications services. *47 C.F.R. 54.520(b)*

With Respect to
Minors

A ~~district must submit~~ certification under 47 U.S.C. 254(h)(5)(B) is a certification that the district is:

1. ~~Is~~ Enforcing a policy of internet safety for minors that includes monitoring their online activities and the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors;
2. ~~Is~~ Enforcing the operation of such technology protection measure during any use of such computers by minors; and
3. ~~Is~~ Educating minors, as part of its internet safety policy, about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

47 U.S.C. 254(h)(5)(B); 47 C.F.R. 54.520(c)(1)

With Respect to
Adults

A ~~district must submit~~ certification under 47 U.S.C. 254(h)(5)(C) is a certification that the district is:

1. ~~Is~~ Enforcing a policy of internet safety that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene or child pornography; and
2. ~~Is~~ Enforcing the operation of such technology protection measure during any use of such computers.

47 U.S.C. 254(h)(5)(C); 47 C.F.R. 54.520(c)(1)

*Disabling for
Adults*

An administrator, supervisor, or other person authorized by ~~a~~ the district may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. *47 U.S.C. 254(h)(5)(D)*

*Internet Safety
Policy*

A district shall adopt and implement an internet safety policy that addresses:

1. Access by minors to inappropriate matter on the internet and the World Wide Web;

2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
3. Unauthorized access, including “hacking,” and other unlawful activities by minors online;
4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and
5. Measures designed to restrict minors’ access to materials harmful to minors.

[47 U.S.C. 254\(l\); 47 C.F.R. 54.520\(c\)\(1\)\(ii\)](#)

Public Hearing A district shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed internet safety policy. [47 U.S.C. 254\(h\)\(5\)\(A\)\(iii\), \(l\)\(1\)\(B\)](#)

Inappropriate for Minors A determination regarding what matter is inappropriate for minors shall be made by [a the](#) board or designee. [47 U.S.C. 254\(l\)\(2\)](#)

[Noncompliance](#) [A district that knowingly fails to submit required certifications shall not be eligible for discount services under the federal universal service support mechanism for schools until such certifications are submitted.](#)

[A district that knowingly fails to ensure the use of computers in accordance with the required certifications must reimburse any funds and discounts received under the federal universal service support mechanism for schools for the period in which there was noncompliance.](#)

[47 C.F.R. 54.520\(d\), \(e\); 47 U.S.C. 254\(h\)\(5\)\(F\)](#)

ESEA Funding [No](#) federal funds made available under Title IV, Part A of the ESEA for an elementary or secondary school that does not receive universal service discount rates may ~~not~~ be used to purchase computers used to access the internet, or to pay for direct costs associated with accessing the internet unless a district:

1. Has in place a policy of internet safety for minors that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors; and enforces the operation of the technology protection measure during any use by minors of its computers with internet access; and
2. Has in place a policy of internet safety that includes the operation of a technology protection measure that protects against

access to visual depictions that are obscene or child pornography; and enforces the operation of the technology protection measure during any use of its computers with internet access.

~~A~~An administrator, supervisor, or other person authorized by the district may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

Certification to
DOE

A district shall certify its compliance with these requirements during each annual program application cycle under the ESEA.

20 U.S.C. 7131

Uniform Electronic Transactions Act (UETA)

~~A district may agree with other parties.~~ The UETA (Business and Commerce Code Chapter 322) applies to electronic records and electronic signatures relating to a transaction. Business and Commerce Code 322.003(a)

The UETA applies only to transactions between parties each of which has agreed to conduct transactions by electronic means.

~~Any such~~ The UETA does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form. A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. This right may not be waived by agreement. Business and Commerce Code 322.005(a)–(c)

Except as otherwise provided in Business and Commerce Code 322.012(f), the UETA does not require a district to use or permit the use of electronic records or electronic signatures. Business and Commerce Code 322.017(c)

Records Retention

If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which: ~~or transaction must be done~~

1. Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and
2. Remains accessible for later reference.

A record retained as an electronic record in accordance with the ~~Uniform~~ provisions above satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after January 1, 2002, specifically prohibits the use of an electronic record for the specified purpose.

Business and Commerce Code 322.012(a), (f)

[\[For more information on records management, see CPC.\]](#)

Definitions

"Electronic ~~Transactions Act. Business and Commerce Code Chapter 322; 1 TAC 203~~ record" means a record created, generated, sent, communicated, received, or stored by electronic means.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

Business and Commerce Code 322.002(7), (8), (15)

Digital Signature

A digital signature may be used to authenticate a written electronic communication sent to a district if it complies with rules adopted by the board. Before adopting the rules, the board shall consider the rules adopted by the Department of Information Resources (DIR) and, to the extent possible and practicable, make the board's rules consistent with DIR rules. *Gov't Code 2054.060; ~~(b); 1 TAC 203~~*

"Digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature. *Gov't Code 2054.060(e)(1)*

Interception of Communications

For information on the unlawful interception, use, or disclosure of communications, see the Electronic Communications Privacy Act (18 USC 2510–2523 [federal wiretap act] and 2701–2713 [Stored Communications Act]) and Penal Code 16.02 (state wiretap law) and 16.04 (Unlawful Access to Stored Communications).

**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 ~~political subdivision's governing body~~[board](#) under the Open Meetings Act (Government Code Chapter 551, Subchapter C) [see BE]; and
6. Each record of a meeting of the ~~political subdivision's governing body~~[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 2051.151–[152](#)

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 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]
5. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]
6. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]
7. [A campus intervention team must notify the public of the meeting for input for the development of a targeted improve-](#)

ment plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii) and Education Code 39A.056. [See AIC]

- ~~7-8.~~ 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]
- ~~8-9.~~ 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~~)(1e). [See AIC]
- ~~9-10.~~ A district shall post an election notice required under Election Code 85.007. [See BBBA]
- ~~10-11.~~ Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]
- ~~11-12.~~ A district shall post early voting rosters under Election Code 87.121. [See BBBA]
- ~~12-13.~~ 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]
- ~~13-14.~~ A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]
- ~~14-15.~~ A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]
- ~~15-16.~~ A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]
- ~~16-17.~~ 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]

~~17.~~18. 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]

~~18.~~19. 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]

~~19.~~20. 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]

~~20.~~21. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

~~21.~~22. 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]

~~22.~~23. 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]

~~23.~~24. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

~~24.~~25. 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]

~~25.~~26. 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]

~~26. A district shall continuously post on its website the contact information for the district's main office, including the physical address, the mailing address, the main telephone number, and an email address, under Local Government Code 140.008(f)(2).~~

27. -A district shall continuously post its ~~annual financial~~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 ~~post~~[continually maintain](#) a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

28. 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]

29. 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]

~~29-30.~~ A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

~~30-31.~~ 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]

~~31-32.~~ 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]

~~32-33.~~ 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]

~~33-34.~~ 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]

35. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]

~~34-36.~~ 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]

- ~~35-37.~~ 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]
- ~~36-38.~~ 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]
- ~~37-39.~~ 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]
- ~~38-40.~~ 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]
- ~~39-41.~~ 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]
- ~~40-42.~~ 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]
- ~~43.~~ [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\(b\). \[See FFH\]](#)
- ~~44.~~ [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\(b\)\(10\)\(i\)\(D\). \[See FFH\]](#)
- ~~41-45.~~ 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]

- ~~42.~~46. 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]
- ~~43.~~47. 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]
- ~~44.~~48. 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]
- ~~45.~~49. 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 ~~may post~~has the following options:

- ~~1. A campus intervention team may give the required notice of the public meeting for input prior to the development of a targeted improvement plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii). [See AIB]~~
- ~~2.~~1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
- ~~3.~~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]
- ~~4.~~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]
- ~~5.~~4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]

~~6.5.~~ A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]

~~7.6.~~ A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

“Geospatial data product” means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov’t Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: “This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.”

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov’t Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or

4. Is filed with the county clerk.

Gov't Code 2051.103

¹ TDSHS Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis: https://www.dshs.texas.gov/uploadedFiles/Content/Prevention_and_Preparedness/schoolhealth/SHAC/Guidelines-Food%20Allergy-Final.pdf

Cybersecurity Policy	Each district shall adopt a cybersecurity policy to: 1. Secure district cyberinfrastructure against cyber attacks and other cybersecurity incidents; and 2. Determine cybersecurity risk and implement mitigation planning. A district's cybersecurity policy may not conflict with the information security standards for institutions of higher education adopted by the Department of Information Resources (DIR) under Government Code Chapters 2054 and 2059.
Cybersecurity Coordinator	The superintendent shall designate a cybersecurity coordinator to serve as a liaison between the district and the Texas Education Agency (TEA) in cybersecurity matters.
<i>Report to TEA</i>	The district's cybersecurity coordinator shall report to TEA any cyber attack or other cybersecurity incident against the district cyberinfrastructure that constitutes a breach of system security as soon as practicable after the discovery of the attack or incident.
<i>Report to Parent</i>	The district's cybersecurity coordinator shall provide notice to a parent of or person standing in parental relation to a student enrolled in the district of an attack or incident for which a report is required to TEA involving the student's information.
Definitions	For purposes of the district's cybersecurity policy, the following definitions apply:
<i>Breach of System Security</i>	"Breach of system security" means an incident in which student information that is sensitive, protected, or confidential, as provided by state or federal law, is stolen or copied, transmitted, viewed, or used by a person unauthorized to engage in that action.
<i>Cyber Attack</i>	"Cyber attack" means an attempt to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system.
<i>Cybersecurity</i>	"Cybersecurity" means the measures taken to protect a computer, computer network, or computer system against unauthorized use or access.
	<i>Education Code 11.175</i>
Cybersecurity Training	At least once each year, a district shall identify district employees who have access to a district computer system or database and require those employees and board members to complete a cybersecurity training program certified under Government Code 2054.519 (state-certified cybersecurity training programs) or offered by the

district as described at District Training Program, below. *Gov't Code 2054.5191(a-1)*

The board may select the most appropriate state-certified cybersecurity training program or district training program for employees of the district to complete. The board shall:

1. Verify and report on the completion of a cybersecurity training program by district employees to the DIR; and
2. Require periodic audits to ensure compliance with these provisions.

Gov't Code 2054.5191(b)

District Training
Program

A district that employs a dedicated information resources cybersecurity officer may offer to its employees a cybersecurity training program that satisfies the requirements described by Government Code 2054.519(b). *Gov't Code 2054.519(f)*

**Security Breach
Notification**

To Individuals

A district that owns, licenses, or maintains computerized data that includes sensitive personal information shall disclose any breach of system security, after discovering or receiving notification of the breach, to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made without unreasonable delay and in each case not later than the 60th day after the date on which the district determines that the breach occurred, except as provided at Criminal Investigation Exception, below, or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

*Resident of Other
State*

If the individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person is a resident of a state that requires a person that owns or licenses computerized data to provide notice of a breach of system security, the notice of the breach of system security required under Notice, below, may be provided under that state's law or under Notice, below.

To the Owner or
License Holder

A district that maintains computerized data that includes sensitive personal information not owned by the district shall notify the owner or license holder of the information of any breach of system security immediately after discovering the breach, if the sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

Notice

A district may give the required notice to individuals or the owner or license holder by providing:

1. Written notice at the last known address of the individual;
2. Electronic notice, if the notice is provided in accordance with 15 U.S.C. Section 7001 (electronic records and signatures); or
3. If the district demonstrates that the cost of providing notice would exceed \$250,000, the number of affected persons exceeds 500,000, or the district does not have sufficient contact information, by:
 - a. Electronic mail, if the district has electronic mail addresses for the affected persons;
 - b. Conspicuous posting of the notice on the district's website; or
 - c. Notice published in or broadcast on major statewide media.

*Information
Security Policy*

A district that maintains its own notification procedures as part of an information security policy for the treatment of sensitive personal information that complies with the timing requirements for notice described above complies with the notice requirements if the district notifies affected persons in accordance with that policy.

To the Attorney
General

A district that is required to disclose or provide notification of a breach of system security under these provisions shall notify the attorney general of that breach not later than the 60th day after the date on which the district determines that the breach occurred if the breach involves at least 250 residents of this state. The notification must include:

1. A detailed description of the nature and circumstances of the breach or the use of sensitive personal information acquired as a result of the breach;
2. The number of residents of this state affected by the breach at the time of notification;
3. The measures taken by the district regarding the breach;
4. Any measures the district intends to take regarding the breach after the notification described at Notice, above; and
5. Information regarding whether law enforcement is engaged in investigating the breach.

To a Consumer
Reporting Agency

If a district is required to notify at one time more than 10,000 persons of a breach of system security, the district shall also notify each consumer reporting agency, as defined by 15 U.S.C. 1681a,

that maintains files on consumers on a nationwide basis, of the timing, distribution, and content of the notices. The district shall provide the notice without unreasonable delay.

Criminal
Investigation
Exception

A district may delay providing the required notice to individuals or the owner or license holder at the request of a law enforcement agency that determines that the notification will impede a criminal investigation. The notification shall be made as soon as the law enforcement agency determines that the notification will not compromise the investigation.

Business and Commerce Code 521.053; Local Gov't Code 205.010

Definitions

For purposes of security breach notifications, the following definitions apply:

*Breach of System
Security*

"Breach of system security" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data. Good faith acquisition of sensitive personal information by an employee or agent of the person for the purposes of the person is not a breach of system security unless the person uses or discloses the sensitive personal information in an unauthorized manner. *Business and Commerce Code 521.053(a)*

*Sensitive
Personal
Information*

"Sensitive personal information" means:

1. An individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted:
 - a. Social security number;
 - b. Driver's license number or government-issued identification number; or
 - c. Account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account; or
2. Information that identifies an individual and relates to:
 - a. The physical or mental health or condition of the individual;
 - b. The provision of health care to the individual; or

- c. Payment for the provision of health-care to the individual.

“Sensitive personal information” does not include publicly available information that is lawfully made available to the public from the federal government or a state or local government.

Business and Commerce Code 521.002(a)(2), (b)

**Cybersecurity
Information Sharing
Act**

A district may, for a cybersecurity purpose and consistent with the protection of classified information, share with, or receive from, any other non-federal entity or the federal government a cyber threat indicator or defensive measure in accordance with the Cybersecurity Information Sharing Act, 6 U.S.C. Subchapter I (sections 1501–1510). *6 U.S.C. 1503(c)*

**Removal of
Personal
Information**

A district sharing a cyber threat indicator pursuant to these provisions shall, prior to sharing:

1. Review such indicator to assess whether it contains any information not directly related to a cybersecurity threat that the district knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual and remove such information; or
2. Implement and utilize a technical capability configured to remove any information not directly related to a cybersecurity threat that the district knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual.

6 U.S.C. 1503(d)(2)

Definitions

For purposes of the Cybersecurity Information Sharing Act, the following definitions apply:

**Cybersecurity
Purpose**

“Cybersecurity purpose” means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability. *6 U.S.C. 1501(4)*

**Cybersecurity
Threat**

“Cybersecurity threat” means an action, not protected by the First Amendment to the United States Constitution, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system. The term does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement. *6 U.S.C. 1501(5)*

*Cyber Threat
Indicator*

“Cyber threat indicator” means information that is necessary to describe or identify:

1. Malicious reconnaissance, as defined in 6 U.S.C. 1501(12), including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;
2. A method of defeating a security control or exploitation of a security vulnerability;
3. A security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;
4. A method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;
5. Malicious cyber command and control, as defined in 6 U.S.C. 1501(11);
6. The actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;
7. Any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or
8. Any combination thereof.

6 U.S.C. 1501(6)

*Defensive
Measure*

“Defensive measure” means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability. The term does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by the private entity operating the measure or another entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure. 6 U.S.C. 1501(7)

*Information
System*

“Information system” has the meaning given the term in 44 U.S.C. 3502 and includes industrial control systems, such as supervisory

	control and data acquisition systems, distributed control systems, and programmable logic controllers. 6 U.S.C. 1501(9)
<i>Security Control</i>	“Security control” means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information. 6 U.S.C. 1501(16)
<i>Security Vulnerability</i>	“Security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control. 6 U.S.C. 1501(17)
Access to Electronic Communications	~~Except as otherwise provided in the Electronic Communication Privacy Act, 18 U.S.C. 2510–22, a person commits an offense if the person:~~
~~Electronic Communication Privacy Act~~	~~9. Intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, oral, or electronic communication;~~ ~~10. Intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when:~~ ~~a. Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or~~ ~~b. Such device transmits communications by radio, or interferes with the transmission of such communication; or~~ ~~c. Such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or~~ ~~d. Such use or endeavor to use takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or~~ ~~e. Such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;~~ ~~11. Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information~~

~~was obtained through the prohibited interception of a wire, oral, or electronic communication;~~

~~12. Intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the prohibited interception of a wire, oral, or electronic communication; or~~

~~13. Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by 18 U.S.C. 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e), 2516, and 2518; knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation; having obtained or received the information in connection with a criminal investigation; and with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation.~~

~~It shall not be unlawful for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any state.~~

~~18 U.S.C. 2511(1), (2)(d)~~

Stored Wire and
Electronic
Communications
and Transactional
Records Access Act

~~A district must comply with the Stored Wire and Electronic Communications and Transactional Records Access Act, 18 U.S.C. 2701–12.~~

~~Whoever intentionally accesses without authorization a facility through which an electronic communication service is provided or intentionally exceeds an authorization to access that facility and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in such system commits an offense. 18 U.S.C. 2701(a)~~

Exceptions

~~This section does not apply with respect to conduct authorized:~~

~~14. By the person or entity providing a wire or electronic communications service;~~

~~15. By a user of that service with respect to a communication of or intended for that user; or~~

~~16. By sections 18 U.S.C. 2703, 2704, or 2518.~~

~~18 U.S.C. 2701(c)~~

Definitions	
<i>Electronic Communication</i>	~~“Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects interstate or foreign commerce. 18 U.S.C. 2510(12), 2711(1)~~
<i>Electronic Storage</i>	~~“Electronic storage” means:~~ ~~17. Any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and~~ ~~18. Any storage of such communication by an electronic communication service for purposes of backup protection of such communication.~~ ~~18 U.S.C. 2510(17), 2711(1)~~ The term encompasses only the information that has been stored by an electronic communication service provider. Information that an individual stores to the individual’s hard drive or cell phone is not in electronic storage under the statute. <u>Garcia v. City of Laredo</u>, 702 F.3d 788 (5th Cir. 2012)
<i>Electronic Communications System</i>	~~“Electronic communications system” means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications. 18 U.S.C. 2510(14), 2711(1)~~
<i>Electronic Communication Service</i>	~~“Electronic communication service” means any service which provides to users thereof the ability to send or receive wire or electronic communications. 18 U.S.C. 2510(15), 2711(1)~~
<i>Facility</i>	~~“Facility” includes servers operated by electronic communication service providers for the purpose of storing and maintaining electronic storage. The term does not include technology, such as cell phones and computers, that enables the use of an electronic communication service. <u>Garcia v. City of Laredo</u>, 702 F.3d 788 (5th Cir. 2012)~~
<i>Person</i>	~~“Person” means any employee, or agent of the United States or any state or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation. 18 U.S.C. 2510(6), 2711(1)~~

Options

A district shall extend workers' compensation benefits to its employees by choosing one of the following options:

1. Becoming a self-insurer.
2. Providing insurance under workers' compensation insurance contracts or policies.
3. Entering into interlocal agreements with other political subdivisions providing for self-insurance.

Labor Code 504.011

Definition

For the purposes of this policy, "employee" means every person in the service of a district who has been employed as provided by law or for whom the district provides optional coverage. No person paid on a basis other than by the hour, day, week, month, or year shall be considered an "employee." *Labor Code 504.001, .014*

Optional Coverages

By majority vote of the board, a district may cover as employees an elected official or persons paid for service in the conduct of an election. *Labor Code 504.012(b)*

Notice

A district shall notify the Texas Department of Insurance (TDI) of the method by which district employees shall receive benefits, the approximate number of employees covered, and the estimated amount of payroll. Notice of the provision for workers' compensation benefits and the effective date of the coverage shall be given a district's employees. *Labor Code 504.018*

Report to Carrier

First Report of
Injury

A district shall provide to the district's insurance carrier a report on each:

1. Death;
2. On-the-job injury that results in an employee's absence from work for more than one day; and
3. Occupational disease of which the district has received notice of injury or has knowledge. "Knowledge" means receipt of written or verbal information regarding diagnosis or diagnosis through examination or testing by a doctor employed by the district.

The report shall contain the information and be in the form, format, and manner prescribed by the TDI, and be filed no later than the eighth day after the employee's absence from work for more than one day or upon first knowledge of absence for more than one day. A district shall maintain a record of the date the report of injury is filed with the insurance carrier.

Copy to Employee	A copy of the report of injury, including a summary of the employee's rights and responsibilities under the Texas Labor Code, shall be sent to the injured employee at the time the report is filed with the insurance carrier. The summary shall be written in plain language in English and Spanish, or in English and any other language common to the employee, and shall contain the words prescribed by the TDI.
Notice of Modified Duty Program	A district shall, on the written request of the employee, a doctor, the insurance carrier, or the TDI, notify the employee, the employee's treating doctor if known to the district, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the district. If those opportunities or that program exists, a district shall identify the district's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.
Supplemental Report of Injury	A supplemental report shall be filed with a district's insurance carrier and provided to the employee within ten days after: 1. The end of each pay period in which the employee has a change in earnings, including all post-injury earnings as defined in 28 Administrative Code Chapter 129 [see Offsetting Paid Leave Against Workers' Compensation Income Benefits, below], as a result of the injury; or 2. The employee resigns or is terminated. A district's duty to file supplemental reports continues until the employee reaches "maximum medical improvement" or is no longer employed by the district and the district has made the required report. For injuries that require the filing of a first report of injury, a district shall file the supplemental report with the district's insurance carrier and provide a copy to the employee within three days after: 1. The employee begins losing time from work as a result of the injury; 2. The employee returns to work; or 3. The employee, after returning to work, experiences an additional day of disability as a result of the injury. A district shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.

Labor Code 409.005; 28 TAC 120.2, .3

**Injury and
Occupational
Disease Report**

A district's report of injury filed in accordance with Texas Labor Code 409.005 [see First Report of Injury, above] shall satisfy the district's requirement to file an injury and occupational disease report under Texas Labor Code 411.032. *28 TAC 160.3*

Wage Reports

A district is required to timely file a complete wage statement on a form prescribed by the TDI.

The wage statement shall be filed with the carrier, the claimant, and any claimant representative. The wage statement should be filed and received within 30 days of the earliest of:

1. The date a district is notified that the employee is entitled to income benefits; or
2. The date of the employee's death as a result of a compensable injury.

A subsequent wage statement shall be filed with the carrier, the claimant, and any claimant representative within seven days of a change in any wage information provided on the previous wage statement. A wage statement shall also be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

**Ombudsman
Program**

A district shall notify its employees, in the manner prescribed by the Office of Injured Employee Counsel, of the ombudsman program to assist injured workers and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act.

A district that employs first responders, as defined in Labor Code 504.055, or supervises volunteer first responders shall notify the first responders, in the manner prescribed by the Office of Injured Employee Counsel, of the first responder liaison who shall assist an injured first responder during a workers' compensation administrative dispute resolution process.

Labor Code 404.151, .1525, .153; 28 TAC 276.5

**Reports of Safety
Violations**

A district shall notify its employees, in the manner prescribed by the TDI, of the 24-hour-a-day toll-free telephone system for reporting violations of an occupational health or safety law. A district shall not suspend, terminate, or otherwise discriminate against an employee for making a good faith report of a violation of an occupational health or safety law. *Labor Code 411.081, .082*

**Relation to Paid
Leave**

Once temporary income benefits (TIBs) accrue, an injured employee is entitled to TIBs to compensate the employee for lost wages due to the compensable injury during a period in which the

employee has a disability and has not reached maximum medical improvement.

"Lost wages" are the difference between the employee's gross average weekly wage (AWW) and the employee's gross post-injury earnings (PIE). If the employee's PIE equals or exceeds the employee's AWW, the employee has no lost wages.

"Post-injury earnings" include, among several other components:

1. The value of any full days of accrued sick or annual leave that the employee voluntarily elects to use after the date of injury; and
2. The value of any partial days of accrued or annual leave that the employee has voluntarily elected to use after the date of injury that, when combined with the employee's TIBs, exceeds the AWW.

28 TAC 129.2

Offsetting Paid
Leave Against
Workers'
Compensation
Income Benefits

A board may provide that while an employee is receiving workers' compensation benefits, the employee may elect to receive previously accrued sick leave benefits in an amount equal to the difference in the workers' compensation benefits and the weekly compensation the employee was receiving before the injury that resulted in the claim, with a proportionate deduction in the employee's sick leave balance. *Labor Code 504.052* [See DEC(LO-CAL)]

Unless a board adopts the option provided by Labor Code 504.052, sick leave benefits and annual leave benefits shall not be offset against benefits paid under the Workers' Compensation Law. *Atty. Gen. Op. JC-0040 (1999)*

Prohibited Discrimination

A person may not discharge or in any other manner discriminate against an employee because the employee has:

1. Filed a workers' compensation claim in good faith.
2. Hired a lawyer to represent the employee in a claim.
3. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers' Compensation Act.
4. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Labor Code 451.001

A person who violates the above provision is liable for reasonable damages incurred by the employee as a result of the violation, and

an employee discharged in violation of the above provision is entitled to reinstatement in the former position of employment. The burden of proof in a proceeding alleging violation of the above provision is on the employee. *Labor Code 451.002*

Claims by First
Responder

A first responder, as defined in Government Code 421.095, who alleges a violation of Labor Code 451.001 [at Prohibited Discrimination, above] by a district that employs the first responder may sue the district for relief provided by Labor Code Chapter 451. Sovereign or governmental immunity from suit is waived and abolished to the extent of liability created by Chapter 451. To the extent a person has official or individual immunity from a claim for damages, these provisions do not affect that immunity. *Labor Code 451.0025*

Note: A retaliatory discharge claim may not be brought against a school district without its consent. Except as stated above, current state law does not waive a school district's immunity and provide consent. *Labor Code 504.053(e); Travis Cent. Appraisal Dist. v. Norman*, 342 S.W.3d 54 (Tex. 2011)

Leaves of Absence

A district shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent from the employee's workers' compensation claim. *Atty. Gen. Op. JM-227 (1984)*

~~A district that terminates an employee [See DEC(LEGAL)] for violating a reasonable information on absence -control policy cannot be liable for prohibited discrimination as long as the rule is uniformly enforced. *Continental Coffee Products Co. v. Cazarez*, 937 S.W.2d 444 (Tex. 1996) [See DEC].]~~

Facilities Standards	All new facilities must meet the commissioner's standards for adequacy of school facilities to be eligible to be financed with state or local tax funds. <i>Education Code 46.008</i>
State Standards After January 1, 2004	The requirements for school facility standards set out in 19 Administrative Code 61.1036 ("section 61.1036") apply to projects for new construction or major space renovations approved by a board or its authorized representative on or after January 1, 2004. <i>19 TAC 61.1036(b)</i>
Definitions	"Major space renovation" means renovations to all or part of the facility's instructional space where the scope of the work in the affected part of the facility involves substantial renovations to the extent that most existing interior walls and fixtures are demolished and then subsequently rebuilt in a different configuration and/or function. Other renovations associated with repair or replacement of architectural interior or exterior finishes, fixtures, equipment, and electrical, plumbing, and mechanical systems are not subject to space or educational adequacy requirements of section 61.1036(d) and (e), but shall comply with applicable building codes under section 61.1036(f). <i>19 TAC 61.1036(a)(10)</i> "Educational program" means a written document, developed and provided by a district, that includes the following information: 1. A summary of the school district's educational philosophy, mission, and goals; and 2. A description of the general nature of the district's instructional program in accordance with the 19 Administrative Code 74.1 (relating to Essential Knowledge and Skills). The written educational program should describe: a. The learning activities to be housed, by instructional space; b. How the subject matter will be taught (methods of instructional delivery); c. The materials and equipment to be used and stored; d. Utilities and infrastructure needs; and e. The characteristics of furniture needed to support instruction. <i>19 TAC 61.1036(a)(2)</i> "Educational specifications" means a written document for a proposed new school facility or major space renovation that includes a description of the proposed project, expressing the range of issues

and alternatives. School districts that do not have personnel on staff with experience in developing educational specifications shall use the services of a design professional or consultant experienced in school planning and design to assist in the development of the educational specifications. The school district shall allow for input from teachers, other school campus staff, and district program staff in developing the educational specifications. The following information should be included in the educational specifications:

1. The instructional programs, grade configuration, and type of facility;
2. The spatial relationships—the desired relationships for the functions housed at the facility:
 - a. Should be developed by the school district to support the district's instructional program;
 - b. Should identify functions that should be:
 - (1) Adjacent to, immediately accessible;
 - (2) Nearby, easily accessible; and
 - (3) Removed from or away from; and
 - c. Should relate to classroom/instructional functions, instructional support functions, building circulation, site activities/functions, and site circulation.
3. Number of students;
4. A list of any specialized classrooms or major support areas, noninstructional support areas, outdoor learning areas, outdoor science discovery centers, living science centers, or external activity spaces;
5. A schedule of the estimated number and approximate size of all instructional and instructional support spaces included in the facility;
6. Estimated budget for the facility project;
7. School administrative organization;
8. Provisions for outdoor instruction;
9. Hours of operation that include the instructional day, extracurricular activities, and any public access or use;
10. The safety of students and staff in instructional programs, such as science and vocational instruction; and

11. The overall security of the facility.

19 TAC 61.1036(a)(3)

Certification of
Design and
Construction

The school district shall notify and obligate the architect or engineer to provide the required certification.

“Certify” indicates that the architect or engineer has reviewed the standards contained in 19 Administrative Code Chapter 61 and used the best professional judgment and reasonable care consistent with the practice of architecture or engineering in the state of Texas in executing the construction documents. The architect or engineer also certifies that these documents conform to the provisions of section 61.1036, except as indicated on the certification. The architect's or engineer's signature and seal on the construction documents shall certify compliance.

To ensure that facilities have been designed and constructed according to the provisions of section 61.1036, each involved party shall execute responsibilities as set forth in section 61.1036(c)(3).

19 TAC 61.1036(c)

Construction Quality
*Districts with
Building Codes*

A district located in an area that has adopted local construction codes shall comply with those codes (including building, fire, plumbing, mechanical, fuel gas, energy conservation, and electrical codes). If the local building authority does not require a plan review, then a qualified, independent third party, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building code. If the local building authority does not conduct reviews and inspections during the course of construction of the facility, then a qualified, independent third party, not employed by the design architect or engineer or contractor, should perform a reasonable number of reviews and inspections during the course of construction for compliance with the requirements of the adopted building code. *19 TAC 61.1036(f)(1)(A), (D)*

*Districts without
Building Codes*

A district located in an area that has not adopted local building codes shall adopt and use the building code and related fire, plumbing, mechanical, fuel gas, and energy conservation codes from the latest edition of the family of International Codes as published by the International Code Council (ICC); and the National Electric Code as published by the National Fire Protection Association (NFPA). As an alternative, a district may adopt the building code and related codes as adopted by a nearby municipality or county. A qualified, independent third party, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building

code. A qualified, independent third party, not employed by the design architect or engineer or contractor, should perform a reasonable number of reviews and inspections during the course of construction for compliance with the requirements of the adopted building code. *19 TAC 61.1036(f)(2)(A), (D)*

International
Energy
Conservation
Code

The International Energy Conservation Code as it existed on May 1, 2015, is adopted as the energy code for use in this state for all commercial construction. *Health and Safety Code 388.003(b); 34 TAC 19.53(b)*

Because a public school building is not a residential building, it falls within the scope of “commercial” construction for purposes of the International Energy Conservation Code and likely for purposes of Health and Safety Code Chapter 388. *Atty. Gen. Op. KP-148 (2017)*

Fire Protection

Fire alarms shall be provided. Districts should consider providing automatic sprinkler systems for fire protection, fire suppression, and life safety. *19 TAC 61.1036(f)(1)(B)–(C), (f)(2)(B)–(C)*

**State Standards
Before January 1,
2004**

The requirements for school facility standards set out in 19 Administrative Code 61.1033 apply to projects for new construction and major space renovations approved by a board before January 1, 2004. *19 TAC 61.1033(b)*

Fire Escapes

School buildings of at least two stories shall be equipped with fire escapes as required by law. *Health and Safety Code 791.002, .035, .036*

Security Criteria

A district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using Instructional Facilities Allotment funds shall consider, in the design of the instructional facility, appropriate security criteria. *Education Code 46.0081*

Accessibility

No qualified individual with a disability shall, because a district’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in or be denied the benefits of the services, programs, and activities of a district or be subject to discrimination. *42 U.S.C. 12132; 28 C.F.R. 35.149; 29 U.S.C. 794; 34 C.F.R. 104.21*

A district shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. A district is not required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.

A district may comply with these requirements by:

1. Redesigning or acquisitioning equipment.
2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities that comply with 34 C.F.R. 104.23 and 28 C.F.R. 35.151.
8. Any other methods that result in making services, programs, and activities accessible to individuals with disabilities.

A district is not required to make structural changes in existing facilities when other methods will achieve compliance with Title II of the Americans with Disabilities Act and its implementing regulation. In choosing among available alternatives for meeting these requirements, a district shall give priority to methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

28 C.F.R. 35.150; 34 C.F.R. 104.22

Review of Plans

All plans and specifications for construction or for the substantial renovation or modification of a building or facility that has an estimated construction cost of \$50,000 or more shall be submitted to the Department of Licensing and Regulation for review and approval. A district as owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, or modification of the building or facility to begin before the date the plans and specifications are submitted to the Department by the architect, interior designer, landscape architect, or engineer.

A district, as owner of each building or facility that has an estimated construction, renovation, or modification cost of at least \$50,000, is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation not later than the first anniversary of the date that construction or substantial renovation or modification of the building or facility is completed. The inspection must be performed by the Department, an entity with whom the Commission contracts, or a person who holds a certificate of registration to perform inspections.

Gov't Code 469.101, .102(a), (c), .105

Notice	A district shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. <i>34 C.F.R. 104.22(f)</i>
Relocatable Educational Facility	In this section, “relocatable educational facility” means a portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required under Education Code 28.002. A relocatable educational facility that is purchased or leased on or after January 1, 2010, must comply with all provisions applicable to industrialized buildings under Occupations Code Chapter 1202. <i>Occupations Code 1202.004</i> Any portable, modular building capable of being relocated that is purchased or leased for use as a school facility by a district, whether that building is manufactured off-site or constructed on-site, must comply with all provisions of 19 Administrative Code 61.1036. <i>19 TAC 61.1036(a)(11), (f)(3)</i>
Playgrounds	Public funds may not be used to purchase or install: 1. Playground equipment that: a. Does not comply with each applicable provision of ASTM Standard F1487-07ae1, “Consumer Safety Performance Specification for Playground Equipment for Public Use,” published by ASTM International; or b. Has a horizontal bare metal platform or a bare metal step or slide, unless the bare metal is shielded from direct sun by a covering provided with the equipment or by a shaded area in the location where the equipment is installed; 2. Surfacing for the area under and around playground equipment if the surfacing will not comply with each applicable provision of ASTM Standard F2223-04e1, “Standard Guide for ASTM Standards on Playground Surfacing,” published by ASTM International.
Exception	Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 2009, even if the equipment or surfacing does not comply with the applicable specifications described above. <i>Health and Safety Code 756.061</i>

Outdoor Lighting

An outdoor lighting fixture may be installed, replaced, maintained, or operated using state funds only if it meets standards for state-funded outdoor lighting fixtures in Health and Safety Code Chapter 425.

Exceptions

The standards for state-funded outdoor lighting fixtures do not apply if:

1. A federal law, rule, or regulation preempts state law;
2. The fixture is used on a temporary basis;
3. Because emergency personnel temporarily require additional illumination for emergency procedures;
4. For nighttime work;
5. Special events or circumstances require additional illumination;
6. The fixture is used solely to enhance the aesthetic beauty of an object; or
7. A compelling safety interest cannot be addressed by another method.

Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

Health and Safety Code 425.002

Natural Gas Piping Pressure Testing

A district shall perform biennial pressure tests on the natural gas piping system in a school facility before the beginning of the school year. A district with more than one facility may perform the testing on a two-year cycle under which the district pressure tests the natural gas piping system in approximately one-half of the facilities each year. If a district operates the facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the pressure test is performed.

A natural gas piping pressure test performed under a municipal code in compliance with Railroad Commission rules shall satisfy the pressure testing requirements.

Utilities Code 121.502; 16 TAC 8.230(c)(1), (4)

Requirements of Test

A district shall perform the pressure test to determine whether the natural gas piping downstream of a district facility's meter holds at

least normal operating pressure over a specified period determined by the Railroad Commission. During the pressure test, each system supply inlet and outlet in the facility must be closed. The pressure test shall be performed by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in developing a procedure for conducting the test. *Utilities Code 121.503; 16 TAC 8.230(c)(2), (3)*

Notice

A district shall provide written notice to the district's natural gas supplier specifying the date and result of each pressure test or other inspection. The supplier shall develop procedures for receiving such written notice from the district. *Utilities Code 121.504(a); 16 TAC 8.230(b)(1)*

Termination of Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or
2. A test or other inspection is not performed as required.

Utilities Code 121.505(a)

A supplier shall develop procedures for terminating service to a district if the supplier:

1. Receives notification of a hazardous natural gas leak in the school facility piping system; or
2. Does not receive written notification from the district specifying the completion date and results of the testing.

16 TAC 8.230(b)(2)

Reporting Leaks

An identified natural gas leakage in a district facility must be reported to the board. The firm or individual conducting the natural gas piping pressure test shall immediately report any hazardous natural gas leak in a district facility to the board and the natural gas supplier. *Utilities Code 121.506; 16 TAC 8.230(c)(6)*

LP-Gas Systems Testing

At least biennially, a district shall perform leakage tests on the LP-gas piping system in each district facility before the beginning of the school year. The district may perform the leakage tests on a two-year cycle under which the tests are performed for the LP-gas piping systems of approximately half of the facilities each year. If a district operates one or more district facilities on a year-round calendar, the leakage test in each of those facilities must be conducted and reported not later than July 1 of the year in which the test is performed.

A test performed under a municipal code satisfies the testing requirements.

Natural Resources Code 113.352; 16 TAC 9.41

Requirements of Test

A district shall perform the leakage test to determine whether the LP-gas piping system holds at least the amount of pressure specified by the Railroad Commission. The leakage test must be conducted in accordance with Railroad Commission rules at 16 Administrative Code 9.41. The leakage test shall be conducted by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in providing for the certification of a district employee to conduct the test and in developing a procedure for conducting the test. *Natural Resources Code 113.353; 16 TAC 9.41(b)–(d)*

Notice

Before the introduction of any LP-gas into the LP-gas piping system, a district shall provide verification to its supplier that the piping has been tested.

Documentation

A district shall retain documentation specifying the date and the result of each leakage test or other inspection of each LP-gas piping system until at least the fifth anniversary of the date the test or other inspection was performed. The Railroad Commission may review a district's documentation of each leakage test or other inspection conducted by the district.

Natural Resources Code 113.354; 16 TAC 9.41(b)(~~2~~–(~~3~~)–(~~4~~))

Termination of Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the district, ~~the LP-gas licensee~~, or the person conducting the test that there is leakage in a school LP-gas system;
2. The leakage test performed on a school LP-gas system was not performed as required; or
3. The supplier has not received a copy of the required form from the district verifying that the LP-gas system has been tested in accordance with 16 Administrative Code 9.41.

Natural Resources Code 113.355; 16 TAC 9.41(e)

Reporting Leaks

An identified school LP-gas leakage in a school district facility shall be reported to the board. The district shall immediately remove the affected school district facility from LP-gas service until repairs are made and it passes a subsequent school LP-gas system leakage test. If a district employee performs the initial test, then the subsequent test may not be performed by a district employee. *Natural Resources Code 113.356; 16 TAC 9.41(b)(~~4~~2)*

Definitions

“School district facility” means each building or structure operated by a school district and equipped with a school LP-gas system, in which students receive instruction or participate in school sponsored extracurricular activities, excluding maintenance or bus facilities, vehicle fueling facilities, administrative offices, and similar facilities not regularly used by students.

“School LP-gas system” means all piping, fittings, valves, regulators, appliance connectors, equipment, and connections supplying fuel gas from the outlet of the shutoff valve at each LP-gas storage container or upstream of each meter to the shutoff valve(s) on each appliance in a school district facility.

16 TAC 9.41(a)(4)–(5)

**Intrastate Pipeline
Emergency
Response Plan**

The Railroad Commission shall require the owner or operator of each intrastate hazardous liquid or carbon dioxide pipeline facility, any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of another public school facility where students congregate, to:

1. On written request from a district, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:
 - a. A description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;
 - b. A list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;
 - c. The designated emergency number for the pipeline facility operator;
 - d. Information on the state’s excavation one-call system; and
 - e. Information on how to recognize, report, and respond to a product release; and
2. Mail a copy of the requested items by certified mail, return receipt requested, to the superintendent of the district in which the school building or facility is located.

A pipeline operator or the operator’s representative shall appear at a regularly scheduled board meeting to explain the above items if requested by the board or district.

The Railroad Commission may not require the release of parts of an emergency response plan that include security sensitive information, including maps or data. Security sensitive information shall be made available for review by but not provided to the board.

Natural Resources Code 117.012(k)–(m); 16 TAC 8.315

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4. Pantomimes and choreographic works;
5. Pictorial, graphic, and sculptural works;
6. Motion pictures and other audiovisual works;
7. Sound recordings; and
8. Architectural works.

In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

17 U.S.C. 102

~~Ownership of Copyright~~

Copyright in a work protected under ~~United States~~ copyright law vests initially in the author or authors of the work. The authors of a joint work are co-owners of copyright in the work. *17 U.S.C. 201(a)*

Work for Hire

In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of ~~United States~~ copyright law, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright. *17 U.S.C. 201(b)*

A “work made for hire” is:

1. A work prepared by an employee within the scope of his or her employment; or

2. A work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

A “supplementary work” is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwards, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes.

An “instructional text” is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities.

17 U.S.C. 101

~~Transfer-of~~ ~~Ownership~~

The ownership of a copyright may be transferred in whole or in part by any means of conveyance or by operation of law, and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession. Any of the exclusive rights comprised in a copyright, including any subdivision of any of the rights specified by 17 U.S.C. 106, may be transferred and owned separately. The owner of any particular exclusive right is entitled, to the extent of that right, to all of the protection and remedies accorded to the copyright owner. [17 U.S.C. 201\(d\)](#)

~~17 U.S.C. 201(d)~~

Registering-a Copyright [Registration](#)

At any time during the subsistence of the first term of copyright in any published or unpublished work in which the copyright was secured before January 1, 1978, and during the subsistence of any copyright secured on or after that date, the owner of copyright or of any exclusive right in the work may obtain registration of the copyright claim by ~~registering in accordance with~~ [delivering to the Copyright Office the deposit specified by 17 U.S.C. 408–, together with the application and fee specified by 17 U.S.C. 409 and 708](#). Such registration is not a condition of copyright protection. [17 U.S.C. 408\(a\)](#)

Exclusive Rights

Subject to 17 U.S.C. 107–122; [\(limitations on and scope of exclusive rights\)](#), the owner of a copyright has the exclusive rights:

1. To reproduce the copyrighted work in copies or phonorecords;

2. To prepare derivative works based upon the copyrighted work;
3. To distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
4. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
5. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
6. In the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

*17 U.S.C. 106**Fair Use*

~~An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use.~~ Notwithstanding the provisions of 17 U.S.C. 106 above and 106a (rights of authors of visual art works), the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by ~~17 U.S.C. 106~~ that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. ~~The following factors shall be considered~~ In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

1. The purpose and character of the use, including whether ~~the~~such use is of a commercial nature or for nonprofit educational purposes.
2. The nature of the copyrighted work.
3. The amount and ~~importance~~substantiality of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

*17 U.S.C. 107**Performances and Displays*

~~Additional exceptions related to~~ Notwithstanding the provisions of 17 U.S.C. 106, certain performances and displays ~~include~~ set out in

17 U.S.C. 110 are not infringements of copyright, including performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under ~~United States Title 17 Copyright Law~~, and that the person responsible for the performance knew or had reason to believe was not lawfully made. 17 U.S.C. 110(1)

~~Guidelines~~

~~Employees who wish to use copyrighted print material and sheet music shall follow the guidelines set forth in the "Agreement on Guidelines for Classroom Copying in Not for Profit Educational Institutions" and "Guidelines for Educational Uses of Music." These guidelines establish a minimum guaranteed fair use, not a maximum. Any use that falls within those guidelines is a fair use; any use that exceeds those guidelines shall be judged by the four factors stated above and may be subject to challenge. Any determination regarding whether a use that exceeds the guidelines is a fair use shall rest with an appropriate court of law.~~

~~Prohibitions~~

~~Notwithstanding the fair use guidelines, the following shall be prohibited:~~

- ~~1. Copying of print materials and sheet music to create or replace or substitute for anthologies, compilations, or collective works. This prohibition against replacement or substitution applies whether copies of various works or excerpts are accumulated, or reproduced and used separately.~~
- ~~2. Copying of or from works intended to be "consumable" in the course of study or teaching. These works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.~~

~~Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term.~~

~~No charge shall be made to the student beyond the actual cost of the photocopying.~~

~~Additional prohibitions regarding the use of music are:~~

- ~~3. Copying for the purpose of performance, except as permitted under the "Guidelines for Educational Use of Music."~~

	~~4.—Copying for the purpose of substituting for the purchase of music, except as permitted under the “Guidelines for Educational Use of Music.”~~ ~~5.—Copying without inclusion of the copyright notice that appears on the printed copy.~~
Reference	“Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions” and “Guidelines for Educational Use of Music” contained in the historical note following 17 U.S.C. 107.
<i>Broadcast Programs</i>	Broadcast programs, including commercial and public television and radio, shall not be videotaped or tape recorded for reuse without permission, except within the following guidelines: ~~6.—A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a district for a period not to exceed the first 45 consecutive calendar days after date of recording. At the end of that retention period, off-air recordings shall be erased or destroyed.~~ ~~7.—Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary during the first ten consecutive school days within the 45-calendar-day retention period. “School days” are actual days of instruction, excluding examination periods.~~ ~~8.—Off-air recordings shall be made at the request of and used by individual teachers and shall not be regularly recorded in anticipation of requests. No broadcast program shall be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program is broadcast.~~ ~~9.—A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings shall include the copyright notice on the broadcast program as recorded.~~ ~~10.—After the first ten consecutive school days, off-air recordings may be used up to the end of the 45-calendar-day retention period only to determine whether or not to include the broadcast program in the teaching curriculum and shall not be used in a district for student exhibition or any other nonevaluative purpose without authorization.~~

~~11. Off-air recordings need not be used in their entirety, but the recorded programs shall not be altered from their original content. Off-air recordings shall not be physically or electronically combined or merged to constitute teaching anthologies or compilations.~~

~~17 U.S.C. 107 historical note~~

Copyright
Infringement

Anyone who violates any of the exclusive rights of the copyright owner as provided by 17 U.S.C. 106 through 122 or of the author as provided in 17 U.S.C. 106A(a), or who imports copies or phonorecords into the United States in violation of 17 U.S.C. 602, is an infringer of the copyright or right of the author. The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of 17 U.S.C. 411, to institute an action for any infringement of that particular right committed while he or she is the owner of it. ~~17 U.S.C. 501(a)-(b)~~

17 U.S.C. 501(a)-(b) Online

Note: For information on copyright issues and online distance learning, see the TEACH Act, 17 U.S.C. 110(2) and 112(f).

Digital Millennium
Copyright
Infringement Act

Service Provider

"Service provider"
means: ~~Limitation~~
~~of Liability~~

~~To the extent that a district is a "service provider" (regarding~~

1. As used in 17 U.S.C. 512(a) (item 1 at Limitation of Liability below), an entity offering the transmission, routing, or providing of connections for digital online communications, between or among points specified by a user, of material of the user's choosing, without modification to the content of the material as sent or received.
2. As used in 17 U.S.C. 512, other than subsection (a), a provider of online services) under or network access, or the operator of facilities therefor, and includes an entity described in item 1 above.

~~17 U.S.C. 512(k) and meets other conditions in 17 U.S.C. 512, the district~~

Limitation of
Liability

A service provider shall not be liable for monetary relief or ~~certain~~, except as provided in 17 U.S.C. 512(j), for injunctive or other equitable relief, ~~except as allowed under 17 U.S.C. 512(j), for~~ copyright infringement of copyright by reason of: in certain online services ~~(transitory communications,~~

1. The provider's transmitting, routing, or providing connections for material through a system ~~caching, or network controlled or~~

operated by or for the service provider, or by reason of the intermediate and transient storage of information that material in the course of such transmitting, routing, or providing connections, if 17 U.S.C. 512(a)(1)–(5) are satisfied.

2. The intermediate and temporary storage of material on ~~systems or networks~~ a system or network controlled or operated by or for the service provider in a case in which:

a. The material is made available online by a person other than the service provider;

b. The material is transmitted from the person described above through the system or network to a person other than the person described above at the ~~instruction of~~ direction of that other person; and

c. The storage is carried out through an automatic technical process for the purpose of making the material available to ~~users, and~~ of the system or network who, after the material is transmitted as described in item b, request access to the material from the person described in item a, if the conditions set forth in 17 U.S.C. 512(b)(2) are met.

3. The storage at the direction of a user of material that resides on a system or network controlled or operated by or for the service provider, if the service provider:

a. Does not have actual knowledge that the material or an activity using the material on the system or network is infringing; in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;

b. Does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity; and

c. Upon notification of claimed infringement as described at Notification below responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity.

~~5.4. The provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools) provided by the district. 17 U.S.C.~~

512, including a directory, index, reference, pointer, or hyper-text link, if the service provider:

- a. Does not have actual knowledge that the material or activity is infringing; in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;
- b. Does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity; and
- c. Upon notification of claimed infringement as described at Notification, below, responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity, except that, for purposes of this provision, the information described in item 3 at Notification, below, shall be identification of the reference or link, to material or activity claimed to be infringing, that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate that reference or link.

17 U.S.C. 512(a)–(d)

Designated Agent

The limitations on liability established in item 3 at Limitation of Liability, above, apply to a service provider only if the service provider has designated an agent to receive notifications of claimed infringement described at Notification, below, by making available through its service, including on its website in a location accessible to the public, and by providing to the Copyright Office (the Office), substantially the following information:

1. The name, address, phone number, and electronic mail address of the agent.
2. Other contact information which the Register of Copyrights may deem appropriate.

17 U.S.C. 512(c)(2); 37 C.F.R. 201.38

The Register of Copyrights shall maintain a current directory of agents available to the public for inspection, including through the internet, and may require payment of a fee by service providers to cover the costs of maintaining the directory. 17 U.S.C. 512(c)(2)

<u>Amendment</u>	<u>All service providers must ensure the currency and accuracy of the information contained in designations submitted to the Office by timely updating information when it has changed. A service provider may amend a designation previously registered with the Office at any time to correct or update information.</u>
<u>Renewal</u>	<u>A service provider's designation will expire and become invalid three years after it is registered with the Office, unless the service provider renews such designation by either amending it to correct or update information or resubmitting it without amendment. Either amending or resubmitting a designation, as appropriate, begins a new three-year period before such designation must be renewed.</u> <u>37 C.F.R. 201.38(c)(3)–(4)</u>
<u>Notification</u>	<u>To be effective, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:</u> <u>1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.</u> <u>2. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.</u> <u>3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.</u> <u>4. Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.</u> <u>5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.</u> <u>6. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.</u> <u>17 U.S.C. 512(c)(3)</u>

Disabling or
Removing
Access

Subject to the exceptions below, a service provider shall not be liable to any person for any claim based on the service provider's good faith disabling of access to, or removal of, material or activity claimed to be infringing or based on facts or circumstances from which infringing activity is apparent, regardless of whether the material or activity is ultimately determined to be infringing.

Exceptions

The provision above shall not apply with respect to material residing at the direction of a subscriber of the service provider on a system or network controlled or operated by or for the service provider that is removed, or to which access is disabled by the service provider, pursuant to a notice provided under item 3c at Limitation of Liability, unless the service provider:

1. Takes reasonable steps promptly to notify the subscriber that it has removed or disabled access to the material;
2. Upon receipt of a counter notification described in 17 U.S.C. 512(g)(3), promptly provides the person who provided the notification under item 3c with a copy of the counter notification, and informs that person that it will replace the removed material or cease disabling access to it in ten business days; and
3. Replaces the removed material and ceases disabling access to it not less than ten, nor more than 14, business days following receipt of the counter notice, unless its designated agent first receives notice from the person who submitted the notification under item 3c that such person has filed an action seeking a court order to restrain the subscriber from engaging in infringing activity relating to the material on the service provider's system or network.

17 U.S.C. 512(g)*Eligibility for
Limitations on
Liability*

The limitations on liability established by 17 U.S.C. 512 shall apply to a service provider only if the service provider:

1. Has adopted and reasonably implemented, and informs subscribers and account holders of the service provider's system or network of, a policy that provides for the termination in appropriate circumstances of subscribers and account holders of the service provider's system or network who are repeat infringers; and
2. Accommodates and does not interfere with standard technical measures. The term "standard technical measures" means technical measures that are used by copyright owners to identify or protect copyrighted works and:

- a. Have been developed pursuant to a broad consensus of copyright owners and service providers in an open, fair, voluntary, multi-industry standards process;
- b. Are available to any person on reasonable and nondiscriminatory terms; and
- c. Do not impose substantial costs on service providers or substantial burdens on their systems or networks.

*17 U.S.C. 512(i)**Limited Liability*

Information
Residing on
Systems or
Networks at
Direction of
Users

~~Generally, a service provider shall not be liable for monetary relief, or for injunctive or other equitable relief, for infringement of copyright by reason of the storage at the direction of a user of material that resided on a system or network controlled or operated by or for the service provider, if the service provider:~~

- ~~1. Does not have actual knowledge that the material or activity using the material on the system or network is infringing; in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;~~
- ~~2. Does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity;~~
- ~~3. Upon notification of claimed infringement as described in 17 U.S.C. 512(c)(3), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity; and~~
- ~~4. Has designated an agent to receive notifications of claimed infringement described in 17 U.S.C. 512(c)(3), by making available through its service, including on its Web site in a location accessible to the public, and by providing to the Copyright Office, certain contact information.~~

~~17 U.S.C. 512(c)(1), (2); 37 CFR 201.38~~

Other Online
Services

~~Generally, liability of a service provider for copyright infringement may also be limited upon certain conditions for transitory communications, system caching, and information location tools services. 17 U.S.C. 512(a), (b), (d)~~

~~Disabling or
Removing
Access~~

~~Generally, a service provider shall not be liable to any person for any claim based on the service provider's good faith disabling of access to, or removal of, material or activity claimed to be infringing.~~

~~ing or based on facts or circumstances from which infringing activity is apparent, regardless of whether the material or activity is ultimately determined to be infringing. 17 U.S.C. 512(g)~~

Note: [Trademark](#) information can be found on the [U.S. Patent and Trademark Office \(USPTO\)](#) ~~U.S. Copyright Office~~ website.²

Trademarked Material

Trademark

The term “trademark” includes any word, name, symbol, or device, or any combination thereof, used by a person or which a person has a bona fide intention to use in commerce and applies to register on the principal register [established by United States Code Title 15, Chapter 22](#) to identify and distinguish his or her goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown. [15 U.S.C. 1127](#)

Service Mark

~~The term “service mark” means any word, name, symbol, or device, or any combination thereof, used by a person or which a person has a bona fide intention to use~~

[Trademark Registration](#)

~~The owner of a trademark used in commerce and applies to register~~ [may request registration of its trademark](#) on the principal register to identify and distinguish [by paying](#) the ~~services of one person, including a unique service, from~~ [prescribed fee and filing in](#) the services of others and to indicate the source of the services, even if that source is unknown. Titles, character names, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.

Certification Mark

~~The term “certification mark” means any word, name, symbol, or device, or any combination thereof, used by a person other than its owner or which its owner has a bona fide intention to permit a person other than the owner to use in commerce and files~~ [USPTO](#) an application to register on the principal register to certify regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of [and a verified statement, in](#) such person’s goods or services or that the work or labor on the goods or services was performed by members of a union or other organization.

Collective Mark

~~The term “collective mark” means a trademark or service mark used by the members of a cooperative, an association, or other collective group or organization or which~~ [form as may be prescribed by the director of the USPTO, and](#) such ~~cooperative, association, or other collective group or organization has a bona fide intention to use in commerce and applies to register on the principal~~

~~register and includes marks indicating membership in a union, an association, or other organization.~~

~~15 U.S.C. 1127~~

Registering a Mark

~~Trademarks, service marks, collective marks, and certification marks~~number of specimens or facsimiles of the mark as used as may be ~~registered in accordance with the Trademark Act of 1946,~~required by the director. ~~15 U.S.C. 1051–1142. 15 U.S.C. 1051–1054(a)~~

Duration

Each registration shall remain in force for ten years, except that the registration of any mark shall be canceled by the director unless the owner of the registration files in the USPTO affidavits that meet the requirements of 15 U.S.C. 1058(b) within the time periods specified in 15 U.S.C. 1058(a). 15 U.S.C. 1058

Renewal

Subject to 15 U.S.C. 1058 above, each registration may be renewed for periods of ten years at the end of each successive ten-year period following the date of registration upon payment of the prescribed fee and the filing of a written application, in such form as may be prescribed by the director. Such application may be made at any time within one year before the end of each successive ten-year period for which the registration was issued or renewed, or it may be made within a grace period of six months after the end of each successive ten-year period, upon payment of a fee and surcharge prescribed therefor. 15 U.S.C. 1059(a)

Assignment of Mark

A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark ~~in accordance with 15 U.S.C. 1060.~~ 15 U.S.C. 1060(a)(1)

Liability

Trademark Infringement

Any person shall be liable in a civil action by the registrant for the remedies provided in 15 U.S.C. 1114 if the person, without the consent of the registrant:

1. Uses in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or
2. Reproduces, counterfeits, copies or colorably imitates a registered mark and applies such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used in commerce upon or in connection with the sale, offering for sale, distribution, or advertising of goods or services on or in

connection with which such use is likely to cause confusion, or to cause mistake, or to deceive.

Under item 2 above, the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such imitation is intended to be used to cause confusion, or to cause mistake, or to deceive.

15 U.S.C. 1114(1)

Note: [Patent information](#) can be found on the [U.S. Patent and Trademark Office \(USPTO\)](#) ~~U.S. Patent and Trademark Office (USPTO)~~ website.³

Patents

Invention

~~The term "invention" means invention or discovery. 35 U.S.C. 100(a)~~

Process

~~The term "process" means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material. 35 U.S.C. 100(b)~~

Obtaining a Patent

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement, may obtain a patent, subject to the conditions and requirements of ~~35 U.S.C. 1-376~~, [United States Code Title 35 \(Title 35\)](#). 35 U.S.C. 101

Assignment of Patent

Applications for patent, patents, or any interest therein, shall be assignable in law by an instrument in writing. The applicant, patentee, or his assigns or legal representatives may in like manner grant and convey an exclusive right under his application for patent, or patents, to the whole or any specified part of the United States. 35 U.S.C. 261

[Patent](#) Infringement
of Patents

Except as otherwise provided in [Title 35 U.S.C. 1-376](#), whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States, or imports into the United States any patented invention during the term of the patent, infringes the patent.

Whoever actively induces infringement of a patent shall be liable as an infringer.

Whoever offers to sell or sells within the United States or imports into the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a

staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.

35 U.S.C. 271(a)–(c)

Note: ~~⁴can be found on the USPTO website.~~

¹ U.S. Copyright Office: <https://www.copyright.gov/>

² USPTO on Trademarks: <https://www.uspto.gov/trademark>

³ USPTO on Patents: <https://www.uspto.gov/patent>

⁴ USPTO on Patents: <https://www.uspto.gov/patent>

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
DAB	Genetic Nondiscrimination
DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
~~DBAA~~	~~Criminal History and Credit Reports~~
<u>DBAA</u>	<u>Pre-Employment Reviews</u>
DBB	Medical Examinations and Communicable Diseases
DBD	Conflict of Interest
DBE	Nepotism
DC	EMPLOYMENT PRACTICES
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DCB	Term Contracts
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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
D FE	Resignation

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SECTION D: PERSONNEL

DFF	Reduction in Force
DFFA	Financial Exigency
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

**Nondiscrimination —
in General**

A district shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

1. Race, color, or national origin;
2. Sex;
3. Religion;
4. Age (applies to individuals who are 40 years of age or older);
5. Disability; or
6. Genetic information [see DAB].

42 U.S.C. 1981; 42 U.S.C. 2000e et seq. (Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12111 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. 793, 794 (Rehabilitation Act); 42 U.S.C. 2000ff et seq. (Genetic Information Nondiscrimination Act); U.S. Const. Amend. I; Human Resources Code 121.003(f); Labor Code Ch. 21 (Texas Commission on Human Rights Act); Labor Code Ch. 21, Subch. H (genetic information)

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

**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. ~~A district may not discriminate against a person with whom a bankrupt or debtor has been associated~~, 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

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

**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

**Harassment of
Employees**

A district has an affirmative duty to maintain a working environment free of harassment on the basis of a protected characteristic. 42 U.S.C. 2000e et seq.; 29 C.F.R. 1606.8(a), 1604.11 [See DIA]

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); 34 C.F.R. 100.7(e) (Title VI); 34 C.F.R. 110.34 (Age Act); 42 U.S.C. 12203 (ADA); Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005) (Title IX); Labor Code 21.055 [See DIA]

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

Age Discrimination The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. *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*

Sex Discrimination 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)*

Gender Stereotypes

Pregnancy The prohibition against discrimination on the basis 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*

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. <i>29 U.S.C. 206(d) (Equal Pay Act); 34 C.F.R. 106.54 (Title IX)</i>
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 <i>de minimus</i> (minimal) cost. <i>42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108</i> 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. <i>Civ. Prac. & Rem. Code 110.003</i> 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. <i>Education Code 22.901</i>
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. <i>42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b); Labor Code 21.051</i> 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. <i>34 C.F.R. 300.177(b)</i>
Discrimination Based on Lack of Disability	The Americans with Disabilities Act (ADA) and the Texas Commission on Human Rights Act do not provide a basis for a claim that an individual was subject to discrimination because of the individual's lack of disability. <i>42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b); Labor Code 21.005(c)</i>

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 devices, 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*

“Physical or mental impairment” means:

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 Americans with Disabilities Act]

“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)*

<i>Direct Threat to Health or Safety</i>	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. <i>42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)</i>
<i>Vision Standards and Tests</i>	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. <i>42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)</i>
<i>Communicable Diseases</i>	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. <i>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)</i>
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]. <i>28 C.F.R. 35.140</i>
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). <i>38 U.S.C. 4311</i> [See also DECB]
Grievance Policies 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. <i>34 C.F.R. 104.7(b), .11</i>
Americans with Disabilities Act	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 ADA. <i>28 C.F.R. 35.107, .140</i>
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. <i>34 C.F.R. 106.8(b~~c~~)</i> ; <i>North Haven Board of Education v. Bell</i> , 456 U.S. 512 (1982) [For legally referenced material relating to Title IX grievance procedures, see FFH(LEGAL).]
Compliance Coordinators <u>Section 504</u>	A district that employs fifteen or more persons shall designate at least one ~~employee~~ person to coordinate its efforts to comply with ~~Title IX~~ , Section 504 of the Rehabilitation Act . The district's Section 504 notification [see Section 504 Notice, above] shall also identify the responsible employee so designated. <i>34 C.F.R. 104.7(a), .8(a)</i>
Americans with Disabilities Act	A district that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with ~~Section 504~~, the Age Act, and carry out its responsibilities under the ADA. ~~The district shall notify~~, 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 ~~employees of~~ interested individuals the name, office address, and telephone number of the employee or employees so designated. 28 C.F.R. 35.107(a)
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. 104.7(b), .11; 28 C.F.R. 35.107, .140; 34-34 C.F.R. 106.8(ba)~~
~~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;~~

~~2.1. Suspending the person's license; or~~

~~3.1. Taking other disciplinary action against the person.~~

~~Occupations Code 56.001, .003~~

**Age Discrimination
in Employment Act**

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)

Criminal History Reviews

Definitions

“Criminal history clearinghouse” (clearinghouse) means the electronic clearinghouse and subscription service established by the Department of Public Safety (DPS) to provide criminal history record information to persons entitled to receive that information and to provide updates to such information. A person who is the subject of the criminal history record information requested must consent to the release of the information. *Gov’t Code 411.0845(a), (h)*

“Criminal history record information” (CHRI) means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions. *Gov’t Code 411.082(2)*

“National criminal history record information” (NCHRI) means criminal history record information obtained from DPS under Government Code Chapter 411, Subchapter F, and the Federal Bureau of Investigation (FBI) under Government Code 411.087. *Education Code 22.081(2)*

“Request for CHRI” is the processing and entry of a person’s complete set of fingerprints in DPS’s tenprint database and the comparison of those prints to DPS’s latent print database and if authorized the entry into FBI’s tenprint and comparison to the FBI’s latent print database. *37 TAC 27.172*

Participation in the Criminal History Clearinghouse

The purpose of the clearinghouse is to:

1. Provide authorized entities with the Texas and FBI fingerprint-based criminal history results.
2. Provide authorized entities with subscription and notification service to disseminate updated criminal history information.

Districts shall only submit a request for CHRI on a person who has authorized the access of their information.

Districts may subscribe to a person in the clearinghouse, if the entity has the authority to view the record. Entities shall unsubscribe from a person when it no longer has authority to view a record.

Districts shall validate their subscriptions in accordance with DPS policies. “Validation” is a process whereby the subscriber reviews a subscription to determine whether they are still authorized to receive CHRI on that individual and updates the subscription accordingly. Validations are required on a yearly basis.

Districts shall maintain compliance with the FBI Criminal Justice Information Services Security Policy. Districts shall allow DPS and

the FBI to conduct audits of their clearinghouse accounts to prevent any unauthorized access, use, or dissemination of the information.

37 TAC 27.171, .172(8), .174

Certified Persons The State Board for Educator Certification (SBEC) shall review the NCHRI of a person who is an applicant for or holder of a certificate and who is employed by or is an applicant for employment by a district. *Education Code 22.0831(c)*

Noncertified Employees This section applies to a person who is not an applicant for or holder of a certificate from SBEC and who, on or after January 1, 2008, is offered employment by:

Applicability

1. A district; or
2. A shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present.

[For noncertified employees of a district or shared services arrangement hired before January 1, 2008, see All Other Employees, below.]

Information to DPS and TEA Before or immediately after employing or securing the services of a person subject to this section, a district shall send or ensure that the person sends to DPS information that DPS requires for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide [the Texas Education Agency \(TEA\)](#) with the name of a person to whom this section applies. TEA shall examine the CHRI of the person and notify the district if the person may not be hired or must be discharged under Education Code 22.085.

Employment Pending Review After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

Criminal History A district shall obtain all CHRI that relates to a person subject to this section through the clearinghouse and shall subscribe to the CHRI of that person. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0833; 19 TAC 153.1109(d)

Districts of Innovation A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (Criminal History Records) on an

open-enrollment charter school applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 may result in termination of the district's designation as a district of innovation. [See AF]

Education Code 22.0815

Substitute Teachers	This section applies to a person who is a substitute teacher for a district or shared services arrangement.
<i>Applicability</i>	For purposes of the CHRI review requirements, a "substitute teacher" is a teacher who is on call or on a list of approved substitutes to replace a regular teacher and has no regular or guaranteed hours. A substitute teacher may be certified or noncertified.
<i>Information to DPS and TEA</i>	A district shall send or ensure that a person to whom this section applies sends to DPS information required for obtaining NCHRI, which may include fingerprints and photographs. A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI and certification records of the person and notify the district if the person: 1. May not be hired or must be discharged as provided by Education Code 22.085; or 2. May not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.
<i>Employment Pending Review</i>	After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.
<i>Criminal History</i>	A district shall obtain all CHRI that relates to a person to whom this section applies through the clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI. <i>Education Code 22.0836; 19 TAC 153.1101(5), .1111(d)</i>
Student Teachers	This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate.
<i>Applicability</i>	
<i>Criminal History</i>	A student teacher may not perform any student teaching until: 1. The student teacher has provided to a district a driver's license or another form of identification containing the person's

photograph issued by an entity of the United States government; and

2. The district has obtained from DPS all CHRI that relates to a student teacher. A district may also obtain CHRI relating to a student teacher from any other law enforcement agency, criminal justice agency, or private consumer reporting agency. A district may require a student teacher to pay any costs related to obtaining the CHRI.

Education Code 22.0835

Coordination of Efforts

TEA, SBEC, a district, and a shared services arrangement may coordinate as necessary to ensure that criminal history reviews authorized or required under Education Code Chapter 22, Subchapter C are not unnecessarily duplicated. *Education Code 22.0833(h)*

All Other Employees

A district shall obtain CHRI that relates to a person who is not subject to an NCHRI review under Education Code Chapter 21, Subchapter C and who is an employee of:

1. The district; or
2. A shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.

A district may obtain the CHRI from:

1. DPS;
2. A law enforcement or criminal justice agency; or
3. A private consumer reporting agency [see Consumer Credit Reports, below].

Education Code 22.083(a), (a-1); Gov't Code 411.097

Note: For criminal history record provisions regarding volunteers, see GKG. For provisions on employees of entities that contract with a district, see CJA.

Confidentiality of Record

CHRI that a district obtains from DPS, including any identification information that could reveal the identity of a person about whom CHRI is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

1. Is for the exclusive use of the district; and

2. May be disclosed or used by the district only if, and only to the extent, disclosure is authorized or directed by a statute, rule, or order of a court of competent jurisdiction.

For purposes of these confidentiality provisions, “criminal history record” information does not refer to any specific document provided by DPS, but to the information contained, wholly or partly, in a document’s original form or any subsequent form or use.

A district or an individual may not confirm the existence or nonexistence of CHRI to any person who is not eligible to receive the information.

Gov’t Code 411.084

CHRI obtained by a district, in the original form or any subsequent form, may not be released to any person except the individual who is the subject of the information, TEA, or SBEC, or by court order. The CHRI is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

An employee of a district may request from the district a copy of any CHRI related to that employee that the district has obtained from DPS. The district may charge a fee to provide the information, not to exceed the actual cost of copying the CHRI.

Gov’t Code 411.097(d), (f)

Destruction of CHRI A district shall destroy CHRI obtained from DPS on the earlier of:

1. The date the information is used for the authorized purpose; or
2. The first anniversary of the date the information was originally obtained.

Gov’t Code 411.097(d)(3)

Confidentiality of
Information
Obtained from
Applicant or
Employee

A district may not release information collected about a person in order to obtain CHRI, including the person’s name, address, phone number, social security number, driver’s license number, other identification number, and fingerprint records, except:

1. To comply with Government Code Chapter 22, Subchapter C (criminal records);
2. By court order; or
3. With the consent of the person who is the subject of the information.

In addition, the information is not subject to disclosure under Government Code Chapter 522 (Public Information Act).

The district shall destroy the information not later than the first anniversary of the date the information is received.

Education Code 22.08391

Unauthorized
Disclosure of CHRI

A person commits a Class B misdemeanor if the person knowingly or intentionally:

1. Obtains CHRI in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information; or
2. Violates a DPS rule adopted under Government Code Chapter 411, Subchapter F.

A person commits a second degree felony if the person:

1. Obtains, uses, or discloses CHRI for remuneration or for the promise of remuneration; or
2. Employs another person to obtain, use, or disclose CHRI for remuneration or for the promise of remuneration.

Gov't Code 411.085

Refusal to Hire
Convicted
Applicants

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a CHRI review that the employee or applicant has been:

1. Convicted of or placed on deferred adjudication community supervision for an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
2. Convicted of:
 - a. A felony under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
 - b. An offense under the laws of another state or federal law that is equivalent to an offense under item 1 or 2a, above.

Exception

However, a district is not required to refuse to hire an applicant if the person committed an offense under Title 5, Penal Code and:

1. The date of the offense is more than 30 years before the date the person's employment will begin; and

2. The applicant for employment satisfied all terms of the court order entered on conviction.

Certification to
Commissioner

Each school year, the superintendent shall certify to the commissioner that the district has complied with the above provisions.

Sanctions

SBEC may impose a sanction on an educator who does not refuse to hire an applicant for employment if the educator knew that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with Education Code 21.009(e), or knew or should have known, through a CHRI review, that the applicant has been convicted of or placed on deferred adjudication community supervision for an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See Certification to Commissioner, above]

Termination for
Failure to Disclose

A district may discharge an employee if the district obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to SBEC or to the district. An employee so discharged is considered to have been discharged for misconduct for the purposes of Labor Code 207.044 (unemployment compensation).

Education Code 22.085; 19 TAC 249.15(b)(12), (14) [See DF]

Pre-employment Affidavit

An applicant for a certified or licensed position [see Professional Personnel at DBA(LEGAL)] with a school district, including a district of innovation, must submit, using a form adopted by TEA, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.

An applicant is not precluded from being employed based on a disclosed charge if the district determines based on the information disclosed in the affidavit that the charge was false.

A determination that an employee failed to disclose required information is grounds for termination of employment.

SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Education Code 21.003(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

Education Code 21.009

Do Not Hire Registry

TEA shall develop and maintain an internet portal through which required reports may be confidentially and securely filed and TEA makes available:

1. The registry of persons who are not eligible to be employed in public schools; and
2. Information indicating that a person is under investigation.

Education Code 22.095

TEA shall maintain and make available through its internet portal a registry of persons who are not eligible to be employed by a district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on the registry.

The registry must list:

1. An employee of an open enrollment charter school determined by TEA under Education Code 22.0832 as a person who would not be eligible for educator certification based on their NCHRI;
2. A noncertified person determined by TEA to be not eligible for employment based on the person's CHRI, as provided by Education Code 22.0833 [see DBAA];
3. A person who is not eligible for employment based on CHRI received by TEA under Education Code 21.058(b) indicating that a certified employee is required to register as a sex offender;
4. A person whose certification or permit is revoked by SBEC on a finding that the person engaged in misconduct described by Education Code 21.006(b)(2)(A) or (A-1) [see DHB]; and

5. [A noncertified person who is determined by the commissioner under Education Code 22.094 to have engaged in misconduct described by Education Code 22.093\(c\)\(1\)\(A\) or \(B\) \[see DHC\].](#)

[Education Code 22.092](#)

[Commercial Driver License Drug and Alcohol Clearinghouse](#)

[The U.S. Department of Transportation \(DOT\) operates and maintains a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators in order to improve compliance with DOT's alcohol and controlled substances testing program applicable to commercial motor vehicle operators \[see DHE\] and to enhance the safety of roadways by reducing accidents and injuries involving the misuse of alcohol or use of controlled substances by operators of commercial motor vehicles. 49 U.S.C. 31306a](#)

[Pre-employment Query Required](#)

[A district must not employ a driver subject to controlled substances and alcohol testing under 49 C.F.R. Part 382 to perform a safety-sensitive function without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse to obtain information about the driver's previous test results.](#)

[Annual Query Required](#)

[A district must conduct a query of the federal Drug and Alcohol Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 49 C.F.R. Part 382 to determine whether information exists about those employees.](#)

[Prohibition](#)

[A district may not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a prohibited test result.](#)

[Recordkeeping Required](#)

[A district must retain for three years a record of each query and all information received in response to each query made under this section.](#)

[49 C.F.R. 382.701](#)

Consumer Credit Reports

Definitions

“Adverse action” includes a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

“Consumer report” includes any information from a consumer reporting agency that is used or expected to be used as a factor in establishing the person's eligibility for employment.

“Consumer reporting agency” is an agency that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or

evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

“Employment purposes” when used in connection with a consumer report means a report used for the purpose of evaluating a person for employment, promotion, reassignment, or retention as an employee.

15 U.S.C. 1681a

Obtaining Reports

A district may not procure a consumer report for employment purposes unless:

1. The district has provided the applicant or employee a written disclosure that a consumer report may be obtained for employment purposes; and
2. The applicant or employee has authorized in writing the procurement of the consumer report.

Adverse Action

Before taking any adverse action based on the consumer report, a district shall provide the applicant or employee a copy of the consumer report and a written description of the person’s rights under the Fair Credit Reporting Act, as prescribed by the Federal Trade Commission.

15 U.S.C. 1681b(b)(2)

Address
Discrepancies

“Notice of address discrepancy” means a notice sent to a user by a consumer reporting agency that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency’s file for the consumer.

A district must develop and implement reasonable policies and procedures designed to enable the district, when it receives a notice of address discrepancy, to form a reasonable belief that a consumer report relates to the consumer about whom it has requested the report.

If a district regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which it received the notice of address discrepancy, the district must also develop and implement reasonable policies and procedures for furnishing an address for the consumer, which the district has reasonably confirmed is accurate, to the consumer reporting agency.

16 C.F.R. 641.1

Disposal of Records A district must properly dispose of a consumer report by taking reasonable measures to protect against unauthorized access to or use of the information.

“Dispose” includes discarding or abandoning the consumer report, or selling, donating, or transferring any medium, including computer equipment, upon which the consumer report is stored.

Examples of reasonable measures include:

1. Burning, pulverizing, or shredding papers containing a consumer report so the information cannot practicably be read or reconstructed;
2. Destroying or erasing electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or
3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of the consumer report.

16 C.F.R. 682.3

- Employment Policies** A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:
1. A board employs and evaluates the superintendent;
 2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];
 3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP];
 4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and
 5. Each employee has the right to present grievances to the board. [See Grievances, below]

Education Code 11.1513

- Tax Identifier** A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. *Education Code 11.1514* [See DBA]
- Contract Positions** A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)* [See DCB and DCC]
- Delegation of Authority** A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. *Education Code 11.1513(c)* [For nepotism implications, see BBFB and DBE]
- Internal Auditor** If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. *Education Code 11.170* [See CFC]
- Superintendent Recommendation** A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. *Education Code 11.1513(b)*

**Pre-employment
Affidavit**

~~An applicant for a certified or licensed position [see Professional Personnel at DBA(LEGAL)] with a school district, including a district of innovation, must submit, using a form adopted by the Texas Education Agency (TEA), a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.~~

~~An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.~~

~~An applicant is not precluded from being employed based on a disclosed charge if the district determines based on the information disclosed in the affidavit that the charge was false.~~

~~A determination that an employee failed to disclose required information is grounds for termination of employment.~~

~~The State Board for Educator Certification (SBEC) may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Education Code 21.003(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.~~

Education Code 21.009**TEA Internet Portal**

~~TEA shall develop and maintain an internet portal through which required reports may be confidentially and securely filed and TEA makes available:~~

~~6. The registry of persons who are not eligible to be employed in public schools; and~~

~~7. Information indicating that a person is under investigation.~~

Education Code 22.095**Registry of Persons
Not Eligible for
Employment**

~~TEA shall maintain and make available through its internet portal a registry of persons who are not eligible to be employed by a district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.~~

~~A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on the registry.~~

~~The registry must list:~~

- ~~8. An employee of an open enrollment charter school determined by TEA under Education Code 22.0832 as a person who would not be eligible for educator certification based on their national criminal history record information (NCHRI);~~
- ~~9. A noncertified person determined by TEA to be not eligible for employment based on the person's criminal history record information (CHRI), as provided by Education Code 22.0833 [see DBAA];~~
- ~~10. A person who is not eligible for employment based on CHRI received by TEA under Education Code 21.058(b) indicating that a certified employee is required to register as a sex offender;~~
- ~~11. A person whose certification or permit is revoked by SBEC on a finding that the person engaged in misconduct described by Education Code 21.006(b)(2)(A) or (A-1) [see DHB]; and~~
- ~~12. A noncertified person who is determined by the commissioner under Education Code 22.094 to have engaged in misconduct described by Education Code 22.093(c)(1)(A) or (B) [see DHC].~~

~~Education Code 22.092~~

Posting of Vacancies

A district's employment policy must provide that not later than the tenth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:

1. Notice of the position by posting the position on:
 - a. A bulletin board at:
 - (1) A place convenient to the public in the district's central administrative office, and
 - (2) The central administrative office of each campus during any time the office is open; or
 - b. The district's internet website, if the district has a website; and
2. A reasonable opportunity to apply for the position.

Education Code 11.1513(d)

Exception	If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. <i>Education Code 11.1513(e)</i>
Grievances	A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of a district, except that the policy may prohibit ex parte communication relating to: 1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and 2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board. <i>Education Code 11.1513(i)–(j)</i> [See DGBA]
Transfers	A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. <i>Education Code 11.1513(c)(3)</i> [See DK]
Contract Employees	A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. <i>Education Code 21.002</i>
Classroom Teacher	"Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. <i>Education Code 5.001(2)</i>
Minimum Length of Contract	A contract between a district and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. <i>Education Code 21.401(a), (b)</i>
<i>Proportionate Reduction</i>	If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's aca-

demic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator's salary. *Education Code 21.401(c-1)*

*Commissioner
Waiver*

The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduction by the commissioner does not reduce an educator's salary. *Education Code 21.401(c), 25.081(b)*

Educational Aides

A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.363(f)*

**Employment of
Retirees**

A district shall file a monthly certified statement of employment of a retiree in the form and manner required by TRS. A district shall inform TRS of changes in status of the district that affect the district's reporting responsibilities.

The certified statement must include information regarding:

1. Employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the district that employees of the district would otherwise perform or provide; and
2. Retirees who retired within twelve full, consecutive calendar months of the month of the monthly certified statement and are performing duties or providing services for or on behalf of the district that employees of the district would otherwise perform or provide, and are:
 - a. Waiving, deferring, or forgoing compensation for the services or duties;
 - b. Performing the duties or providing the services as an independent contractor; or
 - c. Serving as a volunteer without compensation and performing the same duties or providing the same services for a reporting entity that the retiree performed or provided immediately before retiring and the retiree has an agreement to perform those duties or provide those services after the first 12 full, consecutive calendar months after the retiree's effective date of retirement.

A district that fails to attain a completed status for the monthly certified statement as required by 34 Administrative Code 31.2 shall

pay to TRS, in addition to the required employer surcharges and any applicable penalty interest on the unpaid amounts, the late fee established in 34 Administrative Code 31.2(d) for each business day that the monthly certified statement fails to attain a completed status.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

Gov't Code 824.6022, 825.403(k); 34 TAC 31.2

Former Board Member Employment

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

New Hires I-9 Forms

A district shall ensure that an employee properly completes section 1—"Employee Information and Verification"—on Form I-9 at the time of hire.

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.
2. For an individual whose employment authorization expires, not later than the date of expiration.

8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)

New Hire Reporting

A district shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain a district's name, address, and employer identification number.

A district may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the district's payroll address for mailing of notice to withhold child support.

A district shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the district and in a format acceptable to the attorney general.

Deadline

New hire reports are due:

1. Not later than 20 calendar days after the date a district hires the employee; or
2. In the case of a district transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

Penalties

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I

Social Security Numbers

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514* [See DBA]

Federal Law

A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

Exceptions

The federal law does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses	A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it. <i>Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)</i>
Employment Assistance Prohibited Federal Law	A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law. This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and: 1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law; 2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or 3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency. <i>20 U.S.C 7926 [See also CJ]</i>
State Law	SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if: 1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and

2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

Education Code 21.0581; 19 TAC 249.15(b)(13)

	Note: For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), DFBA and DFBB (Term Contracts), and DFCA (Continuing Contracts).
Withholding Information	An attempt by any district employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts), 21.156 (continuing contracts), and 21.211 (term contracts). <i>Education Code 26.008(b)</i>
Registry of Persons Not Eligible for Employment	A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on TEA's registry of persons who are not eligible to be employed. [See DCDBAA] <i>Education Code 22.092</i>
Discharge of Convicted Employees	A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a criminal history record information (CHRI) review that the employee or applicant has been: 1. Convicted of or placed on deferred adjudication community supervision for an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or 2. Convicted of: a. A felony under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or b. An offense under the laws of another state or federal law that is equivalent to an offense under item 1 or 2a, above.
Exception	However, a district is not required to discharge an employee if the person committed an offense under Title 5, Penal Code, and: 1. The date of the offense is more than 30 years before the date the person's employment will begin; and 2. The employee satisfied all terms of the court order entered on conviction.
Certification to Commissioner	Each school year, a superintendent shall certify to the commissioner that the district has complied with the above provisions.
Sanctions	The State Board for Educator Certification (SBEC) may impose a sanction on an educator who does not discharge an employee

when the employee was employed in a public school and on the registry of persons who are not eligible to be employed under Education Code 22.092 [see DBAA], if the educator knew that the employee had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with Education Code 21.009(e), or when the person knew or should have known, through a CHRI review, that the employee has been convicted of or placed on deferred adjudication community supervision for an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See Certification to Commissioner, above]

Termination for
Failure to Disclose

A district may discharge an employee if the district obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to SBEC or the district. An employee so discharged is considered to have been discharged for misconduct for purposes of Labor Code 207.044 (unemployment compensation).

Education Code 22.085; 19 TAC 249.15(b)(12), (14) [See DBAA for Refusal to Hire Convicted Applicants]

Certain Offenses Against Students

Mandatory
Termination

If a district receives notice that SBEC has revoked the certificate of a person based on conviction of or placement on deferred adjudication community supervision for an offense for which the person is required to register as a sex offender under Code of Criminal Procedure, Chapter 62, or a conviction of a felony under Penal Code Title 5 if the victim of the offense was under 18 years of age at the time the offense was committed, the district shall:

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and
2. If the person is employed under a probationary, continuing, or term contract, with the approval of the board or its designee:
 - a. Suspend the person without pay;
 - b. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
 - c. Terminate the employment of the person as soon as practicable.

Education Code 21.058(a), (c)

**Discretionary
Termination**

If a district becomes aware that a person employed by the district under a probationary, continuing, or term contract has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to the mandatory termination provision above, the district may, with the approval of the board or its designee:

1. Suspend the person without pay;
2. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
3. Terminate the employment of the person as soon as practicable.

*Education Code 21.058(c-1)***Notice to Employee**

A person's probationary, continuing, or term contract is void if, with the approval of the board or its designee, the district provides written notice to the person, under the mandatory or discretionary termination provisions above, that the person's contract is void. *Education Code 21.058(c-2)*

No Appeal

Action taken by a district under the mandatory or discretionary terminations provisions above is not subject to appeal under Education Code Chapter 21 and the notice and hearing requirements of Chapter 21 do not apply to the action. *Education Code 21.058(e)*

**Invalid or Expired
Certification**

An employee's probationary, term, or continuing contract is void if the employee:

1. Does not hold a valid certificate or permit issued by SBEC;
2. Fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Education Code Chapter 21, Subchapter B; or
3. Fails to comply with any requirement under Education Code Chapter 22, Subchapter C [criminal history review, see DBAA], if the failure results in suspension or revocation of the employee's certificate.

Education Code 21.0031(a)

A certificate or permit is not considered to have expired if:

1. The employee has completed the requirements for renewal of the certificate or permit;
2. The employee submitted the request for renewal before the expiration date; and

3. The date the certificate or permit would have expired is before the date SBEC takes action to approve the renewal of the certificate or permit.

*Education Code 21.0031(f)***District's Options**

If a district has knowledge that an employee's contract is void under Education Code 21.0031(a), the district may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or
3. Retain the employee for the remainder of the school year on an at-will employment basis in a position that does not require a contract under Education Code 21.002, at the employee's existing rate of pay or at a reduced rate.

The employee is not entitled to the minimum salary prescribed by Education Code 21.402.

*Education Code 21.0031(b)***Exception**

A district may not terminate or suspend an employee under 21.0031(b) because of the employee's lack of a valid certificate or permit, or failure to renew or extend a certificate or permit, if:

1. The employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate or permit; and
2. Not later than the tenth day after the date the contract is void, the employee takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by SBEC.

*Education Code 21.0031(b-1)***No Appeal or
Chapter 21 Hearing**

A school district's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of that chapter do not apply to the decision. *Education Code 21.0031*

Applicability

These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. *Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)*

Report to SBEC

A superintendent shall report the educator's termination to SBEC if the conditions set forth at Education Code 21.006 exist. [See DHB]

**Report to
Superintendent**

A principal shall report the educator's termination to the superintendent if the conditions set forth at Education Code 21.006 exist.
[See DP]

**Falsification of
Military Record**

A district may discharge an employee, regardless of whether the employee is employed under an employment contract, if the district determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute an offense under Penal Code 32.54.

An employment contract entered into by a district with an employee discharged by the employer under Labor Code Chapter 105 is void and unenforceable as against public policy. [See DF series]

Labor Code Ch. 105

Note: The provisions of this policy apply to a district of innovation under Education Code, Chapter 12A. [See AF]

Definitions

"Abuse" has the meaning assigned by Family Code 261.001(1).

"Employee" means a person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification (SBEC) under Education Code, Chapter 21, Subchapter B.

19 TAC 153.1201(b), (d)

Misconduct of Noncertified Employees

Education Code 22.093 applies to a district employee who does not hold certification issued by ~~the State Board for Educator Certification (SBEC)~~ SBEC or a school district teaching permit.

Notice to TEA of Termination or Resignation

A person who serves as the superintendent shall notify the ~~Texas Education Agency (TEA)~~ commissioner of education in writing by filing a report within seven business days of the date the person either receives a report from a principal or knew that an employee was terminated or resigned from employment and there is evidence that the employee committed any of the following acts:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Principal Notification

A person who serves as principal must notify the superintendent no later than seven business days after an employee resigns or is terminated following an alleged incident of misconduct described above.

Investigation

A superintendent shall complete an investigation of an employee ~~that involves evidence that~~ if there is reasonable cause to believe the employee may have engaged in misconduct described above, despite the employee's resignation from district employment before completion of the investigation.

~~Principal Notification~~

~~A principal must notify the superintendent not later than the seventh business day after the date of an employee's termination or resignation following an alleged incident of misconduct described above.~~

Deadline to Report

~~A superintendent must notify TEA by filing a report not later than the seventh business day after the date the superintendent re-~~

~~ceives a report from a principal or knew about an employee's termination of employment or resignation following an alleged incident of misconduct described above.~~

Form of Report

The report must ~~be in writing and in a form prescribed by the commissioner of education.~~ include:

1. The name ~~or names~~ of ~~a~~any student or minor who is the victim of abuse or unlawful conduct by an employee~~must be included in:~~
2. The factual circumstances requiring the report,~~but~~ and the subject of the report by providing the following available information:
 - a. Name and any aliases and certificate number, if any, or social security number;
 - b. Last known mailing address and home and daytime phone numbers;
 - c. All available contact information for any alleged victim or victims;
 - d. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
 - e. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
 - f. Involvement by a law enforcement or other agency, including the name of the agency.

The name of the student or minor is not public information under the Public Information Act (PIA).

Notice to the Board and Employee

A superintendent shall notify the board and the employee of the filing of the report.

Immunity

A superintendent or principal who in good faith and while acting in an official capacity files a report or makes a notification is immune from civil or criminal liability that might otherwise be incurred or imposed.

Sanctions for Failure to Report

The commissioner shall refer an educator who fails to file a report to SBEC, ~~who~~which will determine whether to impose sanctions against the educator.

Criminal Offense

A superintendent commits an offense if the superintendent fails to timely file the report with intent to conceal an employee's criminal record or alleged incident of misconduct.

A principal commits an offense if the principal fails to timely provide notice with intent to conceal an employee's alleged incident of misconduct.

An offense under Education Code 22.093(k) is a state jail felony.

Review of District Records

The commissioner may review district records to ensure compliance with the requirement to report misconduct.

Education Code 22.093; [19 TAC 153.1203](#)

Solicitation of Sexual Conduct

"Solicitation of sexual conduct" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an employee of a relationship with a student that is sexual in nature. Solicitation of sexual conduct is often characterized by a strong emotional or sexual attachment and/or by patterns of exclusivity but does not include appropriate relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an employee of sexual conduct with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the employee's job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:
 - a. The nature of the communications;
 - b. The timing of the communications;
 - c. The extent of the communications;
 - d. Whether the communications were made openly or secretly;
 - e. The extent that the employee attempts to conceal the communications;
 - f. If the employee claims to be counseling a student, the commissioner of education may consider whether the employee's job duties included counseling, whether the employee reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether

- the employee reported the abuse or neglect to the appropriate authorities; and
- g. Any other evidence tending to show the context of the communications between employee and student;
2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;
 3. Making sexually demeaning comments to a student;
 4. Making comments about a student's potential sexual performance;
 5. Requesting details of a student's sexual history;
 6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee;
 7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;
 8. Inappropriate hugging, kissing, or excessive touching;
 9. Providing the student with drugs or alcohol;
 10. Violating written directives from school administrators regarding the employee's behavior toward a student;
 11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and
 12. Any other acts tending to show that the employee solicited sexual conduct with a student.

19 TAC 153.1201(a)

Searches—General Rule

Citizens, including district employees, have a right to be free from unreasonable searches and seizures. *U.S. Const. Amendment IV*; *Tex. Const. Art. I, Sec. 9*

A district may search an employee or an employee's property if:

1. There are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct; and
2. The search is reasonably related in scope to the circumstances that justified the interference in the first place.

O'Connor v. Ortega, 480 U.S. 709 (1987); *New Jersey v. T.L.O.*, 469 U.S. 325 (1985)

In addition, a district may search an employee's workplace for non-investigatory, work-related purposes, if there are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct. *O'Connor v. Ortega*, 480 U.S. 709 (1987)

Drug/Alcohol Testing

Blood, urine, and breath tests of public employees to determine drug use are searches under the Fourth Amendment of the U.S. Constitution. *Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602 (1989)

Random Drug Testing

A district may conduct drug tests, without a warrant and without individualized suspicion, when the test serves special governmental needs that outweigh the individual's privacy expectation. *Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602 (1989); *Nat'l Treasury Employees Union v. Von Raab*, 489 U.S. 656 (1989)

Safety-Sensitive Positions

Random alcohol and drug testing of employees in "safety-sensitive" positions may be permissible when the intrusiveness of the search is minimal and a board is able to demonstrate that the drug-testing program furthers its interest in ensuring the physical safety of students. "Safety-sensitive" positions include those that involve the handling of potentially dangerous equipment or hazardous substances in an environment including a large number of children. *Aubrey v. Sch. Bd. of LaFayette Parish*, 148 F.3d 559 (5th Cir. 1998)

Note: The following testing requirements apply to employees who operate commercial motor vehicles and are subject to commercial driver's license requirements in accordance with federal regulations.

Testing of Drivers	A district shall conduct testing, in accordance with federal regulations, of commercial motor vehicle operators for use of alcohol or a controlled substance that violates law or federal regulation. <i>49 U.S.C. 31306; 49 C.F.R. Part 382</i>
Commercial Motor Vehicle Defined	A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that: 1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; 2. Has a gross vehicle weight rating of 26,001 or more pounds; or 3. Is designed to transport 16 or more passengers, including the driver. <i>49 C.F.R. 382.107</i>
Testing Procedures	A district shall ensure that all alcohol or controlled substances testing conducted under 49 C.F.R. Part 382 complies with the procedures set forth in 49 C.F.R. Part 40. <i>49 C.F.R. 382.105</i> U.S. Department of Transportation (DOT) tests must be completely separate from non-DOT tests in all respects. DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. <i>49 C.F.R. 40.13</i>
Tests Required	Required <u>DOT</u> testing includes: 1. <u>Pre-employment, ~~post-accident, random, reasonable suspicion, return to duty, and follow-up testing. No driver shall refuse to submit to a~~ controlled substance tests required under 49 C.F.R. 382.301 [see DBAA];</u> 2. <u>Post-accident alcohol or controlled ~~substances test, a~~ substance tests required under 49 C.F.R. 382.303;</u> 3. <u>Random alcohol or controlled substances ~~test, a~~ tests required under 49 C.F.R. 382.305;</u> 4. <u>Reasonable suspicion alcohol or controlled ~~substances test, or a~~ substance tests required under 49 C.F.R. 382.307;</u> 4.5. <u>Return-to-duty alcohol or controlled substances tests required under 49 C.F.R. 382.309; or</u> 6. <u>Follow-up alcohol or controlled ~~substances~~ substance tests required under 49 C.F.R. 382.311.</u>

No Refusal

No driver shall refuse to submit to a required DOT test. A district shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. ~~49 C.F.R. 382.211, .309~~

49 C.F.R. 382.211

Education and
Treatment

A district is not required to provide an evaluation by a substance abuse professional or any subsequent recommended education or treatment for an employee who has violated a drug and alcohol regulation of the DOT.

However, if a district offers an employee an opportunity to return to a safety-sensitive duty following a violation, the district must, before the employee again performs that duty, ensure that the employee receives an evaluation by a substance abuse professional and that the employee successfully complies with the professional's evaluation recommendations.

49 C.F.R. 40.289

Return-to-Duty
Testing

If a district permits an employee who has violated a DOT drug and alcohol regulation to return to safety-sensitive functions, the district must ensure that the employee takes a return-to-duty test. This test cannot occur until after the substance abuse professional has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

A district is not required to return an employee to safety-sensitive duties because the employee has met the conditions described in the preceding paragraph. Return-to-duty is a personnel decision that the district has the discretion to make subject to legal requirements.

49 C.F.R. 40.305(a)–(b)

Educational
Materials

A district shall provide educational materials that explain the federal requirements and the district's policies and procedures with respect to meeting ~~these~~the requirements. The district shall ensure that a copy of these materials is distributed to each driver before the start of alcohol and controlled substances testing under ~~this policy~~49 C.F.R. Part 382 and to each driver subsequently hired or transferred into a position that requires driving a commercial motor vehicle. Written notice to representatives of employee organizations of the availability of this information shall also be provided. The materials shall include detailed discussion of at least the items listed at 49 C.F.R. 382.601. 49 C.F.R. 382.601

Reports

A district required by federal safety regulations to conduct alcohol and drug testing of an employee who holds a commercial driver's license shall report the following information to the Department of Public Safety:

1. A valid positive result on an alcohol or drug test and whether the specimen producing the result was a dilute specimen. "Valid positive result" means an alcohol concentration of 0.04 or greater on an alcohol confirmation test, or a result at or above the cutoff concentration levels listed in 49 C.F.R. 40.87 on a confirmation drug test. "Dilute specimen" means a specimen with creatinine and specific gravity values that are lower than expected for human urine.
2. A refusal to provide a specimen for an alcohol or drug test.
3. An adulterated specimen or substituted specimen, as defined at 49 C.F.R. 40.3, on an alcohol or drug test.

For purposes of this requirement, the term "employee" includes applicants for employment subject to pre-employment testing.

Transp. Code 644.251–.252; 49 C.F.R. 40.3

~~**Note:** This policy addresses harassment of district employees. For legally referenced material relating to discrimination and retaliation, see DAA(LEGAL). For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.~~

Note: [This policy addresses the prohibition against harassment of employees. For legally referenced material relating to employee discrimination and retaliation, see DAA\(LEGAL\).](#)

[For provisions related to harassment of students, including the district's response to sexual harassment as defined by Title IX, see FFH.](#)

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)

Harassment of Employees Prohibited

Harassment on the basis of a protected characteristic is a violation of the federal anti-discrimination laws. 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. 1606.8(a), 1604.11*

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)*

Firing an employee on the basis of homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. *Bostock v. Clayton County, Georgia*, 17-1618, 2020 WL 3146686, (U.S. June 15, 2020)

Hostile Environment Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the 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.

Pennsylvania State Police v. Suders, 542 U.S. 129 (2004); *Nat'l Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986); 29 C.F.R. 1604.11, 1606.8

Quid Pro Quo Conduct of a sexual nature also constitutes harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

29 C.F.R. 1604.11(a)

Same-Sex Sexual Harassment Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

Harassment Policy A district should take all steps necessary to prevent sexual 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 issue of harassment under Title VII, and developing methods to sensitize all concerned. 29 C.F.R. 1604.11(f)

Corrective Action 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 Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)

**Harassment of
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*

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)

Training Specifics—
Educators

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(b), (c)

Optional Training

Staff development may include training in:

1. ~~Training in technology, conflict resolution, and discipline~~ Technology;
- ~~4.2. Positive behavior intervention and support~~ strategies, including classroom management, district discipline policies, and the Student Code of Conduct; and
- ~~2. Training in preventing, identifying, responding to, and reporting incidents of bullying;~~
3. Digital learning; ~~and~~
- ~~4. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.~~

~~The~~ 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(~~b~~)(~~d~~)(1), (d-3), (g)

Required Training

Staff development must include training on:

1. Suicide prevention;
2. Recognizing signs of mental health conditions and substance abuse;
3. Strategies for establishing and maintaining positive relationships among students, including conflict resolution;
4. How grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma; and
5. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided on an annual basis, as part of a new employee orientation, to all new school district educators; and to existing school district educators on a schedule adopted by Texas Education Agency (TEA) rule. The training must use a best practice-based program recommended by TEA in coordination with the Health and Human Services Commission under Education Code 38.351 [see FFEB], and may include two or more topics listed together.

Education Code 21.451(d)(3), (d-1)

Instruction of
Students with
Disabilities

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 ~~and~~, including students with disabilities who also have other intellectual or mental health conditions; and
- ~~4-2.~~ Is designed for educators who work primarily outside the area of special education.

A district is required to provide ~~such training~~ 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 ~~such~~ 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***

~~Staff development must include suicide prevention training that must be provided to all new district educators on an annual basis, as part of a new employee orientation and to existing district educators on the following schedule adopted by Texas Education Agency (TEA) rule:~~

- ~~2. All districts shall provide the training to all new educators as a part of new employee orientation during the 2016–17 school year.~~
- ~~3. Each subsequent school year, districts shall provide the training to all new educators as a part of new employee orientation.~~
- ~~4. Districts shall provide the training to all currently employed educators on or by September 30, 2016.~~

~~The suicide prevention training must use a best practice-based program recommended by the Texas Department of State Health Services (TDSHS) in coordination with TEA. The~~ The required suicide prevention ~~training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by TEA and is offered online. Education Code 21.451(d-2); 19 TAC 153.1013(d)~~

~~Suicide prevention training that was provided to existing educators by a district on or after September 1, 2013, may be used to meet the requirements if the training program is on the recommended best practice-based list, or is an online program that meets the TEA guidelines for independent review.~~

~~Districts shall maintain records that include the name of each educator who participated in the training.~~

~~*Education Code 21.451(d)(3)–(d-2); 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)~~

***Mental Health
Support Programs***

~~The Texas Department of State Health Services (DSHS), in coordination with TEA and regional education service centers (ESCs),~~

~~shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each school district may select from the list a program or programs appropriate for implementation in the district:~~

- ~~5. Early mental health intervention;~~
- ~~6. Mental health promotion;~~
- ~~7. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;~~
- ~~8. Substance abuse prevention and intervention;~~
- ~~9. Suicide prevention;~~
- ~~10. Grief informed and trauma-informed practices;~~
- ~~11. Positive behavior interventions and supports and positive youth development; and~~
- ~~12. Safe, supportive, and positive school climate.~~

~~"School climate" means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the district, parents of those students, and personnel employed by the district.~~

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB]~~The programs on the list 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 ~~committing~~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;~~and~~
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

Required Training

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 ~~1–3,~~ above, for teachers, school counselors, principals, and all other appropriate personnel. ~~The district may use a program from the DSHS list above to satisfy the training requirements. [See Mental Health Support Programs, above]~~

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 ~~the TEA's~~ list ~~described at Health and Safety Code 161.325~~ of recommended best practice-based programs [see FFEb] to satisfy ~~the~~ this training requirements. ~~[See FFEb]~~ requirement.

If a district provides the training, a district employee must participate in the training at least one time; and the district shall maintain records that include the name of each district employee who participated in the training.

Education Code 38.351(e), (g), (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)

~~Health and Safety Code 161.325~~

Child Abuse, ~~Sex~~ Trafficking, and Maltreatment

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see ~~BQ, district improvement plan, and~~ 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 as part of new employee orientation to all new employees and to existing district employees ~~on a schedule adopted by TEA until all district employees have taken the training.~~ not previously trained. The training may be included in staff development under Education Code 21.451.

The training ~~shall address~~ must include:

1. Factors indicating a child is at risk for sexual abuse, ~~sex~~ trafficking, or other maltreatment;
2. ~~Likely~~ Warning signs indicating a child may be a victim of sexual abuse, ~~sex~~ trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, ~~sex~~ 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, ~~sex~~ trafficking, or other maltreatment; and
5. [Information on](#) community organizations that have relevant ~~existing~~ research-based programs and that are able to provide training or other education for district ~~employees~~ [staff](#), students, and parents.

A district ~~shall~~ [must](#) maintain records ~~of the training~~ that include the name of each ~~employee~~ [staff member](#) who participated [in the training](#).

~~If a district determines that the district does not have sufficient resources to provide the required training, the district shall work~~ [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. [See BQ, FFBA] *Education Code 38.036(c)*

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
Procedures**

A district shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner. *19 TAC 101.3031(c)*

**Cybersecurity
Training**

Employees identified by the district with access to a district computer system or database must complete a cybersecurity training program selected by the board. [See CQB] *Gov't Code 2054.5191(a-1)*

**Special Programs
Training**

**Texas Adolescent
Literacy Academies**

A teacher shall attend a Texas adolescent literacy academy under 19 Administrative Code 102.1101 if:

1. The teacher teaches at a campus that receives a rating that reflects unacceptable performance and that fails to meet the state system safeguard performance target in reading for one or more student groups; and
2. The teacher teaches in general education, special education, or English as a second language for students in grade 6, 7, or 8, and:
 - a. The teacher is a certified, full-time English language arts and reading teacher who instructs English language arts and/or reading for at least 50 percent of the teacher's instructional duties; or
 - b. The teacher is a certified, full-time content area teacher who instructs mathematics, science, and/or social studies for at least 50 percent of the teacher's instructional duties.

A teacher described above is required to complete the training not later than December 31 of the calendar year in which the rating that reflects unacceptable performance is assigned.

A teacher who is required to attend an academy is eligible for a teacher stipend upon completion of face-to-face training if funds have been appropriated and are available for that purpose. A teacher who completes online training is not eligible for a stipend.

The stipend shall not be considered in determining whether a district is paying the teacher the state minimum monthly salary [see DEA and DEAA].

Each school district with teachers required to attend and complete Texas adolescent reading academies must maintain records to verify teacher attendance and completion in accordance with the district's record retention policy.

Education Code 21.4551(c), (e); 19 TAC 102.1101

Teacher Literacy
Achievement
Academies

A district shall ensure that:

1. Not later than the 2021–22 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 2021–22 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 before 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. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessment of student needs, and curriculum and instruction for gifted students.
2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program complete the 30-hour training requirement within one semester.
3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

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 minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religious or biblical studies. The teacher must successfully complete the staff development training developed by the commissioner with respect to Bible elective courses. <i>Education Code 28.011(f)</i>
Automated External Defibrillators	A district shall annually make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED). The instruction provided in the use of AEDs must meet guidelines for approved AED training under Health and Safety Code 779.002. 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. <i>Education Code 22.902</i>
Extracurricular Activity Safety Training	The following persons must satisfactorily complete an extracurricular activity safety training program: 1. A coach or sponsor for an extracurricular athletic activity; 2. A trainer, unless the trainer has completed the educational requirements for licensure as a licensed athletic trainer set forth at 22 Administrative Code 871.7 and the continuing education requirements at 22 Administrative Code 871.12; 3. A physician who is employed by a district or who volunteers to assist with an extracurricular athletic activity, unless the physician attends a continuing medical education course that specifically addresses emergency medicine; and 4. A director responsible for a school marching band. The training must be conducted by the University Interscholastic League (UIL) or by another organization as determined by the UIL. <i>Education Code 33.202(b), (e), (f); 19 TAC 76.1003</i>
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 in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course approved by the Texas Department of Licensing and Regulation (TDLR) or a course approved for continuing education credit by the licensing authority for athletic trainers.
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, TDLR, or 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.]

Principal	A board, by local policy, shall adopt qualifications for principals. <i>Education Code 11.202(c)</i>
Qualifications	
Certification	State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. <i>19 TAC Ch. 241</i>
Duties	The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. <i>Education Code 11.202(a)</i> A principal shall: 1. Approve all teacher and staff appointments for the campus. [See DK] 2. Set specific education objectives for the campus, through the planning process. 3. Develop budgets for the campus. 4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus. 5. Assign, evaluate, and promote all personnel assigned to the campus. 6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus. 7. Perform any other duties assigned by the superintendent pursuant to board policy. 8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series] 9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ] 10. (For high school principals only) Serve, or appoint someone to serve, as deputy registrar for the county in which the school is located. <i>Election Code 13.046</i> <i>Education Code 11.202(b), .253(c), (h)</i> [See also DMA]
Principal's Report to Superintendent	A principal must notify the superintendent not later than the seventh business day after the date:
<i>Educators</i>	1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or

2. The principal knew about an educator's criminal record under Education Code 21.006(b)(1).

Education Code 21.006(b-2); 19 TAC 249.14(e) [See Required Reports at DHB(LEGAL)]

Noncertified Employees

A principal must notify the superintendent not later than the seventh business day after the date of a noncertified employee's termination or resignation following allegations that the employee:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Education Code 22.093(e) [See Principal Notification at DHC(LEGAL)]

Sanctions and Administrative Penalty

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 21.006(f), 22.093(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than \$500 and not more than \$10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006 (i)*

Criminal Offense

A principal required to notify a superintendent about an employee's criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j), 22.093(k)*

School Nurse

Minimum Salary Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. 19 TAC 153.1022(a)(1)(D)

Licensed Vocational Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. Occupations Code 301.353

Nursing Peer
Review Committee

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. 22 TAC 217.11(2)

"Nursing peer review committee" includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

Occupations Code 303.001(4), .0015

Note: Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

Certified School
Counselor

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

Note: Education Code 33.006 applies to all districts that employ school counselors.

**School Counselor
Duties**

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
 - a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
 - b. In need of modified instructional strategies; or
 - c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

Education Code 33.006

Nonphysician Mental Health Professional

A school district may employ or contract with one or more nonphysician mental health professionals.

In this section, "nonphysician mental health professional" means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

Education Code 38.0101

Note: For information about mental health treatment, including counseling, see FFEA.

School Psychological Services

The Texas State Board of Examiners of Psychologists (TSBEP) has authority over the delivery of school psychological services in public schools. Recognizing the purview of the State Board of Education (SBOE) and Texas Education Agency (TEA) in safeguarding the rights of school children in Texas, the TSBEP adopts and enforces rules that reflect the occupational distinctions between the delivery of school psychological services in public schools and psychological services in the private sector. 22 TAC 465.38(a)

Licensed Specialist in School Psychology (LSSP)

Licensed specialist in school psychology (LSSP) means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. Occupations Code 501.002(s)

School psychological services may be provided in Texas public schools only by an LSSP or other individual authorized by TSBEP in accordance with TSBEP rules. 22 TAC 465.38(e), 463.8, .9(g), .10, .11

Scope of Practice

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;
2. Conducting manifestation determinations;

3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology.

Occupations Code 501.260(c); 22 TAC 465.38(b), (c)

Notice of Assignment or Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TSBEP standards. 22 TAC 465.38 (e)

Compliance with Applicable Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
 2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
 3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
 4. Texas Public Information Act, Texas Government Code, Chapter 552;
 5. Section 504 of the Rehabilitation Act of 1973;
 6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101;
- 22 TAC 465.38 (f)

**Career and
Technology
Education**

A board may contract with another public school district, public or private post-secondary institution, or trade or technical school that is regulated by the state, as designated in the state plan for career and technology education, to provide career and technology classes for district students. *Education Code 29.184(a)* [See EHBF]

In addition, a board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may receive specific education in a career and technology profession. *Education Code 29.187* [See also CRB and EHBF]

**Students with
Disabilities**

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. *Education Code 29.008(a)* [See EHBA]

Educational Services

A board may contract with a public or private entity for that entity to provide educational services for the district. *Education Code 11.157*

**Pre-K 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. *Education Code 29.1532(b)*

**Driver Training
Schools**

A district school may enter into an agreement with a driver training school licensed under Education Code Chapter 1001 to allow the driver training school to conduct a driver training course at the public school for public school students. *Education Code 29.902(c)(2), 1001.353*

Military Instruction

Junior Reserve
Officers' Training
Corps (JROTC)

The secretary of each military department shall establish and maintain a Junior Reserve Officers' Training Corps, organized into units, at public and private secondary educational institutions which apply for a unit and meet the standards and criteria prescribed pursuant to 10 U.S.C. 2031.

Each public secondary educational institution that maintains a unit under this section shall permit membership in the unit to home-schooled students residing in the area served by the institution who are qualified for membership in the unit (but for lack of enrollment in the institution). A student who is a member of a unit pursuant to this subsection shall count toward the satisfaction by the institution concerned of the requirement relating to the minimum number of student members in the unit necessary for the continuing maintenance of the unit.

10 U.S.C. 2031(a)(1), (g)

Note: The provision below applies only to those districts in which military instruction is conducted under state or federal law requiring a district to give bond or otherwise indemnify this state, the United States, or any authorized agency for the care, safekeeping, and return of property furnished.

A board may contract with the proper governmental agency with respect to the teaching of courses in military training, and it may execute, as principal or surety, a bond to secure the contracts to procure arms, ammunition, animals, uniforms, equipment, supplies, means of transportation, or other needed property. *Education Code 29.901*

~~**Note:** This provision applies only to those districts in which military instruction is conducted under state or federal law requiring a district to give bond or otherwise indemnify this state, the United States, or any authorized agency for the care, safekeeping, and return of property furnished.~~

Purpose

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. A district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

Required Curriculum

Foundation
Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

Enrichment
Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
 - a. Physical health, including the importance of proper nutrition and exercise;

- b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
- 3. Physical education;
- 4. Fine Arts;
- 5. Career and technical education;
- 6. Technology applications;
- 7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
- 8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

Digital Citizenship

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Local Credit

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

Local Instructional Plan

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.

Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

Education Code 28.002(g)

Common Core State Standards

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

Scope and Sequence

In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

Coordinated Health Programs

TEA shall make available to each district one or more coordinated health programs ~~or allow the development of district programs designed to prevent obesity, cardiovascular disease, oral disease, and type 2 diabetes~~ in elementary, middle, and junior high school students. Each program must provide for coordinating education and services related to:

- ~~1. Health education, including oral health education;~~
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;
- ~~2.4.~~ Physical education and physical activity; and

~~3-5.~~ 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 ~~health education;~~
 - 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 to prevent the use of e-cigarettes, as defined by Health and Safety Code 161.081, and tobacco;~~
 - e. Instruction on substance abuse prevention;
 - f. School health services~~Counseling and guidance~~ including mental health services;
 - ~~f.g.~~ A comprehensive school counseling program under Education Code 33.005 [see FFEA];
 - ~~g.h.~~ A safe and healthy school environment; and
 - ~~h.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, ~~Counseling and guidance~~ 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];
 - ~~b.c.~~ A safe and healthy school environment; ~~and~~
 - ~~e.d.~~ School employee wellness;
 5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;

6. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and
7. Strategies to increase parental awareness regarding:
 - a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance ~~abuse~~use disorders; and
 - b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

Education Code 28.004(c), (n)

Policy
Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students.
Education Code 28.004(l)

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o)*

**Content of Human
Sexuality Instruction**

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;
2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;

4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

Condoms	A district may not distribute condoms in connection with instruction relating to human sexuality. <i>Education Code 28.004(f)</i>
Separate Classes	If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. <i>Education Code 28.004(g)</i> [See FB regarding single-sex classes under Title IX]
Notice to Parents	Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include: 1. A summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law; 2. A statement of the parent's right to: a. Review curriculum materials as provided by Education Code 28.004(j); and b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and 3. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC. A parent may use the grievance procedure at FNG concerning a complaint of a violation of notice requirements.

Education Code 28.004(i)–(i-1)

Availability of
Materials

A district shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. *Education Code 28.004(j)* [See EFA regarding selection of curriculum materials for human sexuality instruction]

Character Education

A district must adopt a character education program that includes the following positive character education traits:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
8. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

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). [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

Districts shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services. A board ~~shall~~must ensure that procedures ~~are imple-~~

~~mented~~ for identifying ~~and a student with dyslexia or a related disorder and for~~ providing appropriate, evidence-based instructional services to students ~~for dyslexia and related disorders~~ are implemented in the district.

District procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* available on [TEA's Dyslexia webpage](#).¹ Districts shall provide a copy or a link to the electronic version of the *Dyslexia Handbook* to parents of children suspected to have dyslexia or a related disorder.

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28.

19 TAC 74.28(a)–(c), (l)–(m)

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(n)

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 process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the *Dyslexia Handbook*. A district may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

Screening, as described in the *Dyslexia Handbook*, and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.

19 TAC 74.28(d), (j)

Parent Notification	At least five school days before any identification or evaluation procedure is used selectively with an individual student, a district must provide written notification of the proposed identification or evaluation to the student's parent or guardian or another person standing in parental relation to the student. The notice must be in English, or to the extent practicable, the individual's native language and must include the following: 1. A reasonable description of the evaluation procedure to be used with the individual student; 2. Information related to any instructional intervention or strategy used to assist the student prior to evaluation; 3. An estimated time frame within which the evaluation will be completed; and 4. Specific contact information for the campus point of contact, relevant parent training and information projects, and any other appropriate parent resources.
<i>IDEA Notice</i>	Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), a district must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, provide all the information required in the above notice, and provide an opportunity for written consent for the evaluation. The district must also provide a copy of the IDEA procedural safeguards notice required under 34 C.F.R. 300.504 and a copy of Section 504 information required under Education Code 26.0081. [See EHBAE and FB]
<i>Options and Services</i>	Parents or guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by Education Code 26.0081(d), and options under federal law, including IDEA, and the Rehabilitation Act, Section 504. 19 TAC 74.28(f)–(h)
Parent Education	A district shall provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program must include: 1. Awareness and characteristics of dyslexia and related disorders;

2. Information on testing and diagnosis of dyslexia and related disorders;
3. Information on effective strategies for teaching students with dyslexia and related disorders;
4. Information on qualifications of those delivering services to students with dyslexia and related disorders;
5. Awareness of information on accommodations and modifications, especially those allowed for standardized testing;
6. Information on eligibility, evaluation requests, and services available under IDEA and Section 504 [and information on the response to intervention process](#); and
7. Contact information for the relevant regional and/or district specialists.

Education Code 38.003; 19 TAC 74.28(k)

Treatment

Each school ~~shall~~[must](#) provide each identified student access at his or her campus to instructional programs required at Reading Program, below, and to the services of a teacher trained in dyslexia and related disorders. A district may, with the approval of each student's parents or guardians, offer additional services at a centralized location, but centralized services shall not preclude each student from receiving services at his or her campus. *19 TAC 74.28(i)*

Reading Program

A district shall purchase a reading program or develop its own reading program that is aligned with the descriptors in the *Dyslexia Handbook*.

Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the *Dyslexia Handbook*. The professional development activities specified by the district- and/or campus-level committees shall include these instructional strategies.

19 TAC 74.28(e)

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 TEA Dyslexia webpage: <https://tea.texas.gov/academics/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 ~~TEA~~; [the Texas Education Agency \(TEA\)](#);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student’s individualized education program (IEP).

20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36

Least Restrictive Environment

A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)*

Discipline

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter

37, and 19 Administrative Code 89.1053. 19 TAC 89.1050(k) [See FOF]

**Instructional
Arrangements and
Settings**

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following:

1. Mainstream: providing services in a regular classroom;
2. Homebound: providing services at home or hospital bedside;
3. Hospital class: providing services in a classroom, hospital facility, or residential care and treatment facility not operated by a district;
4. Speech therapy: providing speech therapy services in a regular education classroom or other setting;
5. Resource room/services: providing services in a setting other than the regular classroom for less than 50 percent of the regular school day;
6. Self-contained (mild, moderate, or severe) regular campus: providing services to a student who is in a self-contained program for 50 percent or more of the regular school day on a regular school campus;
7. Off-home campus: providing services to nondistrict students in a single location, through district personnel at a nondistrict facility, or at a district campus that provides only special education and related services;
8. Nonpublic day school: providing services through a contractual agreement with a nonpublic school for special education;
9. Vocational adjustment class/program: providing services to a student who is placed on a job (paid or unpaid) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP;
10. Residential care and treatment facility (not district resident): providing services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the district; or
11. State supported living center: providing services to a student who resides at a state supported living center when the services are provided at the state supported living center location.

Other Program Options

Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA.

19 TAC 89.63(c), (f)

Related Services

Definition

“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 admission, review, and dismissal \(ARD\)](#) committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

34 C.F.R. 300.106; 19 TAC 89.1065

Off-Campus Program

An off-campus program includes special education and related services provided during school hours in a facility other than a school district campus.

Program Provider

An off-campus program provider is an entity that provides the services identified above and includes:

1. A county system operating under application of former law as provided in Education Code 11.301;
2. A regional education service center established under Education Code, Chapter 8;
3. A nonpublic day school; or
4. Any other public or private entity with which a school district enters into a contract under Education Code 11.157, 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 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 42.151 (Special Education) and 19 Administrative Code 89.63(e) (Instructional Arrangements and Settings).

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 ten calendar days of the date on which the district ceased contracting with the off-campus program for the student's placement. The student's new district must meet the requirements of 34 C.F.R. 300.323(e), by providing comparable services to those described in the student's IEP from the previous district until the new district either adopts the student's IEP from the previous district or develops, adopts, and implements a new IEP. The new district must comply with all procedures described in 19 Administrative Code 89.1094 for continued or new off-campus program placement. 19 TAC 89.1094(e)(3)

**Admission, Review,
and Dismissal
Committee**

A district shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined at 34 C.F.R. 300.321.

**Responsibilities of
ARD Committee**

The responsibilities of the ARD committee and the district include:

1. Evaluation, reevaluation, and determination of eligibility for special education and related services;
2. Placement of students with disabilities including disciplinary changes in placement;
3. Development of the student's IEP;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of junior high or middle school personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213 [see EHBC];
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

**Committee
Members**

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;

4. A representative of the district who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of students with auditory impairments;
9. For a student with a visual impairment, including deaf-blindness, a teacher who is certified in the education of students with visual impairments;
10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321; 19 TAC 75.1023(d)(1), 89.1050(c)

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)

*Regular
Education
Teacher*

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

*Parent
Involvement*

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)

*Alternative
Means of
Meeting
Participation*

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings	A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year. A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. <i>20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)</i>
<i>Meeting at Parent's Request</i>	Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. <i>19 TAC 89.1050(e)</i>
Written Notice	If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. <i>19 TAC 89.1050(f)</i>
Transfer Students In-State Transfers	When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The time line for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

Transfers from
Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the time lines established by 19 Administrative Code 89.1011(c) and (e). The time line for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the time line for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1050(j)

Transfer of Records

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)

Students Who Are
Homeless or in
Substitute Care

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the

[school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050\(j\) \(relating to the Admission, Review, and Dismissal Committee\).](#)

[19 TAC 89.1615](#)

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

**Individualized
Education Program**

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term “individualized education program” means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student’s progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic

achievement and functional performance of the student on state or district-wide assessments;

9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;
10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;
11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(j) [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 TEA under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

Behavioral
Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

Translation of IEP
into Native
Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1050(i)

Autism/Pervasive
Developmental
Disorder

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(e)–(f)

*Visual
Impairment*

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

*Collaborative
Process*

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

*Failure to Reach
Agreement*

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each

member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

Education Code 29.005(c); 19 TAC 89.1050(g)

**Modification of
Existing IEP**

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)–(F); 34 C.F.R. 300.324(a)(4)–(6)

**Teacher Access to
IEP**

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

**Teacher Request to
Review IEP**

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(d)

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Note: The terms English language learner [\(ELL\)](#) and English learner are used interchangeably and are synonymous with the limited English proficiency (LEP) student as used in Education Code Chapter 29. *19 TAC 89.1203*

Title III Requirements A district that receives funds under Title III of the Elementary and Secondary Education Act shall comply with the statutory requirements regarding English learners and immigrant students. *20 U.S.C. 6801–7014*

A district that receives funds under Title I or Title III to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform the parents of an English learner identified for participation in such a program of the information required by 20 U.S.C. 6312(e)(3). *20 U.S.C. 6312(e)(3)*

State Policy ~~It is the policy of the state that every student who has a primary language other than English and who is identified as an English learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program. *19 TAC 89.1201(a)*~~

Definitions “Certified English as a second language teacher” is synonymous with the term “professional transitional language educator” used in Education Code 29.063.

“Dual language immersion” means a state-approved bilingual program model in accordance with Education Code 29.066.

“English learner” ~~(EL)~~ is a student who is in the process of acquiring English and has another language as the primary [or home](#) language.

[“Exit” refers to the point when a student is no longer classified as LEP/EL \(i.e., the student is reclassified\), no longer requires bilingual or ESL program services, and is classified as non-LEP/English proficient \(EP\) in the Texas Student Data System Public Education Information Management System. The term “exit” is synonymous with the description in Education Code, Chapter 29, of “transferring out” of bilingual or special language programming.](#)

“Parent” includes [a the parent or](#) legal guardian of [a the](#) student [in accordance with Education Code 29.052.](#)

Education Code 29.052; 19 TAC 89.1203[\(2\)–\(3\), \(7\)–\(8\), \(13\)](#)

**District
Responsibility**

Each district shall:

1. Identify English learners based on criteria established by the state;
2. Provide bilingual education and ESL programs as integral parts of the general program;
3. Seek appropriately certified teaching personnel to ensure that English learners are afforded full opportunity to master the essential knowledge and skills; and
4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 29 to ensure accountability for English learners and the schools that serve them.

19 TAC 89.1201(a)

Identification of LEP Students

Within the first four weeks of the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the board the number of LEP students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. A board shall report that information to TEA before November 1 each year. *Education Code 29.053(b)*

Language
Proficiency
Assessment
Committees
(LPAC)

Each district that is required to offer bilingual and special language programs shall, by local board policy, establish an LPAC. A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of English learners. A district shall have on file policy and procedures for the selection, appointment, and training of members of the LPAC.

*Membership of
LPAC*

The LPAC shall include:

1. An appropriately certified bilingual educator (for students served through a bilingual education program);
2. An appropriately certified English as a second language (ESL) educator (for students served through an ESL program);
3. A parent of an English learner participating in a bilingual or ESL program; and
4. A campus administrator.

A district may add other trained members to the committee.

No parent serving on the LPAC shall be an employee of the school district.

All members of the LPAC, including parents, shall be acting for the district and shall observe all laws and rules governing confidentiality of information concerning individual students. A district shall be responsible for the orientation and training of all members, including the parents, of the LPAC.

Education Code 29.063(a), (b); 19 TAC 89.1220(a)–(f)

Duties

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)–(i), (k), including duties to review information, classify students, notify parents, and monitor student academic progress.

Home Language
Survey

A district shall administer only one home language survey to each new student enrolling for the first time in a Texas public school in any grade from prekindergarten through grade 12. The district shall require that the survey be signed by the student's ~~parents if the parent for each~~ student ~~is~~ in prekindergarten through grade 8, or by the student ~~if the student is~~ in grades 9 through 12.

It is the district's responsibility to ensure that the student's parent understands the language used in the survey and its implications.

The original copy of the survey shall be kept in the student's permanent record.

The home language survey shall be ~~administered~~provided in English, Spanish, and Vietnamese. For students of other language groups, the home language survey shall be translated into the primary language whenever possible.

The home language survey shall ~~contain~~elicit one language answer to each of the following questions:

1. "What language is ~~spoken~~used in the child's home most of the time?"
2. "What language does the child ~~speak~~use most of the time?"

If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with 19 Administrative Code 89.1226 ~~in the 2019–20 school year and thereafter.~~(Testing and Classification of Students).

19 TAC 89.1215, ~~(a)–(c)~~, .1226

LEP Classification

The LPAC may classify a student as LEP if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;

2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

Parental Notice and
Consent

Within ten days of the LPAC's classification of a student as LEP, the LPAC shall give written notice to the student's parent. *Education Code 29.056(d)*

The district shall notify the parent ~~or legal guardian~~ in English and in the ~~parent or legal guardian's~~ parent's primary language that their child has been classified as an English learner and recommended for placement in the required bilingual education or ESL program. The district shall comply with the parent notification requirements described by 19 Administrative Code 89.~~1040~~1240(a).

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent ~~or legal guardian~~ in order to have the student included in the bilingual education allotment. The parent's approval shall be considered valid for the student's continued participation in the required bilingual education or ESL program until the student meets the reclassification criteria described in 19 Administrative Code 89.1226(i) (Testing and Classification of Students), the student graduates from high school, or a change occurs in program placement.

19 TAC 89.~~1040~~1240(a); Education Code 29.056(a)

Pending ~~parent~~parental approval of an English learner's entry into a bilingual program recommended by the LPAC, a district shall place the student in the recommended program. Only English learners with parent approval who are receiving services will be included in the bilingual education allotment.

A district may identify, place or ~~exit, or place~~ a student in a program without written approval of the student's parent ~~or guardian~~ if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. The parent ~~or legal guardian~~ provides approval through a phone conversation or email that is documented in writing and retained; or
3. An adult who the district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student.

19 TAC 89.1220(j), (m), ~~1240(a)~~

Participation of
Non-LEP Students

With the approval of a district and a student's parents, a student who is not LEP may also participate in a bilingual education program. *Education Code 29.058*

The number of participating [English proficient](#) students ~~who are not English learners~~ shall not exceed 40 percent of the number of students enrolled in the program district-wide. 19 TAC 89.1233(c)

Students with
Disabilities

Districts shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with 19 Administrative Code Chapter 89, Subchapter AA. The district shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because the student has a disability. LPAC members shall meet in conjunction with admission, review, and dismissal (ARD) committee members to review and provide recommendations about the education needs of each English learner who qualifies for services in the special education program. [See EHBAB] 19 TAC 89.1230

**Bilingual and ESL
Programs**

Each district with an enrollment of 20 or more ~~LEP~~ students [of limited English proficiency](#) in any language classification in the same grade level ~~district-wide~~ shall offer a bilingual education or special language program, ~~as follows:~~ [Each district that is required to offer bilingual education and special language programs under this section shall offer the following for students of limited English proficiency:](#)

~~Prekindergarten through elementary grades: a district shall provide a bilingual education program by offering dual language instruction using one of the four bilingual program models described in 19 Administrative Code 89.1210(c). Elementary grades shall include at least prekindergarten through grade 5; sixth grade shall be included when clustered with the elementary grades. [See Bilingual Education Program Models, below]~~

~~Post-elementary through grade 8: a district shall offer bilingual education, ESL~~

1. Bilingual education in kindergarten through the elementary grades;

~~4.2.~~ Bilingual education, instruction in English as a second language, or other transitional language instruction approved by TEA, the agency in post-elementary grades through grade 8; and

~~2. Grades 9 through 12: a district shall provide ESL instruction by offering an ESL program using one of the two models described at 19 Administrative Code 89.1210(g). [See ESL Program Models, below]~~

3. Instruction in English as a second language in grades 9 through 12.

Education Code 29.053(c), ~~(f)~~ (d); 19 TAC 89.1205

The district shall provide an ESL program to all English learners for whom a district is not required to offer a bilingual education program, regardless of the students' grade levels and primary language, and regardless of the number of such students, except in cases where a district exercises the option to provide a bilingual education program that is not required by law [see below]. 19 TAC 89.1205(c)

A district is authorized to establish a bilingual education program even if the district has fewer than 20 English learners in any language classification in the same grade level district-wide and are not required to do so under the law. A district is also authorized to establish bilingual education programs at grade levels at which the district is not required under the law to establish bilingual programs. If a district does operate such a program under this authorization, the district shall adhere to all program requirements in 19 Administrative Code 89.1210, .1227, .1228, and .1229. 19 TAC 89.1205(f)–(g)

Exceptions and
Waivers

A district shall comply with the requirements for bilingual education exceptions and ESL waivers under 19 Administrative Code 89.1207. ~~If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.~~ *Education Code 29.054; 19 TAC 89.1027* 1207

A district that is unable to employ a sufficient number of teachers, including part-time teachers, who meet the certification requirements for bilingual education and ESL program shall apply for an

	exception or waiver to the certification requirement on or before November 1. <i>19 TAC 89.1245(b)</i>
Program Design	A district that is required to offer a bilingual education or ESL program shall provide each English learner the opportunity to be enrolled in the required program at his or her grade level. A district's bilingual education program shall comply with the program content and design requirements of 19 Administrative Code 89.1210. A district shall provide for ongoing coordination between the ESL program and the regular educational program. <i>19 TAC 89.1210</i> ~~A bilingual education program shall be a full time program of dual language instruction. An ESL program shall be an intensive program of instruction in English. 19 TAC 89.1210(a)(1) – (a)(2)~~ English learners shall participate with their English-speaking peers in general education classes provided in subjects such as art, music, and physical education. A district shall ~~ensure~~<ins>provide</ins> students enrolled in the ~~bilingual or ESL~~ program ~~have~~ a meaningful opportunity to participate <ins>fully</ins> with other students in all extracurricular activities. Elective courses <ins>included in the curriculum</ins> may be taught in a language other than English. <i>Education Code 29.055, .057(b); 19 TAC 89.1210(f)</i>
Bilingual Education Program Models	The bilingual education program shall be implemented through at least one of the following program models: 1. Transitional bilingual/early exit; 2. Transitional bilingual/late exit; 3. Dual language immersion/one-way; or 4. Dual language immersion/two-way. <i>19 TAC 89.1210(c)</i>
ESL Program Models	The ESL program shall be implemented through one of the following program models: 1. An ESL/content-based program model is an English acquisition program that serves students identified as English learners through English instruction by a teacher appropriately certified in ESL under Education Code 29.061(c), through English language arts and reading, mathematics, science, and social studies. The goal of content-based ESL is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that

is linguistically and culturally responsive in English language arts and reading, mathematics, science, and social studies.

2. An ESL/pull-out program model is an English acquisition program that serves students identified as English learners through English instruction provided by an appropriately certified ESL teacher under Education Code 29.061(c), through English language arts and reading. The goal of ESL pull-out is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading. Instruction shall be provided by the ESL teacher in a pull-out or inclusionary delivery model.

19 TAC 89.1210(d)

Dual Language
Immersion Program

A district may adopt a dual language immersion program (DLIP) for students enrolled in elementary school grades. *Education Code 28.005(c), .0051(c)*

Implementation

Program implementation shall:

1. Begin at prekindergarten or kindergarten, as applicable;
2. Continue without interruption incrementally through the elementary grades; and
3. Consider expansion to middle school and high school whenever possible.

19 TAC 89.1227(e)

*Minimum
Requirements*

A DLIP shall:

1. Address all curriculum requirements specified at 19 Administrative Code Chapter 74, Subchapter A (Required Curriculum) to include foundation and enrichment areas, English language proficiency standards, and college and career readiness standards.
2. Be a full-time program of academic instruction in English and another language.
3. Provide equitable resources in English and the additional program language whenever possible.
4. Provide a minimum of 50 percent of instructional time in the language other than English for the duration of the program.
5. Be developmentally appropriate and based on current best practices identified in research.

19 TAC 89.1227

*Two-Way DLIP
Enrollment*

Student enrollment in a two-way DLIP is optional for English proficient students. The program shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability. A district must obtain written parental approval for English proficient students through a district-developed process.

A district implementing a two-way DLIP shall develop a policy on enrollment and continuation for students in the program. The policy must address:

1. Eligibility criteria;
2. Program purpose;
3. The district's commitment to providing equitable access to services for English learners.
4. Grade levels in which the program will be implemented;
5. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and
6. Expectations for students and parents.

19 TAC 89.1228(c)

*Two-Way DLIP
State
Assessment*

A district implementing a two-way DLIP shall determine the appropriate assessment option for program participants as follows:

1. For English learners, the LPAC shall convene before the administration of the state criterion-referenced test each year to determine the appropriate assessment option for each English learner in accordance with 19 Administrative Code 89.1220(i) (Language Proficiency Assessment Committee).
2. For English proficient students, the appropriate assessment option for the administration of the state criterion-referenced test each year is determined through a district-developed process.

19 TAC 89.1228(e)

*School District
Recognition*

A district may recognize one or more of its schools that implement an exceptional DLIP if the school meets all of the following criteria:

1. The school must meet the minimum requirements stated in 19 Administrative Code 89.1227.
2. The school must receive an acceptable performance rating in the state accountability system.

The school must not be identified for any stage of intervention for the district's bilingual and/or ESL program under the performance-based monitoring system.

*Student
Recognition*

A student participating in a DLIP or any other state-approved bilingual or ESL program may be recognized by the program and the board by earning a performance acknowledgement in accordance with 19 Administrative Code 74.14. [See EIF]

19 TAC 89.1229

Facilities

Bilingual education and ESL programs shall be located in public schools of the district with equitable access to all educational resources rather than in separate facilities. A district may concentrate the programs at a limited number of facilities within the district. Recent immigrant English learners shall not remain enrolled in a newcomer center for longer than two years. *Education Code 29.057; 19 TAC 89.1235*

Cooperation Among
Districts

A district may join with one or more other districts to provide the required bilingual education or special language programs. The availability of the programs shall be publicized throughout the districts involved.

A district may allow a nonresident LEP student to enroll in or attend its bilingual education or special language programs if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district in which the student resides.

Education Code 29.059; 19 TAC 89.1205(e)

Documentation

A student's permanent record shall contain the documentation items required by 19 Administrative Code 89.1220(I). Documentation in a student's permanent record shall be forwarded in the same manner as other student records to another school district in which the student enrolls. *19 TAC 89.1220(I)*

For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the home language survey, and LPAC documentation as described in 19 Administrative Code 89.1220(I), as applicable. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the ~~student's home language survey shall be made. If attempts to obtain the student's home language survey from the sending district are unsuccessful, the identification process shall begin while attempts to contact the sending district for records continue throughout the four week testing and identification period.~~ student's home language survey shall be made. *19 TAC 89.1215(d)*

Summer Program If a district is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. A district shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.

Other Programs A district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other districts in establishing such programs.

~~Neither the summer program nor the other~~ The programs required or authorized by Education Code 29.060 may not be a substitute for ~~the program~~ programs required to be provided during the regular school year.

Education Code 29.060

Personnel

Teachers assigned to a bilingual education program using one of the following program models must be appropriately certified in bilingual education:

1. Transitional bilingual/early exit program model; or
2. Transitional bilingual/late exit program model.

Education Code 29.061(b)

Teachers assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified for:

1. Bilingual education for the component of the program provided in a language other than English; and
2. Bilingual education or English as a second language for the component of the program provided in English.

A district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may as-

sign a teacher certified for the language other than English component of the program and a different teacher certified for the English language component.

Education Code 29.061(b-1)–(b-2)

Teachers assigned to ESL programs must be appropriately certified for ESL. *Education Code 29.061(c)*

A district that is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates ~~shall~~may request the activation of the appropriate permits in accordance with 19 Administrative Code Chapter 230. A district that is unable to ~~employ a sufficient~~provide the required bilingual education program because of an insufficient number of appropriately certified teachers ~~to meet the certification requirements~~ shall ~~apply to~~request from the commissioner ~~for an exception or waiver to the required program.~~bilingual education program and the approval of an alternative language program. English learners with parental approval for program services under a bilingual education exception will be included in the bilingual education allotment designated for an alternative language program. [See Exceptions and Waivers, above] ~~Education Code 29.054; 19 TAC 89.1207(a)–(b), .1245(a);~~ Education Code 29.054

**LEP Students and
State Assessments**

In kindergarten–grade 12, a LEP student shall participate in the state assessment in accordance with commissioner’s rules at 19 Administrative Code Chapter 101, Subchapter AA. [See EKBA]

Program Exit

A district may transfer a LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g)

Notice to Parents A district shall give written notification to the student's parent ~~or legal guardian~~ of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program and acquire written approval. Students meeting ~~exit~~ reclassification requirements may continue in the bilingual education or ESL program with parental approval ~~but are not eligible for inclusion in the bilingual education allotment.~~ 19 TAC 89.1240(b)

Post-Exit Monitoring and Reenrollment The language proficiency assessment committee may reenroll the student in the program if later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement. Classification of students for reenrollment must be based on the criteria required by Education Code 29.056. *Education Code 29.056(h)*

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

Program Evaluation

A district that is required to conduct a bilingual education or ESL program shall conduct an evaluation in accordance with 19 Administrative Code 89.1265. The annual evaluation report shall be presented to the board before November 1 of each year.

A district shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to English learners.

Each school year, the principal of each campus, with assistance from the campus level committee, shall develop, review, and revise the campus improvement plan for the purposes of improving student performance for English learners. [See BQB]

19 TAC 89.1265

Note: Only districts that identify 15 or more eligible students are required to provide prekindergarten programs.

Tuition-Free

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
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), (f)–(g)

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 ~~free~~ 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 ~~free~~ 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 29.153, including all or any part of the required high-quality prekindergarten program requirements, 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.

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. <i>Education Code 29.153(g)</i>
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. <i>Education Code 29.1531</i>
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. <i>Education Code 29.1532(a)</i>
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. <i>Education Code 29.1533</i>
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 ap-

plicable child-care licensing standards adopted by the Texas Department of [Protective and Regulatory Services \(Department of Family and Protective Services\)](#) under Human Resources Code 42.042. *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

"Program" means a high quality prekindergarten program for eligible children who are at least four years of age required to be provided free of tuition or fees.

Curriculum Requirements

A district shall select and implement a curriculum for a prekindergarten program that:

1. Includes the prekindergarten guidelines established by the Texas Education Agency (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 pre-kindergarten program that addresses the 2015 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;
4. A graduate or undergraduate 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);
- 4.6. Be employed as a prekindergarten teacher in a district that has ~~received approval from the commissioner for~~met the ~~district's prekindergarten-specific instructional training plan that the teacher uses in the teacher's prekindergarten classroom;~~requirements of 19 Administrative Code 102.1003(d)(6);
or
- 5.7. An equivalent qualification.

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 must attempt to maintain an average ratio in any prekindergarten program class of not less than one certified teacher or teacher's aide for each 11 students.

19 TAC 102.1003(d), (h); Education Code 29.167(b)–(d)

Family Engagement
Plan

A district shall develop ~~and~~ 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 main-

taining high levels of family involvement and positive family attitudes toward education. ~~The family engagement plan must be based on family engagement strategies established by TEA. Education Code 29.168(a).~~ 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.

~~Program~~ The family engagement plan shall meet the requirements of 19 Administrative Code 102.1003(e)(2).

19 TAC 102.1003(e); 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(f).

A district shall:

1. Select and implement appropriate methods for evaluating the district's high-quality prekindergarten program ~~classes~~ by measuring student progress; and
2. Make data from the results of program evaluations available to parents.

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(f)–(g); 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 pre-kindergarten 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.

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)

**Innovative Courses
and Programs**

A district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.

To request approval for an innovative course from the State Board of Education or the commissioner ~~of education~~, a district or organization must submit a request for approval at least six months before planned implementation. The request must address the elements listed at 19 Administrative Code 74.27(~~3a~~)(4).

To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

With the approval of the board, a district may offer, without modifications, any state-approved innovative course.

19 TAC 74.27(a)

**Magnet Schools or
Programs**

A district may operate a magnet program, academy, or other innovative program to serve student populations with specialized interests and aptitudes. 19 TAC 74.22(*b*)

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 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. 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.

Agreements

Any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program must:

1. Include specific program goals aligned with statewide goals developed jointly by TEA and the THECB;
2. Establish common advising strategies and terminology related to dual credit and college readiness;
3. Provide for the alignment of endorsements offered by the district [see EIF] and dual credit courses offered under the agreement that apply towards those endorsements, with postsecondary pathways and credentials at the institution and industry certifications;
4. Identify tools, including tools developed by TEA, THECB, or the Texas Workforce Commission, to assist school counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered under the agreement;
5. Establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including by developing a course equivalency crosswalk or other method for equating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program;

6. Describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;
7. Establish the district's and the institution's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program;
8. State 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 or textbooks for students participating in the program;
9. Require the district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program; and
10. Be posted each year on the district's and the institution's respective websites.

Education Code 28.009; 19 TAC 4.84

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

Definitions

For purposes of the following provisions, "college" means any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined by Education Code 61.003.

“Dual credit” means the system under which an eligible high school student enrolls in college course(s) and receives credit for the course(s) from both the college and high school.

19 TAC 4.83(4), (7); [Education Code 61.003\(8\)](#)

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 academic dual credit courses and workforce education dual credit courses as permitted by 19 Administrative Code 4.85(b).

To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college’s regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with this section.

An institution is not required, under the provisions of this section, to offer dual credit courses for high school students.

19 TAC 4.85(b)

Faculty Selection,
Supervision, and
Evaluation

The college shall select, supervise, and evaluate instructors in accordance with 19 Administrative Code 4.85(e). 19 TAC 4.85(e)

Transcript

For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course. 19 TAC 4.85(h)

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

~~The board of a district and the governing board of a college must approve~~For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the schools beforeschool district and the public college prior to the offering of such courses.

~~The~~Any agreement entered into or renewed between a public institution of higher education and school district on or after September 1, 2019, including a memorandum of understanding or articulation agreement, must meet the requirements of 19 Administrative Code 4.84(c).

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 gathering;
7. Academic policies and student support services;
8. Transcribing of credit;
9. Funding; and
10. Defined sequences of courses, where applicable.

19 TAC 4.84-.85

**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. Transcribing 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. <i>19 TAC 9.125, .143(a)</i>
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. <i>19 TAC 9.143(c)</i>
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. <i>Education Code 130.090; 19 TAC 9.125, .143(d), .146</i> An institution of higher education shall use the Texas Success Initiative (TSI) Assessment offered by the College Board as the only THECB-approved assessment instrument. <i>19 TAC 4.56</i>
College Preparatory Courses	College preparatory courses are locally developed through a memorandum of understanding created between school districts and community colleges. <i>19 TAC 9.147</i>

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*

¹ Texas Virtual School Network: <http://www.txvsn.org/>

Award of Credit

The award of credit for a course affirms that a student has satisfactorily met state and local requirements. *19 TAC 74.26(a)*

Early Award of Credit

A district may offer courses designated for grades 9–12 in earlier grade levels. 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 ~~one semester~~ half of a ~~two semester~~ 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 ~~one semester~~ half of a ~~two semester~~ 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

Each district must adopt a local policy to assist with awarding to a student who is homeless or in substitute care credit for a course that was earned prior to the student enrolling in or transferring to the district, as required by 19 Administrative Code 74.26 (Award of Credit).

Each district must examine how credit is awarded based on satisfactorily meeting all state and local requirements for a course upon enrollment, as required by 19 Administrative Code 74.26. [For information on credit by exam for students who are homeless or in substitute care, see EHDC].

Each district must:

1. Develop a credit recovery plan for students who were denied credits outside the district;
2. Create a course transition plan for students who have been denied credit;

3. Develop and administer a personal graduation plan for each student in junior high or middle school, as required by Education Code 28.0212 [see EIF];
4. Ensure that school staff engage with the student, parent, or guardian, as applicable, to develop a credit recovery plan upon enrollment if the student has a credit deficit that would impede on-time promotion or graduation; and
5. Comply with Education Code 28.025(i), 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(a), (d)–(e)

[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. <i>19 TAC 74.5(e)</i>
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) as specified in 19 Administrative Code 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR 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). <i>Education Code 28.025(e-1); 19 TAC 74.5(f)-(l), .11(b); 19 TAC 74.39(e)</i>
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

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. [See FMH for participation in the graduation ceremony.] *19 TAC 74.5(m)*

**Early High School
Graduation
Scholarship Program**

For purposes of the Early High School Graduation Scholarship Program, a student who does not satisfy the curriculum requirements for a recommended or advanced high school program is considered to have satisfied those requirements if the high school from which the student graduated indicates on the student's transcript that the student was unable to complete the appropriate curriculum within the time prescribed solely because of a reason beyond the student's control, such as lack of enrollment capacity or a shortage of qualified teachers. *Education Code 56.203(d)*

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High School Diploma

A student may graduate and receive a diploma only if the student ~~successfully completes~~:

1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below] ~~and~~, has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or
2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

FAFSA Required

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31;
or
3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

A district shall adopt a form to be used for purposes of this provision. The form must be approved by the Texas Education Agency (TEA) and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Education Code Subchapter B, Chapter 29, in the district.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education

Code 28.025, the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied.

Education Code 28.0256

Note: Education Code 28.0258 and 19 Administrative Code 74.1025 related to individual graduation committees expire September 1, 2023.

Individual
Graduation
Committee

Without complying with the requirements above, a student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. 19 TAC 74.1025(n) [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the ~~end-of-course (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~~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)*

*English
Language
Learners*

For provisions related to an IGC and English language learners (ELL), see EKB(LEGAL).

Students Who
Entered Grade 9
Before the 2011–12
School Year

In accordance with Education Code 28.02541, a ~~school~~ district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);

4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and
5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

<i>District Determination</i>	The ~~school~~ district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. <i>19 TAC 74.1027(b)</i>
<i>Alternative Requirements</i>	The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).
<i>Local Alternative Requirements</i>	With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. <i>19 TAC 74.1027(d)</i>
<i>Appeals</i>	A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. <i>19 TAC 74.1027(e); Education Code 28.02541</i>
<i>Documentation</i>	The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. <i>19 TAC 74.1027(f)</i>
Special Education	A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ~~admission, review, and dismissal (ARD)~~ committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. <i>19 TAC 101.3023(a)</i> [See Graduation of Students Receiving Special Education Services, below, and EKB]
Posthumous Diploma	Beginning with students ~~enrolled in grade 12 during~~ <u>who would have graduated at the end of</u> 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 attend-

ance. 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 Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

Diplomas for
Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

**Personal Graduation
Plan**

Junior High or
Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];

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 ~~in or after
the 2014–15 School
Year~~

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c)

Foundation High School Program

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

19 TAC 74.12

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under

the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(d)

*Distinguished
Level of
Achievement*

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

*Algebra II
Notification*

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences

to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(i)–(j)

*CollegeDual
Credit Courses*

Courses offered for dual credit at or in conjunction with an institution of higher education ([IHE](#)) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(h)*

*Core Curriculum
College Courses*

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and

3. Is entitled to receive a high school diploma.

19 TAC 74.11(n)

*Languages Other
Than English*

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other than English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

The SBOE shall adopt criteria to allow a student to comply with the curriculum requirement for one credit for a language other than English by successfully completing at an elementary school a course in American Sign Language. *Education Code 28.025(b-21)*

*Physical
Education
Substitutions*

*Other Physical
Activity*

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
 - b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high

quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

*Community-
Based Fine Arts
Programs*

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

*Performance
Acknowledgments*

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
 - a. In a dual credit course;
 - b. In bilingualism and biliteracy;
 - c. On a College Board advanced placement test or international baccalaureate examination;

- d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

~~Transition to
Foundation High
School Program~~

~~A district shall allow a student who entered grade 9 prior to the 2014–15 school year to complete the curriculum requirements for high school graduation:~~

- ~~3. By satisfying the requirements in place when the student entered grade 9 for the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program [see 19 Administrative Code Chapter 74] if the student was participating in the program before the 2014–15 school year; or~~
- ~~4. Under the foundation high school program by satisfying the requirements adopted by the SBOE, if the student chooses during the 2014–15 school year to take courses under the program.~~

~~A student who entered grade 9 prior to the 2014–15 school year may, at any time prior to graduation and upon request, choose to complete the curriculum requirements required for high school graduation under a different program than that selected by the student during the 2014–15 school year.~~

~~19 TAC 74.1021~~

Students Who
Entered Grade 9
Before the 2014–15
School Year

*Minimum High
School Program*

All credit for graduation must be earned no later than grade 12. 19 TAC 74.61(b), .71(b)

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student

should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with Disabilities	If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.
Applicability	A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program. <i>19 TAC 74.61(c), (d), .71(c), (d)</i>
Requirements	A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72. A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F. <i>Education Code 28.025; 19 TAC 74.62, .72</i>
<i>Recommended High School Program</i>	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. <i>Education Code 28.025; 19 TAC 74.63, .73</i>
<i>Advanced / Distinguished Achievement High School Program</i>	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. <i>Education Code 28.025; 19 TAC 74.64, .74</i>
<i>Substitutions</i>	No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. <i>19 TAC 74.63(d), .64(e), .73(d), .74(e)</i>

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 ~~institution of higher education~~ [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, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. 19 TAC 74.11(f) [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 110–118, 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(l)

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(j)

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)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(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(h)–(i)

*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 110–118, 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 on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 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 on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments 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(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), (k)

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)

**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 if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see Endorsements, above].

A student receiving special education services in 11th or 12th grade who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements. [See Special Education, above, and EKB]

19 TAC 89.1070(f)

A student receiving special education services who entered grade 9 before the 2014–15 school year 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 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Recommended or Advanced/Distinguished Achievement Programs, including satisfactory performance on the required state assessments.
2. The student is in grade 11 or 12 and has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in item 1 above.
3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.
4. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is 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; or
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 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(g), (k)

**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 tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

**Graduation of
Student Who Is
Homeless or in
Conservatorship of
DFPS**

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

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State Assessment of Academic Skills

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Limited English Proficient Students

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

*Substitute
Passing Standard*

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

*Alternate Test
Dates*

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate

test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

Notice to Parents and Students

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be

provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012

**Testing in
Grades 3–8**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

Except as required for purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(p), 39.023(a-2); 19 TAC 101.3011

**Kindergarten
Assessment**

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the

	Foundation School Program [see FD]. <i>Education Code 39.023(a-16)</i>
Prekindergarten Assessment	Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. <i>Education Code 39.~~027~~0237</i>
Accommodations	Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials. The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student. A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above] <i>19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)</i>
End-of-Course Assessments	Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. <i>19 TAC 101.3021(a)</i> <u>TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.</u> <u>If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.</u> <u>Education Code 39.023(c)</u>

Students Enrolled Below High School Level	Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. <i>19 TAC 101.3021(d)</i>
Assessment Requirements for Graduation	A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.
<i>Exceptions</i> English I or English II	A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has: 1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course; 2. Met at least the minimum score on the other EOC assessment for that course; and 3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course. Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]
Credits Earned Prior to Enrollment	If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment. <i>19 TAC 101.3021(e), .3022</i>
Substitute Assessments	The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who

qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses; ~~see TSI Additional Criteria, below~~).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a TSI assessment also meets the additional criteria ~~of~~ [19 Administrative Code 101.4002\(d\)](#).

*TSI Additional
Criteria*

A student must meet the criteria established ~~below~~ [in 19 Administrative Code 101.4002\(d\)](#) in order to qualify to use TSI as a substitute assessment ~~;~~.

- ~~4. A student must have been enrolled in a college preparatory course for English language arts or mathematics and, in accordance with Education Code 39.025(a-1), have been administered an appropriate TSI assessment at the end of that course.~~
 - ~~a. A student under this provision who meets all three TSI English language arts score requirements provided in the chart at 19 Administrative Code 101.4002(b) satisfies both the English I and English II EOC assessment graduation requirements.~~
 - ~~b. A student under this provision may satisfy an assessment graduation requirement in such a manner regardless of previous performance on an Algebra I, English I, or English II EOC assessment.~~
- ~~5. In accordance with Education Code 39.025(a-3), a student who has not been successful on the Algebra I or English II EOC assessment after retaking the assessment may use the corresponding TSI assessment in place of that EOC assessment.~~

~~For a student under this provision who took separate reading and writing assessments for the English II EOC assessment and who did not meet the English II assessment graduation requirement using those tests as specified in 19 Administra-~~

~~tive Code 101.3022(b) (Assessment Requirements for Graduation), the separate TSI reading or writing assessment may not be used to substitute for the corresponding English II reading or writing EOC assessment.~~

Accountability
Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required ~~EOC assessment if the student does not meet the eligibility requirements above~~ under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not mark the substitute assessment bubble for that administration.

A student who fails to perform satisfactorily on ~~the~~ a PSAT-related assessment, PLAN, or ~~the pre-ACT~~ Aspire test (or any versions of these tests) as indicated in the chart ~~at~~ in 19 Administrative Code 101.40024003(b) must take the appropriate ~~required~~ EOC assessment. required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes ~~the~~ a PSAT-related assessment, PLAN, or ~~pre-ACT~~ Aspire test (or any versions of these tests) is eligible to meet the requirements ~~to use a substitute assessment specified in 19 Administrative Code 101.4002(c)~~.

19 TAC 101.4002

Verification of
Results

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Satisfactory
Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual
Graduation
Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to re-take and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

19 TAC 101.3023(a), (b)

Credit by
Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State Assessments	TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. <i>Education Code 39.023(c-2)</i>
Retakes	Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above] A student is not required to retake a course as a condition of retaking an EOC assessment instrument. If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course. <i>Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)</i>
Reporting Results	
To the Public	Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. <i>Education Code 39.030(b)</i>
To the Board	A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.
To Parents, Students, and Teachers	A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL] <i>19 TAC 101.3014</i> TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and

potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

Parents Right-to-Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

Out-of-State Transfers

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness	Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed: - For students at the grade 12 level whose performance on: - An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or - Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and - To prepare students for success in entry-level college courses. A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.
<i>Faculty</i>	Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.
<i>Notice</i>	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
Credit Earned	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
<i>Dual Credit</i>	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
<i>Instructional Materials</i>	Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chap-

ter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

**Security and
Confidentiality**

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
 - a. Met the requirements to participate in the student assessment program;
 - b. Received annual training in test security and test administration procedures; and
 - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)–(a)(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;

2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d), or appointment of a monitor, conservator, or management team to the district ~~or charter school~~ in accordance with Education Code Chapter 39A.

Test Administration
Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts ~~and charter schools~~ must comply with all of the applicable requirements specified in the test administration materials.

Districts ~~and charter schools~~ shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts ~~and charter schools~~ to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)–(d)

Disciplinary Action
and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)–(b), (g)

Minimize Disruptions

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

**Confidentiality of
Results**

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Adoption of Reading Instruments

The commissioner of education shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension.

For use in diagnosing the reading development and comprehension of kindergarten students, the commissioner shall ~~include on the Commissioner's list at least two multidimensional assessment tools~~ adopt a multidimensional assessment tool ~~on the Commissioner's list must either include~~ that includes a reading instrument and ~~test tests~~ at least three developmental skills, ~~including literacy, or test at least two developmental skills, other than literacy, and be administered in conjunction with a separate reading instrument that is on the Commissioner's list.~~ A multidimensional assessment tool is considered to be a reading instrument.

The district-level committee may adopt a list of reading instruments in addition to the reading instruments on the commissioner's list ~~for a grade level other than kindergarten.~~ Each reading instrument adopted by the district-level committee shall be based on scientific research concerning reading skills development and reading comprehension. A list of adopted reading instruments shall provide for diagnosing the reading development and comprehension of students participating in a bilingual or special language program.

Education Code 28.006(a)–(b)

Kindergarten–

Each district shall administer at the kindergarten level a reading instrument adopted by the commissioner or an alternative reading instrument approved by the commissioner. The district shall administer the reading instrument in accordance with the commissioner's recommendations.

The commissioner may approve an alternative reading instrument for use in diagnosing the reading development and comprehension of kindergarten students that complies with the requirements above.

The commissioner by rule shall determine the performance on the reading instrument that indicates kindergarten readiness.

Education Code 28.006(b-1), (c-2)–(c-3)

First and Second Grade Grades

A district shall administer, at ~~the kindergarten and~~ first- and second-grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. A district shall administer the reading instrument in accordance with the commissioner's recommendations.

Seventh Grade

A district shall administer a diagnostic reading instrument during the first six weeks of the school year to each student in grade 7

whose performance on the grade 6 state reading assessment did not meet the passing standard. If a student was administered the modified state assessment in reading, the [ARD admission, review, and dismissal \(ARD\)](#) committee may determine if the diagnostic assessment is appropriate for use with that student.

A student in grade 7 who does not have a score for the state reading assessment in grade 6 may be given an equivalent comprehension assessment. If that student does not meet the passing standard, the student must be administered the diagnostic reading assessment.

A district must use the Texas Middle School Fluency Assessment and/or an alternate diagnostic reading instrument. A district must submit an alternate diagnostic reading instrument to [the Texas Education Agency \(TEA\)](#) for approval. An alternate diagnostic instrument must:

1. Be based on published scientific research in reading;
2. Be age and grade-level appropriate, valid, and reliable;
3. Identify specific skill difficulties in word analysis, fluency, and comprehension; and
4. Assist the teacher in making individualized instructional decisions based on the assessment results.

Reports

A superintendent shall:

1. Report to the commissioner and the board the results of the reading instruments;
2. [Not later than the 60th calendar day after the date on which a reading instrument was administered,](#) report, in writing, to a student's parent or guardian the student's results on the reading instrument; and
3. Using the school readiness certification system, report each student's raw score on the reading instrument to TEA using the school readiness certification system.

Cost

[TEA shall ensure at least one reading instrument for each grade level for which a reading instrument is required to be administered is available to districts at no cost](#)

~~The results of reading instruments may not be used for purposes of appraisals, incentives, or accountability.~~

~~The reading instruments specified in this policy are required only if funds are appropriated for administering them. Funds, other than local funds, may be used to pay the cost of administering a reading~~

~~instrument only if the instrument is on the list adopted by the Commissioner.~~

Notice to Parents

A district shall notify the parent or guardian of each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. A district shall make a good-faith effort to ensure that this notice is provided in person or by regular mail, is clear and easy to understand, and is written in English and in the parent or guardian's native language.

Accelerated
Reading Instruction
Program

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form, content, and timing of that program. [See Accelerated Reading Instruction Program at EHBC(LEGAL)]

Education Code 28.006; 19 TAC 101.6001

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 ELA(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.

Partial Year

A partial school year that results in an intervention pause under 19 Administrative Code 97.1077(b) or (c) constitutes one full year of a pause. This provision expires on September 1, 2023.

19 TAC 97.1062(d), (f)-(n)

*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, ~~as well as initial and final authority to supervise, manage, and rescind the assignment of any district employee or district contractor from 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.
- ~~4.5.~~ The operating partner must directly manage the instructional staff described above who provide services to at least a majority of the students 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 ~~under regulation, 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 ~~approve~~ 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; ~~and~~
5. Initial, final, and sole authority to ~~adopt and implement~~ 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 a specific target for student growth based on the School Progress Domain~~; and
 - c. Specific consequences in the event that the operating party does not meet the ~~annual~~ 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 ~~meeting organization, limited to matters directly related to the expectation outlined in 19 Administrative Code 109.23~~ 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 ten 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 ~~the contract for an operating partner that successfully met the performance expectations and goals described in the performance contract;~~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);
- ~~7.8.~~ Service-level agreements that ~~describe and allocate shared~~list the resources and services the ~~district provides to the operating partner, which~~ 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;
- ~~8. A per-pupil allocation from the district to the operator~~section that ~~provides a student level allocation of local, state, and federal funds received by the district;~~
9. ~~A description of~~describes the educational plan ~~for~~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 ~~consequences~~ specific and material consequence(s) in the instance that either the district or the operating partner breaches the contract. ~~The contract may not be contingent on any rating issued by TEA to the campus prior to the operation of the campus by the operating partner.~~

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(~~gh~~)-(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 ~~the district's~~ campus ~~with, on approval by the commissioner, an entity granted a charter by the district and receive benefits~~ under Education Code ~~Subchapter G, Chapter 12-~~ 11.174(a)(2).

Definitions

Eligible Entity

"Eligible entity" means an institution of higher education, a non-profit 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 ~~under Education Code 11.174~~ for an eligible entity to contract to partner to operate a campus.

<i>Proposed Operating Partner</i>	“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<del>;</del>~~(b)–(c).~~ 1051(3); Education Code 12.101(a)
Eligibility Approval Process	TEA shall review ~~eligibility approval requests.~~<u>application packages submitted under this provision.</u> If TEA determines that an ~~eligibility approval request~~<u>application package is not complete and/or the applicant</u> does not meet the eligibility criteria~~in Education Code 11.174,~~ TEA shall notify the applicant and allow ten business days for the applicant to submit any missing or explanatory documents. ~~If, after giving the applicant opportunity to provide supplementary documents, TEA determines that the eligibility approval request remains incomplete and/or the eligibility requirements have not been met, the eligibility approval request will be denied. If the documents are not timely submitted, TEA shall remove the eligibility approval request without further processing.~~ <u>Upon written notice to TEA, an applicant may withdraw an application package.</u> 19 TAC 97.1079~~(d)~~ <u>e)(2)–(3)</u>
~~Review Panel~~	~~Applicants with complete eligibility approval requests shall be reviewed by an external eligibility approval request review panel selected by the commissioner, in accordance with the procedures and criteria established in the eligibility approval request form. The recommendation, ranking, or other type of endorsement by a member or members of the review pane is not binding on the commissioner. 19 TAC 97.1079(d)(4)–(5)~~
<i>Public Information</i>	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~~(d)(6e)(4)~~ must be excluded or redacted from an eligibility approval request. 19 TAC 97.1079~~(d)(6e)(4)~~
<i>Criteria for Approval</i>	The commissioner shall consider the criteria described in 19 Administrative Code 97.1079~~(d)(8e)(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~~(de)~~
<i>Appeals</i>	A decision made by TEA to deny, remove, or return an eligibility approval request is a final administrative decision of TEA and may not be appealed under Education Code 7.057. 19 TAC 97.1079~~(ef)~~

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 F: STUDENTS

FA	STUDENT GOALS AND OBJECTIVES
FB	EQUAL EDUCATIONAL OPPORTUNITY
FBA	Service Animals
FC	SCHOOL ATTENDANCE AREAS
FD	ADMISSIONS
FDA	Interdistrict Transfers
FDAA	Public Education Grants
FDB	Intradistrict Transfers and Classroom Assignments
FDC	Homeless Students
FDD	Military Dependents
FDE	School Safety Transfers
FE	ATTENDANCE
FEA	Compulsory Attendance
FEB	Attendance Accounting
FEC	Attendance for Credit
FED	Attendance Enforcement
FEE	Open/Closed Campus
FEF	Released Time
FF	STUDENT WELFARE
FFA	Wellness and Health Services
FFAA	Physical Examinations
FFAB	Immunizations
FFAC	Medical Treatment
FFAD	Communicable Diseases
FFAE	School-Based Health Centers
FFAF	Care Plans
FFB	Crisis Intervention
FFBA	Trauma-Informed Care
FFC	Student Support Services
FFD	Student Insurance
FFE	~~Student Assistance Programs~~ /Counseling <u>and Mental Health</u>
FFEA	~~Comprehensive Guidance Program~~ <u>Counseling</u>
FFEB	~~Substance Abuse~~ <u>Mental Health</u>
FFF	Student Safety
FFFA	Supervision of Students
FFFB	Safety Patrols
FFFD	Bicycle/Automobile Use
FFFF	School Buses
FFG	Child Abuse and Neglect

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SECTION F: STUDENTS

FFH	Freedom from Discrimination, Harassment, and Retaliation
FFI	Freedom from Bullying
FG	STUDENT AWARDS AND SCHOLARSHIPS
FH	STUDENT VOLUNTEERS
FJ	STUDENT FUNDRAISING
FL	STUDENT RECORDS
FLA	Confidentiality of Student Health Information
FM	STUDENT ACTIVITIES
FMA	School-Sponsored Publications
FMB	Student Government
FMD	Social Events
FME	Performances
FMF	Contests and Competition
FMG	Travel
FMH	Commencement
FN	STUDENT RIGHTS AND RESPONSIBILITIES
FNA	Student Expression
FNAA	Distribution of Nonschool Literature
FNAB	Use of School Facilities for Nonschool Purposes
FNB	Involvement in Decision Making
FNC	Student Conduct
FNCA	Dress Code
FNCB	Care of School Property
FNCC	Prohibited Organizations and Hazing
FNCD	Tobacco Use and Possession
FNCE	Personal Telecommunications/Electronic Devices
FNCF	Alcohol and Drug Use
FNCG	Weapons
FNCH	Assaults
FNCI	Disruptions
FND	Married Students
FNE	Pregnant Students
FNF	Investigations and Searches
FNG	Student and Parent Complaints/Grievances
FO	STUDENT DISCIPLINE
FOA	Removal by Teacher or Bus Driver
FOB	Out-of-School Suspension
FOC	Placement in a Disciplinary Alternative Education Setting

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SECTION F: STUDENTS

FOCA	Disciplinary Alternative Education Program Operations
FOD	Expulsion
FODA	Juvenile Justice Alternative Education Program
FOE	Emergency and Alternative Placement
FOF	Students with Disabilities
FP	STUDENT FEES, FINES, AND CHARGES

Nondiscrimination	A district shall provide equal opportunities to all individuals within its jurisdiction or geographic boundaries. <i>Education Code 1.002(a)</i> No officer or employee of a district shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin. <i>Civ. Prac. & Rem. Code 106.001</i> A district may not deny services to any individual eligible to participate in its special education program, but it shall provide individuals with disabilities special educational services as authorized by law. <i>Education Code 1.002(b)</i>
Federal Funding Recipients	No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination by any district that receives federal financial assistance, on the basis of any of the following protected characteristics: 1. Sex. 2. Race, color, or national origin. 3. Disability, or relationship or association with an individual with a disability. [See EHB, EHBA series, and GA] 4. Age. <i>20 U.S.C. 1681 (Title IX); 42 U.S.C. 2000d (Title VI); 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act); 29 U.S.C. 794 (Section 504); 42 U.S.C. 12132 (Americans with Disabilities Act [ADA]); 42 U.S.C. 6101 et. seq. (Age Discrimination Act of 1975)</i>
Sexual Harassment	Sexual harassment of students is discrimination on the basis of sex under Title IX. <i>Franklin v. Gwinnett County Schools</i>, 503 U.S. 60 (1992) [See also DIA and FFH]
~~Human Rights Coordinator~~	~~A district shall designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, and the ADA. The district shall notify all students and employees of the name, office address, and telephone number of the employee(s) so designated.~~
Grievance Procedures	A district ~~shall~~must adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging ~~discrimination under these statutes.~~ <u>[See FNG any action that would be prohibited by these provisions. 34 C.F.R. 106.8 (Title IX), 104.7(b) (Section 504) [See FFH]</u> ~~34 C.F.R. 106.8 (Title IX), 104.7 (Section 504)~~

Retaliation	A district shall not coerce, intimidate, threaten, retaliate <u>or discriminate</u> against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws. <i>34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)</i> [See FFH]
Students with Learning Difficulties	The Texas Education Agency shall produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Education Code 29.004 or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Each school year, a district shall provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means. <i>Education Code 26.0081(c)</i>
Disability Discrimination	Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by the district. <i>42 U.S.C. 12132; 28 C.F.R. 35.130</i>
ADA	
Section 504	Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. <i>29 U.S.C. 794(a)</i>
<u>Designation of Responsible Employee</u>	<u>A district shall designate at least one employee to coordinate its efforts to comply with Section 504 and the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated. 34 C.F.R. 104.7(a), 28 C.F.R. 35.107</u>
Definitions	A "student with a disability" is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.
<i>Student with a Disability</i>	The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of 6 months or less.

29 U.S.C. 705(20)(B), 42 U.S.C. 12102(1), (3)–(4)

*Qualified
Individual with a
Disability*

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2)*

*Major Life
Activities*

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. “Major life activity” also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. *42 U.S.C. 12102(2)*

*Reasonable
Modification*

A district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7)*

Direct Threat

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below. *28 C.F.R. 35.104*

The ADA does not require a district to permit an individual to participate in or benefit from the services, programs, or activities of that district when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, a district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

Free Appropriate
Public Education
(FAPE)

A district shall provide a free appropriate public education to each qualified student with a disability within the district's jurisdiction, regardless of the nature or severity of the student's disability.

A student with a disability is "qualified" if he or she is between the ages of three and 21, inclusive. *20 U.S.C. 1412(a)(1); 34 C.F.R. 104.3(l)(2)*

An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

34 C.F.R. 104.33(b)

Implementation of an individualized education program (IEP) under IDEA is one means for providing FAPE. *34 C.F.R. 104.33(b)(2)*

Note: See EHBA series for policies regarding the provision of special education to students with disabilities under IDEA who require special education in order to benefit from a free appropriate public education.

Educational Setting

A district shall place a student with a disability in the regular educational environment, unless the district demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. *34 C.F.R. 104.34(a)*

In providing or arranging for nonacademic and extracurricular services and activities, a district shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. *34 C.F.R. 104.34(b), 104.37*

Evaluation and
Placement

A district shall conduct an evaluation of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

*Evaluation
Procedures*

A district shall establish standards and procedures for the evaluation and placement which ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

*Placement
Procedures*

In interpreting evaluation data and in making placement decisions, a district shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

4. Ensure that the placement decision is made in conformity with 34 C.F.R. 104.34.

Reevaluation

A district shall establish procedures for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act [now IDEA] is one means of meeting this requirement.

34 C.F.R. 104.35**Military
Dependents**

In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–12165), the district shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, § C* [See FDD]

**Procedural
Safeguards**

A district shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. **34 C.F.R. 104.36**

**Children Who Are
Homeless**

A district shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status. [See FDC]

Liaison

A district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FFC]

42 U.S.C. 11432(g)(1)(J)(i), (ii), (g)(6)(B)**Religious Freedom**

A district may not substantially burden a student's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering

	that interest. <i>Civ. Prac. & Rem. Code 110.003</i> [See also DAA and GA]
Adverse Action Prohibited	Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. <i>Gov't Code 2400.002</i> [See GA]
Discrimination on the Basis of Sex Title IX	No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by any district receiving federal financial assistance. ~~20 U.S.C. 1681(a)~~ 20 U.S.C. 1681(a) [See FFH for information regarding Title IX coordinator designation, policy notification, and complaint procedures.] A district shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. ~~34 C.F.R. 106.34~~ 34 C.F.R. 106.34 [See FFH for information on sexual harassment that may constitute discrimination on the basis of sex under Title IX.]
Separate Facilities	A district may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. <i>34 C.F.R. 106.33</i>
Human Sexuality Classes	Portions of classes in elementary and secondary school that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.
Vocal Music Activities	A district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex. <i>34 C.F.R. 106.34</i>
Single-Sex Programs	A district shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the district. <i>34 C.F.R. 106.35</i>
Pregnancy and Marital Status	A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. <i>34 C.F.R. 106.40</i> [See FND]

Physical Education Classes	A district may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.
<i>Skills Assessment</i>	Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, a district shall use appropriate standards that do not have such effect.
<i>Contact Sports</i>	A district may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact. <i>34 C.F.R. 106.34, .43</i>
Athletic Programs	A district shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.
<i>Single-Sex Teams</i>	A district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.
<i>Equal Athletic Opportunities</i>	A district that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The following factors shall be considered in determining whether a district provides equal athletic opportunities: 1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes; 2. Provision of equipment and supplies; 3. Scheduling of games and practice time; 4. Travel and per diem allowance; 5. Opportunity to receive coaching and academic tutoring; 6. Assignment and compensation of coaches and tutors; 7. Provision of locker rooms and practice and competitive facilities; 8. Provision of medical and training facilities and services;

9. Provision of housing and dining facilities and services; and
10. Publicity.

34 C.F.R. 106.41

Assignments

A board or its designee may assign and transfer any student from one school facility or classroom to another facility or classroom within its jurisdiction. *Education Code 25.031*

A board or its designee must make the decision concerning the assignment or transfer of a student on an individual basis and may not consider as a factor in its decision any matter relating to the national origin of the student or the student's ancestral language. *Education Code 25.032*

Multiple Birth Siblings

"Multiple birth sibling" means a twin, triplet, quadruplet, or other sibling resulting from a multiple birth.

"Parent" includes a person standing in parental relation.

Placement

The parent of multiple birth siblings who are assigned to the same grade level and school may request in writing, not later than the 14th day after the first day of enrollment, that the school place the siblings in the same classroom or in separate classrooms.

A school shall provide the placement requested, except that a district is not required to place multiple birth siblings in separate classrooms if the request would require the district to add an additional class to the grade level of the siblings.

The school may recommend to a parent the appropriate classroom placement and may provide professional educational advice to assist the parent with the decision.

These provisions do not affect:

1. A right or obligation regarding the individual placement decisions of the admission, review, and dismissal (ARD) committee with respect to students receiving special education services [see EHBAB]; or
2. The right of a district or teacher to remove a student from a classroom under Chapter 37 [see FOA].

Reassignment by Principal

At the end of the first grading period following the multiple birth siblings' enrollment in the school, if the principal of the school, in consultation with the teacher of each classroom in which the siblings are placed, determines that the requested classroom placement is disruptive to the school, the principal may determine the appropriate classroom placement for the siblings.

Appeal

A parent may appeal the principal's classroom placement in the manner provided by district policy. During an appeal, the siblings shall remain in the classroom chosen by the parent. [See FNG]

Education Code 25.043

Placement of Older Students

A person who is 21 years of age or older who is admitted by a district to complete the requirements for a high school diploma and who has not attended school in the three preceding school years may not be placed with a student who is 18 years of age or younger in a classroom setting, a cafeteria, or another district-sanctioned school activity. This restriction does not prevent the student from attending a school-sponsored event that is open to the public as a member of the public. *Education Code 25.001(b-2)*

Petitions and Objections

The parent or person standing in parental relation to any student may by written petition either:

1. Request the assignment or transfer of the student to a designated school or to a school to be designated by the board; or
2. File objections to the assignment of the student to the school to which the student has been assigned.

Education Code 25.033, 26.003(a)(1)

Procedure

Upon receiving a written petition, a board shall proceed as follows:

1. If no hearing is requested, act on the petition not later than the 30th day after the petition is submitted and notify the petitioner of its conclusion; or
2. If a hearing is requested, designate a time and place for holding a hearing not later than the 30th day after the petition is submitted.

If a hearing is requested, it shall be conducted by a board in compliance with the following:

1. The petitioner may present evidence relevant to the student.
2. The board may conduct investigations as to the objection or request, examine any student involved, and employ agents, professional or otherwise, for the purpose of examinations and investigations.

Board's Decision

The board must grant the request made in the petition unless the board determines that there is a reasonable basis for denying the request. The decision of a board, with or without a hearing, is final, unless the student, or the parent, guardian, or custodian of the student as next friend, files an exception to the decision as constituting a denial of any right of the student guaranteed under the U.S. Constitution.

If such an exception is filed, a board may reconsider its decision. If a board has not ruled on the exception before the 16th day after the date of the filing, the objection is considered overruled. If the

exception is overruled, an appeal of a board's decision may be filed in the district court of the county in which the board is located.

Education Code 25.034

Students Who Are Victims of Bullying

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, a board or its designee shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the district other than the campus to which the victim was assigned at the time the bullying occurred.

Students Who Engage in Bullying

The board may transfer the student who engaged in bullying to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

~~The Education Code 37.004 (Placement of Students with Disabilities) applies to a transfer under this provision of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under Education Code 37.004.~~

Definition

"Bullying" has the meaning assigned by Education Code 37.0832. [See FFI]

Verification

A board or designee shall verify that a student has been a victim of bullying before transferring the student. A board may consider past student behavior when identifying a bully.

The determination by a board or designee is final and may not be appealed. The procedures set forth at Education Code 25.034 [see Petitions and Objections—Procedure, above] do not apply to a transfer under this provision.

A district is not required to provide transportation to a student who transfers to another campus under this provision.

Education Code 25.0342

Note: For bullying rising to the level of prohibited harassment, see FFH. For all other bullying, see FFI. [For transfers related to sexual assault or school safety, see FDE.](#)

**Others in Special
Education Student's
Household**

If a district assigns a student to a district campus other than the campus the student would attend based on the student's residence, for purposes of receiving special education services, the district shall permit the student's parent, guardian, or other person standing in parental relation to the student to obtain a transfer to the assigned campus for any other student residing in the household of the student receiving special education services, provided that:

1. The other student is entitled to attend school in the district [see FD]; and
2. The appropriate grade level for the other student is offered at the campus.

This provision does not apply if the student receiving special education services resides in a residential facility.

Education Code 25.034 [see Petitions and Objections—Procedure, above] does not apply to a transfer under this provision.

Transportation

A district is not required to provide transportation to a student who transfers to another campus under this provision. This provision does not affect any transportation services provided by a district in accordance with other law for the student receiving special education services.

Education Code 25.0343

**Students in
Unacceptable
Schools**

A student is eligible to attend another public school in the district in which the student resides if the student is assigned to attend a public school campus assigned an unacceptable rating that is made publicly available under Education Code 39.054 for:

1. The student achievement domain under Education Code 39.053(c)(1); and
2. The school progress domain under Education Code 39.053(c)(2). [See AIA]

Education Code 29.202(a) [See FDAA]

**Students in Schools
Identified for
Support and
Improvement**

A district may provide all students enrolled in a school identified by TEA for comprehensive support and improvement under 20 U.S.C. 6311(c)(4)(D)(i) with the option to transfer to another public school served by the district, unless such an option is prohibited by state law.

A district shall give priority to the lowest achieving children from low-income families. A student who uses the option to transfer shall be enrolled in classes and other activities in the public school to

which the student transfers in the same manner as all other students at the public school.

A district shall permit a student who transfers to another school to remain in that school until the child has completed the highest grade in that school. A district may spend an amount equal to not more than five percent of its allocation under 20 U.S.C. Chapter 70, Part A, Subpart 2 (Title I basic program allocations) to pay for the provision of transportation for students who transfer under these provisions to the schools to which they transfer.

20 U.S.C. 6311(d)(1)(D)

Note: See FDE for the school safety transfer option in Title I programs.

Class Changes

A parent or person standing in parental relation is entitled to reasonable access to the school principal, or to a designated administrator with authority to reassign a student, to request a change in the class or teacher to which the parent's child has been assigned, if the reassignment or change would not affect the assignment or reassignment of another student. The decision of a board regarding such a request is final and may not be appealed. *Education Code 26.002, .003(a)(2), (b)* [See FNG]

**Compulsory
Attendance**

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)–(c)*

**Voluntary Enrollment
of Students 19 and
Over**

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

Education Code 25.085(e)–(h)

**Accelerated /
Compensatory
Programs**

Unless specifically exempted, a student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];

4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or
5. A summer program provided:
 - a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of removal. *Education Code 37.021* [See FO]
 - b. To a student removed to a DAEP who has been offered an opportunity to complete coursework, before the beginning of the next school year. *Education Code 37.008(l)* [See FOCA]

Education Code 25.085(d)

**Additional
Instructional Days**

Notwithstanding any other provision in Education Code 25.085, a student enrolled in a district is not required to attend school for any additional instructional days described by Education Code 48.0051 [See Incentive for Additional Instructional Days at FEB]. *Education Code 25.085(i)*

Exemptions

A student is exempt from compulsory attendance requirements ~~if:~~under the following statutory provisions.

Equivalency
Diploma

A student is exempt from compulsory attendance requirements if the student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

Private or Home
School

A student is exempt from compulsory attendance requirements if the student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *TEA v. Leeper*, 893 S.W.2d 432 (Tex. 1994)

Special Education—
Nondistrict
Placement

A student is exempt from compulsory attendance requirements if the student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

Medical Condition	A student is exempt from compulsory attendance requirements if the student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.
Expulsion—No JJAEP	A student is exempt from compulsory attendance requirements if the student is expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]
17-Year-Old in GED Course	A student is exempt from compulsory attendance requirements if the student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and: 1. Has the permission of the student's parent or guardian to attend the course; 2. Is required by court order to attend the course; 3. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or 4. Is homeless.
High School Replacement Programs	A student is exempt from compulsory attendance requirements if the student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-Year-Old in GED Program or Job Corps	A student is exempt from compulsory attendance requirements if the student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: 1. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or 2. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801.
Other Exemption	A student is exempt from compulsory attendance requirements if the student is specifically exempted under another law. <i>Education Code 25.086</i>

**Excused Absences
for Compulsory
Attendance
Determinations**

	A district shall excuse a student from attending school ~~for~~ <u>as re-</u> <u>quired by</u> the following ~~purposes:~~ <u>statutory provisions.</u>
Religious Holy Days	<u>A district shall excuse a student from attending school for the pur-</u> <u>pose of</u> observing religious holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.
Court Appearances	<u>A district shall excuse a student from attending school for the pur-</u> <u>pose of</u> attending a required court appearance. A student who is at- tending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site.
Citizenship Proceedings	<u>A district shall excuse a student from attending school for the pur-</u> <u>pose of</u> appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing at a governmental office to complete such paperwork is allowed up to one day of ex- cused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site.
	<u>A district shall excuse a student from attending school for the pur-</u> <u>pose of</u> taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.
Election Clerks	<u>A district shall excuse a student from attending school for the pur-</u> <u>pose of</u> serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for travel- ing to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site. [See Early Voting Clerks, below]
Children in Conservatorship of DFPS	If ~~the~~ <u>a</u> student is in the conservatorship of the Department of Fam- ily and Protective Services (DFPS), <u>a district shall excuse the stu-</u> <u>dent from attending school for the purpose of</u> participating, as de- termined and documented by DFPS, in an activity: 1. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or

2. Required under a service plan under Family Code Chapter 263, Subchapter B.

Education Code 25.087(b)(1); 19 TAC 129.21(j)(3)

Health-Care
Appointments

A district shall excuse a student from attending school for a temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. The appointment must be supported by a document such as a note from the health-care professional. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. *Education Code 25.087(b)(2), (b-3); 19 TAC 129.21(j)(3)* [See FEB]

Higher Education
Visits

A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. The district adopts:
 - a. A policy to determine when an absence will be excused for this purpose; and
 - b. A procedure to verify the student's visit at the institution of higher education.

Education Code 25.087(b-2); 19 TAC 129.21(j)(3)

Early Voting Clerks

A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see Election Clerks, above] or early voting clerk for a maximum of two days in a school year. *Education Code 25.087(b-1), (e)*

Military Dependents

A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside

the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]

Enlistment in Armed Services

A district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that:

1. The district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and
2. The district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard.

A district shall adopt procedures to verify a student's activities as described in these provisions.

Education Code 25.087(b-5), (b-6); 19 TAC 129.21(j)(3)

Taps at Military Funeral

In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*

No Penalty

A student whose absence is excused for a reason described beginning at Excused Absences for Compulsory Attendance Determinations, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.

Make-Up Work

The student shall be allowed a reasonable time to make up school work missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.

Education Code 25.087(d)

Other Excused Absences

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. *Education Code 25.087(a)*

Notices to Parents

Warning Notice

A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same

school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

Notice of Absences

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
 - a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
 - b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

Non-Attendance

Parent Liability

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

*Affirmative
Defense—Parent*

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

Education Code 25.093

Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend

school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a), (b)*

“Child” means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

Truancy Courts

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 1.75 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

Family Code 65.004(a), (b)

*Affirmative
Defense—
Student*

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose.

Family Code 65.003(c)

**Truancy Prevention
Measures**

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

**District Complaint or
Referral**

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student’s tenth absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FED] *Education Code 25.0951*

Records

A district must maintain records to reflect the average daily attendance for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). The district must maintain records and make reports concerning student attendance and participation in special programs as required by the commissioner of education. The superintendent, principals, and teachers are responsible to the board and the state to maintain accurate, current attendance records. *19 TAC 129.21(a), (e)*

Districts shall use the student attendance accounting standards established by the commissioner to maintain records and make reports on student attendance and student participation in special programs. The official standards are described in TEA's *Student Attendance Accounting Handbook (SAAH)*. *19 TAC 129.1025*

The superintendent is responsible for the safekeeping of all attendance records and reports. The superintendent may determine whether the properly certified attendance records or reports for the school year are to be stored in the central office, on the respective school campuses of a district, or at another secure location. Regardless of where such records are filed or stored, they must be readily available for audit by TEA. *19 TAC 129.21(d)*

Minimum Enrollment

A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day.

Full-Day Students

Students enrolled on a full-day basis may earn one full day of attendance each school day.

Half-Day Students

Students enrolled on a half-day basis may earn only one half day attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day they are scheduled to be present.

Alternative Attendance Accounting Program

Students who are enrolled in and participating in an alternative attendance accounting program approved by the commissioner will earn attendance according to the statutory and rule provisions applicable to that program.

Attendance for State Funding Purposes

Attendance for all grades shall be determined by the absences recorded ~~in~~at the ~~second or fifth~~official attendance-taking time during the campus's instructional ~~hour of the~~ day, unless the board adopts a policy, or delegates to the superintendent the authority to establish procedures for recording absences in an alternative hour, or unless the students for which attendance is being taken are enrolled in and participating in a commissioner-approved alternative attendance accounting program.

The established period in which absences are recorded may not be changed during the school year.

Students absent at the time the attendance roll is taken, during the daily period selected, are counted absent for the entire day, unless the students are enrolled in and participating in a commissioner-approved alternative attendance accounting program. Students present at the time the attendance roll is taken, during the daily period selected, are counted present for the entire day, unless the students are enrolled in and participating in a commissioner-approved alternative attendance accounting program.

19 TAC 129.21(g)–(h)

A student removed to a disciplinary alternative education program is counted in computing the average daily attendance of students in a district for the student's time in actual attendance in the program. *Education Code 37.008(f)*

**Incentive for
Additional
Instructional Days**

The commissioner shall adjust the average daily attendance of a district under Education Code 48.005 in the manner provided by Education Code 48.0051(b) if the district:

1. Provides the minimum number of minutes of operational and instructional time required under Education Code 25.081 and commissioner rules adopted under that section over at least 180 days of instruction; and
2. Offers an additional 30 days of half-day instruction for students enrolled in prekindergarten through fifth grade.

Education Code 48.0051(a)

Funding for Off-Campus Programs

Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration of employment). This alternate attendance-taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the district must ensure that attendance is taken in accordance with the *SAAH*.

For a district to receive FSP funding for a student participating in an off-campus program, the district must have documentation of an agreement between the district and the college.

19 TAC 129.1031(c), (d) [See EHDD]

Exceptions

A student not actually on campus when attendance is taken may be considered in attendance for FSP purposes if:

1. The student is participating in a board-approved activity under the direction of a member of a district's professional or paraprofessional staff, or an adjunct staff member who has a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas (TRS). [See FM]
2. The student is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program outlined in 19 Administrative Code Chapter 74. [See EIF]
3. The student is absent for one of the purposes listed at Excused Absences for Compulsory Attendance Determinations in FEA(LEGAL).
4. The student is in attendance at a dropout recovery education program under Education Code 29.081. [See GNC]
5. The student's absence is permitted by other conditions related to off-campus instruction described in the *SAAH*.

Education Code 25.087, 29.081(e), (f); 19 TAC 129.21(i)–(k)

Disasters

The commissioner may adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The commissioner may make the adjustment under this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

Education Code 48.006(a), (c)

Parental Consent to Leave Campus

Before a district may count a student in attendance under these provisions or in attendance when the student was allowed to leave campus during any part of the school day, the board must adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus and the district must distribute the policy or procedures to staff and to all parents of students in the district. *19 TAC 129.21(l)*

Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or
4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Administering Medication

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.
2. When administering prescription medication, the medication is administered either:
 - a. From a container that appears to be the original container and to be properly labeled; or
 - b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

Immunity from Civil Liability

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a), (b)

[See DG regarding protection of nurses for refusal to perform acts.]

Nursing Peer Review Committees

~~"Nursing peer review committee" includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.~~

~~A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301 if:~~

~~3. For vocational nurses, the person regularly employs, hires, or contracts for the services of eight or more nurses; and~~

~~4. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are registered nurses.~~

~~A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.~~

~~Occupations Code 303.001(4), .0015~~

**Self-Administration
of Asthma or
Anaphylaxis
Medicine**

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
 - a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
 - b. A written statement, signed by the student's physician or other licensed health-care provider, that states:
 - (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
 - (2) The name and purpose of the medicine;
 - (3) The prescribed dosage for the medicine;
 - (4) The times at which or circumstances under which the medicine may be administered; and
 - (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAC for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of
Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

**Prescription
Medication and
Special Education
Students**

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

Psychotropics

[\[See FFEB for information regarding psychotropic drugs\]](#) and psychiatric evaluations

A district employee may not:

- ~~3. Recommend that a student use a psychotropic drug; or~~
- ~~4. Suggest any particular diagnosis; or~~
- ~~5. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.~~

~~Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.~~

~~Education Code 38.016(b) does not:~~

- ~~6. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or~~
- ~~7. Prohibit a school district employee who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from recommending that a child be evaluated by an appropriate medical practitioner; or~~
- ~~8. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.~~

~~A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016.~~

~~A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.~~

~~Education Code 38.016~~

Child Abuse Reporting

~~An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:~~

~~9. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or~~

~~10. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.~~

~~Education Code 26.0091; Family Code 261.111(a) [See FFG]~~

**Opioid Antagonist
Medication**

A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution. *Health and Safety Code 483.104*

A prescriber may, directly or by standing order, prescribe an opioid antagonist to a person in a position to assist a person experiencing an opioid-related drug overdose. *Health and Safety Code 483.102; 22 TAC 170.6*

Immunity

A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer the opioid antagonist. *Health and Safety Code 483.106*

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

**Dextromethorphan
(Certain Cold
Medication)**

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Note: The following provisions apply only to a district that will adopt an unassigned epinephrine auto-injector policy or an unassigned asthma medication policy.

**Maintenance and
Administration of
Epinephrine Auto-
Injectors**

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and
2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open.

The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

Education Code 38.208

Definitions

*All Hours the
Campus Is Open*

“All hours the campus is open” is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus

A “campus” is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

*Unassigned
Epinephrine
Auto-Injector*

An “unassigned epinephrine auto-injector” is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 37.603

Prompt Notification

Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine auto-injector before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 37.605(e)–(f)

Records

School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request. *25 TAC 37.605(f)*

Reports

Not later than the tenth business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine auto-injector; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;
2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 37.608*

Personnel or
Volunteers

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

25 TAC 37.606(a)–(b)

Signed Statement Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 37.606(c)*

Training A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the recognizing of anaphylaxis signs and symptoms and administration of an unassigned epinephrine auto-injector.

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training. Training shall be consistent with the most recent [Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs](#)¹ published by the federal Centers for Disease Control and Prevention.

25 TAC 37.607

Training may be provided in a formal training session or through an online education course. Training must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration. *25 TAC 37.607(1)–(2)*

Training must include information on implementing emergency procedures, if necessary, after administering an epinephrine auto-injector, and properly disposing of used or expired epinephrine auto-injectors. A district shall maintain records on the required training. *Education Code 38.210*

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills. The training must also include information about promptly notifying local emergency medical services.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 37.607(3)–(6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 37.605(a)

Epinephrine
Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors.

Throughout the school calendar year, the designated school personnel shall coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. *19 TAC 37.605(b)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice must be provided before the policy is implemented by the district or school and before the start of each school year. *Education Code 38.212*

A district shall provide electronic or written notice to the parent or guardian of each student.

If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days.

25 TAC 37.609

Storage	Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). <i>25 TAC 37.605(h)</i>
Replacement	The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. <i>25 TAC 37.605(i)</i>
Disposal	Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy. Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy. <i>25 TAC 37.605(j)–(k)</i> [See DBB]
Gifts, Grants, and Donations	A district may accept gifts, grants, donations, and federal and local funds to implement its policy. <i>Education Code 38.213</i>
Maintenance and Administration of Asthma Medicine	A district may adopt and implement a policy authorizing a school nurse to maintain and administer asthma medicine at each campus in the district. The policy must provide that the school nurse may administer prescription asthma medicine to a student only if the school nurse has written notification from a parent or guardian of the student stating that the student has been diagnosed as having asthma and stating that the school nurse may administer prescription asthma medicine to the student. A school nurse may administer the prescription asthma medicine only at a school campus. <i>Education Code 38.208(a-1), (b-1)</i>
Storage	The supply of asthma medicine at each campus must be stored in a secure location and be easily accessible to the school nurse.
No Negative Fiscal Impact	The policy may not require a district to purchase prescription asthma medicine or require any other expenditure related to the maintenance or administration of asthma medicine that would result in a negative fiscal impact on the district or school. <i>Education Code 38.208(e)–(f)</i>
Asthma Medicine Standing Order	A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157, may prescribe asthma

medicine in the name of a school district. *Education Code 38.211(a)*

Notice to Parents

The district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice required under Education Code 38.212 must be provided before a policy is implemented by the district and before the start of each school year. *Education Code 38.212*

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and asthma medicine, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

1. Issuing an order for epinephrine auto-injectors or asthma medicine;
2. Supervising or delegating the administration of an epinephrine auto-injector or asthma medicine;
3. Possessing, maintaining, storing, or disposing of an epinephrine auto-injector or asthma medicine;
4. Prescribing an epinephrine auto-injector or asthma medicine;
5. Dispensing an epinephrine auto-injector or asthma medicine, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Asthma Medicine, above];
6. Administering, or assisting in administering, an epinephrine auto-injector, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Epinephrine Auto-Injectors, above];
7. Providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
8. Undertaking any other act permitted or required under Education Code Chapter 38, Subchapter E.

A district and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under Education Code Chapter 38, Subchapter E, including an act or failure to act under related policies and procedures.

An act or failure to act by school personnel or a school volunteer, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the

school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district.

Education Code 38.215

¹ CDC Voluntary Guidelines for Managing Food Allergies:
<https://www.cdc.gov/healthyschools/foodallergies/index.htm>

School-Based Health Centers

A district may, if it identifies the need, design a model for the delivery of cooperative health-care programs for students and their families and may compete for grants to provide such programs. The model program may provide for delivery of conventional health services and disease prevention of emerging health threats that are specific to a district.

On the recommendation of an advisory council [\[see Advisory Council, below\]](#) or on the initiative of the board, a district may establish a school-based health center at one or more campuses ~~in the district~~ to meet the health-care needs of students and their families. A district may contract with a person to provide services at a school-based health center.

Education Code 38.051

Programs Goals

All health-care programs should be designed to meet the following goals:

1. Reducing student absenteeism;
2. Increasing a student's ability to meet the student's academic potential; and
3. Stabilizing the physical well-being of a student.

Education Code 38.063(c)

Consent Required

A school-based health center may provide services to a student only if a district or the provider with whom a district contracts obtains the written consent of the student's parent or guardian or another person having legal control of the student. The student's parent or guardian or another person having legal control of the student may give consent to receive ongoing services or may limit consent to one or more services provided on a single occasion. The consent form must list every service the center delivers in a format that complies with all applicable state and federal laws and allows a person to consent to one or more categories of services.

Education Code 38.053

Permissible Services

The permissible categories of services are:

1. Family and home support;
2. [Physical](#) health care, including immunizations;
3. Dental health care;
4. Health education; ~~and~~
5. Preventive health strategies.

[6. Treatment for mental health conditions \[see FFEB\]; and](#)

[7. Treatment for substance abuse.](#)

Education Code 38.054

Services Not
Permitted

Reproductive services, counseling, or referrals may not be provided through a school-based health center using grant funds awarded under Education Code Chapter 38, Subchapter B. Any service provided using grant funds must be provided by an appropriate professional who is properly licensed, certified, or otherwise authorized under state law to provide the service. *Education Code 38.055–.056*

The staff of a school-based health center and the person who consents to treatment shall jointly identify any health-related concerns of a student that may be interfering with the student's well-being or ability to succeed in school. ~~If it is determined that a student should be referred for mental health services, the staff of the center shall notify verbally and in writing the person who has authority to consent, and the referral shall not be made unless the person provides written consent for the service to be provided and specific written consent for each treatment occasion. Education Code 38.057~~

[If it is determined that a student is in need of a referral for physical health services or mental health services, the staff of the center shall notify the person whose consent is required under Education Code 38.053 verbally and in writing of the basis for the referral. The referral may not be provided unless the person provides written consent for the type of service to be provided and provides specific written consent for each treatment occasion or for a course of treatment that includes multiple treatment occasions of the same type of service.](#)

[Education Code 38.057](#)

Advisory Council

A board may establish and appoint members to a local health education and health-care advisory council to make recommendations on the establishment of school-based health centers and to assist a district in ensuring that local community values are reflected in the operation of each center and in the provision of health education.

A majority of the members must be parents of students enrolled in ~~a~~[the](#) district. In addition to the appointees who are parents, a board shall also appoint at least one [classroom](#) teacher, one administrator, one [school counselor](#), one licensed health-care professional [licensed or certified to practice in this state](#), one member of the

clergy, one person from law enforcement, one member of the business community, one senior citizen, and one student. *Education Code 38.058*

A district may seek assistance in establishing and operating a school-based health center from any public agency in the community. *Education Code 38.059*

If a district is located in a county with a population not greater than 50,000 or that has been designated [under state or federal law](#) as a health professional shortage area, a medically underserved area, or a medically underserved community, the district [and advisory council](#) shall make a good-faith effort to identify and coordinate with existing providers.

[The district shall keep a record of efforts made to coordinate with existing providers.](#)

Education Code 38.060

Primary Care
Physician

If a person receiving a medical service from a school-based health center has a primary care physician, the staff of the center shall provide notice of the service to that physician. Before delivering service to a person with a primary care physician under the state Medicaid program, a state children's health plan program, or a private health insurance or health benefit plan, the staff of the center shall notify that physician to share medical information and obtain authorization for delivering the medical service. *Education Code 38.061*

Funding

A district shall comply with the funding requirements and limitations set out in Education Code 38.062–.063 and with rules adopted by the commissioner of state health services. *Education Code 38.062–.063*

Standards for State-Funded Centers

If a district receives a grant from the Texas Department of State Health Services (TDSHS) to assist with the costs of operating school-based health centers, it must comply with TDSHS standards for funded centers. *25 TAC 37.531, .538*

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 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; and
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].

Membership

The superintendent shall ensure 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].

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(~~dc~~)-(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)

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 Health and Safety Code 161.325, [\[redesignated to Education Code 38.351, see FFEb\]](#), 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)

**Recommended
Programs**

~~The Texas Department of State Health Services (TDSHS), in coordination with TEA and ESCs, shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.~~

Subject Areas

~~The list must include programs and practices in the following areas:~~

- ~~1. Early mental health intervention;~~
- ~~2. Mental health promotion;~~
- ~~3. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;~~
- ~~4. Substance abuse prevention and intervention;~~

- ~~5. Suicide prevention;~~
- ~~6. Grief-informed and trauma-informed practices;~~
- ~~7. Positive behavior interventions and supports and positive youth development; and~~
- ~~8. Safe, supportive, and positive school climate.~~

~~“School climate” means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the district, parents of those students, and personnel employed by the district.~~

~~TDSHS, TEA, and each ESC shall make the list easily accessible on their websites.~~

Practices and Procedures

~~A district may develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:~~

- ~~9. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;~~
- ~~10. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;~~
- ~~11. Include a procedure for providing notice of a student identified as at risk of committing suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;~~
- ~~12. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention; and~~

~~13. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention.~~

~~The practices and procedures must prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.~~

~~The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]~~

~~Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.~~

~~Health and Safety Code 161.325~~

Immunity

~~These requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. Health and Safety Code 161.326~~

Liaison for Court-Related Students

A district shall appoint at least one educator, as defined by Education Code 5.001(5), to act as a liaison officer for court-related students. The liaison officer shall provide counseling and other services for court-related students and their parents to establish or reestablish normal attendance and progress in school. *Education Code 37.014*

Liaison for Students Who Are Homeless

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district will adopt policies and practices to ensure participation by the liaison in professional development and other technical assistance activities provided and approved by the statewide coordinator for education of homeless children and youths. *42 U.S.C. 11432(g)(1)(J)*

Notice

A district shall inform school personnel, service providers, and advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FD for definition of “homeless children.”]

Duties

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through outreach and coordination activities with other entities and agencies;
2. Homeless children are enrolled in, and have a full and equal opportunity to succeed in, district schools;
3. Homeless families and homeless children have access to and receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under Part C of the Individuals with Disabilities Education Act, and other district preschool programs;
4. Homeless families and homeless children receive referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services;
5. The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided meaningful opportunities to participate in the education of their children;
6. Public notice of the educational rights of homeless children is disseminated in locations frequented by parents or guardians of such children, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a

manner and form understandable to the parents and guardians of homeless children, and unaccompanied youths;

7. Enrollment disputes are mediated;
8. The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of enrollment;
9. School personnel providing services under the McKinney-Vento Act receive professional development and other support; and
10. Unaccompanied youths:
 - a. Are enrolled in school;
 - b. Have opportunities to meet the same challenging state academic standards as the state establishes for other children; and
 - c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

42 U.S.C. 11432(g)(6)(A), (B)

Determination of
Homeless Status

A liaison who receives training under 42 U.S.C. 11432(f)(6) may affirm, without further action by the Department of Housing and Urban Development, that a child who is eligible for and participating in a district program, or the immediate family of such a child, who meets the eligibility requirements of the McKinney-Vento Act for an authorized program or service under Title IV of the Act, is eligible for such program or service. *42 U.S.C. 11432(g)(6)(D)*

**Liaison for Children
in State
Conservatorship**

Each district shall appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district who is in the conservatorship of the state and submit the liaison's name and contact information to [the Texas Education Agency \(TEA\)](#) in a format and under the schedule determined by the commissioner of education.

TEA shall provide information to the liaisons on practices for facilitating the enrollment in or transfer to a public school of children who are in the conservatorship of the state.

Education Code 33.904

Transition to Higher Education

A district, in coordination with the Department of Family and Protective Services (DFPS), shall facilitate the transition of each child enrolled in the district who is eligible for a tuition and fee waiver under Education Code 54.366, and who is likely to be in the conservatorship of DFPS on the day preceding the child's 18th birthday to an institution of higher education by:

1. Assisting the child with the completion of any applications for admission or financial aid;
2. Arranging and accompanying the child on campus visits;
3. Assisting the child in researching and applying for private or institution-sponsored scholarships;
4. Identifying whether the child is a candidate for appointment to a military academy;
5. Assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by DFPS; and
6. Coordinating contact between the child and a liaison designated by the Higher Education Coordinating Board for students who were formerly in the conservatorship of DFPS.

Family Code 264.1212 [See FFEA]

Transition Assistance for Highly Mobile Students

Definitions

Enrollment Conference

Records

"Enrollment conference" means a student-centered meeting for a newly enrolled student to identify academic and extracurricular interests; introduce school processes and opportunities for engagement; develop course and instructional strategies; review credits and assessment information; determine social-emotional support; and communicate confidential information that may impact a student's success, if needed.

"Records" means documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.

19 TAC 89.1601(7)–(8)

Transfer of Student
Records

Each district must ensure that copies of student records are made available to schools to which students who are homeless or in substitute care transfer.

Each district is required to transfer student records within ten working days of receipt of a request from a district to which a student who is homeless or in substitute care enrolls, as required by Education Code 25.002(a-1) [see FD(LEGAL)]. The discretionary authority under Education Code 31.104(d) [see CMD(LEGAL)] to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt a district from the mandatory provision to send records to another public school in which the student enrolls.

Proof of enrollment in a different district permits retroactive withdrawal to the date a student enrolled in the new school. The date of enrollment in the new district is considered the date of withdrawal from the previous district.

Student records must be requested, sent, and received using the Texas Records Exchange (TREx) system.

If a district fails to receive the required information within ten working days, the requesting district may report the noncompliant district to the division responsible for TREx Support at TEA.

19 TAC 89.1603

Systems and
Procedures

Each district shall develop systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school. These systems shall include the following:

1. Welcome packets containing applicable information regarding enrollment in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, and contact information for pertinent school staff such as counselors, nurses, social workers, the foster care liaison, the homeless liaison, the principal and any assistant principals, and related contacts;
2. Introductions for new students that maintain student privacy and confidentiality to the school environment and school processes by district faculty, campus-based student leaders, or ambassadors; and
3. Mechanisms to ensure that a process is in place for all students who qualify to receive nutrition benefits upon enrollment, as all students who are homeless or in substitute care are eligible for United States Department of Agriculture Child

Nutrition Programs. The process must expedite communication with the district nutrition coordinator to ensure that eligible students are not charged in error or experience delays in receiving these benefits.

19 TAC 89.1605(a)

Pertinent staff members (such as principals, registrars, counselors, designated liaisons, nutrition coordinators, transportation specialists, etc.) should be knowledgeable concerning communication, processes, and procedures for facilitating successful school transitions for students who are homeless or in substitute care.

For each district, the TREx, the Personal Identification Database (PID), or the Person Enrollment Tracking (PET) application must be used to expedite coordination and communication between the sending and receiving schools.

19 TAC 89.1605(c)–(d)

Enrollment
Conference

A district shall convene an enrollment conference with the student within the first two weeks of enrollment or within the first two weeks after the student is identified as homeless or in substitute care. The convening of the enrollment conference shall not delay or impede the enrollment of the student.

The enrollment conference shall address the student's credit recovery, credit completion, attendance plans and trauma-informed interventions, interests and strengths, discipline or behavior concerns, previous successes, college readiness, and social and emotional supports as well as district policies relating to transfers and withdrawals and communication preferences with parents or guardians.

The enrollment conference may be comprised of:

1. School administrators;
2. Homeless or foster care liaisons;
3. A social worker;
4. Teachers;
5. Counselors;
6. Dropout prevention specialists;
7. Attendance/truancy officers;
8. The relative caregiver, foster placement caregiver, or case manager;
9. The DFPS designated educational decision-maker;

10. The DFPS caseworker, Court Appointed Special Advocates (CASA) volunteer, or other volunteer, as applicable; and

11. A parent and/or guardian, unless the caseworker indicates the parent's and/or guardian's rights to participate have been restricted by the court.

19 TAC 89.1605(b)

Educational
Placement

When a student who is homeless or in substitute care transfers before or during the school year, the receiving district shall initially place the student in educational programs and courses based on the student's prior enrollment in and current educational assessments from the sending school.

Educational programs include, but are not limited to, gifted and talented program services, bilingual or special language services for English learners, career and technical education, and early college high school.

Course placement includes, but is not limited to, honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathway courses.

Each district must ensure that a student who is homeless or in substitute care has the ability to earn the same endorsement categories, if applicable. If only one endorsement is offered, it must be multidisciplinary studies.

To the extent possible, each district shall ensure the continuation of a student's educational and course programs from the previous district and promote placement in academically challenging and career preparation courses.

19 TAC 89.1609

[For award of credit for students who are homeless or in substitute care, see EI. For special education services for students who are homeless or in substitute care, see EHBA.]

Extracurricular
Programs

Appropriate district staff must facilitate the process to complete and submit a University Interscholastic League (UIL) waiver of residence application form for a student who is homeless or in substitute care and plans to participate in varsity athletics or other UIL-sponsored activities.

Districts must comply with Education Code 25.001(f) [see FD] and a durational residence requirement may not prohibit a student in substitute care from fully participating in any activity sponsored by the district.

Students in foster care remaining in their school of origin but residing outside of the district of attendance shall be afforded a waiver, as allowed under UIL Constitution and Contest Rules Section 442: Residence in School District and Attendance Zone.

19 TAC 89.1611

Promotion of
Postsecondary
Information

District counselors or other designated staff shall work with district homeless and foster care liaisons to ensure that all students who are identified as homeless or in substitute care graduate with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans, to the extent required [see EIF].

District counselors or other designated staff must inform unaccompanied homeless youths of their rights and status as independent students for the purpose of applying for financial aid for higher education and provide verification of such status for the Free Application for Federal Student Aid (FASFA), pursuant to 42 United States Code 11432(g)(6)(A)(x).

Each district shall ensure that a student in substitute care who is enrolled in grade 11 or 12 in that district is provided information regarding tuition and fee exemptions under Education Code 54.366, for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.

19 TAC 89.1613

Notice of Events

Each district must provide notice in writing to the educational decision-maker and caseworker of a student who is homeless or in substitute care regarding events that may significantly impact the education of the student.

Events that may significantly impact the education of a child include:

1. Requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Education Code 29.003 [see EHBAA];
2. Admission, review, and dismissal committee meetings [see EHBAB];
3. Manifestation determination reviews required by Education Code 37.004(b) [see FOF];
4. Any disciplinary actions under Education Code Chapter 37 for which parental notice is required [see FO series];

- [5. Citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;](#)
 - [6. Reports of restraint and seclusion required by Education Code 37.0021 \[see FO and FOF\];](#)
 - [7. Use of corporal punishment as provided by Section 37.0011 \[see FO\]; and](#)
 - [8. Appointment of a surrogate parent for the child under Education Code 29.0151 \[see EHBAE\];](#)
- [19 TAC 89.1617; Education Code 25.007\(b\)\(10\)](#)

**Child Welfare
Contact**

A district receiving Title 1, Part A funds must collaborate with the state or local child welfare agency to designate a point of contact if the child welfare agency notifies the district, in writing, that the agency has designated an employee to serve as a point of contact for the district. *20 U.S.C. 6312(c)(5)(A)*

**School-Community
Guidance Center**

A district may establish a school-community guidance center designed to locate and assist children with problems that interfere with their education, including juvenile offenders and children with severe behavioral problems or character disorders.

Each center shall coordinate efforts of district personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

Education Code 37.051

Upon request from a superintendent, a governmental agency concerned with children that has jurisdiction in a district shall cooperate with the school-community guidance center and shall designate a liaison to work with the center in identifying and correcting problems affecting school-age children in the district. The governmental agency may establish or finance a school-community guidance center jointly with a district according to terms approved by the governing body of each participating entity. *Education Code 37.053*

**Cooperative
Programs**

A board may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct. *Education Code 37.052*

**Parental Notice and
Access to
Information**

Before a student is admitted to a school-community guidance center, the administrator of the center shall notify the student's parent or guardian that the student has been assigned to attend the center.

The notice must include:

1. The reason the student has been assigned to the center;
2. A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and
3. A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

If after notification, the parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

A parent or guardian of a student attending a center is entitled to inspect:

1. Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and
2. The results of any treatment, testing, or guidance method involving the student.

The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

Education Code 37.054

Parental Involvement

On admitting a student to a school-community guidance center, a representative of a district, the student, and the student's parent or legal guardian shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

1. A statement of the student's behavioral and learning objectives;
2. A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and
3. The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting objectives, defined by the district, to aid student remediation.

A superintendent may obtain a court order from a district court in the district requiring a parent to comply with such an agreement. A

parent who violates such a court order may be punished for contempt of court.

Court Supervision

If a district, the student, and the parent or guardian for any reason fail to reach an agreement, any party may request the juvenile court or its designee to conduct a hearing and enter an order establishing the responsibilities and duties of each of the parties as the court deems appropriate.

Education Code 37.055–.056

**Consent to
Examinations, Tests,
or Treatment**

~~A district employee must obtain the written consent of a child's parent before the employee may conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required by:~~

- ~~1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or~~
- ~~2. State or federal law regarding requirements for special education.~~

~~Education Code 26.009(a)(1) [See FNG]~~

**Consent to
Counseling**

~~A child may consent to counseling for:~~

- ~~1. Suicide prevention;~~
- ~~2. Chemical addiction or dependency; or~~
- ~~3. Sexual, physical, or emotional abuse.~~

~~Family Code 32.004(a)~~

**Professional's
Authority**

~~A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:~~

- ~~1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;~~
- ~~2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;~~
- ~~3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.~~

**Exception: Court
Order**

~~The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.~~

~~Family Code 32.004(b), (c)~~

Consent to LSSP

~~Informed consent for a licensed specialist in school psychology (LSSP) must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under~~

	~~the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any TSBEP rules, is necessary in this context.~~
	~~22 TAC 465.38(g)~~
Professional Immunity	~~A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct.~~
	~~Family Code 32.004(d)~~
Outside Counselors	~~Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:~~ ~~1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.~~ ~~2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.~~ ~~3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.~~ ~~4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.~~ ~~5. Specifically prohibits any disclosure of a student record that violates state or federal law.~~
	~~Education Code 38.010~~
	~~[See FFEA for information on the comprehensive guidance program. See FFB for mental health care services provided by the threat assessment and safe and supportive school team.]~~

**Certified School
Counselor**

~~A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].~~

~~A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:~~

- ~~1. Employing a part-time certified school counselor.~~
- ~~2. Employing a part-time teacher who is also certified as a school counselor.~~
- ~~3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.~~

~~Education Code 33.002~~

Note: ~~The provision above regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a). The provisions below apply to all school districts.~~

**School Counselor
Duties**

~~The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:~~

- ~~4. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
 - ~~a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;~~
 - ~~b. In need of modified instructional strategies; or~~
 - ~~c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;~~~~
- ~~5. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;~~
- ~~6. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;~~
- ~~7. Coordinate people and resources in the school, home, and community;~~

- ~~8. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;~~
- ~~9. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and~~
- ~~10. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.083.~~

~~Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.~~

~~**Education Code 33.006**~~

Program Design

~~The school counselor shall design the developmental guidance and counseling program to include:~~

- ~~1. A guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives.~~
- ~~2.1. A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk.~~
- ~~3.1. An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development.~~
- ~~4.1. System support to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.~~

~~**Education Code 33.005**~~

**Parental Consent
and Review**

A board shall adopt guidelines to ensure that written consent is obtained from the parent, legal guardian, or other person entitled to enroll the student under Education Code 25.001(j) for the student to participate in those activities for which parental consent is required. **Education Code 33.003**

Each school shall obtain, and keep as part of the student's permanent record, this written consent by the parent or legal guardian. The consent form shall include specific information on the content of the program and the types of activities in which the student will be involved.

Each school, before implementing a comprehensive ~~and develop-
mental guidance and~~ school counseling program, shall annually conduct a preview of the program for parents and guardians. All materials, including curriculum to be used during the year, must be available for a parent or guardian to preview during school hours. Materials or curriculum not included in the materials available on the campus for preview may not be used.

Education Code 33.004

**Child Consent to
Counseling**

A child may consent to counseling for:

1. Suicide prevention.
2. Chemical addiction or dependency; or
3. Sexual, physical, or emotional abuse.

Family Code 32.004(a)

[For more information about consent for mental health treatment, see FFEB.]

**Comprehensive
School Counseling
Program**

A school counselor shall work with the school faculty and staff, students, parents, and the community to plan, implement, and evaluate a comprehensive school counseling program that conforms to the most recent edition of the Texas Model for Comprehensive School Counseling Programs developed by the Texas Counseling Association.

The school counselor shall design the developmental guidance and counseling program to include:

1. A guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives.
2. A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk.
3. An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development.
4. System support to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

Education Code 33.005

**Higher Education
Counseling**

Each school counselor at an elementary, middle, or junior high school shall advise students and their parents or guardians regarding the importance of postsecondary education, coursework designed to prepare students for postsecondary education, and financial aid availability and requirements.

During the first school year a student is enrolled in high school, and again during each year of a student's enrollment in high school, a school counselor shall provide information about higher education to the student and the student's parent or guardian. The information must cover:

1. The importance of postsecondary education;
2. The advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program;
3. The disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
4. Financial aid eligibility;
5. Instruction on how to apply for federal financial aid;
6. The center for financial aid information established under Education Code 61.0776;
7. The automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803;
8. The eligibility and academic performance requirements for the TEXAS Grant;
9. The availability of programs in a district 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;
~~and~~
10. The availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education as provided by Education Code 54.366 for a student who is or was previously in the conservatorship of the Department of Family and Protective Services; and
11. The availability of college credit awarded by institutions of higher education to veterans and military servicemembers for military experience, education, and training obtained during

military service as described by the information materials developed by the commissioner in cooperation with the Texas Higher Education Coordinating Board under Labor Code 302.0031(h).

When providing information under item 10, above, the school counselor must report to the student and the student's parent or guardian the number of times the counselor has provided the information to the student.

When providing information under item 11, the school counselor must explain to any student who is enlisted or intends to enlist in the armed forces of the United States the informational materials developed under Labor Code 302.0031.

**Automatic
Admission**

At the beginning of grades 10 and 11, a certified school counselor shall explain the requirements of automatic admission to a general academic teaching institution to each student who has a grade point average in the top 25 percent of the student's high school class. [See EIC]

Education Code 33.007; 19 TAC 61.1071

**Notice of Grant
Programs**

In a manner that assists the district in implementing the district improvement plan, a district shall notify students in middle school, junior high school, and high school and those students' teachers, school counselors, and parents of:

1. The TEXAS Grant and the Teach for Texas Grant programs;
2. The eligibility requirements of each program;
3. The need for students to make informed curriculum choices to be prepared for success beyond high school; and
4. Sources of information on higher education admissions and financial aid.

Education Code 56.308(b)(1)

Note: For information about mental health curriculum and SHAC responsibilities, see EHAA. For information about threat assessments, see FFB.

Mental Health Condition

“Mental health condition” means a persistent or recurrent pattern of thoughts, feelings, or behaviors that:

1. Constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or
2. Impairs a person's social, emotional, or educational functioning and increases the risk of developing such a condition.

Education Code 5.001(5-a)

Student Programs

The Texas Education Agency (TEA), in coordination with the Health and Human Services Commission and regional education service centers (ESCs), shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.

Subject Areas

The list must include programs and practices in the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

“School climate” means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students

Practices and
Procedures

enrolled in the district, parents of those students, and personnel employed by the district.

[For information on employee training, see DMA.]

A district shall develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

1. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;
2. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Include a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;
4. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention;
5. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention; and
6. Include procedures:
 - a. To support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and
 - b. For suicide prevention, intervention, and postvention.

The practices and procedures may address multiple subject areas [see Subject Areas, above]. The practices and procedures must

prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]

Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

"Postvention" includes activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

Education Code 38.351(a)–(f), (i)–(o)

Immunity

The above requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. Education Code 38.352

Consent to Examinations, Tests, or Treatment

A district employee must obtain the written consent of a child's parent before the employee may conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or
2. State or federal law regarding requirements for special education.

Education Code 26.009(a)(1) [See FNG]

[For more information about consent to medical treatment, including psychological treatment, see FFAC. For information about consent to counseling, see FFEA.]

**Professional's
Authority**

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

**Exception: Court
Order**

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

Family Code 32.004(b), (c)

[See DP for more information about LSSP and school counselor responsibilities.]

Consent to LSSP

Informed consent for a licensed specialist in school psychology (LSSP) must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any TSBEP rules, is necessary in this context.

22 TAC 465.38(g)

**Professional
Immunity**

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct.

Family Code 32.004(d)

Outside Counselors

Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.

2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.
3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.
4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.
5. Specifically prohibits any disclosure of a student record that violates state or federal law.

Education Code 38.010

[See FFEA for information on the comprehensive guidance program. See FFB for mental health-care services provided by the threat assessment and safe and supportive school team.]

**Psychotropics and
Psychiatric
Evaluations**

A district employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or
2. Prohibit a school district employee, or an employee of an entity with which the district contracts, who is a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified to practice in this state from recommending that a child be evaluated by a physician or nonphysician mental health professional; or

3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016. [See FFAC]

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.

Nonphysician mental health professional has the meaning assigned by Education Code 38.0101 [see DP].

Education Code 38.016

[For information regarding administration of medication, see FFAC.]

Child Abuse Reporting

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFG]

**Sexual Abuse,
Trafficking, and
Maltreatment
Policies and
Programs**

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 61.1051(b)(3)

Definitions

Child Abuse or
Neglect

The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment

This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a
Child

This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

19 TAC 61.1051(a)

Duty to Report

By Any Person

Any person who has 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)*

*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

By a Professional

Any professional who has 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 suspects abuse or neglect.

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, and juvenile detention or correctional officers.

Family Code 261.101(b)

Adult Victims of
Abuse

A person or professional shall make a report in the manner required above if the person or professional has 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)*

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
FFAGFFEB]*

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

To Whom Reported

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 under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 61.1051(a)(1)-(2)

JJAEPs

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*

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)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

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 or the school superintendent or director under the circumstances and in the manner required by Education Code 21.006 and 19 Administrative Code 249.14(d)–(f). *19 TAC 249.15(b)(4)*

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 Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. [19 TAC 61.1051\(b\)](#)

The policies must require every school employee, agent, or contractor who suspects ~~child~~[a child's physical or mental health or welfare has been adversely affected by](#) abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. [19 TAC 61.1051\(b\)\(1\)](#)

The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must [require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must](#) notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;

2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:
 - a. ~~The prohibition, under~~ Family Code 261.302 and 261.303, ~~against~~ prohibiting school officials from denying an investigator's request to interview a student at school; and
 - b. ~~The prohibition, under~~ Family Code 261.302, ~~against~~ prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and
6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above]; ~~and~~.

~~7.—The current toll-free number for DFPS.~~

19 TAC 61.1051(b)(2)

The policies ~~must~~ may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and
3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 61.1051(b)(5)–(b)(8)

~~19 TAC 61.1051(a)~~

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 ~~and~~. The policies shall be addressed in staff development programs at regular intervals determined by a board. 19 TAC 61.1051(~~b~~)c [See also DH and GRA]

~~Each school year, a district shall provide training as required by Education Code 38.0041 to all new district employees as a part of new employee orientation. [See DH and DMA] Education Code 38.0041; 19 TAC 61.1051(c)~~

[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 website¹ for more information on reporting abuse, neglect, and exploitation.

A district shall ~~place a poster of the following specifications~~post the information specified above at ~~every~~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 poster must:~~The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

- ~~1. Be in a format and language that is clear, simple, and understandable to students;~~
- ~~2. Be in English and in Spanish;~~
- ~~3. Be 11 inches x 17 inches or larger;~~
- ~~4. Be in large print;~~
- ~~5. Be placed at eye-level to the student for easy viewing; and~~
- ~~6. Include the following information:~~
 - ~~a. The current toll-free DFPS Abuse Hotline telephone number (in bold print);~~

~~7.1. Instructions to call 911 for emergencies; and~~

~~a. Directions for accessing the DFPS² for more information
on reporting abuse, neglect, and exploitation.~~

Education Code 38.0042; 19 TAC 61.1051(e), ~~(f)~~ (f)

¹ Texas Abuse Hotline website: <https://www.txabusehotline.org/>

² 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

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must:

1. Include 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; and
2. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Note: References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

Sexual Harassment

A district may develop and implement a sexual harassment policy to be included in the district improvement plan. ~~A district shall adopt and implement a dating violence policy to be included in the district improvement plan. Education Code 37.083, .0831 [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)

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment of students may constitute discrimination on the basis of sex in violation of under Title IX. 34 C.F.R. 106.45; 20 U.S.C. 1681; 34 C.F.R. 106.11; Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992) [See also FB regarding Title IX]

<u>Designation of Title IX Coordinator</u>	<u>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."</u>
<u>Parties Entitled to Notice</u>	<u>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.</u> <u>34 C.F.R. 106.8(a)</u>
<u>Reporting</u>	<u>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.</u>
<u>Notification of Policy</u>	<u>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 admission and 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.</u> <u>34 C.F.R. 106.2(d), .8(b)(1)</u>
<u>Publication Requirements</u>	<u>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.</u> <u>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.</u> <u>34 C.F.R. 106.8(b)(2)</u>

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 sexual harassment as the District's "Title IX formal complaint process."

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:

Definition of Sexual Harassment

~~Sexual harassment of students is conduct that is~~

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 ~~can be said to deprive the victim of~~ effectively denies a person equal access to the ~~educational opportunities or benefits provided by the school. Sexual harassment does not include simple acts of teasing and name-calling among school children, however, even when the comments target differences in gender. Davis v. Monroe County Bd. of Educ., 526~~ district’s education program or activity; or
- ~~4-3.~~ “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. ~~629 (1999)~~ 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)

<u>Supportive Measures Required</u>	<u>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.]</u>
<u>Constitutional Restrictions</u>	<u>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.</u> <u>34 C.F.R. 106.44(a)</u>
<u>Response to a Formal Complaint</u>	<u>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)</u>
<u>Emergency Removal</u>	<u>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:</u> <u>1. Undertakes an individualized safety and risk analysis;</u> <u>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</u> <u>3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.</u> <u>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.</u> <u>34 C.F.R. 106.44(c)</u>
<u>Administrative Leave</u>	<u>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)</u>
<u>Process for Title IX Formal Complaint</u>	<u>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</u>

by this provision that a district adopts as part of its process for handling 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 resolution 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 allegations 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, including 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 ten 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 ten 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 Formal Title IX 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)

**Employee-Student
Sexual Harassment**

~~A district official who has authority to address alleged harassment by employees on the district's behalf shall take corrective measures to address the harassment or abuse. Gebser v. Lago Vista Indep. Sch. Dist., 118 S.Ct. 1989 524 U.S. 274 (1998); Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)~~

**Student-Student
Sexual Harassment**

~~A district must reasonably respond to known student-on-student harassment where the harasser is under the district's disciplinary authority. *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999)~~

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 prohibited 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)

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

Safety Training

The UIL shall provide training to students participating in an extracurricular athletic activity related to:

1. Recognizing the 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
2. The risks of using dietary supplements designed to enhance or marketed as enhancing athletic performance.

The training must be conducted by the UIL or by another organization as determined by the UIL, including the American Red Cross, the American Heart Association, or a similar organization.

Education Code 33.202(d)–(e)

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.

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, .158

***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; 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 established 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**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.
	<i>Health and Safety Code 768.001(6), .003; 25 TAC 104.2–.4</i>
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. <i>Education Code 33.087</i>
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. <i>Education Code 162.002 art. VI, § B</i> [See FDD]
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)*

~~The following are~~ Honors classes for purposes of eligibility to participate in extracurricular activities: [are listed at 19 Administrative Code 74.30\(a\).](#)

~~3. All College Board Advanced Placement courses and International Baccalaureate courses in all disciplines;~~

~~4. English language arts: high school/college concurrent enrollment classes that are included in the "Community College General Academic Course Guide Manual (Part One)";~~

~~5. Languages other than English: high school/college concurrent enrollment classes that are included in the "Community College General Academic Course Guide Manual (Part One)" and languages other than English courses Levels IV–VII;~~

~~6. Mathematics: high school/college concurrent enrollment classes that are included in the "Community College General Academic Course Guide Manual (Part One)" and precalculus;~~

~~7. Science: high school/college concurrent enrollment classes that are included in the "Community College General Academic Course Guide Manual (Part One)"; and~~

~~8. Social Studies: Social Studies Advanced Studies, Economics Advanced Studies, high school/college concurrent enrollment classes that are included in the "Community College General Academic Course Guide Manual (Part One)."~~

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, ~~economics~~, 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.

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)*

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 ten 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 non-traditional), 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. <i>19 TAC 76.1001(c)</i>
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). <i>Education Code 26.008(a)</i>
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. <i>Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)</i>
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. <i>Education Code 26.009(b)(2)</i>
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. <i>Education Code 33.082</i>
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. <i>Education Code 33.093</i>

**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

Guidelines for Copy Charges

~~The charges in this exhibit, to recover costs associated with providing copies of public information, are based on estimated average costs to governmental bodies across the state. When actual costs are 25 percent higher than those used in these rules, governmental bodies other than agencies of the state may request an exemption in accordance with 1 Administrative Code 70.4.~~

~~Copy charges are as follows:~~

- ~~1. Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.~~
- ~~2. Nonstandard copy. The charges for nonstandard copies are:~~
 - ~~a. Diskette — \$1.00~~
 - ~~b. Magnetic tape — actual cost~~
 - ~~c. Data cartridge — actual cost~~
 - ~~d. Tape cartridge — actual cost~~
 - ~~e. Rewritable CD (CD-RW) — \$1.00~~
 - ~~f. Non-rewritable CD (CD-R) — \$1.00~~
 - ~~g. Digital video disc (DVD) — \$3.00~~
 - ~~h. JAZ drive — actual cost~~
 - ~~i. Other electronic media — actual cost~~
 - ~~j. VHS video cassette — \$2.50~~
 - ~~k. Audio cassette — \$1.00~~
 - ~~l. Oversize paper copy (e.g., 11" x 17", greenbar, bluebar, not including maps and photographs using specialty paper) — \$.50~~
 - ~~m. Specialty paper (e.g., Mylar, blueprint, blue-line, map, photographic) — actual cost~~

~~Personnel charges are as follows:~~

- ~~1. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the district may charge for the programmer's time. The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate. Districts that do not have in-house programming capabilities shall comply with requests in accordance with Government Code 552.231. [See CQ]~~

- ~~2.— The charge for labor costs incurred in processing a request for public information is \$15.00 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.~~
- ~~3.— A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in two or more separate buildings that are not physically connected to each other or a remote storage facility. For purposes of this provision, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.~~
- ~~4.— A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:
 - ~~a.— To determine whether the district will raise any exceptions to disclosure of the requested information under Government Code, Subchapter C, Chapter 552; or~~
 - ~~b.— To research or prepare a request for a ruling by the attorney general's office pursuant to section 552.301 of the Government Code. [See CQ]~~~~
- ~~5.— When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies as a labor charge pursuant to Government Code 552.261(a)(1) or (2).~~

Overhead charges are as follows:

- ~~1.— Whenever any labor charge is applicable to a request, the district may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If the district chooses to recover such costs, a charge shall be made in accordance with the methodology described in item 3 below. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.~~
- ~~2.— An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Government Code 552.261(a)(1) or (2).~~
- ~~3.— The overhead charge shall be computed at 20 percent of the charge made to cover any labor costs associated with a particular request. For example, if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $\$15.00 \times .20 = \$3.00$; or programming labor charge, $\$28.50 \times .20 = \$5.70$. If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15.00 + \$28.50 = \$43.50 \times .20 = \$8.70$.~~

~~Microfiche and microfilm charges are as follows:~~

- ~~1. If the district already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the fiche or film can be released in its entirety, the district should make a copy of the fiche or film. The charge for a copy shall not exceed the cost of reproduction. Districts that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.~~
- ~~2. If only a master copy of information in microform is maintained, the charge is \$.10 per page for standard size paper copies plus any applicable labor and overhead charge for more than 50 copies.~~

~~Remote document retrieval charges are as follows:~~

- ~~1. Due to limited on-site capacity of storage of documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by the district to store current records on-site. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.~~
- ~~2. If the district has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the district, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed in accordance with item 2 under personnel charges, above.~~

~~Computer resource charges are as follows:~~

- ~~1. The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.~~
- ~~2. These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.~~
- ~~3. The charges in this section are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each district using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s) and set its charge accordingly:~~

- a. ~~Mainframe: \$10.00 per CPU minute~~
 - b. ~~Midsized: \$1.50 per CPU minute~~
 - c. ~~Client/Server: \$2.20 per clock hour~~
 - d. ~~PC or LAN: \$1.00 per clock hour~~
4. ~~The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather, it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is described above, at Personnel Charges. No charge should be made for computer print-out time. For example, if a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $\$10.00 / 3 = \$3.33$; or $\$10.00 / (60 / 20) = \$3.33$.~~

~~A district that does not have in-house computer capabilities shall comply with requests in accordance with Government Code 552.231. [See CQ]~~

~~The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.~~

~~Governmental bodies may add any related postal or shipping expenses that are necessary to transmit the reproduced information to the requesting party.~~

~~Pursuant to Office of the Comptroller of Public Accounts' rules, sales tax shall not be added on charges for public information. (34 Administrative Code, Part 1, Chapter 3, Subchapter O, Sections 3.341 and 3.342).~~

~~A district that accepts payment by credit card for copies of public information and that is charged a transaction fee by the credit card company may recover that fee.~~

~~1 TAC 70.3, 70.10~~

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**Applicability of
Criminal Laws**

The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

Trespass

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

**Refusal of Entry or
Ejection of
Unauthorized
Persons**

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and:
 - a. The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
 - b. The person persists in that behavior.

Identification may be required of any person on property under the district's control.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district's property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these provisions, including the appeal process.

The board shall adopt a policy that uses the district's existing grievance process [see FNG, GF] to permit a person refused entry to or

ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Texas Education Code 7.057.

Education Code 37.105; 19 TAC 103.1207

Vehicles on School Property

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

Disruption of Lawful Assembly

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

**Disruption of
Classes**

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

Education Code 37.124

**Disruption of
Transportation**

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

**Tobacco and
E-Cigarettes**

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

**Smoking in
Buildings**

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7183*

Criminal Penalty

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

Defense

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed \$500.

***Facilities for
Extinguishment***

A district shall be equipped with facilities for extinguishment of smoking materials.

Penal Code 48.01(a)–(c)

Alcohol

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

Intoxicants

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

Education Code 37.122 [See also FNCF]

Fireworks

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

**Federal Gun-Free
School Zones Act**

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

“School zone” means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

18 U.S.C. 921(a)(25), .922(q)

**Possession of
Weapons**

A person commits a third degree felony if the person knowingly, intentionally, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. Onto the physical premises (a building or portion of a building) of a school;
2. Onto any grounds or into a building in which an activity sponsored by a school is being conducted; or
3. On a passenger transportation vehicle of a school.

This offense does not apply if the person is acting pursuant to written regulations or written authorization of a district.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

Penal Code 46.03(a)(1), (f)

A person commits a third degree felony if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife on the premises where a high school sporting event or interscholastic event is taking place, unless the person is a participant in the event and a location-restricted knife is used in the event. [See FNCG] *Penal Code 46.03(a-1)*

“Premises” Defined

“Premises,” for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.035(f)(3)*

Excepted Persons

Penal Code 46.03 does not apply to:

1. Peace officers or special investigators regardless of whether engaged in the actual discharge of the officer’s or investigator’s duties;
2. Parole officers while engaged in the actual discharge of the officer’s duties;
3. Community supervision and corrections department officers while engaged in the actual discharge of the officer’s duties;
4. An active judicial officer who is licensed to carry a handgun;
5. An honorably retired peace officer or other qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C, who holds a certificate of proficiency and is carrying a photo identification verifying that the officer qualifies for this exception;

6. The attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun;
7. An assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun;
8. A bailiff designated by an active judicial officer who is licensed to carry a handgun and engaged in escorting the judicial officer;
9. A juvenile probation officer who is authorized to carry a firearm; or
10. A person who is volunteer emergency services personnel if the person is carrying a handgun under the authority of Government Code, Chapter 411, Subchapter H; and engaged in providing emergency services.

Penal Code 46.15(a)

Transportation or
Storage of Firearm
in School Parking
Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125 or Penal Code 46.03 or 46.035, or other law.

Education Code 37.0815

Volunteer
Emergency
Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

“Volunteer emergency services personnel” includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined by Occupations Code 1701.001, who is performing law enforcement duties.

Civil Practice & Remedies Code 112.001; Penal Code 46.01(18)

Exhibition of Firearm

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
 - a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
 - b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

Education Code 37.125

**Trespass—
Concealed Carry of
Handgun**

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

**Notice / Sign—
Concealed Carry of
Handgun**

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”; or
2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

Penal Code 30.06 [See also FNCG]

Unauthorized
Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or 46.035 or other law.
Gov’t Code 411.209

**Trespass—Open
Carry of Handgun**

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and
2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign—
Open Carry of
Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication means”:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.07, Penal Code

(trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

Exception

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

Penal Code 30.07

**Interscholastic
Events**

Unless authorized by law, a license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place.

Penal Code 46.035(b)(2) does not apply if the license holder is a participant in the event and a handgun is used in the event.

Penal Code 46.035(b)(2)

Board Meetings

Unless authorized by law, a license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of the board is held and if the meeting is an open meeting under the Open Meetings Act.

Penal Code 46.035(c) does not apply unless the license holder was given effective notice under Penal Code 30.06 or 30.07 [see Notice/Sign—Concealed Carry of Handgun and Notice/Sign—Open Carry of Handgun, above].

Penal Code 46.035(c), (i)

Board Authorization

A license holder does not commit a criminal offense under Penal Code 46.035 [see Interscholastic Events and Board Meetings, above] if the person is lawfully carrying a handgun pursuant to a board's written regulations and authorization. *Att'y Gen. Op. GA-1051 (2014)* [See Handgun Licensees at CKE(LEGAL)]

Drones

Federal Law

[The U.S. Government has exclusive sovereignty of airspace of the United States. 49 U.S.C. 40103](#)

Small Unmanned Aircraft

"Small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small ~~Unmanned~~ Aircraft Systems ~~System~~

"Small unmanned aircraft system" (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

[14 C.F.R. 1.1](#)

[Operation of Small UAS](#)

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part 107 does not apply to the following:

1. Air carrier operations;
2. Any aircraft subject to the provisions of 14 C.F.R. Part 101; or
3. Any operation that a remote pilot in command elects to conduct pursuant to an exemption issued under [Section 333 of Public Law 112-95](#) [49 U.S.C. 44807](#), unless otherwise specified in the exemption.

[14 C.F.R. 107.1, .3](#)

Model Aircraft

A "model aircraft" is an

[Exception for Limited Recreational Operation](#)

[A person may operate a small](#) unmanned aircraft ~~that is capable of sustained flight in~~ [without specific certification or operating authority from](#) the ~~atmosphere, flown within visual line of sight of the person operating the aircraft, and flown for hobby or recreational purposes.~~

~~Title 14 C.F.R. Part 101, Subpart E prescribes rules governing~~ [Federal Aviation Administration \(FAA\)](#) ~~if the operation of a model aircraft (or an aircraft being developed as a model aircraft) that meets adheres to~~ all of the following ~~conditions~~ [limitations](#):

1. The aircraft is flown strictly for ~~hobby or recreational use;~~ [purposes.](#)

2. The aircraft is operated in accordance with ~~a community-based set of safety guidelines and~~ or within the programming of a nationwide-community-based organization; organization's set of safety guidelines that are developed in coordination with the FAA.
 - ~~3. The aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;~~
 3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.
 4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; ~~and.~~
 5. ~~When flown~~ In Class B, Class C, or Class D airspace or within five miles of the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator of the ob-
tains prior authorization from the administrator of the FAA or designee before operating and complies with all airspace restrictions and prohibitions.
 6. In Class G airspace, the aircraft ~~provides the airport is flown~~ from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.
 - ~~5.7. The operator and the airport air traffic control tower (when has passed an air traffic facility is located at the airport) with prior notice of the operation~~ aeronautical knowledge and safety test and maintains proof of test passage to be made available to the FAA or law enforcement upon request.
- ~~No person may operate a model aircraft so as to endanger the safety of the national airspace system.~~
- ~~14 C.F.R. 101.1(5), .41, .43~~
8. The aircraft is registered and marked in accordance with 49 U.S.C. Chapter 441 and proof of registration is made available to the FAA or law enforcement upon request.

49 U.S.C. 44809(a)

State Law
Regulation
Limited

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or other similar measure that violates this provision is void and unenforceable. Gov't Code 423.009(b), (d)

- Exception A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:
1. The use of an unmanned aircraft during a special event;
 2. The political subdivision's use of an unmanned aircraft; or
 3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:
 - a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and
 - b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

“Special event” means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

Gov't Code 423.009(a)(2), (c)

Privacy Law

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

Gov't Code 423.002(a)



Policy Reference Manual Update 116

Update 116 revisions to legal policies are described in the update Explanatory Notes.

The *Policy Reference Manual* is a comprehensive collection of federal and state statutes and regulations, case law, attorney general opinions, and commissioner's decisions affecting Texas school districts. As such, it is an excellent reference document that recites a broad array of legal requirements, many of which apply to all districts, others to only a certain few. For this reason, these (LEGAL) policies are not suitable for incorporation in localized policy manuals.

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

If you have any questions concerning this update or the *TASB Policy Reference Manual*, please call 800-580-7529 or 512-467-0222.

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Instruction Sheet

TASB Policy Reference Manual Update 116

Policy Reference Manual

Code	Type	Action To Be Taken	Note
A25	(INDEX)	Replace cross-index	Revised cross-index
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
BJCB	(LEGAL)	Replace policy	Revised policy
C	(LEGAL)	Replace table of contents	Revised table of contents
CBB	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CKB	(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
CX	(LEGAL)	Replace policy	Revised policy
DAA	(LEGAL)	Replace policy	Revised policy
DBA	(LEGAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DH	(EXHIBIT)	Replace exhibit	Revised exhibit
DIA	(LEGAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EKBA	(LEGAL)	Replace policy	Revised policy
FDD	(LEGAL)	Replace policy	Revised policy
FFEB	(LEGAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FL	(LEGAL)	Replace policy	Revised policy
GNC	(LEGAL)	Replace policy	Revised policy

Instruction Sheet
TASB Policy Reference Manual Update 116

Policy Reference Manual

Code	Type	Action To Be Taken	Note
GRA	(LEGAL)	Replace policy	Revised policy
GRAA	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Policy Reference Manual Update 116

Policy Reference Manual

A25(INDEX)

CROSS-INDEX

The cross-index has been updated to reflect new terms and revisions to content and coding in the policy manual.

AIA(LEGAL)

ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Revisions from Administrative Code rules incorporate details previously included in the [Local Accountability Systems Guide](#). The *Guide* is no longer adopted by reference in the Administrative Code but is available online.

AIB(LEGAL)

ACCOUNTABILITY: PERFORMANCE REPORTING

We have added revised Administrative Code rules addressing Results Driven Accountability, a framework to evaluate district performance in regard to certain populations of students in select program areas.

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Provisions regarding Monitoring Reviews and On-Site Investigations have been revised to better reflect statute.

BE(LEGAL)

BOARD MEETINGS

Provisions at Persons with Hearing Impairments have been revised to better reflect statute.

BJCB(LEGAL)

SUPERINTENDENT: PROFESSIONAL DEVELOPMENT

Details from revised Administrative Code rules have been added to the provision requiring superintendents to receive training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

C(LEGAL)

BUSINESS AND SUPPORT SERVICES

The title of CX has been revised to Contracts for Facilities to better reflect the content.

CBB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Extensive revisions to this legally referenced policy are based on Office of Management and Budget (OMB) amendments to federal regulations addressing awards and grants.

CCG(LEGAL)

LOCAL REVENUE SOURCES: AD VALOREM TAXES

Provisions, effective January 1, 2021, from Senate Bill 2, 86th Legislative Session, have been added and address:

- Use and submission of the comptroller's tax rate calculation forms to calculate the no-new-revenue and voter-approval tax rates; and
- Taxpayer injunctions restraining the collection of taxes and prohibiting a district from adopting a tax rate if certain requirements are not met.

Guidance from the Texas Tax Code on calculating the voter approval tax rate has also been added.

Explanatory Notes

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CE(LEGAL) ANNUAL OPERATING BUDGET

We have added a provision requiring the board to attach the forms used to calculate the no-new-revenue and voter-approval tax rates as an appendix to the district's budget. The provision is effective January 1, 2021, and is from Senate Bill 2, 86th Legislative Session.

CFC(LEGAL) ACCOUNTING: AUDITS

Revised Administrative Code rules clarify that the district's independent auditor must be associated with a certified public accountancy firm licensed by the Texas State Board of Public Accountancy or a state licensing agency from another state.

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

New Administrative Code rules on mandatory school drills have been added.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

We have updated web links in this legally referenced policy.

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

We have updated web links in this legally referenced policy.

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

We have updated web links in this legally referenced policy.

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

A new required internet posting has been added from revised Administrative Code rules. A district with a local accountability system must post on the district's website an explanation of the methodology used to assign local campus accountability performance ratings.

CX(LEGAL) CONTRACTS FOR FACILITIES

The title to this legally referenced policy has been changed to Contracts for Facilities, and the text has been revised to better reflect statute.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been significantly reorganized to focus on discrimination in hiring and discharging employees. Some details on disability discrimination have been moved to DIA, addressing discrimination, harassment, and retaliation in other aspects of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DBA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS

This legally referenced policy has been updated to clarify that holders of intern or probationary certificates may be employed on an emergency permit under certain circumstances.

Explanatory Notes

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DEAA(LEGAL)

COMPENSATION PLAN: INCENTIVES AND STIPENDS

References have been added to new Administrative Code rules on optional local teacher designation systems and mentor teacher training programs.

DH(EXHIBIT)

EMPLOYEE STANDARDS OF CONDUCT

The Educators' Code of Ethics has been updated to reflect current Administrative Code rules.

DIA(LEGAL)

EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been significantly reorganized to focus on the prohibition against discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DP(LEGAL)

PERSONNEL POSITIONS

Revised Administrative Code rules implement House Bill 1501 from the 86th Legislative Session, which created the Texas Behavioral Health Executive Council to regulate psychological services in public schools, including services provided by a licensed specialist in school psychology.

EHAC(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)

Revisions from amended Administrative Code rules align the required secondary curriculum with changes to the technology applications and CTE TEKS and legislation from the 86th Legislative Session.

In addition, provisions on personal financial literacy were moved within the policy for clarity.

EHBC(LEGAL)

SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

From amended Administrative Code rules, we have added provisions explaining:

- How educationally disadvantaged students are defined for the compensatory education allotment and the methods a district may use to verify eligibility; and
- The approval process a district must use to claim students receiving a full-time virtual education through TXVSN in their counts of educationally disadvantaged students.

EIF(LEGAL)

ACADEMIC ACHIEVEMENT: GRADUATION

We have added a new Administrative Code rule addressing the option for an elementary school student to complete a course in American Sign Language to satisfy one of the required graduation credits for languages other than English.

EKB(LEGAL)

TESTING PROGRAMS: STATE ASSESSMENT

Amended Administrative Code rules require a student in grades 3 through 8 who is enrolled in an accelerated course and who will complete the high school end-of-course assessment for the content area prior to high school to take the ACT or SAT in high school.

Revisions at Accountability Testing are to better match statutory wording.

Explanatory Notes

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EKBA(LEGAL) STATE ASSESSMENT: ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

Revised Administrative Code rules address the administration of the alternate English language proficiency assessment for students with the most significant cognitive disabilities and amend terminology in some places from *English language learner* to *English learner*.

FDD(LEGAL) ADMISSIONS: MILITARY DEPENDENTS

Under new Administrative Code rules, a campus may qualify to earn a Purple Star Designation if the campus meets criteria demonstrating supports and resources for its military-connected students.

FFEB(LEGAL) COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

Revised Administrative Code rules adopted by the Texas Behavioral Health Executive Council address consent regarding school psychological services provided by a licensed specialist in school psychology.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Revisions at SBEC Disciplinary Action are from amended Administrative Code rules. We have also added a Note connecting the general child abuse and neglect investigation provisions in this legally referenced policy with the more specific provisions at GRA(LEGAL) addressing investigations of abuse and neglect at school.

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

A revision clarifies that the notification of nondiscrimination required by Title IX does not need to state that it extends to admission.

FL(LEGAL) STUDENT RECORDS

Revisions have been made to reorganize the provisions for better flow and to better match statutory text. Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to GRAA(LEGAL). Provisions regarding student information a district receives from law enforcement have been removed, as these provisions are duplicated at GRAA(LEGAL).

GNC(LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES: COLLEGES AND UNIVERSITIES

Details on contracting with an institution of higher education for design or construction of instructional or athletic facilities have been removed, as this information is located in CX(LEGAL).

GRA(LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES

New Administrative Code rules implement the Child Abuse and Treatment Act, resulting in extensive revisions to this legally referenced policy addressing Department of Family and Protective Services investigations of abuse and neglect at school.

GRAA(LEGAL) STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW ENFORCEMENT AGENCIES

Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to this code from FL(LEGAL).

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.

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 [county juvenile board-FODA](#)
 county tax officials [BDAFCCG](#)
 countywide appraisal district [BDAFCCG, CCH](#)
 course credit [requirements EI, EIA, EIF, FEC](#)
 course offerings EHA, EHAA, EHAB, EHAC, EHAD, EI, EIF
 course offerings
 [electives-EHAD](#)

[elementary-EHAB](#)
[secondary-EHAC](#)
[graduation requirements-EIF](#)
 court-related students
 [admission-FD](#)
 liaison officer FFC
 [placement-FODA](#)
 CPR (See cardiopulmonary resuscitation)
 credit or final grade, award of EI, FEC
 credit by exam
 with prior instruction EHDB
 without prior instruction EHDC
 credit recovery EHDB, FEC, [FFC](#)
 criminal activity, reports of DH, [DIDHB, DHC, FL, FOD, GRA](#)
 criminal history record
 contractors CJA
 employees DBAA
 volunteers GKG
 crisis management/intervention CKC, FFB, [FFE, FFBA, FFEB](#)
 crossing guards GRB
 crowd control GKA
 crowdfunding CDC
 cultural institutions relations GKF
 curriculum
 [design-EHA, EHAA, EHAB, EHAC, EHAD](#)
 development [EG/design EH, EHA](#)
 elective instruction EHAD
 enrichment EHAA
 [essential knowledge and skills-EHAA](#)
 [experimental courses-EGA](#)
 extended instructional programs EHDD, EHDE
 college course work EHDD
 distance learning EHDE
 honors program EHBN
 summer [school programs EHBC, EHBE, EHDA](#)
 travel study EHBM
 foundation EHAA
 [innovative programs EHBJ](#)
 [language other than English EHAB, EHAC](#)
 [guides and course outlines-EG](#)
 magnet schools and programs [EGA, EHBJ](#)
 pilot projects-EGA
 planning-EG
 [parental requests EHA](#)
 required instructional program
 all levels EHAA, [EHAB, EHAC](#)
 elementary-EHAB
 secondary-EHAC
 research-EG
 sex education [EFA, EHAA](#)
 special programs
 adult education EHBI
 at-risk students EHBC, [EIE, FDAA](#)
 bilingual education EHBE
 career and technical education [CNA, EEL, EHB, EIF](#)
 character education EHBK
 community education EHBI
 compensatory education EHBC, EIE
 deaf or hearing-impaired [EHBHBE, EHBA, EHBAA,](#)
 [EHBAB, EHBAC, EHBH, FBA](#)
 dual language program EHBE
 English as a second language EHBE
 gifted and talented [students-EHBB](#)
 high school equivalency EHBL
 homebound instruction EEH, [EHBA](#)
 life skills-EHAA
 prekindergarten EHBG
 remedial instruction/tutorials-EHBC

special education EHBA, EHBA, EHBAB, EHBAC,
 EHBAD, EHBAB
 Title I EHBD
 custodial services CLB, ~~GKD~~
 custodian of records CPC, FL, GBA
 cyberbullying CQ, ~~FFH~~, FFI
 cybersecurity ~~CQCQB~~, DMA, EHAD, GBA

- D -

dairy products, purchase of COA
~~damage-reporting~~ CLD
 data management BBI, CPC, CQ, GBA, ~~CQB~~
 dating violence ~~BQ~~, ~~FFB~~, FFH
 days of service DC
 deaf or hearing-impaired BE, EHBA, EHBA, EHBAB,
 EHBAC, EHBH, ~~FBA~~
~~debt information, report~~ CFA
~~debt limitation~~ CCA
 debt service
 bonds CCA
 certificates CCC
 ~~investments~~ CDA
 ~~loans and notes~~ CCF
 ~~reports~~ CFA
 revenue bonds CCD
 tax rate ~~and budget~~ CCG, CE
 warrants CCB
 deductions/reductions, salary CFEA, ~~CRG~~, ~~DEA~~, ~~DFFA~~
 deferred compensation CFEA, CRG
 defibrillators, ~~automated external (AED)~~ CH, CKD, ~~DBA~~,
 DMA, ~~FFAC~~, FM
 delinquent taxes ~~CGG~~ (~~See tax~~)
 demonstrations and strikes DGA, FNCI, GKA
 depository
~~of funds, bank~~ BBFA, BBFB, BDAE
 ~~student activity funds~~ CFD
 ~~board member conflict~~ BBFB
 deputy voter registrar ~~DP~~ (~~See voter registrar~~)
~~design and construction of school facilities~~ CS, CT, CVC
 destruction of records ~~CPC~~, ~~FL~~, ~~GBAA~~ (~~See records~~)
 detention ~~FQ~~ (~~See discipline, student~~)
~~dextromethorphan~~ FFAC
 diabetes
 management treatment plan FFAF
 ~~screening~~ FFAA, FL
 dietary supplements DH, FFAC, ~~FM~~
 diplomas EIF, FMH
 directory information FL
 disabilities (~~See also discrimination and harassment~~)
 ADA (See Americans with Disabilities Act Amendments
 Act of 2008)
 IDEA (Individuals with Disabilities Education Act) ~~EHB~~,
 ~~EHBA~~, ~~EHBA~~, ~~EHBAB~~, ~~EHBAC~~, ~~EHBAD~~,
 ~~EHBAB~~ (~~See special education~~)
 Section 504 (~~for students~~) ~~EHB~~, ~~EHBH~~, ~~EHDE~~, EIF, FB,
 ~~FFC~~, ~~FNG~~, ~~FOF~~, ~~GF~~
 temporary (~~of employees~~) DBB, DEC
~~disasters and catastrophes~~ (~~See also emergencies~~)
 ~~ad valorem taxes~~ CCG, CCGA
 ~~board meetings~~ BE, BEC
 ~~drills~~ (~~See drills, disaster drills~~)
 ~~emergency medical equipment and procedures~~ CKD
 ~~emergency repairs~~ CH, CLB, CV
 ~~financial exigency~~ CEA

~~immunity for shelter workers~~ DGC, GKG
~~pay provisions~~ DEA
~~plans~~ CKC
~~disciplinary action, employees~~
~~continuing contract~~ DFCA
~~noncontract~~ DCD
~~probationary contract~~ DFAA
~~purchasing~~ CH, CV
~~records~~ GBA
 suspension ~~with or without pay~~ DCD, DFAA, DFBA,
 ~~DFCA~~ of public information requirements GBAA
~~term waiver of contract~~ DFBA and operational require-
 ~~ments~~ DC, EB, FEB
 disciplinary alternative education program (DAEP) ~~FO~~, ~~FOA~~,
 ~~FOB~~, ~~FOC~~, ~~FOCA~~, ~~FOD~~, ~~FODA~~, ~~FOE~~, ~~FOF~~
 ~~shared services arrangement~~ BQ, FOCA
 (~~See discipline of students, student~~)
~~discipline, employee~~
 ~~board meetings~~ BEC
 ~~conflicts of interest~~ CBB
 ~~contract termination~~ (~~See termination, personnel~~)
 ~~dismissal~~ DCD
 ~~prohibitions and protections~~ DEC, DG
 ~~standards of conduct~~ DH
~~discipline, student~~
 ~~board meetings~~ BEC
 ~~campus behavior coordinator (CBC)~~ FO, FOA
 code of conduct FN, FNC, FO
 corporal punishment FO
 ~~county juvenile board~~ FODA
 detention FO
 disciplinary alternative education program, (~~DAEP~~),
 placement in FOC
 discipline management program ~~BQ~~, FNC, FO, ~~FOB~~,
 FOC, FOD, FOE
 discipline management techniques ~~DMA~~, FO
 ~~disruptions and interference with the education process~~
 ~~FNCI~~, ~~FOA~~, ~~GKA~~
 ~~due process, student discipline~~ FOD, ~~FOE~~, ~~FOF~~
 emergency placement FOE
 ~~excessive absence or tardiness~~ FEC
 expulsion FOD, ~~FODA~~, ~~FOE~~
 extracurricular standards of behavior FO
 fraternities, gangs, sororities, and other secret organiza-
 tions FNCC
 juvenile justice system FODA
 ~~juvenile residential facilities~~ EEM
 notice to parents FO, FOA, ~~FOD~~
 ~~parent prohibition regarding corporal punishment~~ FO
 ~~placement review committee~~ FOA
 ~~possession and use of narcotics, dangerous drugs, and~~
 ~~alcohol~~ ~~FNC~~ ~~FOC~~, FOCA, FOD, ~~FOF~~ ~~FOE~~
 records FL, FO
 removal by bus driver ~~FOA~~
 ~~removal by or~~ teacher FOA
 suspension ~~FM~~, ~~FO~~, ~~FOB~~
 ~~unauthorized student assembly on school premises~~
 ~~FNCI~~
 ~~unexcused absences~~ FEA, FEC
 ~~videotaping~~ EHBAF, ~~FNG~~, ~~FO~~
 ~~training~~ DMA
 ~~with disabilities~~ EHBA, ~~FOF~~
 disclosure, conflict of interest ~~BBFA~~, ~~DBD~~ (~~See conflict of in-~~
 ~~terest~~)
 disclosure of interested parties CH
 discretionary personal leave ~~DEC~~ (~~See leaves and ab-~~
 ~~sences, employees~~)
 discrimination ~~and harassment~~

[bankruptcy DAA](#)
[complaint procedures DGBA, DH, DIA, FFH, FNG, GF](#)
 employment DAA, DAB, DAC, [DECA, DH, DIA](#)
[Genetic Information Nondiscrimination Act \(GINA\) DAB, DECA](#)
[interns DIA](#)
 programs and services CS, DAA, DIA, [FB, GA](#)
[Religious Freedom Restoration Act \(RFRA\) GA](#)
 student EHBA, FB, FD, [FDA, FDAA, FFH, FNA](#)
[Title IX DAA, DIA, DGBA, FB, FFH, FNG](#)
 dismissal, early (of school day) EC
 dismissal, employees [continuing contract DFCA, DFFC](#)
~~noncontract~~ [\(See also termination, personnel\) DCD](#)
~~probationary contract DFCA, DFFA~~
~~term contract BJCE, DFBA, DFFA~~
 disorderly student conduct ~~FNCH, FNCL, FOA~~ [\(See conduct: students\)](#)
 disposal
 ~~of buses CNB~~
 [equipment and supplies \(See equipment and supplies\)](#)
 instructional ~~material~~ [materials CMD](#)
 ~~of law enforcement vehicles CI~~
 ~~of real property CDB~~
 ~~of unnecessary personal property/surplus CI~~
 [real property CDB, CDBA](#)
 dispute resolution, homeless students FDC
 disruptions
 of board meetings BED
 ~~of classes by outsiders GKA~~
 of instruction EC
 ~~student, EKB, FNCL, FOAGKA~~
 distance learning EHDE
 distinguished achievement program EIC, EIF
 distribution of equipment ~~CM, CMA, CMB, CMD~~ [\(See equipment and supplies\)](#)
 distribution of printed material CPAB, FMA, FNAA, GKDA
 district-level planning and decision-making process BQ, BQA
 district teaching permit DBA
 districts of innovation (See innovation districts)
 dogs, searches ~~by trained~~ DHE, FNF
 donations
 by district CE, [CO](#)
 to district CDC, GE
 of leave ~~DEG~~ [\(See leaves and absences, employees\)](#)
 DOT (U.S. Department of Transportation) DHE
 dress and personal grooming
 personnel DH
 student FNCA
 uniforms FNCA
~~drill squads FMF~~
[drills, disaster CKC](#)
 driver education EHAD
[drivers DBA, DBAA, DBB, DBE, DHE](#)
[drones GKA](#)
 dropout prevention/reduction BQA, BQB, EHBC, ~~EHBD~~
 dropout recovery program GNC
 dropout recovery ~~school AIA~~ [interventions AIC](#)
 Drug-Free Schools Act DH, ~~DI~~, FNCF
 Drug-Free Workplace Act DH, ~~DI~~
 drug screening/testing
 athletes/students FNF
 bus drivers DHE
 employees DHE
 drug searches by trained dogs DHE, FNF
~~drug use DH, DHE, DI, FFAC, FNCF, FOC, FOD, FOF~~
 dual contracts DCB, DK
[dual credit EHDD](#)

dual language immersion program (DLIP) EHBE
 due process
 ~~regarding~~ complaints alleging violation of constitutional rights DGBA, FNG, GF
 ~~under continuing contracts DFCA~~
 ~~hearings by hearing examiner DFD~~
 ~~under probationary contracts DFCA~~
 ~~for students FOA, FOD, FOF, FOF~~
 ~~under term contracts BJCE, BJCF, DFCA, DFBA, DFBB, DFCA, DFD~~
 [student \(See discipline, student\)](#)
 dues, membership for professional organizations CFEA
 duplicating and printing CPAA, FL, ~~GBA~~ [GBAA](#)
 duty-free lunch DL
 duty schedule DK
 dyslexia [and related disorders](#) BQ, EHB, EHBC, [EIE](#), EKB, EKC, EL

- E -

early graduation EI, EIC, EIF, FMH
 early mental health intervention [BQ, DMA, FFB, FFEB](#)
 early voting [BBB \(See elections\)](#)
 early voting clerk ~~FEA~~ [\(See elections\)](#)
 e-cigarettes (See electronic cigarettes)
 ECPA (See Electronic Communication Privacy Act)
 EDGAR (See Education Department General Administrative Regulations)
 education agency relations
 regional service center GNB
 state agency GND
 voluntary accreditation agency GNE
 Education Department General Administrative Regulations
 CB, CBB
 education media and service centers GNB
[education service centers](#)
 [board member training BBD](#)
 [generally GNB](#)
 [participation in GNB](#)
 educational philosophy AE
 educational program access EHA
 educational specifications, facilities CS
~~educational television EFF~~
 educator certification/credentials DBA, DCB, DFBB, DK, DPB
 educator excellence innovation program (EEIP) ~~See also campus incentive plan~~ ~~DEAA~~ [DEAA](#)
 EEIP (See educator excellence [awards innovation program](#))
~~election elections~~
 [board members BBB, BBBA, BBBB, BBBC, BBBB](#)
 [board officers BDAA](#)
 clerks ~~BBB~~ [BBBA, EIA, FEA, FEB, FEC](#)
~~election of board members BBB~~
 [early BBBA](#)
 [student government FMB](#)
 electioneering ~~BBB~~ [BBBA, BBBB, CCA](#)
 elective instruction ~~EHAD~~ [\(See curriculum\)](#)
 electronic bids and proposals CH
 electronic cigarettes [BDF, DH, EHAA, FNCD, GKA, GKD](#)
 electronic communication BBI, CQ, [CQB, DH, FNCE](#)
 ~~security breach of CQ~~
 Electronic Communication Privacy Act (ECPA) CQ
~~electronic communications system CQ~~
~~electronic communications service CQ~~
 electronic courses, defined EHDE

electronic devices, possession or use of CQ, FNCE
~~electronic media~~ CY, DH
 electronic storage CQ
 electronic textbook CMD, ~~EFAA~~ EFA
 elementary instruction, required ~~EHAB~~ (See curriculum)
~~emergency~~
 emergencies (See also catastrophes and disasters)
 board meetings BE, ~~BEC~~
 ~~budget~~ CE
 bus emergency evacuation training CNC
 contractor access CJA
 crisis intervention, students FFB
 first aid ~~care~~ CKD, FFAC
 immunity for shelter workers DGC, GKG
 management GRC
 medical equipment and procedures CKD
 permits, employment DBA
 pipeline emergency response plan CS
 placement, student discipline FOE
 plans and procedures, drills CK, CKC
 records, student in health or safety emergency FL
 removals, students FFH
 repairs CH, CLB, CV
 school closings CKC
 suicide attempts/threats FFB, ~~FFEFFEB~~
 volunteer emergency services personnel GKA
 emotionally disturbed students (See also ~~students with disabilities~~ special education) FFB, ~~FFEFFEB~~
 employees (See personnel)
 organizations CFEA, CPAB, DGA, DGB, GKD
 qualifications BJA, DBA, DP
 relations with students DH, DIA, FFH
 employment
 ~~after retirement~~ DC
 aiding and abetting CJ, DC
 application DC
 annualized salary DEA
 architects and engineers CV, CVA, CVB, CVC, CVD, CVE, CVF (See architects and engineers)
 benefits CRD, CRE, CRG, DE, DEA, DEAA, DEAB, DEB, DEC, DECA, DECB, DED, DEE, DEG
 board members, former BBC, DC
 conflict of interest DBD
 contracts BJC, DC, DCA, DCB, DCC, DCE, DK
 credentials and records DBA, DK
 criminal history record DBAA
 ~~early separation~~ DEA
 furlough program DEA
 ~~hiring~~
 at-will (noncontractual) DC, DCD
 authority BJA, DC
 contractual DC, DCA, DCB, DCC, DCE
 internal auditor CFC, DC
 nepotism (See nepotism)
 practices DAC, DC
 superintendent BJB
 medical examinations, screenings DBB, DEC, DECA
 ~~nepotism restrictions~~ DBE, DC, DCD, DK
 outside consultants BDE
 ~~residency practices~~ DAC, DC, DCA, DCB, DCC, DCD, DCE
 requirements
 bus driver annual physical DBA, DBB
 ~~residency~~ DB
 restrictions
 on moonlighting employing/assigning relatives of personnel DC, DK
 on nonschool employment DBD, DEC, DECA

~~nepotism~~ (See nepotism)
~~after retirement~~ DC, DPB
 status
 at-will DC, DCD
 continuing contract DC, DCC
 leave ~~DEC, DECA, DECB~~ (See leaves and absences, employees)
 non-Chapter 21 contract DC, DCE
 noncontract DC, DCD
 probationary DC, DCA
 reasonable assurance CRF, ~~DCD, DCE~~
 return to probationary status DFAC
 temporary teacher contract DC, DCB, DPB
 term contract (educator) DC, DCB
 ~~vacancies~~ DC
 end-of-course (EOC) assessments EI, EIA, EIC, EKB, FMH
 endorsements, graduation plan EIF
 energy conservation CH, CL
 engineers and architects selection ~~BEC, CBB, CH, CS~~, CV, CVA, CVB, CVC, CVD, CVE, CVF
 English as a second language EHBE
 English language learners EHBC, EHBE, ~~EHBF, EHBG~~, EIE, EKB, EKBA
 enrichment curriculum (See also curriculum) EHAA
 enrollment
 age ~~and residence~~ requirements FD, FDA
 by attendance zone FC, ~~FDB~~
 ~~exemptions from health requirements~~ FFAA, FFAB
 expelled transfer students FD, FOD
 health requirements FD, FFAA, FFAB
 immunizations ~~FD, FDD~~, FFAB
 ~~projections~~ CT
 ~~residence requirements~~ FD
 transfers from other districts FDA
 tuition ~~EHBG~~, FDA
 voluntary, ~~students 19 and over~~ FEA
 environmental authorities GRA
 epinephrine auto-injectors CKEA, FFAC, FFAB
 Equal Access Act FNAB, GKD
 equal educational opportunities EHBA, FB
 equal employment opportunities DAA, DAB, DAC, ~~DIA~~
~~equipment and supplies~~
 equalization allotment, state CBA
~~equipment and supplies~~
 borrowing/loaning CMB, ~~CCC~~, DG
 disposal/sales CI
 distribution CM, CMA, CMB, CMD
 equipment maintenance CLB
 ~~insurance program CR, CRA, CRB~~
 ~~equipment maintenance CLB~~
 ~~insurance program CRA, CRB~~
 inventory CBB, CFB, CMA
 leasing CMB
 receiving/warehousing CMA
 repair CLB
 ESSA (See Every Student Succeeds Act)
 E-rate CQ
 ethics
 board members ~~BBBBBBBD~~, BBF, BBFA, BBFB, CAA, CBB
 financial CAA
 personnel CAA, CBB, DBD, DH
 evacuation diagrams CKC
 evaluation
 administrative goals and objectives BI
 board self-evaluation BG
 campus charter and program charter schools EL, ~~ELA~~
 existing facilities CS

fiscal management CA
 personnel DN, DNA, DNB
 programs BQ
 superintendent BJCD
 evening sessions EC, EHBI, FP
 Every Student Succeeds Act (ESSA)
 adequate yearly progress (AYP) AID, EHBD
 credentials, personnel DBA, DK, EHBD
 migratory child EEB
 parent and family engagement BQ
 recruiters, military FL, GKC
 school restructuring AIC, EHBD
 student/parent rights EF
 technology CQ
 examinations/assessments
 for acceleration EHDC
 credit by examination
 with prior instruction EHDB
 without prior instruction EHDC
 final EIAA
 state-mandated EKB
 exchange students FD, FDA, EIF
 executive session (See ~~closed~~-board meetings)
 exempt/nonexempt personnel DEA
 exit interviews DC, DCD, DF
 exit-level test assessment EI, EIF, EKB, FMH
 expenditures of funds CE, CFD, ~~CHD~~
 expense reimbursement
 board members BBG, DEE
 personnel DEE
 superintendent BJCA
 experimental courses EGA
 expulsion of students FOD, FODA, FOE (See discipline, student)
 extended instructional programs EHD
 extended instructional year (See year-round schools)
 extended-year program EB, EHBA, EHBC, EHDA, EIE
 extended-year services EHBA, EHBAB
 extracurricular activities
 absences FM
 attendance accounting FEB
 concussions FM
 eligibility EHBL, FM, FOA, FOC
 limits on fees FP
 generally FM
 immunity, volunteers GKG
 absences FM
 related absences FEB, FM
 safety training of, employees DMA
 standards of behavior FNC, FO
 students not enrolled FD who are homeless or in foster care FFC
 suspension and reinstatement FM
 transportation to CNBCNA, FMG
 eye-protective devices CKB

- F -

facilities
 climate control CL
 community use of GKB, GKD
 conduct on school premises GKA, GKC
 naming CW
 planning and construction CS, CT, CV, CVA, CVB, CVC, CVD, CVE, CVF

portable buildings CS
 faculty advisory council BQA, BQB, DGB
 fair employment CV, DAA, DAB, DAC
 standards CS
 faculty advisory council BQA, BQB
 Fair Labor Standards Act (FLSA) DEAB
 falsification of records DFB, FD (See ethics)
 Family Educational Rights and Privacy Act (FERPA) FL
 Family and Medical Leave Act (FMLA) GRD, DEC, DECA, DECB (See leaves and absences, employees)
 FAPE (See Free Appropriate Public Education)
 federal funds CBB, EHBD
 Federal Gun-Free Schools Act FNCG, FOD
 Federal Gun Free School Zones Act GKA
 fees, fines, and dues
 copies of records FL, GBAA
 student FP
 transcript FL
 tuition EHBG, FDA
 felony offenses BBA, BBC, CJA, DBAA, DF, DH, DHB, DHC, DP, FFG, FNCC, FOC, FOD, GRAFODA, FOE, GKA, GRAA
 FERPA (See Family Educational Rights and Privacy Act)
 field trips EFD, CNC, FNG, FMG
 filling employment vacancies DC
 final examinations EIAA
 finality of grades EIE, DGBA, FNG
 finance
 foundation school program CBA
 fund balance CE
 financial accountability rating system CFC
 financial ethics BBB, BBFA, BBFB, CAA, CBB, DBD
 financial exigency BJC, BJCG, CEA, DFAA, DFBA, DFB, DFCA, DFD, DFF, DFFA
 financial reports and statements BR, CFA, CFC
 firearms CNC, DH, EHAD, FNCG, FOC, FOD, GKA
 fire authorities GRA
 firearm accident prevention program CKEC
 fire drills and civil defense CKB, CKC, GKD
 fire escapes CKC
 fire insurance GRA
 fireworks GKA
 first aid CKD, FFAC
 First Amendment BED, CPAB, DG, EFA, EMB, EMI, FMA, FNA, FNAA, GKDA
 fiscal management CA, CAA
 fiscal year CE
 fixed assets CFB
 flag display CLE
 FLSA (See Fair Labor Standards Act)
 FMLA (See Family leaves and Medical Leave Act absences, employees)
 food allergy management plan FFAF
 food service
 breakfast program COB
 conflicts of interest COA
 free and reduced-price meals program COB
 food donation CO
 meal programs COB
 "junk food," sale-restricted nutrition standards CO, FFA
 purchasing procurement COA
 Summer Food Service Program COB
 surplus commodities unpaid meal charges CO
 vending/food dispensing machines CFD, COC, FFA
 foreign exchange students FD, FDA, EIF
 foreign language EHAB, EHAC instruction (See curriculum)
 foster care CNA, EHBAB, EHBAB, EHDC, EHDE, EI, FD, FEA, FEB, FED, FFAB, FFC, FFEA, FO

insurance CRD, FFD
~~relations with mental health authorities~~ [GRABQ, DMA, FFB, FFEB](#)
~~requirements for enrollment~~ [FFAB](#)
 services DBB, FFA, FFAA, FFAC, FFAF
~~school-based health centers~~ [FFAE](#)
~~wellness policy, student~~ [FFA](#)
 Health Information Portability Accountability Act (HIPAA)
~~DAB~~, CRD
 hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC
 hearing impaired BE, ~~EHBA~~, [EHBA, EHBAA, EHBAB, EHBAC, EHBH, FBA](#)
 hearings
~~board~~ [BE, DFBB, DGBA, FNG, GF](#)
~~budget~~ [CE](#)
 challenging content of student records FL
~~due process~~
~~employees complaints/grievances~~ [DGBA, FNG, GF](#)
~~employment related~~ [BJCF, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DGBA](#)
~~students~~ [FOD, FOF](#)
~~expulsion of students~~ [FOD](#)
~~financial management report~~ [CFA](#)
 independent hearing examiner ~~DFBB, DFD~~ [\(See hearing examiners\)](#)
~~nonrenewal~~ [BJCF, DFBB](#)
~~public hearings~~ [AF, AIB, AIC, CCG, CDB, CE, CFA, CKC, CQ, DEA, EFB, EHBC, EHBL, EL, ELA, GKA](#)
~~student discipline~~ [FOD, FOF, FOF](#)
 higher education visits FEA
~~high school, college, and career preparation~~ [EHAC](#)
 High School Equivalency Program [\(HSEP\)](#) EHBL
~~highly mobile students~~ [FFC](#)
 HIPAA (See Health Information Portability Accountability Act)
 hiring
 at-will (noncontractual) DC, DCD
 authority BJA, DC
 contractual DC, DCA, DCB, DCC, DCE
~~internal auditor~~ [CFC, DC](#)
~~nepotism~~ [\(See nepotism\)](#)
 practices DAC, DC
 superintendent BJB
 HIV (See [AIDS/HIV communicable diseases](#))
 holidays [and vacations](#)
 personnel DED
~~school~~ [EB](#)
 religious [holidays](#) DEC, FEA, FEB
~~school vacations~~ [EB](#)
 holdover doctrine BBC, DBE
 homebound instruction EEH, [EHBA](#)
 homeland security BEC, CKC, [FD](#), GRC
 homeless students CNA, [EHBAB](#), EHBC, EHBD, EHDC, EI, FB, FD, FDC, FFAB, FFC
 home-rule school district or charter AG
~~home-school instruction~~ [FDA](#) ~~homeschool students~~ [EHBAA, FD, FEA](#)
 homework EIA
 honor graduates EIC
 honors courses EHBH, EIC, ~~EIF~~
~~hospitalization insurance~~ [GRD](#)
 hours of school day EC
~~housing authorities relations~~ [GRA](#)
 HSEP (See High School Equivalency Program) ~~EHBL~~
 human sexuality education ~~EFAA~~ [EFA, EHAA](#)
 hunter safety education EHAD
 hurricane warnings CKC

[hurricanes](#) (See [catastrophes and disasters and emergencies](#))

- I -

IDEA (Individuals with Disabilities Education Act) EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE
~~identification card~~ [CLA](#)
 illness
 personnel DBB, DEC, [DECA](#)
 student FEC, FFAC, FFAD
 immunity (See liability)
 immunizations FD, FFAB
 incentives [BQB](#), DEAA, DEC
 inclement weather procedures [\(See also catastrophes and disasters\)](#) CKC
 income tax, salary deductions for CFEA
 increments, salary DEA
 independent auditors CFC
 independent hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC
 individual graduation committee (IGC) EIF, [EKB](#)
 individualized ~~learning~~
~~correspondence course~~ [EHDE](#)
~~credit by examination~~ [EHDB, EHDC](#)
~~distance learning~~ [EHDE](#)
~~exams for acceleration~~ [EHDC](#)
~~remedial instruction~~ [EHBC](#)
 special education [program \(IEP\)](#) EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE
~~tutorial program~~ [EHBC](#)
 individualized education program EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE
 individualized health care plan FFAF
 individualized services plan EHBAC
~~industrial development authorities~~ [GRA](#)
 infection control officer GRC
 infrastructure partnerships CDH
 information
~~access to district~~ [\(See records BBE, GBAA\)](#)
~~access to employee records~~ [BBE, DBA, DN, GBAA](#)
~~access to student records~~ [BBE, FL](#)
~~demographic data~~ [CQ, GBA, GND](#)
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 printed materials and services
 charges for copies FL, GBAA
 copyrighted materials CY
 printing and duplicating CPAA, [FL](#), [GBAA](#)
 prior review FNAA, GKDA
 private lessons [tutoring DBD](#), FEF
 private ~~schools~~, ~~relations with school students~~ FD, FEA
 private tutoring DBD
 private vehicles, use of [CLC](#), CNA, ~~EFD~~, FFFD, FMG
 probationary contracts

employment practices DC, DCA
 resignation DFE
 suspension ~~DFAA~~
 termination at end of year DFAB
 termination during contract DFAA
 termination at end of year DFAB
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 professional growth/development
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 personnel DM, DMA, DMC, DMD
 superintendent BJA, BJCB
 professional leaves and absences ~~DEC~~ [\(See leaves and absences, employees\)](#)
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 professional organizations
 dues CFEA
 participation in DGA, DGB
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 professional personnel [\(See also personnel\)](#)
 academic freedom EMA, [EMB](#)
 accountability [\(See appraisal\)](#)
 appointment DC, DCA, DCB, DCC, DCD, DCE
 assignment DK
 appraisals BJCD, DN, DNA, DNB
 compensation DEA, DEAA, DEAB, [DK](#)
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 continuing contracts DCC, [DFAC](#), [DFC](#), DFCA, [DFE](#), DFFC
 contract nonrenewal BJCF, DFBB, [DFFB](#), [DFD](#)
 contracts BJC, ~~DCA~~, ~~DCB~~, ~~DCC~~, ~~DCE~~
 dismissal BJCE, DCD, DCE, DF, DFAA, DFBA, DFCA, DFFA, DFFC
 employment practices DC, DCA, DCB, DCC, DCD, DCE, [DK](#)
 ethics ~~DBD~~, ~~DH~~
 evaluation/appraisal BJCD, DN, DNA, DNB
 expense reimbursement BJCA, DEE
 filling, including vacancies DG
 financial ~~ethics~~ CAA, [CBB](#), ~~DBD~~, [DH](#)
 growth and development DM, DMA, DMC, DMD
 hearings before hearing examiner BJCE, DFBB, DFD, DFFA, DFFB, DFFC
 hiring BJB, DC, DCA, DCB, DCC, ~~DGD~~, DCE
 leaves and absences ~~DEC~~, ~~DECA~~, ~~DECB~~, ~~DED~~ [\(See leaves and absences, employees\)](#)
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 nonrenewal BJCF, DFBB, DFFB
 nonschool employment DBD
 orientation DC, DMA, ~~DPB~~
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 probationary contract DC, DCA, DFAA, DFAB, DFAC, [DFE](#)
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 financial exigency [BJC](#), [BJCG](#), CEA, DFAA, DFBA, [DFBB](#), [DFCA](#), [DFD](#), [DFF](#), DFFA, DFFC

program change DFFB
 resignation BJCG, ~~DCD~~, DFE
 retirement BJCG, DEG
~~rights and privileges DG, DGA, DGB, DGBA~~
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~~searches DHE~~
~~staff development DMA, DMC, DMD~~
~~staff meetings DLA~~
~~standards of conduct DH~~
 superintendent BJA
 supplemental duty DEAA, DK
 suspension DFAA, DFBA, DFCA
 term contract DC, DCB, DFBA, DFBB
 termination DF, DFA, DFAA, DFAB, DFAC, ~~DFB~~, DFBA,
 DFBB, ~~DFC~~, DFCA, DFD, ~~DFE~~, ~~DFE~~, DFFA,
 DFFB, DFFC
~~transfer DK~~
~~vacation DED~~
~~welfare DI~~
~~work load/schedules DEA, DK, DL~~
 professional services ~~outside sources~~, purchasing CH, CV
~~professional visitors and observers GKG~~
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~~programs, special EHB, EHBA, EHBAA, EHBAB, EHBAC,~~
~~EHBAD, EHBAE, EHBB, EHBC, EHBD, EHBE, EHB,~~
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programs, special (See curriculum: special programs)
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 enrollment CT
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 promotion and retention, students EIE
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 ~~acquisition of sites CHG, CV~~
 board authority BAA
 care of school CLA, CLB, FNCB
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 plies)
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 lease by the district CE, CHG, CX
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 ~~disposal CI~~
 ~~personal, sale financing CHH~~
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 prohibited use of resources CE
 ~~real, sale of CDB property~~
 ~~revenue bonds from proceeds CDBA~~
 ~~sales CDB~~
 ~~surplus, acquisition BAA, CHG~~
 ~~disposal of CDB, CDBA~~
 lease to others CDB, CX
 open meeting exception BEC
 revenue bonds from proceeds CDBA
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 ~~title policy land purchases CHG~~
 substantial interest, conflict BBFA
 records GBA
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 psychological services/testing DP, EHBA, EHBA, EHBAE,
EHBH, FFAC, FFB, FFC, FFE, FFEB, FFG
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~~public access to defibrillators CKG~~
~~public access to school records BE, DBA, FL, GBAA~~
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distribution CPAB, FMA, FNAA, GKDA
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 prior review/nonschool-sponsored FNAA, GKDA
~~publishing and research DME~~
~~school bulletins and newsletters GBB~~
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 public education grant (PEG) program FDAA
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CQCBA
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FFC CFA, CKC, CQ, DEA, EFB, EHBC, EHBL, EL,
ELA, GKA
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 Public Information Chapter of Government Code GBA,
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~~public notices GC~~
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CCA, CCG, CE, CFA, CH, CNC, CVA, DEA, DGBA,
EA, FNG, GF
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 public official, defined BBFA, BBFB, DBE
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 Public Property Finance Act (PPFA) CCA, CHG, CHH
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~~public school child care FFC~~
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~~purchase orders CHD~~
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 authority CH, CV
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 ~~board approval~~ bus purchase or lease CH, CV CNB
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 ~~requests for proposals CH, CV, CVB~~
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 ~~sales calls and demonstrations CHE, GKG~~
 ~~specifications CHD, CVA, CVB~~
 ~~surplus commodities CO~~
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- Q -

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- R -

racial discrimination, ~~prohibition on~~ DAA, DIA, FB, FFH ([See discrimination and harassment](#))
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[sale or exchange](#) CDB
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[microfilm](#) CPC, DBA FL, GB, GBAA
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 records administrator defined [and duties](#) BBFA
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health appraisal FFAA
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~~inventories~~ CFB
 law enforcement BJA, DH, FL, GRA, GRAA
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 special education students EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE, FL, FOE
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 officer for public information CPC, GBA, GBAA
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 records management officer CPC
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~~board member training~~ BBD
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 risk management CK, CKA, CKB, CKC, CKD, CKE
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 Roth contribution programs CRG
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 administrative BP
 discipline management FNC, FO
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- S -

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[incentives DEAA](#)
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 block EEC, EED, [EIA, FM](#)
 [budget planning CE](#)
 [daily school program EC](#)
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 [faculty meetings DLA](#)
 [field trips EFD](#)
 [meal repayment CO](#)
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 [school day EC](#)
 [student EED](#)
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 EHA, [EHAC, FFA](#)
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 [medical, student FFAA](#)
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 [dyslexia EHB](#)
 [hearing, vision, scoliosis FFAA](#)
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[secret societies FNCC](#)
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 [bomb threat procedures CKC](#)
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 [safe schools FDE, FFF, FFFA, FFFB, FFFD, FFFF](#)
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 [school grounds supervision CLA, FFFA](#)
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 [security personnel CKE, CKEA, CKEB, CKEC](#)
 [student transportation CNA](#)
 [threat assessment FFB](#)
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 vandalism and burglary CLA, FNCB
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[EHBAC](#)[DF](#), [DP](#), [EHAD](#), EHBB, [FFEA](#), FOCA, GNB
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[social and](#) networking CQ, DH
 social security deductions CFEA
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[FFEB](#)
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 Southern Association of Colleges and Schools [GNE](#)[EHDD](#)
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 ARD committee EHBAB
[assistive technology](#) [EHBA](#)
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[disciplinary alternative education programs](#) [FOA](#), [FOCA](#),
[FOA](#)
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[firearm safety](#) [EHAD](#)
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[staff](#) ([See personnel](#); [see also professional personnel and support staff](#))
 State Board for Educator Certification (SBEC) [CJA](#), DBA,
 DBAA, DC, DF, DFE, DH, DHB, [DK](#)[DP](#)
 State of Texas Assessments of Academic Readiness
 (STAAR) EI, EIA, EIC, [EIE](#), EKB, EKBA, FMH
[State School Boards Association](#) [BC](#)
 state virtual school network EHDE
 "stay put" IDEA students EHBAE
 steroids [EHAA](#), [FFAC](#)[FM](#), FNCF, [FNF](#)
 stipends DEAA
[Stored Wire and Electronic Communications and Transactional Records Access Act](#) [CQ](#)
 strikes, employee DGA
 structural pest control CLB, DI, FD, [GB](#)
 students
 absences and excuses FEA, FEB, FEC, [FM](#)
 academic freedom EMA, EMB, [FNA](#)
 accidents [CK](#), [CKB](#), FFAC
 activities [FM](#), [FMA](#), [FMD](#), [FME](#), [FMG](#), [FMH](#)
[community sponsored activities/contests](#) [FJ](#), [FMF](#)
 eligibility for honors and awards EIC, FG
 equal access FM, FNAB

extracurricular activities [FM](#), [FMF](#)
[fees](#) [FP](#)
[field trips](#) [CNC](#), [FNG](#), [FMG](#)
 funds management [CFD](#)
 interscholastic activities/contests [FMF](#)
 organizations/[clubs](#) [FM](#), [FNAB](#), [FNCC](#)
 participation eligibility [FM](#)
 performances [FME](#)
 social [events](#) [FMD](#)
[sponsors, clubs](#) [DEA](#), [DK](#), [FM](#)
[student government](#) [FMB](#)
[transportation to](#) [FMF](#), [FMG](#)
[use of district vehicles](#) [CNB](#)
~~student government~~ [FMB](#)
 admission
[children of nonresident staff](#) [FDA](#)
[eligibility](#) [FD](#), [FDAA](#)
[exchange students](#) [FD](#)
[expelled students](#) [FD](#), [FOD](#), [FODA](#), [FOF](#)
[falsification of records](#) [FD](#)
[homeless](#) [FD](#), [FDC](#)
[homeschool transfers](#) [FDA](#), [FEA](#)
[nonresident students](#) [FD](#), [FDA](#)
[requirements](#) [FD](#), [FDA](#), [FFAB](#)
[transfers](#) [FDA](#), [FDAA](#), [FDB](#)
[tuition](#) [EHBG](#), [FDA](#)
 alcohol/drug use or possession [FNCF](#), [FNF](#), [FOC](#), [FOA](#),
[FOCA](#), [FOD](#), [FOE](#), [FOF](#)
 allergies [FFAF](#)
 arrests [FL](#), [GRA](#), [GRAA](#)
 assaults on others [FNCH](#), [FOD](#) (See discipline, student)
 assemblies [EC](#), [FM](#), [FNCI](#)
 assessment [EIE](#), [EK](#), [EKB](#), [EKBA](#), [EKC](#), [EKD](#), [FD](#)
 assignment [to classes](#) [EHBA](#), [EIE](#), [FD](#)
[attendance zones](#) [FC](#), [FDB](#)
[assignment to schools](#) [disciplinary settings](#) (See discipline, student)
[from homeschools](#) [FD](#)
[intradistrict](#) [FDB](#)
[parental request](#) [FDB](#), [FNG](#)
[residence requirements](#) [FD](#), [FDA](#), [FDB](#)
 assistance and counseling programs [EHBH](#), [FFB](#),
[FFBA](#), [FFC](#), [FFE](#), [FFEA](#), [FFEB](#), [FFG](#), [FFH](#), [FFI](#)
 attendance [FEA](#), [FEB](#), [FEC](#), [FED](#), [FEE](#), [FEF](#)
 automobile use [CLC](#), [FFFD](#)
 awards and scholarships [EI](#), [EIC](#), [FG](#)
 bicycle use [FFFD](#)
~~bullying~~ [FFI](#)
[bullying](#) [CQ](#), [FFH](#), [FFI](#)
 care of school property [FNCB](#)
 child abuse/neglect [BBD](#), [BQ](#), [DG](#), [DGC](#), [DH](#), [DIA](#), [DMA](#),
[FFEB](#), [FFG](#), [FFH](#), [GRA](#)
 clubs, gangs [FNCC](#)
~~competency testing~~ [EIE](#), [EKB](#), [EKBA](#), [EKC](#), [EKD](#)
~~complaints~~ [FNG](#)
[complaints](#) [FNG](#)
 concussions [FM](#)
 conduct [FO](#)
 code of conduct [FNC](#), [FO](#)
 extracurricular standards of behavior [FM](#), [FO](#)
[generally](#) [FNC](#), [FNCA](#), [FNCB](#), [FNCC](#), [FNCD](#), [FNCE](#),
[FNCF](#), [FNCG](#), [FNCH](#), [FNCI](#), [FO](#)
 on ~~school~~ buses [FFFF](#), [FO](#)
[violation](#) [FO](#), [FOA](#), [FOB](#), [FOC](#), [FOCA](#), [FOD](#), [FODA](#),
[FOE](#), [FOF](#)
 conferences, student/parent [EIA](#)
 consent [to treatment by minor student](#) (See also parental rights) [FFAB](#), [FFAC](#), [FFEA](#)

contests and competitions [FG](#), [FM](#), [FMF](#)
 corporal punishment [FO](#)
 cyberbullying [CQ](#), [FFH](#), [FFI](#)
~~demonstrations or strikes~~ [FNCI](#)
 detention [FO](#)
 discipline [FO](#), [FOA](#), [FOB](#), [FOC](#), [FOCA](#), [FOD](#), [FODA](#),
[FOE](#), [FOF](#)
~~dress code~~ [FNCA](#)
[dress and grooming](#) [FNCA](#)
 drug testing, extracurricular activities [FNF](#)
 due process [FNG](#), [FOC](#), [FOD](#), [FOE](#), [FOF](#)
~~dyslexic~~ [EHB](#), [EHBC](#), [EKC](#), [EL](#)
 early graduation [EI](#), [EIC](#), [EIF](#), [FMH](#)
 elections [FMB](#)
 emergency placement [FOE](#)
 employment [EED](#), [FEF](#)
 equal educational opportunity [EHBA](#), [FB](#)
 exchange students [FD](#)
~~expelled from another district~~, [FDA](#), [EIF](#)
 expulsion [FO](#), [FOD](#), [FODA](#), [FOF](#)
 fees, fines, and charges [FP](#)
 foster care [CNA](#), [EHBAB](#), [EHBAB](#), [EHDC](#), [EHDE](#), [EI](#),
[FD](#), [FEA](#), [FEB](#), [FED](#), [FFAB](#), [FFC](#), [FFEA](#), [FO](#)
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~~government~~ [FMB](#)
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[assessments](#) [EKB](#)
[early](#) [EIF](#), [FMH](#)
[endorsements](#) [EIF](#)
[exercises](#) [FMH](#)
[honor graduates](#) [EIC](#)
[individual graduation committee](#) (IGC) [EIF](#), [EKB](#)
[of student in conservatorship of DFPS](#) [EIF](#)
[prayer](#) [FMH](#), [FNA](#)
[ranking of graduates](#) [EIC](#)
[requirements](#) [EIF](#)
[special education students](#) [EIF](#), [FMH](#)
 handbook [FN](#)
 hazing [FFI](#), [FNCC](#), [FOD](#)
 health requirements/services [FFA](#), [FFAA](#), [FFAB](#), [FFAC](#),
[FFAD](#), [FFAE](#), [FFAF](#)
 homeless [CNA](#), [EHBAB](#), [EHBC](#), [EHBD](#), [EHDC](#), [EI](#), [FB](#),
[FD](#), [FDC](#), [FFAB](#), [FFC](#)
 immunizations [FD](#), [FDD](#), [FFAB](#)
 injury or sudden illness [FFAC](#)
 in residential facilities [EEM](#), [EHBA](#), [EHBAC](#), [FD](#)
 in conservatorship of DFPS [EIF](#), [FD](#), [CNA](#), [EHBAB](#),
[EHBAB](#), [EHDC](#), [EHDE](#), [EI](#), [FD](#), [FEA](#), [FEB](#), [FED](#),
[FFAB](#), [FFC](#), [FFEA](#), [FO](#)
 insurance programs [FFD](#)
~~interrogations~~ [questioning](#) [FNF](#), [GRA](#)
 involvement in decision-making [FNB](#)
~~juvenile justice system~~ [EEM](#), [FODA](#)
 leaving campus during day [FEA](#), [FEB](#), [FEE](#), [FEF](#)
 married students [FND](#)
~~Medicaid~~ [FLA](#)
 mental health intervention [BQ](#), [DMA](#), [FFB](#), [FFEB](#)
 nonresident [FD](#), [FDA](#)
 organizations [FM](#), [FNAB](#), [FNCC](#)
 performances [FME](#)
 physical examinations [FFAA](#), [FFAE](#)
[placement](#) [EIE](#), [FD](#), [FDD](#)
 placement in alternative settings [FOA](#), [FOC](#), [FOCA](#),
[FOE](#), [FOF](#)
[possession of telecommunications/electronic devices](#)
[FNCE](#)
~~placement/withdrawal~~ [EIE](#), [FD](#), [FDD](#), [FEA](#)
 prayer [EC](#), [EMI](#), [FMH](#), [FN](#), [FNA](#), [FNAB](#)

[pregnancy/pregnant students](#) EHBC, [FB](#), [FED](#), [FFAB](#),
[FFAC](#), [FNE](#)
 progress reports EIA
 promotion and retention EIE
 psychological services [DP](#), [EHBA](#), [EHBA](#), [EHBAE](#),
[EHBH](#), [FFAC](#), [FFB](#), [FFC](#), [FFE](#), [FFEB](#), [FFG](#)
 publications, [school](#) FMA, [FNA](#)
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[academic achievement record](#) [EI](#)
[access by board members](#) [BBE](#)
 access to FL
 challenging content of (hearing and appeal) FL
 custodian of FL
 directory information FL
[falsification](#) [FD](#)
[highly mobile students](#) [FFC](#)
 immunization FFAB
 notice to parents [of records maintained](#) FL
 release for health or safety emergencies FFAC, FL
 release of information on more than one student FL
 release to juvenile service providers GRAC
[review and destruction of](#) [BBBB](#), [CPC](#), [DBAA](#), [FL](#),
[GBAA](#), [GB](#)
[right to information and privacy](#) [BBE](#), [EF](#), [FL](#), [GBAA](#)
 transcripts [and permanent record](#) [EI](#), [EIA](#), [EIF](#), [FD](#),
[FDA](#), [FL](#)
 transfer of [EIF](#), [FD](#), [FFAB](#), [cumulative records](#) FL
 relations with staff [DH](#), [DIA](#), [FFH](#)
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 removal from class, [discipline](#) FOA, [FOB](#), [FOC](#), [FOD](#),
[FOE](#), [FOF](#)
 removal to disciplinary alternative programs FOC, FODA
 rights and responsibilities [FN](#)
[complaints](#) [FNG](#)
[alcohol/drug use, possession](#) [FNC](#), [FNF](#), [FOC](#),
[FOD](#), [FOF](#)
[code distribution](#) of conduct [FO](#)
[complaints](#) [FFH](#), [FFI](#), [literature](#) [FNA](#), [FNG](#)
[demonstrations, disruptions, and strikes](#) [FN](#)
[dress and grooming](#) [FNA](#)
 due process [FNG](#), [FOC](#), [FOD](#), [FOE](#), [FOF](#)
 freedom of speech/written expression FNA, FNA
 hazing [FN](#)
 interrogations and searches [FNF](#)
 involvement in decision making FNB
 married students FND
 minute of silence EC
[possession of telecommunications/electronic devices](#)
[FN](#)
 pregnant students [EHBC](#), [FB](#), [FNE](#)
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 FNA
 responsibility for school property [FNC](#)
[right to information and privacy of records](#) [BBE](#), [EF](#),
[FL](#), [GBAA](#)
 right to pray EC, [FMH](#), [FNA](#), [FN](#), [FNA](#), [FNAB](#)
[searches](#) [FNF](#)
 special education EHBA, EHBA, EHBAB, EHBAC,
 EHBAD, EHBAE
 student government FMB
 tobacco use/smoking [FN](#)
 weapons [FNC](#), [FOD](#)
 safety FDE, FFF, [FFF](#)
 safety patrols [FFA](#), [FFB](#), [FFD](#), [FFF](#)
[searches](#) [FNF](#)
[searches](#) [FNF](#)
 by trained dogs [FNF](#)

schedules [EE](#), [EED](#)
[sexting](#) [FFE](#)
 school-age parents EHBC
[sexting](#) [FFF](#)
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[FFEB](#), [FFG](#), [FFH](#), [GRA](#)
 sexual harassment [and discrimination](#) [DAA](#), [DIA](#), [FB](#),
[FFH](#), [FNC](#)
 smoking/tobacco use or possession [BDF](#), [DH](#), [EHAA](#),
[FNCD](#), [GKA](#), [GKD](#)
[social media](#) [CQ](#)
[social events](#) [FMD](#)
[social media](#) [CQ](#)
 social services [FDC](#), [FFB](#), [FFBA](#), [FFC](#), [FFE](#), [FFEA](#),
[FFEB](#)
 suicide prevention [BQ](#), [DMA](#), [FFB](#), [FFE](#), [FFEB](#)
[student government](#) [FMB](#)
[student parents](#) EHBC, FFAB
 surveys [EF](#), [FFAA](#)
 suspension FM, FO, FOB
[transfer petition procedures](#) [FDA](#), [FDB](#)
 transfers and withdrawals FD, FDA, [FDAA](#), FDB,
[FEA](#), [FDE](#), [FFAB](#), [FFC](#)
 transportation services
[authorized/nonschool use](#) [CNA](#), CNB
 buses, advertising CNB
 contracted services CNA
 eligibility CNA
[hazardous routes](#) CNA
 insurance program CRB
 maintenance and safety inspections CNC
 scheduling and routing CNA
 students with disabilities CNA
 walkers, riders, and standees CNA
 tuition EHBG, FDA
 uniforms FNCA
 visual depiction of minors FFF
 volunteers FH
 weapons [DH](#), [FNCG](#), [FNCH](#), [FOD](#), [FOF](#), [GKA](#)
 welfare FF, FFA, FFAA, FFAB, FFAC, FFAD, FFAE,
 FFAF, FFB, [FFBA](#), [FFC](#), [FFD](#), [FFE](#), [FFEA](#), [FFEB](#),
 FFF, FFFA, FFFB, FFFD, FFFF, FFG, FFH, FFI
 with disabilities (See [also](#) special education [and Section](#)
[504](#))
 confidentiality of records FL
 contracts for instruction EEL
 discipline FOF
 educational program EHBA, EHBA, EHBAB,
 EHBAC
 extended year services EHBA, EHBAB
 facilities CS, GA
 graduation EIF, FMH
 homebound EEH, EHBAB
 withdrawals FD, FEA
 Student Success Initiative (SSI) EIE
 student teacher ratios [EE](#)
 student teachers [DBAA](#), [EHAA](#), GNC
 subpoenas, personnel DEC
 substance abuse DH, DHE, [DI](#), [DMA](#), [EHAA](#), [FFEB](#), [FNC](#)
[substitute care](#) [CNA](#), [EHBAB](#), [EHBAE](#), [EHDC](#), [EHDE](#), [EI](#),
[FD](#), [FEA](#), [FEB](#), [FED](#), [FFAB](#), [FFC](#), [FFEA](#), [FO](#)
 substitute teaching DPB
 substitutes, parent notification DBA, DK, DPB
 suicide prevention BQ, [DMA](#), [FFB](#), [FFE](#), [FFEB](#)
 summer lunch program COB
 summer school program EHBA, EHBC, EHBE, EHDA, [FD](#),
[FEA](#), [FO](#), [FOCA](#), [FP](#)
 sunscreen FFAC

superintendent (*See also* professional personnel)
 appointment BJB
 compensation and benefits ~~BJ~~, BJCA
 consulting BJCC
 contract BJC
 development opportunities BJCB
 evaluation BJCD
 expense reimbursement BJCA
 nonrenewal BJCF
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 recruitment BJB
 resignation/retirement BJCG
 severance BJCE
 termination/~~nonrenewal~~ BJCE, BJCF
~~supervision~~
 facility expansion project CV, CVA, CVB, CVC, CVD,
 CVE, CVF
 of students FFFA
 supplemental duties DEAA, DK
 supplementary materials selection and adoption ~~EF~~, EFA,
 EFAA
~~supplies CM, CMB, CMD~~
 support staff (*See also* personnel)
 assignment DK
 compensation ~~DEA~~, DEAB
 complaints DGBA
 development opportunities DMA
 dismissal DCD, DCE
 employee organizations DGA, DGB
 evaluation DN
 exempt/nonexempt ~~DEA~~, DEAB
 expense reimbursement DEE
 filling vacancies DC
 fringe benefits DEB
 health examinations DBB
 hiring DC, DCD, DCE
 in-service training DMA
 insurance CRD
 jury duty DEG
 leaves and absences DEG
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 noncontractual DC, DCD
 nonschool employment DBD
 orientation DC, DMA, DPB
 overtime pay (nonexempt) ~~DEA~~, DEAB
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 retirement DEG
 rights and privileges DG, DGA, DGB, DGBA
 salary deductions/reductions CFEA
 standards of conduct DH
 staff development/orientation DMA
 suspension DCD
 termination of employment DCD, DCE
 transfer DK
 vacations DED
 work schedules ~~DEA~~, DK
 surety bonds ~~CG~~~~BDAE~~
 surplus property
 personal CI
 real CDB, CDBA
 surrogate parents ~~EHBA~~~~EHBAE~~
 surveys of students EF, FFAA
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 of employees
 back pay DFBA

under continuing contract DFCA
 not under contract DCD
 under probationary contract DFAA
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 with or without pay DFAA, DFBA, DFCA
 of policies BF
 of students (*See discipline, student*)
 from bus riding FFFF
 from extracurricular activities FM, FO
 from school FOB

- T -

tardiness FEC
 TAKS (*See Texas Assessment of Knowledge and Skills*)
 task forces, community GK
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 abatement ~~CCG~~~~CCGB~~
 ad valorem CCG, CCGA, CCGB
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 bonding of CG
 duties and requirements BDAF
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 funds revenue source CCG
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 increment CCG
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 delinquent CCF, CCGA, CCH
 depository BBFA, BBFB, BDAE
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 TEA (*See Texas Education Agency*), relations with
 Teach for Texas Grant ~~EJ~~~~FFEA~~
 teacher aides (paraprofessionals) DBA, ~~EHBD~~~~EHBG~~
 teacher appraisal DNA
 teacher associations DGA, DGB
 teacher contracts DC, DCA, DCB, DCC, DCE
 teacher education program GNC
 Teacher Protection Act of 2001 BBE, ~~DHDGC~~
 Teacher Retirement System (TRS) CFEA, CRD, ~~CRG~~, DC,
 DEA, ~~DEABDH~~, EL, GBA
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 EHBG, EIE, FOCA
 teaching
 academic freedom EMA
 controversial issues EMB
 student teaching and internship GNC
 teaching day, length of DL, EG
 teaching permit, district-issued DBA
 team building BBD, BJCB
 technology BBI, CQ, CY, DH, EFB, ~~EHBF~~
 TEKS (Texas Essential Knowledge and Skills) EHAA,
 EIE (*See curriculum*)
 telecommunications devices CPAC, DH, FNCE
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employees)

temporary ~~personnel DC~~ and [part-time employment CRD](#),
[DEC](#), DPB
term contracts
employment practices DC, DCB
nonrenewal [BJCF](#), DFBB, [DFFB](#), [DFD](#)
reduction in force DFF, DFFA, [DFFB](#)
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suspension ~~DFBA~~
/termination during year DFBA
termination, personnel DCD, DCE, DF, DFA, DFAA, DFAB,
DFAC, ~~DFB~~, DFBA, DFBB, ~~DFC~~, DFCA, DFD, ~~DFE~~,
~~DFE~~, DFFA, DFFB, DFFC
[tests](#)
[credit by examination EHDB, EHDC](#)
[tests](#)
~~administration of dyslexia EHB~~
[exams for acceleration EHDC](#)
[generally](#) EIE, EK, EKB, EKBA, EKC, [EKD](#)
~~competency, student EIE, EIF, EKB~~
~~credit by examination EHDB, EHDC~~
~~dyslexia EHB~~
~~exams for acceleration EHDC~~
parental review EF, [EKB](#), FNG
~~selection and adoption EK~~
~~testing program EK, EKB, EKBA, EKC, EKD~~
~~use and dissemination of test results AI, AIA, AIB, AIC,~~
~~AID, BR, EKB, GBA~~
Texas Assessment of Knowledge and Skills (TAKS) EIE, EIF,
EKB, FMH
Texas Economic Development Act [CCGCCGB](#)
Texas Education Agency (TEA), relations with [GNEGND](#)
Texas Juvenile Justice Department (TJJJ) EEM, ~~FEHBL~~,
[FD](#), [FFG](#), [FOCA](#), [FODA](#)
Texas Open Meetings Act (TOMA) (See [open board](#) meet-
ings)
Texas Principal Evaluation and Support System (T-PESS)
DNB
Texas School Safety Center ~~BR~~, CK, ~~CS~~ [CKC](#), [FFB](#), [FFF](#)
Texas Teacher Evaluation and Support System (T-TESS)
DNA
Texas Virtual School Network (TXVSN) EHDE
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[threat assessment FFB](#)
ticket sales CDG, CFD
time warrants CCB
[Title I EHBD](#)
[Title I, Elementary and Secondary Education Act AIB, AID,](#)
[BQ, CJ, DBA, DC, EHBC, EHBD, EHBE, EKB](#)
Title V FOC
Title VII DAA, DIA
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~~employees~~
~~coordinator DIA~~
~~grievance procedures DGBA, DIA~~
rights ([See discrimination](#) and ~~responsibilities DAA, DH, DI-~~
~~A harassment~~)
~~students~~
~~coordinator FB, FFH~~
~~grievance procedures FB, FFH, FNG~~
~~rights and responsibilities FB, FFH~~
TJJJ (See Texas Juvenile Justice Department)
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TOMA (Texas Open Meetings Act) (See [open board](#) meet-
ings)
top ten percent EIC
tornado warnings CKC
tournaments ~~FMF~~ ([See extracurricular activities](#))

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tem)
trademarks CY
traffic and parking controls CLC, [FFFD](#)
training
~~campus administrator appraisal~~ [appraisals](#) BJCD, [DNA](#),
DNB
[asbestos standards CKA](#)
[board of managers AIC](#)
board member BBD
[coordinated health program EHAA](#)
[CPR and first aid DBA, EHAC](#)
[crisis intervention FFB](#)
[cybersecurity CQB](#)
[dating violence FFH](#)
[diabetes care assistant FFAF](#)
[DAEP personnel FOCA](#)
[dyslexia EHB](#)
[emergency operations CKC, CNC](#)
[foster and surrogate parents EHBAE](#)
[gifted and talented EHBB](#)
[hazardous chemicals DI](#)
[homeless liaison FFC](#)
[identifying and reporting abuse BJCB](#)
instructional materials CMD
investment ~~officer~~ [responsibilities](#) CDA
[Job Corps FEA](#)
[juvenile case manager FED](#)
[language proficiency assessment committee EHBE](#)
[medication administration FFAC](#)
[mental health first aid DGC](#)
[mentor teachers DEAA](#)
[pest control CLB](#)
[prekindergarten teacher EHBG](#)
principal appraisal BJCD, DNB
[public information coordinator GBA](#)
[restraint, use of FOF](#)
safety CK, [CNC](#), DH, [DMA](#), FM, [GKC](#)
[school nutrition program director CO](#)
[security personnel CKE, CKEA, CKEB](#)
[special education FOF](#)
staff development DMA
[student records FL](#)
[test security EKB](#)
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[trauma-informed care FFBA](#)
[traumatic injury response protocols CKD](#)
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~~EIF~~, FL
transfer
at-risk students ~~FDA~~, FDAA
criteria FDA, FDAA, FDB
[cumulative records FL](#)
due to bullying FDB
expelled students FD, FOD
~~factors~~ [homeschool transfers](#) FDA, [FEA](#)
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intradistrict FDB
of leave ~~DEC~~ ([See leaves and absences, employees](#))
from low-performing schools FDAA
personnel DK
petition, students FDAA, FDB
revocation of transfer FDA
school safety FDE
~~students EHBB, FD, FDA~~
tuition EHBG, FDA
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[exiting DAEP FOCA](#)

[highly mobile students FFC](#)
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 bus driver credentials DBA, [DBAA, DBB, DBE, DHE](#)
 [career and technology programs CNA](#)
 [emergency bus evacuation training CNC](#)
 bus maintenance CNB, [CNCCNBA](#)
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 ~~cost of special/field trips CNB, EFD~~
 ~~designation of hazardous routes CNA~~
 eligible students CNA
 [extracurricular and school activities CNA, FMF, FMG](#)
 [hazardous routes CNA](#)
 ~~hazardous routes CNA~~
 ~~monitoring behavior on buses FO~~
 safety of students CNC
 special use of school buses CNB
 state reimbursement CNA
 student conduct on buses FO
 students with disabilities CNA, [CNB](#)
 students in foster care CNA
 students who are homeless CNA
 [walking transportation programs CNA](#)
[trauma-informed care FFBA](#)
 travel [and trips](#)
 expense reimbursement BBG, BJCA, DEE
 ~~in-district expenses DEE~~
 ~~mileage reimbursement BBG, DEE~~
 ~~for field trips CNC, FNG, FMG~~
 professional ~~development DMC, DMD~~
 student FMG
 [study program EHBM](#)
 UIL travel FMF
 travel study program EHBM
 [use of district vehicles CNB](#)
 trespassing
 assistance of local law enforcement agencies GKA
 ~~prohibited GKA, GKC~~
 trips [\(See travel\)](#)
 ~~extracurricular FMG~~
 ~~field EFD~~
 ~~professional DMC, DMD~~
 ~~reimbursement for BBG, BJCA, DEE~~
 ~~student FMG~~
 ~~use of district vehicles CNB~~
 ~~UIL FMF, FMG~~
 truancy
 [generally FEA, FED](#)
 ~~truancy prevention facilitator FED~~
 ~~truancy prevention measures FED~~
 T-TESS (See Texas Teacher Evaluation and Support System)
 tuition
 ~~attendance reporting FDA, FDAA~~
 exemption
 for employees' children FDA
 ~~exemption for foreign students FD~~
 nonresident students FDA
 prekindergarten students EHBB
 ~~summer school FDA~~
 [prohibitions FDAA, FDD](#)
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Accreditation

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

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

Statuses

The commissioner shall determine criteria for the following accreditation statuses:

1. Accredited. Accredited means TEA recognizes the district as a public school of this state that meets the standards determined by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1059; and is not currently assigned an accreditation status of Accredited-Warning or Accredited-Probation;
2. Accredited-Warning. Accredited-Warning means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(b), that, if not addressed, will lead to probation or revocation of its accreditation status;
3. Accredited-Probation. Accredited-Probation means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(c), that must be addressed to avoid revocation of its accreditation status; and
4. Not Accredited-Revoked. Not Accredited-Revoked means TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1055(d).

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

Annual Evaluation

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

1. Shall evaluate and consider performance:
 - a. On achievement indicators under Education Code 39.053 [see Performance Indicators, below]; and

- b. Under the financial accountability rating system developed under Education Code, Chapter 39, Subchapter D [see CFA].
- 2. May evaluate and consider:
 - a. The district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education that relate to:
 - (1) Reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;
 - (2) High school graduation requirements; or
 - (3) Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs;
 - b. The effectiveness of the district's programs for special populations; and
 - c. The effectiveness of the district's career and technology program.

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

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

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

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

Notice of Status

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

*To Parents and
Property Owners*

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

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

The district's notice must:

1. Not later than 30 calendar days after the accreditation status is assigned, appear on the home page of the district's website, with a link to the required notification, and remain until the district is assigned the accredited status; and
2. Appear in a newspaper of general circulation, as defined in 19 Administrative Code 97.1051 (~~relating to~~ Definitions), in the district for three consecutive days as follows:
 - a. From Sunday through Tuesday of the second week following assignment of the status; or
 - b. If the newspaper is not published from Sunday through Tuesday, then for three consecutive issues of the newspaper beginning the second week following assignment of the status; or
3. Not later than 30 calendar days after the status is assigned, be sent by first class mail addressed individually to each parent of a student enrolled in the district and each property owner in the district; or
4. Not later than 30 calendar days after the status is assigned, be presented as a discussion item in a public meeting of the board of trustees conducted at a time and location that allows parents of students enrolled in the district and property owners in the district to attend and provide public comment.

To TEA

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

1. The universal resource locator (URL) for the link to the notification required above; and
2. Copies of the notice in the newspaper showing dates of publication, or a paid invoice showing the notice content and its dates of publication; or
3. Copies of the notice sent by mail and copies of all mailing lists and postage receipts; or
4. Copies of the notice presented at a public meeting and copies of the board of trustees meeting notice and minutes for the

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

19 TAC 97.1055(f)

**Performance
Indicators**

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

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

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

Education Code 39.053(a-1)

*Achievement
Indicators*

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

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

Education Code 39.053(c)

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

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

**A–F Performance
Ratings**

The commissioner shall adopt rules to evaluate district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F.

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

An overall or domain performance rating of:

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

A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D or exemplary, recognized, or acceptable performance, or performance that needs improvement.

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

Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted by the commissioner.

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

Local Accountability System

The local accountability system ~~rating~~ standards established by the commissioner under Education Code 39.0544 shall be used by districts to develop a plan to locally evaluate the performance of ~~districts and their~~ campuses. ~~The procedures and criteria required to determine campus grades by the districts will be annually published in official TEA publications.~~ 19 TAC 97.1003(a)

~~Ratings may be revised as a result of investigative activities by the commissioner as authorized under Education Code 39.057(d) and (e).~~

Local Accountability Plan

~~The specific criteria and standards used in the A~~ local accountability ~~system manual are established annually~~ plan created by a district must include domain performance ratings assigned by the commissioner ~~and communicated to all districts.~~

under Education Code 39.054, and performance ratings based on locally developed domains or sets of accountability measures. 19 TAC 97.1003(a), (c)-(d)

	<u>A district must create its local accountability plan based on school type. The four school types are elementary school, middle school, high school, and kindergarten–grade 12. The plan must include all campuses within a school type. The district may also request to identify an additional school group within a school type for which to customize its local accountability plan. Otherwise, all campuses within a school type must be evaluated on a common set of components determined by the district. A district may also request to identify a campus rated under alternative education accountability provisions as a unique school type. 19 TAC 97.1003(b)(4)</u>
<u>Plan Components</u>	<u>A locally developed domain or set of accountability measures is referred to as a plan component. Plan components must describe each item and the reason for its inclusion in the plan. A district must assign each component to one of the following five domains: academics, culture and climate, extra- and co-curricular, future-ready learning, and locally determined. The weight of all plan components must equal 100 percent. 19 TAC 97.1003(b)(1)</u> <u>A district may assign weights to each plan component, as determined by the district, provided that the plan components must in the aggregate account for no more than 50 percent of the combined overall performance rating. A local accountability plan may include no fewer than two and no more than ten components weighted between 5 percent and 60 percent. 19 TAC 97.1003(c)</u> <u>Each plan component must contain levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels that are aligned to a letter grade of A, B, C, D, or F and meet the requirements of 19 Administrative Code 97.1003(d)(1)–(3). 19 TAC 97.1003(d)</u> <u>Each plan component measure must meet standards for reliability and validity as required by 19 Administrative Code 97.1003(e)(1)–(3). 19 TAC 97.1003(e)</u>
<u>Campuses without STAAR or State Ratings</u>	<u>For the purposes of assigning state accountability ratings, a campus that does not serve any grade level for which a State of Texas Assessments of Academic Readiness (STAAR) examination is administered is paired with a campus in its district that serves grade levels for which STAAR examinations are administered.</u> <u>A campus not rated under the state accountability system is not eligible to combine state and local ratings. Local accountability data for a campus without state ratings may be displayed on TEA, district, and campus websites but will not be combined with state accountability data. The state accountability manual adopted under 19 Administrative Code 97.1001 (Accountability Rating System)</u>

provides information about campus ratings and eligibility for applicable years.

19 TAC 97.1003(b)(3)

Campus
Performance
Ratings

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

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

Education Code 39.0544(e)

~~If a district has been approved under Education Code 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the district assigned performance rating under the local accountability system. A reference in law to an acceptable rating or acceptable performance includes an overall domain performance rating of A, B, C, or D or performance that is exemplary, recognized, or acceptable performance, or performance that needs improvement. Education Code 39.054(a)~~

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

Submission and
Audit Standards

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

A district must use a one-to-one correspondence when converting campus grades based on plan component measures to a standard scale of 30–100 where A=90–100, B=80–89, C=70–79, D=60–69, and F=30–59. Categorical data, or data not on a continuous scale, must be converted to the standard scale of A=90–100, B=80–89, C=70–79, D=60–69, and F=30–59 by assigning the maximum value for each scaled score interval with the corresponding category used in the campus rating scale.

A district is required to submit local accountability plan component, domain, and overall scaled scores and ratings to TEA by the first week of July of the applicable accountability year.

All scaled scores and letter grades submitted by a school district are subject to audit. Any data discrepancies or any indication that data have been compromised may result in verification and audit of district and campus data used to assign local accountability ratings. The audit process may include requests for data used for campus-level calculation of component and domain scaled scores.

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

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

19 TAC 97.1003(f)(1)–(6)

Scorecard and
Website

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

Appeal and
Revision

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

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

**Distinction
Designations for
Outstanding
Performance**

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

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

Education Code 39.201

Academic
Distinction

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

Campus Distinction

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

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

Education Code 39.203

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

**Excellence
Exemptions**

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

An exemplary campus or district is not exempt from:

1. A prohibition on conduct that constitutes a criminal offense;
2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
3. A requirement, restriction, or prohibition relating to:
 - a. Curriculum essential knowledge and skills or high school graduation requirements;
 - b. Public school accountability;

- c. Extracurricular activities;
- d. Health and safety;
- e. Purchasing;
- f. Elementary class size limits;
- g. Removal of a disruptive student from the classroom;
- h. At-risk programs;
- i. Prekindergarten programs;
- j. Rights and benefits of school employees;
- k. Special education programs; or
- l. Bilingual education programs.

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

Education Code 39.232

District Annual Report

The board shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner of education. *Education Code 39.306(a)*

Texas Academic Performance Report (TAPR)

The performance report provided by the Texas Education Agency (TEA) under Education Code 39.306 shall be termed the Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

The district may not alter the report provided by TEA. However, the district may concurrently provide additional information to the public that supplements or explains information in the TAPR.

19 TAC 61.1022(a)–(b), (e); Education Code 39.306(d)

Other Annual Report Information

The annual report must also include:

1. Campus performance objectives established under Education Code 11.253 and the progress of each campus toward those objectives, which shall be available to the public;
2. Information indicating the district's accreditation status and identifying each district campus awarded a distinction designation or considered an unacceptable campus under Education Code Chapter 39A;
3. The district's current special education compliance status with the agency;
4. A statement of the number, rate, and type of violent or criminal incidents that occurred on each district campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);
5. Information concerning school violence prevention and violence intervention policies and procedures that the district is using to protect students;
6. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and
8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

Education Code 39.306(a)

The report must include a statement of the amount, if any, of the ~~school~~ district's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents. *Education Code 39.306(g)*

The report must also include the number of school counselors providing counseling services at each campus. *Education Code 39.306(d-1)*

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;
2. Financial information, including revenues and expenditures;
3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held; teacher and administrator salaries; and teacher turnover;
4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and
5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Education Code 39.306(e)

Supplemental information to be included in the reports shall be determined by the board. *Education Code 39.306(b)*

Public Hearing

The board shall hold a hearing for public discussion of the report. The board shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notice of hearing must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district. *Education Code 39.306(c)*

	A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. <i>19 TAC 61.1022(c)</i>
Publication	The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. <i>19 TAC 61.1022(d)</i> The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. <i>Education Code 39.306(c); 19 TAC 61.1022(f)</i>
Report Uses	The information in the annual report shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. <i>Education Code 39.307</i>
Campus Performance Report	Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.
Distribution	The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC. The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party. The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail. <i>Education Code 39.305; 19 TAC 61.1021</i>

Website Notices

Not later than the tenth day after the first day of instruction of each school year, a district that maintains an internet website shall make the following information available:

1. The information in the most recent campus report card for each campus in the district;
2. The information contained in the most recent performance report for the district;
3. The most recent accreditation status and performance rating of the district; and
4. A definition and explanation of each accreditation status, based on commissioner rule.

Education Code 39.362

Student Performance Report

Each year, TEA shall report to a district whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, .302*

Notice to Parents

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the district shall include in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

Notice to Teachers and Students

A district shall prepare a report of the annual improvement information and provide the report at the beginning of the school year to:

1. Each teacher for all students, including incoming students, who took a state assessment; and
2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement.

Education Code 39.304

**Quality of Learning
Indicators**

The commissioner shall also adopt indicators of the quality of learning for the purpose of preparing performance reports. Performance on the indicators shall be evaluated in the same manner provided for evaluation of the achievement indicators under Education Code 39.053(c) [see Achievement Indicators, AIA].

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the percentage of students promoted through the grade placement committee process; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the school year following that promotion on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;
11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and
12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301

**Results Driven
Accountability (RDA)**

In accordance with Education Code 7.028(a), the purpose of the Results Driven Accountability (RDA) [framework](#) is to [evaluate and report annually on the performance of districts for certain populations of students included](#) in selected program areas: ~~bilingual education/English as a Second Language, career and technical education, special education, and certain Title programs under federal law.~~ The performance of a district is ~~reported~~[included on the RDA report](#) through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner. *19 TAC 97.1005; Education Code 7.028(a)*

Federal Report Card

A district that receives Title I funding shall prepare and disseminate an annual federal report card that includes information on the district as a whole and each school within the district.

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

**Minimum
Requirements**

The federal report card shall include the information required in the annual state report card described at 20 U.S.C. 6311(h)(1)(C), as applied to the district and each school served by the district, including:

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;
2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and

3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

20 U.S.C. 6311(h)(2)

**District Data on
Academic
Achievement**

On request by the board, TEA shall create a website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

The website must:

1. Include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:
 - a. Student academic achievement and growth;
 - b. Teacher and student attendance; and
 - c. Student discipline records; and
2. Be updated at least once each quarter of the school year.

The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

A district must provide requested information to the commissioner for the creation of the website. Confidential information received by the commissioner remains confidential. The commissioner shall design the website to ensure that public information is made available to the public, and information submitted by districts noted as confidential is not made available to the public.

A request for public information under this provision shall be submitted to the district that provides the agency with the information. TEA may not release information submitted by a district that is noted as confidential information.

Education Code 11.1516

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**Interventions and
Sanctions for School
Districts**

Grounds for
Commissioner
Action

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

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

Education Code 39A.001

*Authorized
Commissioner
Actions*

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

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

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

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or
Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of
Accreditation

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

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

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

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

Education Code 39A.005

Intervention to
Improve High
School Completion
Rate

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

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

Education Code 39A.007

**Campus Intervention
Team and Targeted
Improvement Plan**

Actions Based on
Campus
Performance

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

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

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

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

Education Code 39A.051

Texas
Accountability
Intervention System

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

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

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

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

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

19 TAC 97.1061(a)–(c), (e)–(i)

Campus
Intervention Team

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

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

Education Code 39A.052

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

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

19 TAC 97.1063(b)–(c)

On-Site Needs
Assessment

A campus intervention team shall:

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

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

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

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

Education Code 39A.053

Recommendations

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

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

Education Code 39A.054

*Targeted
Improvement
Plan*

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

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

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

Notice of Public
Meeting

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

	The notice must include the date, time, and place of the meeting. <i>Education Code 39A.056</i> The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers, or other media that reach the general public, and the parent liaison, if present on the campus. <i>19 TAC 97.1061(d)(3)(A)(2)</i>
Public Hearing	After a targeted improvement plan or an updated targeted improvement plan is submitted to the board, the board shall conduct a hearing to: 1. Notify the public of: a. The insufficient performance of the campus; b. The improvements in performance expected by TEA; and c. The intervention measures or sanctions that may be imposed under Education Code, Chapter 39A if the performance does not improve within a designated period; and 2. Solicit public comment on the targeted improvement plan or updated targeted improvement plan. The board must post the targeted improvement plan on the district's internet website before the hearing. The board may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan. <i>Education Code 39A.057</i>
Submission to Commissioner	The board shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner. <i>Education Code 39A.058</i>
Executing Plan	In executing the targeted improvement plan, the campus intervention team shall, if appropriate: 1. Assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;

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

Education Code 39A.059

*Continuing Duties
of the Campus
Intervention
Team*

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

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

Education Code 39A.060

Needs Improvement
Rating

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

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

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

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

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

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

Education Code 39A.0545

Campus Planning
and Site-Based
Decision-Making

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

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

Education Code 39A.061

Submission of
Campus
Improvement Plan

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

Compliance
Through Federal
Accountability

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

**Campus Turnaround
Plan**

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

Updated Targeted
Improvement Plan

A campus intervention team shall assist the campus in:

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

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

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

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

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

19 TAC 97.1064(j)–(k)

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)]

ACE Turnaround
Plan

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

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

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

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

Education Code 39A.105(b)

Implementing
Entities

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

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

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

Education Code 39A.102, .108

Effective Date

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

Commissioner
Approval or
Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

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

Assistance and Partnerships A district may:

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

Education Code 39A.109

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

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

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

Education Code 39A.110

Continued
Unacceptable
Performance Rating

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

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

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

*Parent Petition
for Action*

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

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

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

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

Repurposing of
Closed Campus

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

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

- (1) That cumulatively serve 10,000 or more students; and
- (2) A majority of which have been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year; and
- c. Has been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year.

**Student Enrollment
and Assignment**

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

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

*Noncontracted
Repurposed
Campus*

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

*Enrollment
Provision in
Contract*

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

Education Code 39A.113

**Targeted Technical
Assistance**

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

**Commissioner
Authority**

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

**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 1073. Action under any other section of 19 Administrative Code Chapter 97, Subchapter EE is not a prerequisite to acting under this section. *19 TAC 97.1073*

Solicitation of
Proposals

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

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

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

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

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

Education Code 39A.151

Qualifications of
Managing Entity

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

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

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

1. Meets any of the commissioner's qualifications; and

2. Has documented success in educating students from similar demographic groups and with similar educational needs as the students who attend the campus to be operated by the managing entity.

Education Code 39A.152

Contract with
Managing Entity

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

The management contract must include:

1. A provision describing the district's responsibilities in supporting the operation of the campus; and
2. Provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

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

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

Education Code 39A.153; 19 TAC 97.1067

*Extension of
Management
Contract*

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

*Evaluation of
Managing Entity*

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

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

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

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

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

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

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

Education Code 39A.155

*Cancellation of
Management
Contract*

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

*Return of
Management to
District*

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

*Applicability of
Accountability
Provisions*

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

Funding

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

*Open Meetings and
Public Information*

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

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

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

Education Code 39A.160

Board of Managers
General Powers
and Duties

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

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

Education Code 39A.201

Board of Managers
of District

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

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

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

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

Education Code 39A.202

Board of Managers
of Campus

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

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

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

Education Code 39A.203

Composition of Board of Managers	A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. <i>Education Code 39A.204</i>
Training of Board of Managers	The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. <i>Education Code 39A.205</i> The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. <i>19 TAC 97.1073(h)</i>
Compensation	The commissioner may authorize payment of a board of managers from TEA funds. A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner. <i>Education Code 39A.206</i>
Replacement of Member of Board of Managers	The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. <i>Education Code 39A.207</i>
Expiration of Appointment	A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires. Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees. If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has

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

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

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

Education Code 39A.208; 19 TAC 97.1073

**Removal of Board
of Managers**

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

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

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

Education Code 39A.209; 19 TAC 97.1073

**Challenge of
Intervention or
Sanction**

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

**Review of
Sanctions by SOAH**

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

Notwithstanding other law:

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

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

Education Code 39A.301

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)–(b)

**Special
Accreditation
Investigations**

The commissioner may authorize a special accreditation investigation:

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

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

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

Education Code 39.057(a)–(c)

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

Commissioner
Action

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

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

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

Education Code 39.057(d), (e)

**Miscellaneous
Provisions**

Acquisition of
Professional
Services

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

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

Education Code 39A.902

Costs Paid by
District

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

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

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

Education Code 39A.903

Monitoring Reviews
and On-Site
Investigations

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

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

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

Education Code 7.028

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)

Accreditation
Investigation

The commissioner may at any time convert a monitoring review to a special accreditation investigation under Education Code 39.057, provided the commissioner promptly notifies the district of the conversion. ~~TEA shall give written notice to the superintendent and the~~

~~board of any impending monitoring review.~~ [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\(e\)-\(f\)](#)

~~Education Code 7.028, 39.056~~

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*

Transitional Interventions and Sanctions

For a campus that received an unacceptable performance rating for the 2013–14, 2014–15, and 2015–16 school years, the commissioner may apply the interventions and sanctions authorized by Chapter 39 as that chapter existed on January 1, 2015, to the campus.

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

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

These transition provisions expire September 1, 2020.

Education Code 39A.906

Special Program
Performance:
Intervention Stages

The commissioner shall assign a district to an intervention stage based on performance levels under 19 Administrative Code 97.1005 (~~Performance-Based Monitoring Analysis System~~[Results Driven Accountability](#)) [see AIB] according to the criteria and requirements in 19 Administrative Code 97.1071.

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

19 TAC 97.1071

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
EOP

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

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

Student Board
Member

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

A board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551, at which a quorum of the board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present. *Education Code 11.051(a-1); Atty. Gen. Op. GA-689 (2009)*

Definitions

Meeting

“Meeting” means a deliberation among a quorum of a board, or between a quorum of the board and another person, during which public business or public policy over which the board has supervision or control is discussed or considered, or during which the board takes formal action. “Meeting” also means a gathering:

1. That is conducted by a board or for which a board is responsible;
2. At which a quorum of members of a board is present;
3. That has been called by a board; and
4. At which board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of a district, about the public business or public policy over which the board has supervision or control.

Gov’t Code 551.001(4)

A communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation for purposes of the Texas Open Meetings Act if the communication is posted to an online message board or similar internet application in compliance with Government Code 551.006. *Gov’t Code 551.006* [See BBI(~~LEGAL~~)]

Deliberation

“Deliberation” means a verbal or written exchange between a quorum of a board, or between a quorum of a board and another person, concerning an issue within the jurisdiction of the board. *Gov’t Code 551.001(2)*

Recording

“Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov’t Code 551.001(7)*

Videoconference Call

“Videoconference call” means a communication conducted between two or more persons in which one or more of the partici-

pants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the internet. *Gov't Code 551.001(8)*

**Social Function,
Convention, or
Candidate Event**

The term “meeting” does not include the gathering of a quorum of a board at a social function unrelated to the public business that is conducted by the board, the attendance by a quorum of the board at a regional, state, or national convention or workshop, ceremonial event, or press conference, or the attendance by a quorum of a board at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, press conference, forum, appearance, or debate. *Gov't Code 551.001(4)*

**Legislative
Committee or
Agency Meeting**

The attendance by a quorum of a board at a meeting of a committee or agency of the legislature is not considered to be a meeting of a board if the deliberations at the meeting by the board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. *Gov't Code 551.0035(b)*

**Superintendent
Participation**

A board shall provide a superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting. *Education Code 11.051(a-1)*

Open to Public

Every meeting of a board shall be open to the public. A board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. *Gov't Code 551.002, .084, Ch. 551, Subch. D* [See BDB and BEC]

Parental Access

A parent, as defined in Education Code 26.002, is entitled to complete access to any meeting of a board, other than a closed meeting held in compliance with the Open Meetings Act. *Education Code 26.007(a)*

Recording

All or any part of an open meeting may be recorded by any person in attendance by means of a recorder, video camera, or any other means of aural or visual reproduction. A board may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. These rules shall not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public. *Gov't Code 551.023*

Minutes

A board shall prepare and keep minutes or make a recording of each open meeting. The minutes shall state the subject matter of

each deliberation and indicate each vote, order, decision, or other action taken. *Gov't Code 551.021*

**Board Member
Attendance**

The minutes or recording, as applicable, of a regular or special meeting of a board must reflect each member's attendance at or absence from the meeting. *Education Code 11.0621*

Availability

The minutes and recording are public records and shall be available for public inspection and copying on request to a superintendent or designee. *Gov't Code 551.022; Education Code 11.0621*

Note: For website posting requirements regarding the record of a board meeting, see CQA.

Notice Required

A board shall give written notice of the date, hour, place, and subject(s) of each meeting it holds. *Gov't Code 551.041*

Continued Meeting

If a board recesses an open meeting to the following regular business day, the board is not required to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, a board continues the meeting to another day, the board must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a)*

**Inquiry During
Meeting**

If a member of the public or of a board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting. *Gov't Code 551.042*

Location

A board must hold each public meeting within the boundaries of the district, except:

1. As otherwise required by law; or
2. To hold a joint meeting with another district or with another governmental entity if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

Education Code 26.007(b)

**Time of Notice and
Accessibility**

Notice of a board meeting shall be posted on a bulletin board at a place convenient to the public in the central administration office for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another board-designated place shall at all times be readily accessible to the public for at least 72 hours

before the scheduled time of the meeting. *Gov't Code 551.043(a), .051; City of San Antonio v. Fourth Court of Appeals*, 820 S.W. 2d 762 (Tex. 1991)

If a district is required to post notice of a meeting on the internet, the district satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the internet during the prescribed period.

A district must still comply with the duty to physically post the notice in the central administration office and if the district makes a good-faith attempt to continuously post the notice on the internet during the prescribed period, the physically posted notice must be readily accessible to the general public during normal business hours.

Gov't Code 551.043(b)

Internet Posting

If a district maintains an internet website, in addition to the other place at which notice is required to be posted, a board must also concurrently post notice of a meeting on the internet website.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also, concurrently with the notice, post on the district's internet website the agenda for a board meeting, if the agenda differs from the posted notice.

The validity of a posting of a district that made a good-faith attempt to comply with the internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the district.

Gov't Code 551.056 [See CQA for website posting requirements regarding notice of board meetings.]

Specificity of Agenda / Notice

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to a superintendent and principals are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what a board proposes to discuss or accomplish. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); *Atty. Gen. Ops. M-494* (1969), *H-419* (1974), *H-662* (1975), *H-1045* (1977)

The terms “employee briefing” or “staff briefing” do not give adequate notice of the subject matter to be presented to a board by employees or staff members. *Atty. Gen. Op. JC-169 (2000)*

The subject of a report or update by district staff or a member of the board must be set out in the notice in a manner that informs a reader about the subjects to be addressed. *Atty. Gen. Op. GA-668 (2008)*

Emergency Meeting or Emergency Addition to Agenda

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which notice has been posted in accordance with the Open Meetings Act, is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened.

A board may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted as described above other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting; or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

An emergency or urgent public necessity exists only if immediate action is required because of:

1. An imminent threat to public health and safety, including a threat described in item 2, below, if imminent; or
2. A reasonably unforeseeable situation, including:
 - a. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
 - b. Power failure, transportation failure, or interruption of communication facilities;
 - c. Epidemic; or
 - d. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

The board shall clearly identify the emergency or urgent public necessity in the notice of an emergency meeting or supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster to a district's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation.

Gov't Code 551.045

Catastrophe

A board prevented from convening an open meeting that was otherwise properly posted under Government Code Section 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code Section 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If a board is unable to convene the open meeting within those 72 hours, the board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of a board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.0411(b), (c)

**Special Notice to
News Media**

A district shall provide special notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. *Gov't Code 551.052*

The board president or board member who calls an emergency meeting or adds an emergency item to the agenda of a board meeting shall notify the news media of the emergency meeting or emergency item. The president or member is required to notify only those members of the news media that have previously filed a request containing all pertinent information for the special notice and agreed to reimburse the board for the cost of providing the special notice. The president or member shall give the notice by telephone, facsimile transmission, or electronic mail at least one hour before the meeting is convened. *Gov't Code 551.047*

Quorum

A majority of a board (e.g., four members of a seven-member board or five members of a nine-member board, regardless of the number of vacancies) constitutes a quorum for meetings of the board. *Gov't Code 551.001(6), 311.013(b)*

Disaster

Notwithstanding any other law, a quorum is not required for a board to act if:

1. The district's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster.

Gov't Code 418.1102

Secret Ballot

No vote shall be taken by secret ballot. *Atty. Gen. Op. H-1163 (1978)*

**Meeting by
Telephone
Conference Call**

A board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the board is difficult or impossible, or if the meeting is held by an advisory board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

Notice

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting, the location where meetings of the governmental body are usually held.

Recording

The conference call meeting shall be recorded and made available to the public.

Gov't Code 551.125

**Meeting by
Videoconference
Call**

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes. A board member who participates in a meeting by video

conference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The board may continue the meeting only if a quorum remains present at the meeting location or, if applicable, continues to participate in a meeting conducted as specified at Multiple Counties, below. *Gov't Code 551.001(8), .127(a-1)-(a-3)*

Quorum A meeting may be held by videoconference call only if a quorum of the board is physically present at one location of the meeting, except as provided at Multiple Counties, below.

Multiple Counties A meeting of a board of a district that extends into three or more counties may be held by videoconference call only if the board member presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

Notice A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the board will be physically present and specify the intent to have a quorum present at that location; the notice of a meeting held by videoconference call described above at Multiple Counties must specify as a location of the meeting the location where the board member presiding over the meeting will be physically present and specify the intent to have that member present at that location.

Gov't Code 551.127(b)–(e)

Quality of Audio and Video Signals Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The location specified in the notice, and each remote location from which a member of the board participates, shall have two-way audio and video communication with each other location during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance

at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at the location of the meeting described by the notice and at each remote location from which a member participates must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

Gov't Code 551.127(f), (h)–(j); 1 TAC 209.10–.11

Recording

A board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

Remote Participation by the Public

A board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if a board member is not participating in the meeting from a remote location.

Gov't Code 551.127(g), (k)

Video and Audio Recording of Meeting

A board for a district that has a student enrollment of 10,000 or more shall make a video and audio recording of reasonable quality of each:

1. Regularly scheduled open meeting that is not a work session or a special called meeting; and
2. Open meeting that is a work session or special called meeting at which the board votes on any matter or allows public comment or testimony. [See BED for requirements regarding public testimony.]

The board shall make available an archived copy of the video and audio recording of each meeting on the internet not later than seven days after the date the recording was made. The board shall maintain the archived recording on the internet for not less than two years after the date the recording was first made available. A board is exempt from the requirements in this paragraph if the board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 [see Catastrophe, above], or a technical breakdown. Following a catastrophe or breakdown, the board must make all reasonable efforts to make the required recording available in a timely manner.

The board may make the archived recording available on an existing internet site, including a publicly accessible video-sharing or

social networking site. The board is not required to establish a separate internet site and provide access to archived recordings of meetings from that site.

A district that maintains an internet site shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting.

A board may broadcast a regularly scheduled open meeting on television.

Gov't Code 551.128(b-1)–(b-6)

Internet Broadcast

A board that is not subject to the provisions above at Video and Audio Recording of Meeting may broadcast an open meeting over the internet. If a board broadcasts a meeting over the internet, it shall establish an internet site and provide access to the broadcast from that site. A board shall provide on the internet site the same notice of the meeting, within the time required for posting that notice, that the board is required to post under the Open Meetings Act. *Gov't Code 551.128(b), (c)*

Attorney Consultation

A board may use a telephone conference call, videoconference call, or communications over the internet to conduct a public consultation with its attorney in an open meeting of the board or a private consultation with its attorney in a closed meeting of the board. [See BEC]

Each part of a public consultation by a board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

Exception

This does not apply to a consultation with an attorney who is an employee of a district. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by a district, is an employee of the district.

Gov't Code 551.129

Persons with Hearing-Impaired Persons Impairments

In a proceeding before a board in which the legal rights, duties, or privileges of a party are to be determined by the board after an adjudicative hearing, the board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas ~~Department of Assistive and Rehabilitative Services-~~
Commission for the Deaf and Hard of Hearing.

~~For purposes of this requirement,~~ "Deaf or hearing impaired" means having a hearing impairment, regardless of the existence of

a speech impairment, that inhibits comprehension of ~~a~~an examination or proceeding, or ~~inhibits~~ communication with others.

Gov't Code 558.001, .003

Prohibited Series of Communications

A board member commits an offense if the member:

1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by the Open Meetings Act and that concern an issue within the jurisdiction of the board in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and
2. Knew at the time the member engaged in the communication that the series of communications:
 - a. Involved or would involve a quorum; and
 - b. Would constitute a deliberation once a quorum of members engaged in the series of communications.

Gov't Code 551.143

Team Building

The superintendent's participation in team building sessions as part of the board's continuing education [see BBD] shall represent one component of the superintendent's ongoing professional development. *19 TAC 61.1(b)(4)(G)*

**Identifying and
Reporting Abuse**

~~Continuing education requirements for~~ An individual who holds a superintendent certificate that is renewed on or after January 1, 2021, must include complete at least ~~two and a half~~ 2.5 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. ~~Education Code 21.054(h), in accordance with Education Code 21.054(h). For purposes of this provision, "other maltreatment" has the meaning assigned by Human Resources Code 42.002. 19 TAC 232.11(g)(2); Education Code 21.054(h)~~

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

SECTION C: BUSINESS AND SUPPORT SERVICES

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

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SECTION C: BUSINESS AND SUPPORT SERVICES

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

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

SECTION C: BUSINESS AND SUPPORT SERVICES

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

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 (DOE) 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 DOE. 2 C.F.R. 3474.1

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts. 2 C.F.R. 200.64(j), .69, .100

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

For more information on EDGAR, the Uniform Guidance, and the federal regulations that apply to federal education grant awards, visit TEA's [EDGAR Materials and Resources](#)¹ and the DOE's [EDGAR website](#),² [and Uniform Guidance website](#),³ ~~and~~ ⁴

General
Compliance

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

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

Disclosures

Conflicts

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

Crimes

A district must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.~~338~~³³⁹ (Remedies for Noncompliance), including suspension or debarment. 2 C.F.R. 200.113

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

specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award. [\[See also 2 C.F.R. 200.450 \(Lobbying\)\]](#)

The district's financial management system must comply with 2 C.F.R. 200.302(b). ~~2 C.F.R. 200.302~~ [See also 2 C.F.R. 200.~~333~~[334](#) (Retention requirements for records), ~~.334~~[335](#) (Requests for transfer of records), ~~.335~~[336](#) (Methods for collection, transmission and storage of information), ~~.336~~[and .337](#) (Access to records), ~~and .337 (Restrictions on Public Access to Records)]~~]

[2 C.F.R. 200.302](#)

Internal Controls The district must:

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

[2 C.F.R. 200.303](#)

"Internal controls" [for districts](#) means ~~a process, processes designed and~~ implemented by ~~a district, designed~~ [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. 200.611

Competition

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

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

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

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

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

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

2 C.F.R. 200.319

Procurement Methods

The district must ~~use one~~ have and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and 200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition) for any of the following

methods of procurement ~~used for the acquisition of property or services required under a federal award or sub-award.~~ 2 C.F.R. 200.320

Note: ~~For information on the amounts of the micro-purchase threshold and the simplified acquisition threshold, see, ⁵ TEA's ⁶ (August 28, 2018), and ⁷ For information regarding these thresholds and school nutrition purchases, see the Texas Department of Agriculture (TDA) Food and Nutrition Division's, ⁸ Section 17, and ⁹ (Revised October 30, 2019).~~

Informal
Procurement
Methods

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

Micro-
Purchases—
Definitions

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

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

2 C.F.R. 200.1

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

Micro-
Purchase
Distribution

Micro-
Purchases

~~Procurement by micro-purchase is~~ The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. [See the definition of "micro-purchase" above.] To the maximum extent practicable, the district

~~must~~should distribute micro-purchases equitably among qualified suppliers. ~~Micro-purchases may be awarded without soliciting competitive quotations if the district considers the price to be reasonable.~~ 2 C.F.R. 200.320(a)(1)(i)

Micro-
Purchase
Awards

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

Micro-
Purchase
Thresholds

The district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the district must be authorized or not prohibited under state, local, or tribal laws or regulations. Districts may establish a threshold higher than the federal threshold established in the FAR in accordance with 2 C.F.R. 200.320(a)(1)(iv) and (v). 2 C.F.R. 200.320(a)(1)(iii)

Districts may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of 2 C.F.R. 200.320. The district may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the federal awarding agency and auditors in accordance with 2 C.F.R. 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following: ~~“Micro-purchase” means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchase procedures comprise a subset of a district’s small purchase procedures. The district uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 Definitions. 2 C.F.R. 200.67~~

~~Small
Purchases~~

~~Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the~~

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

3. For public institutions, a higher threshold consistent with state law.

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

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

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

Small
Purchases—
Procedures

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

Small
Purchases—
Simplified
Acquisition
Thresholds

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items ~~costing less than~~ at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the ~~Federal Acquisition Regulation~~ FAR at 48 C.F.R. Part 2, Subpart 2.1 Definitions[see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. However, in ~~accordance with 41 U.S.C. 1908~~ no circumstances can this threshold exceed the dollar value established in the FAR (48 C.F.R. Part 2, Subpart 2.1) for the simplified acquisition threshold. Recipients should determine if local government laws on purchasing apply. 2 C.F.R. 200.881.320(a)(2)(ii)

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

Formal
Procurement
Methods

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

for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the district determines to be appropriate:

Sealed Bids

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

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

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

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of ~~known suppliers~~qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local governments, the bids must be opened publicly;
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
5. Any or all bids may be rejected if there is a sound documented reason.

2 C.F.R. 200.320(~~eb~~)(1)

~~Competitive~~
~~Proposals~~

~~The technique of competitive proposals is normally conducted with more than one source submitting an offer, and~~ A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. ~~It is~~ Proposals are generally used when conditions are not appropriate for the use of sealed bids. ~~If this method is used, They are awarded in accordance with~~ the following requirements ~~apply~~:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- ~~2.~~ Proposals must be solicited from an adequate number of qualified sources;
- ~~3.~~ 2. The district must have a written method for conducting technical evaluations of the proposals received and ~~for selecting recipients~~ making selections;
- ~~4.~~ 3. Contracts must be awarded to the responsible ~~firm~~ offeror whose proposal is most advantageous to the ~~program~~ district, with price and other factors considered; and
- ~~5.~~ 4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby ~~competitors'~~ offeror's qualifications are evaluated and the most qualified ~~competitor-~~ offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

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

~~Sole Source~~
Noncompetitive
Procurement

There are specific circumstances in which noncompetitive ~~proposals is~~ procurement ~~through solicitation of a proposal from only one source and may~~ can be used ~~only when~~. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
- ~~4.~~ 2. The item is available only from a single source;

~~2.3.~~ The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

~~3.4.~~ The federal awarding agency or pass-through entity expressly authorizes a noncompetitive ~~proposals~~procurement in response to a written request from the ~~non-federal entity~~district; or

~~4.5.~~ After solicitation of a number of sources, competition is determined inadequate.

2 C.F.R. 200.320(~~f~~c)

Cooperative
Purchasing

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

2 C.F.R. 200.318(e)

Affirmative Steps

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

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items 1 through 5 above.

2 C.F.R. 200.321

Domestic
Preference

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

For purposes of this provision:

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

2 C.F.R. 200.322

*Pre-procurement
Review*

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

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;
2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
3. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;
4. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.~~324~~325(b)

*Contract Cost
and Price*

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

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

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

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

2 C.F.R. 200.~~323~~324

*Contract
Provisions*

The district's contracts must contain the applicable provisions described in [appendix II to 2 C.F.R. Part 200](#), ~~Appendix II—Contract Provisions for non-Federal Entity Contracts Under Federal Awards~~. 2 C.F.R. 200.~~326~~327

*Suspension and
Debarment*

~~Non-federal entities~~[Districts](#) are subject to [the](#) non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. 2 C.F.R. 200.~~213~~214

*Remedies for
Noncompliance*

If a district fails to comply with [the U.S. Constitution](#), federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.~~207~~208 (Specific Conditions). If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the federal awarding agency or pass-

through entity may take one or more of the following actions, as appropriate in the circumstances:

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

2 C.F.R. 200.~~338~~339

Travel Costs

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

In the absence of an acceptable, written district policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), or by the administrator of general services, or by the president (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under federal awards [48 C.F.R. 31.205-46(a)].

2 C.F.R. 200.~~474~~475(a), (d)

Property Standards

Federally
Owned Property

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

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

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

Property Trust
Relationship

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

Real Property

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

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

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

1. Retain title after compensating the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(1).
2. Sell the property and compensate the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(2).
3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The district is entitled to be paid an amount calculated by applying the district's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

2 C.F.R. 200.311

Equipment <i>Title and Use</i>	Subject to the ~~obligations~~requirements and conditions set forth in 2 C.F.R. 200.313, title to equipment acquired under a federal award will vest upon acquisition in the district. Unless a statute specifically authorizes the federal agency to vest title in the district without further ~~obligation~~responsibility to the federal government, and the federal agency elects to do so, the title must be a conditional title. Title must vest in the district subject to the following conditions: 1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project. 2. Not encumber the property without approval of the federal awarding agency or pass-through entity. 3. Use and dispose of the property in accordance with the provisions below. Equipment must be used by the district in the program or project for which it was acquired in accordance with 2 C.F.R. 200.313(c). Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, meet the requirements of 2 C.F.R. 200.313(d).
<i>Disposition</i>	If the district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return. When original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, except as otherwise provided in federal statutes, regulations, or federal awarding agency disposition instructions, the district must request disposition instructions from the federal awarding agency if required by the terms and conditions of the federal award. Disposition of the equipment will be made as prescribed in 2 C.F.R. 200.313(e), in accordance with federal awarding agency disposition instructions. 2 C.F.R. 200.313
Supplies	Title to supplies will vest in the district upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the district must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in

	the same manner as for equipment under 2 C.F.R. 200.313(e)(2). <i>2 C.F.R. 200.314(a)</i>
Intangible Property	Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that property for the originally-authorized purpose, and must not encumber the property without approval of the federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). <i>2 C.F.R. 200.315(a)</i>
Direct Grant Programs	The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the DOE. <i>34 C.F.R. 75.1</i>
State-Administered Programs	The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the DOE. <i>34 C.F.R. 76.1</i>
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 DOE and implement Part E of the General Education Provisions Act (GEPA). <i>34 C.F.R. 81.1</i>

¹ TEA EDGAR Materials and Resources:

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

² DOE EDGAR website:

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

³ DOE Uniform Guidance website:

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

⁴ DOE Uniform Guidance website:

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

⁵ OMB Memorandum M-18-18: <https://www.whitehouse.gov/wp-content/uploads/2018/06/M-18-18.pdf>

⁶ TEA *To the Administrator Addressed* letter (August 28, 2018):

<https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/implementing-statutory-changes-to-micro-purchase-and-the-simplified-acquisition-thresholds-under-the-education-department-general-administrative-regulations-edgar>

⁷ New TEA Guidance on Micro-Purchase Flexibility Under EDGAR:

https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/New_TEA_Guidance_on_Micro-Purchase_Flexibility_Under_EDGAR/

⁸ TDA Food and Nutrition Division's *Administrator's Reference Manual*:

<http://squaremeals.org/Publications/Handbooks.aspx>

⁹ USDA Memo SB20-2019; CACFP07-2019; SFSP06-2019: <https://files.constantcontact.com/884733b0501/37aa4af8-6f12-4d92-a163-27dffdc08993.pdf>

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Tax Rate Adoption	The board may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. Taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election called for that purpose. <i>Education Code 45.002, .003(a)</i>
Maintenance Taxes	
<i>Restriction on Maintenance Tax Levy</i>	A district may not increase the rate of the district's maintenance taxes to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service. <i>Education Code 45.0021(a)</i> [See Taxpayer Injunction, below]
<i>Maintenance Tax Rate Components</i>	A district's tier one maintenance and operations tax rate is the number of cents levied by the district for maintenance and operations that does not exceed the maximum compressed rate, as determined under Education Code 48.2551.
Tier One	
<i>Maximum Compressed Rate</i>	"MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per \$100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under Education Code Chapter 48. The Texas Education Agency (TEA) shall calculate and make available school districts' maximum compressed rates. <i>Education Code 48.2551</i> School districts' maximum compressed maintenance and operations tax rates shall be calculated using locally certified property values and adjusted to estimate for exclusions under Government Code 403.302(d). TEA will open a data collection from 12:01 a.m. on July 18 through 11:59 p.m. on August 1 for districts. Districts must submit the data specified in 19 Administrative Code 61.1000(c). TEA will use any available data to calculate MCR absent data collection submissions from a school district. <i>19 TAC 61.1000(b), (c), (h)</i> TEA will calculate and make available preliminary maximum compressed tier one tax rates to each district on or before August 5. If TEA receives an appeal of a preliminary MCR, TEA will issue a final determination to the district no later than August 31. If TEA does not receive an appeal of a preliminary MCR, the preliminary MCR automatically becomes a final MCR ten calendar days following TEA's approval of the district's preliminary MCR. <i>19 TAC 61.1000(d)–(f)</i> A district may appeal its preliminary MCR through the following process:

1. The TEA division responsible for MCRs must receive a written appeal no later than ten calendar days after TEA's approval of the district's preliminary MCR. The appeal must include adequate evidence and additional information that supports the position of the district. Appeals received 11 calendar days or more after TEA approves a district's preliminary MCR will not be considered.
2. TEA will only consider appeals that would result in a change of the preliminary MCR.

19 TAC 61.1000(g)

Tier Two

A district's enrichment tax rate consists of:

1. Any cents of additional maintenance and operations tax effort, not to exceed eight cents over the maximum tier one tax rate; and
2. Any cents of additional maintenance and operations tax effort that exceeds the sum of the maximum tier one tax rate and the maximum number of cents permitted under item 1 above.

Education Code 45.0032(a), (b)

Districts Subject
to Disaster
Exception

For a district to which the Disaster Exception to Election Requirement described below applies, the amount by which the district's maintenance tax rate exceeds the district's voter-approval tax rate, excluding the district's current debt rate under Tax Code 26.08(n)(1)(C) for the preceding year is not considered in determining a district's tier one maintenance and operations tax rate or the district's enrichment tax rate for the current tax year. *Education Code 45.0032(d)*

*Maximum Tax
Rate*

For any year, the maintenance tax rate per \$100 of taxable value adopted by the district may not exceed the rate equal to the sum of \$0.17 and the district's maximum compressed rate, as determined under Education Code 48.2551.

A rate that exceeds the maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this provision may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.

Education Code 45.003(d), (e)

Districts with
2005 Tax Rate
over \$1.50

Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than \$1.50 per \$100 of taxable value in the district as permitted by special law [Art. 2784g Tex. Rev. Civ. Stat.] may not levy a maintenance tax at a rate that

exceeds the rate per \$100 of taxable value that is equal to the sum of \$0.17 and the product of 66.67 percent multiplied by the rate of the maintenance tax levied by the district for the 2005 tax year, minus any amount by which \$1.00 exceeds the product of the state compression percentage, as determined under Education Code 48.255, multiplied by \$1.00. *Education Code 45.003(f)*

For a district described above, any cents of maintenance and operations tax effort that exceeds the maximum rate described at Maximum Tax Rate are not included in the district's tier one maintenance and operations tax rate or the district's enrichment tax rate and the district is not entitled to the guaranteed yield amount of state funds under Education Code 48.202 for those cents of tax effort. *Education Code 45.0032(c)*

Assessor and
Collector

The board may employ a person to assess or collect the district's taxes and may compensate the person as the board considers appropriate. This provision does not prohibit a district from providing for the assessment or collection of the district's taxes under a method authorized by Tax Code Chapter 6, Subchapter B. *Education Code 45.231*

A district that used a method of selection for the 1994 tax year that was authorized by former Education Code Chapter 23, Subchapter F, may continue to use that method until the district uses another method authorized above. *Education Code 45.232*

The assessor and collector shall assess, collect, or assess and collect taxes, as applicable. *Tax Code 6.23(b)*

Collector's Bond

A district that has its own collector shall require the collector to give bond conditioned on the faithful performance of duties. The bond must be made payable to and be approved by the board in an amount determined by the board. The board may require a new bond at any time, and failure to give new bond within a reasonable time after demand is a ground for removal from office. The board may prescribe additional requirements for the bond.

A district whose taxes are collected by a person other than the district's own collector may require that person to give bond conditioned on the faithful performance of duties. The bond must be payable to, approved by, and paid for by the board in an amount determined by the board. The board may prescribe additional requirements for the bond.

A district shall pay the premium for a required bond from its general fund or as provided by intergovernmental contract.

Tax Code 6.29

Certified Estimate of Values	By April 30, the chief appraiser shall prepare and certify to the district's assessor an estimate of the taxable value of district property. <i>Tax Code 26.01(e)</i>
Appraisal Roll	By July 25, the chief appraiser shall prepare and certify to the assessor for the district that part of the appraisal roll that lists the property taxable by the district. The part certified to the assessor is the appraisal roll for the district. If by July 20 the appraisal review board has not approved the appraisal records as required under Tax Code 41.12, the chief appraiser shall not later than July 25 prepare and certify to the assessor for a school district an estimate of the taxable value of property in the school district. <i>Tax Code 26.01(a)–(a-1)</i> By August 1 or as soon thereafter as practicable, the district's assessor shall submit to the board the district's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property. By August 1 or as soon thereafter as practicable, a district's collector shall certify to the board the anticipated collection rate for the current year. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year. <i>Tax Code 26.04(b)</i>
Designated Employee/Officer to Calculate Rates	After the district's assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district. ~~<i>Tax Code 26.04(c)</i>~~
<u>Required Calculation Forms</u>	<u>The designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller under Tax Code 5.07 in calculating the no-new-revenue tax rate and the voter-approval tax rate.</u>
<u>Calculation Forms to County Tax Assessor-Collector</u>	<u>As soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the district, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the district is located.</u> <u>Tax Code 26.04(c), (d-1), (d-3)</u>

[\[See CE regarding the requirement to attach tax rate calculation forms as an appendix to a district's budget.\]](#)

Truth-in-Taxation
Requirements

Note: The *Truth in Taxation* website maintained by the Texas comptroller of public accounts offers [detailed guidance on setting local property tax rates for school districts](#).¹

*Traditional
Method*

When the budget has been prepared under Education Code 44.002, the board president shall call a meeting of the board for the purpose of adopting a budget for the succeeding tax year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(a), (g)* [See CE]

Published Notice

The board president shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or bi-weekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for publication of notice in at least one newspaper of general circulation in the county in which the district's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.

Form and
Contents

The notice of public meeting to discuss and adopt the budget and the proposed tax rate may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type and contain the information set out in Education Code 44.004(c) and (c-1).

The notice must include a statement that a district may not increase its maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

A notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

Education Code 44.004(b)–(d)

Debt Service
Rate Decrease

If the published interest and sinking fund (debt service) rate decreases after the publication of the required notice, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate. *Education Code 44.004(g-1)*

*Districts with
July 1 Fiscal Year*

Notwithstanding the provisions above, a district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the required notice if the district

does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

After receipt of the certified appraisal roll, a district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or
2. The district's voter-approval rate determined under Tax Code 26.08 using the certified appraisal roll.

Education Code 44.004(h), (i)

*Early Adoption
Method*

Notwithstanding the provisions above or at Deadline below, a district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. If a district elects to adopt a tax rate before adopting a budget, the district must publish notice and hold a meeting for the purpose of discussing the proposed tax rate as provided above. Following adoption of the tax rate, the district must publish notice and hold another public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notices. The district may use the certified estimate of taxable value in preparing a notice under this provision. *Education Code 44.004(j)*

The board of a district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year may adopt a tax rate for the current tax year before receipt of the certified appraisal roll for the district if the chief appraiser of the appraisal district in which the district participates has certified to the assessor for the district an estimate of the taxable value of property in the district as specified at Certified Estimate of Values above. If a district adopts a tax rate under this provision, the no-new-revenue tax rate and the voter-approval tax rate of the district shall be calculated based on the certified estimate of taxable value. *Tax Code 26.05(g)*

*Tax Rate Adoption
Requirements*

Deadline

The board shall adopt a tax rate for the current tax year and shall notify the assessor of the tax rate adopted. [See Adoption of Tax Roll, below] The board must adopt a tax rate before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the district, except that the board must adopt a

tax rate that exceeds the voter-approval tax rate not later than the 71st day before the next uniform election date that occurs in November of that year. [Note that Election Code 3.005(c) requires that an election to be held on a uniform date be ordered not later than the 78th day before election day; see Time for Election, below.]

The tax rate consists of two components, each of which must be approved separately. The components are:

1. The interest and sinking fund (debt service) rate calculated under Education Code 44.004(c)(5)(A)(ii)(b); and
2. The rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the district for the next year.

Tax Code 26.05(a)

Tax Date for
Certain Districts

A district that before January 1, 1989, has for at least ten years followed a practice of adopting its tax rate at a different date than as provided by Tax Code Chapter 26 and of billing for and collecting its taxes at different dates than as provided by Chapters 31 and 33 may continue to follow that practice. This does not affect the dates provided by the Property Tax Code (Tax Code Title 1) for other purposes, including those relating to the appraisal and taxability of property, the attachment of tax liens and personal liability for taxes, and administrative and judicial review under Chapters 41 and 42.

Tax Code 26.135

Vote

A board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the district's no-new-revenue maintenance and operations tax rate and the district's current debt rate must be a record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order.

Motion

A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate."

*Language and
Internet Posting*

If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund

maintenance and operation expenditures of the district that exceeds the amount of taxes imposed for that purpose in the preceding year the district must:

1. Include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:
 - a. The following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and
 - b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and
2. Include on the home page of any internet website operated by the district:
 - a. The following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and
 - b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

Tax Code 26.05(b)

Adoption of Tax Roll

On receipt of notice of the tax rate for the current tax year, the assessor for a district shall calculate the tax imposed on each property included on the appraisal roll for the district. The assessor shall enter the amount of tax in the appraisal roll and submit it to the board for approval. The appraisal roll with amounts of tax entered as approved by the board constitutes the district's tax roll.

Tax Code 26.09(a), (e)

Failure to Adopt Tax Rate	If the board does not adopt a tax rate before the date required at Deadline above, the tax rate for the district for that tax year is the lower of the no-new-revenue tax rate calculated for that tax year or the tax rate adopted by the district for the preceding tax year. A tax rate established by this provision is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this provision, the board must ratify the applicable tax rate in the manner set out at Tax Rate Adoption Requirements above. <i>Tax Code 26.05(c)</i>
Taxpayer Injunction	A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district has not complied with the requirements of Education Code 44.004(b), (c), (c-1), (c-2), and (d), and, if applicable, (i) [see above at Published Notice, including Form and Contents, and Districts with July 1 Fiscal Year, if applicable, and Tax Rate Adoption Requirements], and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. <i>Education Code 44.004(e);</i> A person who owns taxable property is entitled to an injunction prohibiting the district in which the property is taxable from adopting a tax rate if the assessor or designated officer or employee of the district, the chief appraiser of the applicable appraisal district, or the district, as applicable, has not complied with the computation, publication, or posting requirements of Tax Code 26.04 or 26.16, 26.17, or 26.18 [see below at Tax Information to County, Appraisal District Property Tax Database, and Internet Posting of Tax Rate and Budget Information]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. <i>Tax Code 26.04(g)</i> A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a district in which the property is taxable if the district has not complied with the requirements of Tax Code 26.04 and 26.05 [see above at Designated Employee/Officer to Calculate Rates and Tax Rate Adoption Requirements]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. An action to enjoin the collection of taxes must be filed not later than the 15th day after the date the district adopts a tax rate. A property owner is not required to pay the taxes imposed by a district on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the district on the owner's property is pending. If the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid.

together with reasonable attorney's fees and court costs. The property owner is not required to apply to the collector for the district to receive the refund. Tax Code 26.05(e)

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district adopts a maintenance tax in violation of ~~the prohibition described~~ Education Code 45.0021(a) [see above at Restriction on Maintenance Tax Levy-]. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 45.0021(b)*

Tax Information to
County

A district shall provide to the county assessor-collector for each county in which all or part of district territory is located the district's adopted tax rate, maintenance and operations rate, debt rate, no-new-revenue tax rate, no-new-revenue maintenance and operations rate, and voter-approval tax rate for posting on the county's internet website. The district shall provide the information annually following the adoption of a tax rate by the district for the current tax year. *Tax Code 26.16(a)-(b)*

Appraisal District
Property Tax
Database

The officer or employee designated by the board to calculate the no-new-revenue tax rate and the voter-approval tax rate for the district must electronically incorporate into the database created and maintained by the chief appraiser under Tax Code 26.17 the information required by Tax Code 26.17(e). *Tax Code 26.17(e)*

**Internet Posting of
Tax Rate and Budget
Information**

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18 in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for required information]

**Election to Approve
Tax Rate**

If the board adopts a tax rate that exceeds the district's voter-approval tax rate, the registered voters of the district at an election held for that purpose must determine whether to approve the adopted tax rate. *Tax Code 26.08(a), (n)*

[For information on conducting elections, see the BBB series.]

Voter-Approval Tax
Rate

For purposes of Tax Code 26.08, the voter-approval tax rate of a district is the sum of the following:

1. The rate per \$100 of taxable value that is equal to the district's maximum compressed tax rate for the current year;
2. The greater of:

a. The district's enrichment tax rate for the preceding tax year, less any amount by which the district is required to reduce the district's enrichment tax rate under Education Code 48.202(f) in the current tax year; or

b. The rate of \$0.05 per \$100 of taxable value; and

3. The district's current debt rate.

Tax Code 26.08(n)

Efficiency Audit

"Efficiency audit" means an investigation of the operations of a district to examine fiscal management, efficiency, and utilization of resources.

The board shall conduct an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of the district at an election held for that purpose and may not hold an election without complying with this requirement.

The board may select the auditor that conducts the district's annual audit under Education Code 44.008 and may include the efficiency audit as part of the district's annual audit. [See CFC] A district must pay for the costs associated with an efficiency audit required under this provision. A district shall provide all documents, records, and personnel requested by the auditor as needed to conduct the audit in an efficient manner.

The board must select an auditor to conduct an efficiency audit not later than four months before the date on which the district proposes to hold an election to adopt a maintenance and operations tax rate. An auditor selected by the board must maintain independence from the district and complete the efficiency audit not later than three months after the date the auditor was selected.

Before an election at which a district seeks voter approval to adopt a tax rate, the board must hold an open meeting to discuss the results of the efficiency audit. Not later than 30 days before the date of the election, the results of an efficiency audit must be posted on the district's internet website.

Education Code 11.184

Legislative Budget Board Guidelines

The Legislative Budget Board (LBB) shall establish guidelines identifying the scope and areas of investigation of an efficiency audit, including identification of resources being used effectively and efficiently and identification of cost savings or reallocations. The auditor selected by the board of a district must follow the guidelines established by the LBB under this provision. *Education Code 11.184(f)*

[Efficiency Audit Guidelines](#)² are found on the LBB website.

Disaster Exception	The board of a district all or part of which is located in an area declared a disaster area by the governor may hold an election to seek voter approval to adopt a maintenance and operations tax rate during the two-year period following the date of the declaration without conducting an efficiency audit otherwise required above. <i>Education Code 11.184(b-1)</i>
<i>To Efficiency Audit Requirement</i>	
<i>To Election Requirement</i>	When increased expenditure of money by a district is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, that has impacted a district and the governor has requested federal disaster assistance for the area in which the district is located, an election is not required to approve the tax rate adopted by the board for the year following the year in which the disaster occurs. A tax rate adopted under this provision applies only in the year for which the rate is adopted. If a district adopts a tax rate under this provision, the amount by which that rate exceeds the district's voter-approval tax rate for that tax year may not be considered when calculating the district's voter-approval tax rate for the tax year following the year in which the district adopts the rate. <i>Tax Code 26.08(a-1)</i>
Time for Election	The board shall order that the election be held in the district on the next uniform election date prescribed by Election Code 41.001 that occurs after the date of the election order and that allows sufficient time to comply with the requirements of other law. <i>Tax Code 26.08(b)</i>
<i>Uniform Election Date</i>	For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day. An election to ratify a tax rate adopted by a board under the early adoption method described above shall be ordered not later than the 30th day before election day. <i>Election Code 3.005 [See BBBA]</i>
<i>Notice to County Clerk</i>	The board shall deliver notice of the election to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day.
Exception	A board that orders an election to ratify a tax rate adopted by the board under the early adoption method described above shall deliver notice of the election to the county clerk of each county in which the district is located not later than the 30th day before election day. <i>Election Code 4.008</i>

Proposition

At the election, the ballots shall be prepared to permit voting for or against the proposition: "Ratifying the ad valorem tax rate of _____ (insert adopted tax rate) in (name of school district) for the current year, a rate that will result in an increase of _____ (insert percentage increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year) percent in maintenance and operations tax revenue for the district for the current year as compared to the preceding year, which is an additional \$_____ (insert dollar amount of increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year)." *Tax Code 26.08(b)*

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the imposition or increase of a tax shall specifically state the amount of or maximum tax rate of the tax or tax increase for which approval is sought. *Election Code 52.072(e)(1)*

Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095(c)*

Election Outcome

If a majority of the votes cast in an election favor the proposition, the tax rate for the current year is the rate that was adopted by the board. If the proposition is not approved, a board may not adopt a tax rate for the current year that exceeds the district's voter-approval tax rate. *Tax Code 26.08(c)–(d)*

¹ Truth-in-Taxation: Tax Rate Adoption:

<https://comptroller.texas.gov/taxes/property-tax/truth-in-taxation/index.php>

² LBB Efficiency Audit Guidelines: http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6365_HB3_Efficiency_Audit_Guidelines.pdf

**Authorized
Expenditures**

A district shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry*, 537 S.W.2d 89 (Tex. Civ. App.—Houston [1st Dist.] 1976, no writ)

A district shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. Nor shall a district pay or authorize the payment of any claim against the district under any agreement or contract made without authority of law. *Tex. Const. Art. III, Sec. 53; Harlingen Indep. Sch. Dist. v. C.H. Page and Bro.*, 48 S.W.2d 983 (Comm. App. 1932)

The state and county available funds may be used only for the payment of teachers' and superintendents' salaries and interest on money borrowed on short time to pay those salaries that become due before school funds for the current year become available. Loans for the purpose of payment of teachers may not be paid out of funds other than those for the current year. *Education Code 45.105(b)*

Local funds from district taxes, tuition fees, other local sources, and state funds not designated for a specific purpose may be used for purposes listed above for state and county available funds and for purchasing appliances and supplies; paying insurance premiums; paying janitors and other employees; buying school sites; buying, building, repairing, and renting school buildings, including acquiring school buildings and sites by leasing through annual payments with an ultimate option to purchase [see CHG]; and for other purposes necessary in the conduct of the public schools determined by the board. *Education Code 45.105(c)*

Public funds of a district may not be spent in any manner other than as provided for in the budget adopted by the board, but the board may amend a budget or adopt a supplementary emergency budget to cover necessary unforeseen expenses. *Education Code 44.006(a)*

Fiscal Year

The fiscal year of a district begins on July 1 or September 1 of each year, as determined by the board. *Education Code 44.0011*

Budget Preparation

On or before the date set by the State Board of Education (SBOE), a superintendent shall prepare, or cause to be prepared, a proposed budget covering all estimated revenue and proposed expenditures of a district for the following fiscal year. The budget must be prepared according to generally accepted accounting principles, rules adopted by the SBOE, and adopted policies of the board of trustees. *Education Code 44.002; 19 TAC 109.1(a), .41*

Funds for Accelerated Instruction	A district that is required to provide accelerated instruction under Education Code 29.081(b-1) [see EHBC] shall separately budget sufficient funds, including funds under Education Code 48.104, for that purpose. <i>Education Code 29.081(b-2)</i>
Itemization of Certain Expenditures	The proposed budget of a district must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for: 1. Notices required by law to be published in a newspaper by the district or a representative of the district; and 2. Directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Government Code 305.002. <i>Local Gov't Code 140.0045</i>
Public Meeting on Budget and Proposed Tax Rate	When the budget has been prepared, the board president shall call a board meeting for the purpose of adopting a budget for the succeeding fiscal year. Any taxpayer of a district may be present and participate in the meeting. <i>Education Code 44.004(a), (f)</i> [See CCG for provisions governing tax rate adoption.] The meeting must comply with the notice requirements of the Open Meetings Act. <i>Gov't Code 551.041, .043</i> [See BE]
Published Notice	The board president shall provide for publication of notice of the budget and proposed tax rate meeting in accordance with Education Code 44.004. [For specific requirements regarding the form, contents, and publication of the notice, see CCG(LEGAL).]
Publication of Proposed Budget Summary	Concurrently with the publication of notice of the budget under Education Code 44.004, a district shall post a summary of the proposed budget on the school district's internet website or, if the district has no internet website, in the district's central administrative office. The budget summary must include a comparison to the previous year's actual spending and information relating to per student and aggregate spending on: 1. Instruction; 2. Instructional support; 3. Central administration; 4. District operations;

5. Debt service; and
6. Any other category designated by the commissioner.

Education Code 44.0041

Budget Adoption

The board, at the meeting called for that purpose, shall adopt a budget to cover all expenditures for the succeeding fiscal year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(f)–(g)*

[Appendix for Tax Rate Calculation Forms](#)

[The board shall include as an appendix to the district's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee of the district to calculate the no-new-revenue tax rate and the voter-approval tax rate of the district for the tax year in which the fiscal year begins. Tax Code 26.04\(e-5\) \[See CCG\]](#)

Districts with July 1 Fiscal Year

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property [see CCG~~(LEGAL)~~] in preparing the required notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district. *Education Code 44.004(h)–(i)*

Budget Adoption After Tax Rate Adoption

Notwithstanding Education Code 44.004(g), (h), and (i), above, a district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. If a district elects to adopt a tax rate before adopting a budget, the district must publish notice and hold a meeting for the purpose of discussing the proposed tax rate. Following adoption of the tax rate [see CCG], the district must publish notice and hold another public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notices. The district may use the certified estimate of taxable value in preparing a notice under this provision. *Education Code 44.004(j)*

Publication of Adopted Budget

On final approval of the budget by the board, the district shall post on the district's internet website a copy of the budget adopted by the board. The district's website must prominently display the electronic link to the adopted budget. A district shall maintain the adopted budget on the district's website until the third anniversary of the date the budget was adopted. *Education Code 44.0051*

On or before a date set by the SBOE, the budget must be filed with the Texas Education Agency according to rules established by the SBOE. *Education Code 44.005*

**Internet Posting of
Tax Rate and Budget
Information**

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of these provisions. Each district shall post or cause to be posted on the internet website the following information in a format prescribed by the comptroller:

1. The name of each member of the board;
2. The mailing address, email address, and telephone number of the district;
3. The official contact information for each member of the board, if that information is different from the information described by item 2;
4. The district's budget for the preceding two years;
5. The district's proposed or adopted budget for the current year;
6. The change in the amount of the district's budget from the preceding year to the current year, by dollar amount and percentage;
7. The tax rate for maintenance and operations adopted by the district for the preceding two years;
8. The interest and sinking fund tax rate adopted by the district for the preceding two years;
9. The tax rate for maintenance and operations proposed by the district for the current year;
10. The interest and sinking fund tax rate proposed by the district for the current year; and
11. The most recent financial audit of the district.

*Tax Code 26.18***Amendment of
Approved Budget**

The board may amend a budget or adopt a supplementary emergency budget to cover necessary unforeseen expenses. Any amendment or supplementary budget must be prepared and filed in accordance with SBOE rules. *Education Code 44.006*

**Failure to Comply
with Budget
Requirements**

A board member who votes to approve any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits a misdemeanor offense. *Education Code 44.052(c)*

Certain Donations

A district may donate funds or other property or service to the adjutant general's department, the Texas National Guard, or the Texas State Guard. *Gov't Code 437.111(b), .252, .304(a)*

**Commitment of
Current Revenue**

A contract for the acquisition, including lease, of real or personal property is a commitment of a district's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to a board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best-efforts attempt by the board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

**Prohibited Uses of
Resources**Improvements to
Real Property

Except as provided below or by Education Code 45.109(a-1), (a-2), or (a-3) [see CX], the board may not enter into an agreement authorizing the use of school district employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the district.

This provision does not prohibit the board from entering into an agreement for the design, construction, or renovation of improvements to real property not owned or leased by the district if the improvements benefit real property owned or leased by the district. Benefits to real property owned or leased by the district include the design, construction, or renovation of highways, roads, streets, sidewalks, crosswalks, utilities, and drainage improvements that serve or benefit the real property owned or leased by the district.

Education Code 11.168

Hotels

The board may not impose taxes; issue bonds; use or authorize the use of district employees; use or authorize the use of district property, money, or other resources; or acquire property for the design, construction, renovation, or operation of a hotel. The board may not enter into a lease, contract, or other agreement that obligates the board to engage in an activity prohibited by this provision or obligates the use of district employees or resources in a manner prohibited by this provision.

"Hotel" means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a motel.

Education Code 11.178

Electioneering

For restrictions on using district funds for electioneering, see BBBB.

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 (FASRG)*, 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; ~~or~~
 - 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*, dated July 2019, which is adopted by reference as TEA's official rule.
19 TAC 109.41

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

**Financial
Accountability
Rating System**

accounts and records shall be available to audit. *Education Code 44.008(c)*

TEA will assign a financial accountability rating to each district as required by Education Code 39.082.

TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner. Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year.

A financial accountability rating remains in effect until replaced by a subsequent rating.

19 TAC 109.1001(b), (e), (l)

Issuance of Ratings

TEA will issue a preliminary financial accountability rating to a district on or before August 8 of each year. TEA will not delay the issuance of a preliminary or final rating if a district fails to meet the statutory deadline under Education Code 44.008 for submitting the annual financial report (AFR). Instead, the district will receive an F rating for substandard achievement.

Appeals

A district may appeal its preliminary financial accountability rating through the appeals process described at 19 Administrative Code 109.1001(n).

If TEA receives an appeal of a preliminary rating, TEA will issue a final rating to the district no later than 60 days after the deadline for submitting appeals. If TEA does not receive an appeal of a preliminary rating, the preliminary rating automatically becomes a final rating 31 days after issuance of the preliminary rating.

A final rating issued by TEA may not be appealed under Education Code 7.057 or any other law or rule.

19 TAC 109.1001(m)–(o)

Mandatory Drills

Each district shall conduct emergency safety drills in accordance with Education Code 37.114.

Definitions

The following words and terms, when used in these provisions, shall have the following meanings, unless the context clearly indicates otherwise.

Drill: A set of procedures that test a single, specific operation or function. Drill examples include evacuating for a fire or locking down from an internal threat.

Secure (Lockout): A response action schools take to secure the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. Secure (Lockout) uses the security of the physical facility to act as protection to deny entry.

Lockdown: A response action schools take to secure interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all school students, staff, and visitors are secured away from immediate danger.

Evacuate: A response action schools take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.

Shelter-in-place for hazmat: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Shelter-in-place for hazmat examples include train derailment with chemical release or smoke from a nearby fire.

Shelter for severe weather: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

Fire evacuation drill: A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.

Frequency

Education Code 37.114(2) requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither 19 Administrative Code 103.1029, nor the law, precludes a district from conducting more drills as deemed necessary and appropriate by the district. Following is the required minimum frequency of drills by type:

1. Secure (Lockout)—One per school year.
2. Lockdown—Two per school year (once per semester).
3. Evacuate—One per school year.
4. Shelter-in-place for hazmat—One per school year.
5. Shelter for severe weather—One per school year.
6. Fire evacuation drill—Four per school year (two per semester). In addition, districts should consult with their local fire marshal and comply with their local fire marshal's requirements and recommendations.

19 TAC 103.1209

**Eye and Face
Protection**

Required Devices

Each teacher and student shall wear industrial-quality eye-protective devices in appropriate situations as determined by district policy. *Education Code 38.005*

Recommended
Guidelines

For selection and use of face and eye protection in public schools, the Texas Department of State Health Services (TDSHS) recommends the guidelines entitled "Eye and Face Protection," available at 29 C.F.R. 1910.133.

For hazard assessment and face and eye protective equipment selection in public schools, TDSHS recommends the guidelines entitled, "Non-mandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection," available at 29 C.F.R. Part 1910, Subpart I, Appendix B.

Application

The guidelines are applicable to all staff members, students, and visitors within Texas public schools participating in educational activities and programs that involve:

1. The use of hazardous chemicals;
2. The use of hot liquids or solids;
3. The use of molten materials;

4. Performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
5. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
6. Heat treatment, tempering, or kiln firing of any metal or other materials;
7. Cutting, welding, or brazing operations;
8. The use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
9. Repair or servicing of any vehicle; or
10. Any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

25 TAC 295.141–.142

**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 3-year review cycle, provided that each SFA is reviewed at least once every 4 years.

“Administrative reviews” means the comprehensive off-site and/or on-site evaluation of all SFAs participating in the specified programs. The term administrative review is used to reflect 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, and includes other areas of program operations determined by TDA to be important to program performance.

7 C.F.R. 210.18

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. *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. See *Summary of School Nutrition Program Director Professional Standards by Local Educational Agency Size chart*, *7 C.F.R. 210.30(b)(2)*.

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 donate food to a nonprofit organization through an official of the nonprofit organization who is affiliated with the campus, including a teacher, counselor, or 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 a snack to be served at 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 may include packaged and unpackaged unserved food, packaged served food if the packaging is in good condition, whole uncut produce, wrapped raw produce, and unpeeled fruit required to be peeled before consumption.

Food donated to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing as volunteers of the nonprofit organization.

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

¹ TDA's Food and Nutrition Division Administrator's Reference Manual: <https://squaremeals.org/FandNResources/Handbooks.aspx>

² USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies*: <https://fns-prod.azureedge.net/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](#); ~~Section 17.~~² [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](#),³ Section [2218, 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(~~LEGAL~~) at Procurement Standards]

*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 a non-federal 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.

2 C.F.R. 400.2

**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.

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. 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.

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*

¹ TDA's Food and Nutrition Division *Administrator's Reference Manual*:
<http://squaremeals.org/Publications/Handbooks.aspx>

² TDA's Food and Nutrition Division *Administrator's Reference Manual*:
<https://squaremeals.org/FandNResources/Handbooks.aspx>

³ TDA's Food and Nutrition Division *Administrator's Reference Manual*:
<https://squaremeals.org/FandNResources/Handbooks.aspx>

**Free and
Reduced-Price Meals**

The school food authority (SFA) shall ensure that lunches and meal supplements 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 meal supplements is to 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 [493, 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)

Note: ~~For more information regarding confidentiality and disclosure of information, see the TDA's, ⁶Section 16.~~

**School Meals
Program Options**

If at least ten 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 non-profit organization to ensure meal service for children in the district'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 40 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 40 percent identified students, provided that the average identified student percentage for the group is at least 40 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.]

¹ FNS Instruction 113-1 document: <https://fns-prod.az-ureedge.net/sites/default/files/113-1.pdf>

² USDA FNS "And Justice for All" posters: <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-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/FandNResources/Handbooks.aspx>

⁶ TDA's Food and Nutrition Division *Administrator's Reference Manual*:
<http://squaremeals.org/Publications/Handbooks.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 the Open Meetings Act (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 2051.151–.152

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\(g\). \[See AIA\]](#)
- ~~4-5.~~ 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]
- ~~5-6.~~ Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]

- ~~6-7~~. 7-8. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]
- ~~7-8~~. 8-9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii) and Education Code 39A.056. [See AIC]
- ~~8-9~~. 9-10. 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]
- ~~9-10~~. 10-11. 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]
- ~~10-11~~. 11-12. A district shall post an election notice required under Election Code 85.007. [See BBBA]
- ~~11-12~~. 12-13. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]
- ~~12-13~~. 13-14. A district shall post early voting rosters under Election Code 87.121. [See BBBA]
- ~~13-14~~. 14-15. 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]
- ~~14-15~~. 15-16. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]
- ~~15-16~~. 16-17. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

- ~~16-17.~~ 17. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]
- ~~17-18.~~ 18. 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]
- ~~18-19.~~ 19. 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]
- ~~19-20.~~ 20. 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]
- ~~20-21.~~ 21. 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]
- ~~21-22.~~ 22. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]
- ~~22-23.~~ 23. 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]
- ~~23-24.~~ 24. 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]
- ~~24-25.~~ 25. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]
- ~~25-26.~~ 26. 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]
- ~~26-27.~~ 27. 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]
- ~~27-28.~~ 28. 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]

- ~~28-29~~. 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]
- ~~29-30~~. 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]
- ~~30-31~~. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]
- ~~31-32~~. 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]
- ~~32-33~~. 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]
- ~~33-34~~. 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]
- ~~34-35~~. 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]
- ~~35-36~~. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]
- ~~36-37~~. 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]

- ~~37.~~38. 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]
- ~~38.~~39. 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]
- ~~39.~~40. 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]
- ~~40.~~41. 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]
- ~~41.~~42. 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]
- ~~42.~~43. 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]
- ~~43.~~44. 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]
- ~~44.~~45. 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]
- ~~45.~~46. 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]

- ~~46.~~47. 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]
- ~~47.~~48. 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]
- ~~48.~~49. 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]
- ~~49.~~50. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]

6. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

**Geospatial Data
Products**

“Geospatial data product” means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov’t Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: “This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.”

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov’t Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov’t Code 2051.103

¹ TDSHS Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis: https://www.dshs.texas.gov/uploadedFiles/Content/Prevention_and_Preparedness/schoolhealth/SHAC/Guidelines-Food%20Allergy-Final.pdf

**Design or
Construction of an
Instructional or
Athletic
Facility**Facilities

A district and an institution of higher education, as defined by Education Code 61.003, located wholly or partially in the boundaries of the county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. A district may contribute district resources under this provision only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility.

One or more ~~independent school~~ districts and an institution of higher education, as defined by Education Code 61.003, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. A district may contribute district resources under this ~~subsection~~provision only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility, including authorizing the enrollment of district students in courses offered at that facility.

An independent school district and a municipality, located wholly or partially in the boundaries of a county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility, stadium, or other athletic facility owned by, on the property of, or under the control of the municipality. A district may contribute district resources under this provision only if the district and municipality enter into a written agreement authorizing the district to use that facility.

Education Code 45.109(a-1), (a-2), (a-3)**Use of Athletic
Facilities**

~~A~~A district, acting by and through its board, may ~~enter into a contract on behalf of a district with any corporation, or any city, or any state university or college~~municipality, or institution of higher education, as defined by Education Code 61.003, located wholly or partially ~~within~~in its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the other entity. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties.

~~A~~The district may enter into a contract for the use of athletic facilities for any purpose related to sports activities and other physical education programs for the students at the public schools of the district.

Education Code 45.109(a), (b)

**Maintenance Tax
~~Levy~~ Authorization**

The consideration for ~~any~~a contract under Education Code 45.109 may be paid from any source available to ~~a~~the district; ~~but,~~ If voted as provided below, the board may pledge to the payment of the contract an annual maintenance tax in an amount sufficient, without limitation, to provide all of the consideration. If ~~so~~ voted and pledged, the maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to the district for other maintenance taxes.

~~Election Procedures~~ ~~No~~A maintenance tax ~~shall~~may not be pledged to the payment of any contract under Education Code 45.109 or assessed, levied, or collected unless an election is held in the district and the maintenance tax is ~~approved~~favorably voted by a majority of the ~~resident,~~ qualified ~~electors~~voters of ~~a~~the district, voting at ~~said~~the election. The election order ~~shall state the date of the~~for an election, ~~the proposition to be voted on,~~ under this provision must include the polling place or places, and any other matters ~~deemed~~considered advisable by the board. [See BBB series regarding elections]

Education Code 45.109~~(c)~~-(d)

**Nondiscrimination—
in General**

~~A district shall not fail or refuse to hire or discharge any individual, or otherwise discriminate~~Note: This policy addresses the prohibition against any individual discrimination in hiring and discharging employees. For legally referenced material relating to prohibited discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment—on the basis, see DIA(LEGAL).

**Unlawful Hiring and
Discharge**

It is an unlawful employment practice for a district to fail or refuse to hire or to discharge any individual because of any of the following protected characteristics such individual's:

1. Race, color, or national origin;
- ~~2.1. Sex;~~
- ~~3.2. Religion;~~
- ~~3. Sex;~~
- ~~4. Age (applies to individuals who are 40 years of age or older);~~
4. Age;
5. Disability; or
6. Genetic information [see DAB].

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.

~~(Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12111 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); of 1967 (ADEA)—age, over 40. 29 U.S.C. 793, 794 (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. 2000ff12101 et seq.

Title II of the Genetic Information Nondiscrimination Act); U.S. Const. Amend. I; Human Resources Code 121.003(f); Labor Code Ch. 21 (of 2008 (GINA)—genetic information. 42 U.S.C. 2000ff et seq.

Note: Title VII, the ADA, and GINA 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)

State Law

Texas Commission on Human Rights Act); ~~Labor Code Ch. 21, Subch. H-1~~ (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
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;~~

~~2.1. Suspending the person's license; or~~

~~3.1. Taking other disciplinary action against the person.~~

~~Occupations Code 56.001, .003~~

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

Prohibition on 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~~

Harassment of Employees

~~A district has an affirmative duty to maintain a working environment free of harassment on the basis of a protected characteristic. 42 U.S.C. 2000e et seq.; 29 C.F.R. 1606.8(a), 1604.11 [See DIA]~~

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); ~~34 C.F.R. 100.7(e) (Title VII); 34 C.F.R. 110.34 (Age Act); 42 U.S.C. 12203 (ADA); Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005) (Title IX)~~ 42 U.S.C. 12203 (ADA); Labor Code 21.055 [See DIA]

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

**Age
Discrimination
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

~~The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. 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~~

Sex Discrimination

~~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)~~

Pregnancy

~~The prohibition against discrimination on the basis 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~~

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)~~

**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

~~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

Pregnancy

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

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*, 17-1618, 2020 WL 3146686, (U.S. June 15, 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)

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(b); 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)

[See DIA]

**Other Forms of
Discrimination
Based on Lack of
Disability**

~~The Americans with Disabilities Act (ADA) and the Texas Commission on Human Rights Act 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:~~

~~5. An actual disability: a physical or mental impairment [see definition, below] that substantially limits one or more of an individual's major life activities;~~

~~6. A record of having such an impairment; or~~

~~7. 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 devices, 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*

~~8.—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~~

~~9.—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:~~

~~10. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and~~

~~11. 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 Americans with Disabilities Act]~~

~~"Reasonable accommodation" includes:~~

~~12. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and~~

~~13. 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 these 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~~

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]

**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~~

Americans with
Disabilities Act

~~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 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 fifteen 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 Section 504 Notice, above] shall also identify the responsible employee so designated. 34 C.F.R. 104.7(a), .8(a)~~

Americans with
Disabilities Act

~~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)~~
~~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)~~
~~Age Discrimination in Employment Act~~	~~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)~~
<u>Bankruptcy Discrimination</u>	<u>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)</u>
<u>Student Loan Repayment</u>	<u>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:</u> <u>1. Denying the person's application for a license or license renewal;</u> <u>2. Suspending the person's license; or</u> <u>3. Taking other disciplinary action against the person.</u> <u>Occupations Code 56.001, .003</u>

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Notice to Parents

Teacher
Qualifications

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall, at the beginning of each school year, notify the parents of each student attending any school receiving such funds that the parents may request, and the district shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the student's teacher:
 - a. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - b. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived; and
 - c. Is teaching in the field of discipline of the certification of the teacher.
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

20 U.S.C. 6312(e)(1)(A)

Federally Required
Notice—Lack of
Credentials

A school that receives such federal funds shall also provide to each individual parent of a child who is a student in such school, with respect to such student, timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. *20 U.S.C. 6312(e)(1)(B)(ii)*

State-Required
Notice—Lack of
Credentials

If a district assigns an inappropriately certified or uncertified teacher (as defined below) to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom.

A superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. A district shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. A district shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

An “inappropriately certified or uncertified teacher” includes an individual serving on an emergency certificate or an individual who does not hold any certificate or permit. It does not include an individual who is:

1. Certified and assigned to teach a class or classes outside his or her area of certification, as determined by State Board for Educator Certification (SBEC) rules specifying the certificate required for an assignment;
2. Serving on a certificate issued due to a hearing impairment;
3. Serving on a certificate issued pursuant to enrollment in an approved alternative certification program;
4. Certified by another state or country and serving on a certificate issued under Education Code 21.052;
5. Serving on a school district teaching permit; or
6. Employed under a waiver granted by the commissioner of education.

The state notice requirement does not apply if a school is required in accordance with Section 1006, Every Student Succeeds Act [20 U.S.C. Section 6312(e)(1)(B)(ii)], to provide notice to a parent or guardian regarding a teacher who does not meet certification requirements at the grade level and subject area in which the teacher is assigned, provided the school provides notice as required by that Act. [See Federally Required Notice—Lack of Credentials, above]

Education Code 21.057; 19 TAC 231.1

**Professional
Personnel**

Certificate

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a district unless the person holds an appropriate certificate or permit. A person who desires to teach shall present the person’s certificate for filing with a district before the person’s contract with a board is binding.

A person is not required to hold a certificate under Education Code 21.0487 to be employed by a district as a Junior Reserve Officer Training Corps instructor.

An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

Education Code 21.003(a), .0487(d), .053(a)–(b)

License	A person may not be employed by a district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession. A person may perform specific services within those professions for a district only if the person holds the appropriate credentials from the appropriate state agency. A person employed by a district before September 1, 2011, to perform marriage and family therapy is not required to hold a license as a marriage and family therapist as long as the person remains employed by the district. <i>Education Code 21.003(b)</i>
School District Teaching Permit	A district may issue a school district teaching permit and employ as a teacher a person who does not hold a teaching certificate issued by SBEC. To be eligible for a school district teaching permit, a person must hold a baccalaureate degree. <i>Education Code 21.055(a)–(b)</i>
Statement to Commissioner	Promptly after employing a person under a school district permit, a district shall send a written statement to the commissioner. This statement must identify the person, the person's qualifications as a teacher, and the subject or class the person will teach. The person may teach the subject or class pending action by the commissioner. Not later than the 30th day after the commissioner receives a district's statement, the commissioner may inform the district that the person is not qualified to teach. The person may not teach if the commissioner finds that the person is not qualified. If the commissioner fails to act before the 30th day after receiving the statement, a district may issue the school district teaching permit and the person may teach the subject or class identified in the statement sent to the commissioner. <i>Education Code 21.055(c)–(d)</i>
Noncore Career and Technical Courses	The following requirements do not apply to a person who will teach only noncore academic career and technical education courses: 1. The requirement to hold a baccalaureate degree; 2. The requirement that the district send a written statement to the commissioner identifying the person, the person's qualifications as a teacher, and the subject or class the person will teach; and

3. The requirement that the commissioner inform the district in writing if the commissioner finds the person to be not qualified to teach.

A board may issue a school district teaching permit to a person who will teach courses only in career and technical education based on qualifications certified by the superintendent. Qualifications must include demonstrated subject matter expertise such as professional work experience, formal training and education, holding an active professional relevant industry license, certification, or registration, or any combination of work experience, training and education, or industry license, certification, or registration, in the subject matter to be taught.

The superintendent shall certify to the board that a new employee has undergone a criminal background check and is capable of proper classroom management. A district shall require a new employee to obtain at least 20 hours of classroom management training and to comply with continuing education requirements as determined by the board.

A person may teach a career and technical education course immediately upon issuance of a permit. Promptly after employing a person who qualifies under Education Code 21.055(d-1), the board shall send to the commissioner a written statement identifying the person, the course the person will teach, and the person's qualifications to teach the course.

Education Code 21.055(d-1)

Duration of Permit

A school district teaching permit remains valid unless the district issuing the permit revokes it for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not teach in another school district unless that other district complies with the permit-issuing provisions. *Education Code 21.055(e)*

Emergency Permit

Emergency permits are issued under the authority of SBEC. 19 TAC 230.71(a)

Activation

A superintendent or designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials for the assignment, as specified in 19 Administrative Code Chapter 231, ~~“(Requirements for Public School Personnel Assignments.)”~~

In order to activate an emergency permit, the superintendent or designee must:

1. Document locally the efforts the district has taken to employ an appropriately certified individual in the position for which an emergency permit is activated;
2. Apply for an emergency permit when a vacant position is filled with an uncertified or inappropriately certified individual who will serve as the teacher of record or will serve in the assignment for more than 30 consecutive instructional days. The application must be submitted to the Texas Education Agency (TEA) within 45 instructional days of the date of assignment;
3. Verify that the district maintains a support system, has assigned a trained mentor, and will provide release time as needed to assist the individual serving on an emergency permit. However, a district shall not be required to provide a mentor for a degreed, certified teacher assigned on an emergency permit if the teacher has one or more creditable years' experience within the district, as defined at 19 Administrative Code Chapter 153, Subchapter CC; and
4. Verify that the individual for whom the emergency permit is activated has been advised of the SBEC rules regarding permits and permit renewal requirements in 19 Administrative Code Chapter 230, Subchapter F.

19 TAC 230.71(d)

*Temporary
Vacancies*

A district is not required to activate an emergency permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. A district must, however, comply with the parent notification requirements above. *19 TAC 230.71(i)*

General Eligibility
Requirements

An individual for whom an emergency permit is activated must meet the following criteria:

1. The individual must hold a bachelor's degree or higher from an accredited institution of higher education. [See 19 Administrative Code 230.75(1) for career and technical and trade and industrial education assignments.]
2. The individual must be at least 18 years of age.
3. The individual must be able to communicate and understand the English language sufficiently to use it easily and readily in daily communication and teaching, as specified in 19 Administrative Code 230.11, ~~(General Requirements)~~.

4. The individual must be of good moral character. SBEC may refuse to authorize an emergency permit for an individual, applying the same standards that would be applied to the administrative denial of an applicant for certification under 19 Administrative Code 249.12, ~~(Administrative Denial; Appeal.)~~.
5. The individual must submit fingerprints in accordance with 19 Administrative Code 232.35(c), ~~(Submission of Required Information.)~~ and Education Code 22.0831. [See DBAA]

19 TAC 230.75

Specific
Requirements for
Initial Permits

An individual for whom an emergency permit is activated must:

1. Have completed the appropriate semester credit hours or equivalent contact hours required for the emergency permit sought as specified in 19 Administrative Code 230.77, or, for a degreed, certified teacher, have passed the appropriate content specialization portions of the appropriate certification examination required for the target certificate; and
2. Have satisfied the appropriate experience requirement specified in 19 Administrative Code 230.77 for the emergency permit sought.

19 TAC 230.77(a)

SBEC rules provide requirements for the following assignments:

1. Elementary grades (early childhood–grade 6) (general education).
2. Secondary grades (grades 7–12) (general education).
3. All grade levels (early childhood–grade 12) (general education).
4. Career and technical education programs.
5. Special populations, such as English language learners (ELLs) and students with special learning needs.
6. Other instructional and support personnel, such as school counselor, educational diagnostician, school librarian, and JROTC instructor.

19 TAC 230.77 (b)–(g)

*Hardship
Exception*

An emergency permit may be authorized on a hardship basis for an individual who does not meet all eligibility requirements only if approval has been granted and email notification received from TEA staff. The district must:

1. Document local conditions requiring the assignment of an individual who does not meet emergency permit requirements;
2. Verify that the deficiencies for the certificate sought do not exceed 36 semester credit hours; and
3. Verify:
 - a. That the individual will be enrolled in the first available course listed on the certification plan; or
 - b. Registration for the next available administration of the appropriate content specialization portion of the certification examination for an individual who holds a valid Texas classroom teaching certificate and a bachelor's degree or higher from an accredited institution of higher education and is placed in an assignment requiring a different classroom teaching certificate.

19 TAC 230.71(h)

*Holders of Intern
or Probationary
Certificates*

Candidates who hold an intern certificate under the provisions of 19 Administrative Code 230.36, ~~(Intern Certificates,)~~ or a probationary certificate under 19 Administrative Code 230.37, ~~(Probationary Certificates,)~~ may ~~not~~ be employed on an emergency permit during the validity of the intern certificate or probationary certificate. if the emergency permit is being issued in a certificate area not available through the educator preparation program that provided recommendation for the intern certificate or probationary certificate. 19 TAC 230.71(j)

*Procedures for
Initial Permit*

The superintendent or his or her designee or authorized representative must verify the individual's eligibility for the emergency permit [see General Eligibility Requirements and Specific Requirements for Initial Permits, above] and submit online to TEA the following information within 45 instructional days of assignment.

For all assignments (except career and technical education assignments based on skill and experience):

1. A completed online emergency permit application;
2. One of the following:
 - a. A certification plan from an approved Texas educator preparation program (EPP); or
 - b. Verification of registration for an appropriate certification examination for a teacher that is already certified; and
3. The appropriate fee (payable by the school district).

For career and technical education assignments based on skill and experience:

1. A completed online emergency permit application;
2. A copy of the individual's statement of qualifications, approved by the certification officer of a Texas EPP;
3. Acceptable license, registration, or certification by a state-authorized or nationally recognized agency in an occupational area appropriate for the assignment;
4. A certification plan from an approved Texas EPP for the career and technical education certificate appropriate for the assignment; and
5. The appropriate fee (payable by the school district).

19 TAC 230.79

Validity of
Emergency Permit

The validity date of an activated and authorized emergency permit is specified in 19 Administrative Code 230.97, [\(Effective Dates of Certificates and Permit Issuance\)](#).

An emergency permit is valid for the remainder of the school year for which it is activated and authorized by SBEC. The emergency permit must be submitted to TEA within 45 instructional days from the date of assignment. A permit authorized by SBEC is valid for service only in the requesting district and only for the assignments indicated on the emergency permit application.

Effective with the 2017–18 school year, the employment of an individual on an emergency permit, with the exception of the assignment as a JROTC instructor or a teacher of students with visual impairments may not exceed one school year in the same assignment. [See One-Year Limitation, below]

Prior to the 2017–18 school year, the individual may serve in a specific assignment no more than one additional school year beyond the initial emergency permit. To continue beyond the initial emergency permit year, the individual must comply with the renewal provisions specified in 19 Administrative Code 230.81. [See Renewal Requirements and Procedures, below]

Effective with the 2017–18 school year, to continue employment in the assignment beyond the validity of the initial emergency permit, the individual must hold the appropriate certificate, in accordance with 19 Administrative Code, Chapter 231, [\(Requirements for Public School Personnel Assignments\)](#). An individual may not serve as

a classroom teacher of record in the district for more than three school years without obtaining initial, standard certification.

19 TAC 230.73

One-Year Limitation Effective with the 2017–18 school year, an emergency permit will limit an individual to one year of service and no renewal will be allowed.

Exceptions The one-year limitation does not apply to individuals serving in the position of Junior Reserve Officer Training Corps (JROTC) instructor or teachers of students with visual impairments.

As indicated in 19 Administrative Code 230.77(g)(4)(B), emergency permits for JROTC instructors must be reissued every year.

Emergency permits for teachers of students with visual impairments referenced in 19 Administrative Code 230.77(f)(2)(B) may be renewed a maximum of two years.

19 TAC 230.71(b), (c)

Renewal Requirements and Procedures Effective with the 2017–18 school year, these renewal provisions no longer apply for emergency permits, with the exception of teachers of students with visual impairments. *19 TAC 230.73(f)*

A superintendent, designee, or authorized representative may renew an emergency permit for the same assignment in the same district for which the initial emergency permit was activated.

No individual may continue in the same assignment for more than one school year of service on an emergency permit, except that emergency permits used fewer than 90 calendar days may be renewed for one additional year of service, if needed.

The total of semester credit hours or the equivalent contact hours required to obtain certification appropriate for the assignment shall determine the number of emergency permit renewals for which the individual may be eligible.

For six semester credit hours or less plus appropriate examination requirements, an individual is not eligible for renewal.

For seven semester credit hours or more plus appropriate examination requirements, an individual is eligible for one renewal.

The superintendent or his or her designee or authorized representative may renew an emergency permit provided the following requirements and procedures are met:

1. The emergency permit must be renewed for the same assignment in the same school district.

2. Official transcripts verifying completion of a minimum of six semester credit hours or documentation of completion of equivalent contact hours toward the appropriate target certificate must be placed in the individual's personnel file.
3. If the individual has not completed permit renewal requirements as indicated above, the superintendent or his or her designee must obtain hardship approval from the TEA prior to continuation of the assignment.
4. The appropriate renewal of the emergency permit application must be completed online prior to the beginning date of duties for the current school year.
5. The school district shall pay the appropriate fee.

19 TAC 230.81

Nonrenewable
Permits

A superintendent or designee may activate a nonrenewable permit for an individual who has not completed the appropriate examination requirements specified in 19 Administrative Code 230.21, (Educator Assessment).

A nonrenewable permit may be activated for an individual who:

1. Has completed all course and degree requirements of a Texas EPP except for successful completion of all appropriate examination requirements. Nonrenewable permits activated for individuals in this category expire 12 months from the date of activation; or
2. Holds a Texas teacher certificate with an effective date before February 1, 1986, but has not revalidated the certificate for employment purposes by passing an examination. The individual must not have been employed in a Texas school district since the start of the 1985–86 school year. A nonrenewable permit activated for an individual in this category expires six months from the date of activation or at the end of the school year, whichever is less.

A nonrenewable permit may not be activated for an individual in the same assignment area for which another permit had previously been authorized.

The superintendent, designee, or authorized representative must verify that an individual is eligible for the permit and submit the following information within 45 calendar days of assignment:

1. An application for a nonrenewable permit completed before the effective date of the assignment; and

2. The appropriate fee (payable by the district).

19 TAC 230.83

Educator Consent

A certified teacher must consent to the activation of an emergency permit and be advised of the conditions of the emergency permit.

A teacher who refuses to consent to activation of an emergency permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the emergency permit. However, a teacher's refusal to consent shall not impair a district's right to implement a necessary reduction in force or other personnel actions in accordance with local policy.

19 TAC 230.71(e)

No Property Right

An emergency permit is authorized for the district for a specific assignment and is not the property of the individual for whom the emergency permit was activated. *19 TAC 230.71(f)*

Unused Permits

If an emergency permit authorized by SBEC is not used, the district shall notify TEA staff by email. *19 TAC 230.71(g)*

**Certification of
Paraprofessional
Employees**

Educational aides shall be certified according to standards established by SBEC. *19 TAC 230.51*

**Federal
Requirements for
Teachers and
Paraprofessionals**

Teachers and paraprofessionals working in a program supported with funds under Title I, Part A of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.) shall meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. *20 U.S.C. 6311(g)(2)(J), 6312(c)(6)*

The state's professional standards for paraprofessionals working in a program supported with Title I funds must include qualifications that were in place under former 20 U.S.C. 6319, as that section existed before December 10, 2015. *20 U.S.C. 6311(g)(2)(M)*

**Qualifications
Before December
10, 2015**

Each district receiving assistance under Title I, Part A of the ESEA shall ensure that all paraprofessionals working in a program supported with those funds shall:

1. Be assigned only duties consistent with the following:
 - a. A paraprofessional may be assigned to:
 - (1) Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

- (2) Assist with classroom management, such as organizing instructional and other materials;
 - (3) Provide assistance in a computer laboratory;
 - (4) Conduct parental involvement activities;
 - (5) Provide support in a library or media center;
 - (6) Act as a translator; or
 - (7) Provide instructional services to students in accordance with items (b) and (c).
 - b. A paraprofessional may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with this section; and
 - c. A paraprofessional may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.
2. Regardless of a paraprofessional's hiring date, have earned a secondary school diploma or its recognized equivalent.
3. If hired after January 8, 2002, have one of the following credentials:
- a. Completed at least two years of study at an institution of higher education;
 - b. Obtained an associate's (or higher) degree; or
 - c. Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment:
 - (1) Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
 - (2) Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Receipt of a high school diploma is not sufficient to satisfy the formal academic assessment requirement.

The requirements at item 3, above, shall not apply to a paraprofessional:

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under Title I, Part A by acting as a translator; or
2. Whose duties consist solely of conducting parental involvement activities.

Former 20 U.S.C. 6319 in effect before Dec. 10, 2015

**Federal
Requirements for
Special Education
Teachers**

Each person employed as a special education teacher who teaches elementary school, middle school, or secondary school must:

1. Have obtained full state certification as a special education teacher [including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 C.F.R. 2005.56(a)(2)(ii) as in effect November 28, 2008], or passed the state special education teacher licensing examination, and holds a license to teach in the state as a special education teacher;
2. Have not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
3. Hold at least a bachelor's degree.

20 U.S.C. 1412(a)(14)(C)

**CPR and First Aid
Certification**

A district employee who serves as head director of a school marching band, head coach, or chief sponsor of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or UIL must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. A district shall adopt procedures for administering this requirement, including procedures for the time and manner in which proof of current certification must be submitted. *Education Code 33.086*

AED Certification

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 must receive and maintain certification in the use of an

automated external defibrillator (AED) from the American Heart Association, the American Red Cross, or a similar nationally recognized association. *Education Code 22.902* [See DMA]

School Bus Drivers
Credentials

For purposes of the following provisions, a “school bus driver” is a driver transporting school children and/or school personnel on routes to and from school or on a school-related activity trip while operating a multifunction school activity bus, school activity bus, or school bus. *37 TAC 14.1* [See CNA]

At a minimum, to become employed and maintain employment status as a school bus driver, a person must meet the following requirements:

1. Be at least 18 years old.
2. Possess a valid driver’s license designating a class appropriate (with applicable endorsement, if commercial driver license) for the gross vehicle weight rating and manufacturer’s designed passenger capacity of the vehicle to be operated.
3. Meet the medical qualifications specified by the Department of Public Safety (DPS) at 37 Administrative Code 14.12. [See DBB]
4. Maintain an acceptable driving record in accordance with the minimum standards established by the DPS at 37 Administrative Code 14.14.
5. Maintain an acceptable criminal history record, secured from any law enforcement agency or criminal justice agency, and reviewed in accordance with the provisions of Education Code Chapter 22. [See DBAA]
6. Possess a valid Texas School Bus Driver Safety Training Certificate, as specified at 37 Administrative Code 14.35 or a valid Enrollment Certificate, as specified at 37 Administrative Code 14.36.

Transp. Code 521.022; 37 TAC 14.11, .12, .14

Pre-Employment
Inquiries

An applicant for employment as a school bus driver must disclose to the district:

1. Any violations of motor vehicle laws or ordinances (other than parking violations) of which the applicant was convicted or forfeited bond or collateral during the three years preceding the date the application is submitted;

2. Any serious traffic violations, as defined by Transportation Code 522.003(25), of which the applicant was convicted during the ten years preceding the date the application is submitted; and
3. Any suspension, revocation, or cancellation of driving privilege that the applicant has ever received.

The district shall make an inquiry into the applicant's complete driving record, with DPS and with any state in which the applicant held a motor vehicle operator's license or permit within the past seven years. If no previous driving record is found to exist, the district must document its efforts to obtain such information and certify that no previous driving record exists for the individual.

The district shall review the applicant's driving record to determine whether that person meets minimum requirements, as described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements).

37 TAC 14.14(b)

Annual Evaluation

A district shall, at least once every 12 months, make an inquiry into the complete driving record of each school bus driver it employs, with DPS and with any state in which the individual held a motor vehicle operator's license or permit during that time period. The district shall review the driving record to determine whether the individual meets the minimum requirements described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements). *Transp. Code 521.022(d); 37 TAC 14.14(c)*

Disqualification

Any person who has accumulated ten or more penalty points shall be considered ineligible to transport students until such time as he or she may become qualified. A school bus driver who receives notice that his or her license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify the district of the contents of the notice before the end of the business day following the day the driver received it. A district shall not permit a disqualified driver to drive a school bus, school activity bus, or multifunction school activity bus. *37 TAC 14.14(g)*

Employee Records

**Professional
Employees**

The following records on professional personnel must be readily available for review by the commissioner:

1. Credentials (certificate or license);
2. Service record(s) and any attachments;
3. Contract;

4. Teaching schedule or other assignment record; and
5. Absence from duty reports.

Service Record

The basic document in support of the number of years of professional service claimed for salary increment purposes and both the state's sick and personal leave program data for all personnel is the service record (form FIN-115) or a similar form containing the same information. It is the responsibility of the issuing district to ensure that service records are true and correct and that all service recorded on the service record was actually performed.

The service record must be validated by a person designated by a district to sign service records. The service record shall be kept on file at the district.

*Former
Employees*

On request by a classroom teacher, librarian, school counselor, or nurse or by the school district employing one of those individuals, a district that previously employed the individual shall provide a copy of the individual's service record to the district employing the individual. The district must provide the copy not later than the 30th day after the later of:

1. The date the request is made; or
2. The date of the last day of the individual's service to the district.

The original service record, verified by the employee, shall be given to the employee upon request or sent to the next employing district. A district must maintain a legible copy for audit purposes. A scanned version of the original service record may be considered official if sent directly from one employing district to another employing district.

Education Code 21.4031; 19 TAC 153.1021(b), (d)

Access to
Employee Records

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Act. *Gov't Code Ch. 552* [See GBA]

Information in a personnel file is excepted from the requirements of the Public Information Act if the disclosure would constitute a clearly unwarranted invasion of personal privacy.

Except as provided below, an employee of a district shall choose whether to allow public access to information in the district's custody that relates to the employee's home address, home telephone

number, emergency contact information, or social security number, or that reveals whether the person has family members.

Gov't Code 552.024, .102(a)

The social security number of an employee of a district in the custody of the district is confidential. A district may not require an employee or former employee of the district to choose whether to allow public access to the employee's or former employee's social security number. *Gov't Code 552.024(a-1), .147(a-1)*

*Employee Right
of Access*

All information in the personnel file of a district employee shall be made available to that employee or the employee's designated representative as public information is made available under the Public Information Act. An employee or an employee's authorized representative has a special right of access, beyond the right of the general public, to information held by a district that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests.

A district may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Public Information Act. A district may assert as grounds for denial of access other provisions of the Public Information Act or other laws that are not intended to protect the employee's privacy interests.

If a district determines that information in the employee's records is exempt from disclosure under an exception of Government Code Chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the requestor or the person whom the requestor is authorized to represent, it shall submit a written request for a decision to the attorney general before disclosing the information. If a decision is not requested, a district shall release the information to the requestor not later than the tenth day after the request for information is received.

Gov't Code 552.023, .102(a), .307

**Incentive Grants—
Contract Provision**

A district shall provide in employment contracts that qualifying employees may receive an incentive payment under an awards program established under Education Code Chapter 21, Subchapter O (Educator Excellence Award Program and Educator Excellence Innovation Program) if the district participates in the program. A district shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. *Education Code 21.415*

**Educator Excellence
Innovation Program**

The Educator Excellence Innovation Program (EEIP) is a grant program under which a district may receive a competitive grant for the purposes of systematically transforming educator quality and effectiveness. The Texas Education Agency (TEA) will give priority to districts that receive Title I funding and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.

Eligibility

A district is eligible to apply for EEIP grant funds if the district:

1. Completes and submits a Notice of Intent to Apply to TEA by the date established by the commissioner of education;
2. Complies with all assurances in the Notice of Intent to Apply and grant application;
3. Participates in the required technical assistance activities established by the commissioner, including establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
4. Agrees to participate for four years; and
5. Complies with any other activities set forth in the program requirements.

An eligible district must submit an application in a form prescribed by the commissioner. Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application. The commissioner may waive any eligibility requirements as specified in 19 Administrative Code 102.1073.

Local Plan

An eligible district that intends to participate in the EEIP shall submit a local educator excellence innovation plan to TEA. A local educator excellence innovation plan must address the elements at 19 Administrative Code 102.1073(e)(2).

A district must act pursuant to its local board policy [see DEAA (LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and

submit a plan and grant application may not be appealed to the commissioner.

A district may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to TEA. With TEA approval, a district may amend its local plan in accordance with 19 Administrative Code 102.1073(c) and (h) for each school year the district receives a program grant.

Use of Grant Funds

A district may use grant funds only to carry out purposes of the program as described at Education Code 21.7011, in accordance with the district's local plan, which may include the following specific methods or procedures:

1. Implementation and administration of a high-quality mentoring program for teachers in the first three years of classroom teaching using mentors who meet the qualifications prescribed by Education Code 21.458 [see Mentor Teachers, below];
2. Implementation of a teacher evaluation system using multiple measures that include:
 - a. The results of classroom observation, which may include student comments;
 - b. The degree of student educational growth and learning; and
 - c. The results of teacher self-evaluation;
3. To the extent permitted under Education Code Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development [see EC];
4. Establishment of an alternative teacher compensation or retention system; and
5. Implementation of incentives designed to reduce teacher turnover.

Waiver Request

A district may apply to the commissioner in writing for a waiver to exempt the district or one or more district campuses from one or more of the statutory sections listed at Education Code 21.7061(a).

The application for the waiver must demonstrate:

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;

2. Approval for the waiver by a vote of a majority of the members of the board;
3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and
4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the board nor the superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the commissioner shall notify the district in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan.

Education Code Ch. 21, Subch. O; 19 TAC 102.1073

Local Optional Teacher Designation System

A district may designate a certified classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals ~~that comply with~~[\[see DNA\].](#) ~~Education Code 21.351 or 21.352 [see DNA].~~[3521\(a\)](#)

[Rules](#)

[The commissioner's rules specify the requirements for districts to implement local teacher designation systems, including teacher eligibility, application procedures and the approval process, system expansion and amendments, monitoring and program evaluation, continuing approval and renewal, and funding. 19 TAC 150.1012](#)

Standards

The ~~commissioner shall~~[commissioner's rules](#) establish performance and validity standards for each local optional teacher designation system that:

1. Must provide a mathematical possibility that all teachers eligible for a designation may earn the designation; and
2. May not require a district to use an assessment instrument adopted under Education Code 39.023 to evaluate teacher performance.

[Education Code 21.3521\(b\); 19 TAC 150.1014](#)

A classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards

	may be designated as recognized. Education Code 21.3521(c); 19 TAC 150.1013
Assistance	TEA shall develop and provide technical assistance for districts that request assistance in implementing a local optional teacher designation system, including assistance in prioritizing high needs campuses. Education Code 21.3521(e)
No Property Right	A teacher has no vested property right in a teacher designation assigned under a local optional teacher designation system. A teacher designation is void in the determination that the designation was issued improperly, and the Administrative Procedure Act does not apply to the voiding of a local optional teacher designation. Education Code 21.3521(f)
Teacher Incentive Allotment	For each classroom teacher with a local optional teacher designation, a ~~school~~ district is entitled to an allotment, adjusted by high needs and rural factors, as determined under Education Code 48.112. A district shall annually certify that: 1. Funds received were used as follows: a. At least 90 percent was used for the compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed; and b. Any other funds were used for costs associated with implementing the local optional teacher designation system, including efforts to support teachers in obtaining designations; and 2. The district prioritized high needs campuses in the district in using funds. Education Code 48.112(c), (i)
Evaluations	TEA shall periodically conduct evaluations of the effectiveness of the local optional teacher designation systems and the teacher incentive allotment and report the results of the evaluations to the legislature. A ~~school~~ district that has implemented a local optional teacher designation system or received funds under the teacher incentive allotment shall participate in the evaluations. Education Code 21.3521(g) ~~Education Code 21.3521, 48.112~~
Mentor Teachers	A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject

or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

1. To the extent practicable, teach in the same school;
2. To the extent practicable, teach the same subject or grade level, as applicable; and
3. Meet the qualifications prescribed by commissioner's rules.

[Education Code 21.458\(a\)](#)

Rules

The commissioner's rules specify the requirements for districts to implement mentor training programs, including program requirements, application approval process, ongoing verification and compliance, allowable expenditures, and program review. 19 TAC 153.1011

Assignment of
Mentor

To be assigned as a mentor, a teacher must agree to serve as a mentor teacher for at least one school year. The assignment must begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. A district must agree to assign a mentor to a new classroom teacher for at least two school years. [Education Code 21.458\(a-1\)](#)

Requirements for
Mentor

The commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the commissioner;
2. Complete a training program provided by the district;
3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance; and
4. Demonstrate interpersonal skills, instructional effectiveness, and leadership skills.

[Education Code 21.458\(b\)](#)

Training

A district must provide training to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. A district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices. [Education Code 21.458\(b-1\)](#)

Mentoring Sessions A mentor teacher must meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor may count toward the 12 hours of meeting time required for the semester.

Unless the district has created a mentoring curriculum as provided below, the mentoring sessions must address the following topics:

1. Orientation to the context, policies, and practices of the school district;
2. Data-driven instructional practices;
3. Specific instructional coaching cycles, including coaching regarding conferences between parents and the classroom teacher;
4. Professional development; and
5. Professional expectations.

Subject to approval by TEA, in determining the topics to be addressed in the mentoring sessions, a school district may create an appropriate curriculum that meets the district needs.

A district must:

1. Designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor; and
2. Schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

[Education Code 21.458\(f\), \(f-1\)](#)

Allotment A school district that has implemented a mentoring program is entitled to an allotment to fund the mentoring program and provide stipends for mentor teachers under a formula adopted by the commissioner.

Funding may be used only for providing:

1. Mentor teacher stipends;
2. Scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities; and

3. Mentoring support through providers of mentor training.

Education Code ~~21.458~~, 48.114; ~~19 TAC 153.1011~~

**Achievement
Academy Stipends**

A stipend received by a teacher who attends a literacy achievement, mathematics achievement, or a reading-to-learn academy is not considered in determining whether a district is paying the teacher the minimum monthly salary under Education Code 21.402. *Education Code 21.4552(d), .4553(d), .4554(d)*

A stipend received by a school counselor or teacher who attends a postsecondary education and career counseling academy under Education Code 33.009 is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Education Code 21.402. *Education Code 33.009(h)*

Autism Training

A district may provide a salary incentive or similar compensation to a teacher who completes training provided by a regional education service center (ESC) relating to autism. A school district that decides to provide an incentive or compensation shall adopt a policy to implement this section. *Education Code 21.465*

**Retirement
Incentives**

A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

**Attendance
Supplement**

A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

Educators' Code of Ethics

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. *19 TAC 247.1*

Professional Ethical Conduct, Practices, and Performance

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 1.11. The educator shall not intentionally ~~or~~, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

Ethical Conduct Toward Professional Colleagues

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

Ethical Conduct Toward Students

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

1. The nature, purpose, timing, and amount of the communication;
2. The subject matter of the communication;
3. Whether the communication was made openly or the educator attempted to conceal the communication;
4. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
5. Whether the communication was sexually explicit; and
6. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

19 TAC 247.2

Note: This policy addresses the prohibition against [discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employees employment](#). For legally referenced material relating to ~~employee~~ [the prohibition against discrimination in hiring and retaliation discharging employees](#), see DAA(LEGAL).

For provisions related to harassment of students, including the district's response to sexual harassment as defined by Title IX, see FFH.

**Unlawful
Employment
Discrimination**

[It is an unlawful employment practice for a district to discriminate against any individual with respect to his 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; or](#)
- [6. Genetic information \[see DAB\].](#)

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.](#)

Note: [Title VII, the ADA, and GINA 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\(2\)\(B\)](#)

<u>State Law</u>	<u>Texas Commission on Human Rights Act (TCHRA)—race, color, disability, religion, sex, national origin, age, and genetic information. <i>Labor Code 21.051, .402</i></u> <u>State policy on employment of persons with disabilities. <i>Human Resources Code 121.003(f)</i></u>
<u>Prohibition on Retaliation</u>	<u>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. <i>29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 42 U.S.C. 12203 (ADA); Labor Code 21.055</i></u>
<u>Harassment-Free Workplace</u>	<u>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. <i>42 U.S.C. 2000e, et seq.; 29 C.F.R. 1604.11(a), 1606.8(a)</i></u>
<u>Sexual Harassment</u>	<u>Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:</u> <u>1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;</u> <u>2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or</u> <u>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.</u> <u>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.</u> <u><i>29 C.F.R. 1604.11(a), (f), (g)</i></u>
<u>Same-Sex Harassment</u>	<u>Same-sex sexual harassment constitutes sexual harassment. <i>Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)</i></u>
<u>Criminal Offense—Official Oppression</u>	<u>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.</u>

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

National Origin
Harassment of
Employees
Prohibited

~~Harassment on the basis of a protected characteristic is a violation of the federal anti-discrimination laws. 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.~~ Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct: 1606.8(a), 1604.11

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. 1606.08(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. Sun-downer Offshore Services, Inc., 523 U.S. 75 (1998)

~~Firing an employee on the basis of homosexuality or transgender status violates Title VII's prohibition against sex discrimination in~~

~~employment. Bostock v. Clayton County, Georgia, 17-1618, 2020 WL 3146686, (U.S. June 15, 2020)~~

Hostile Environment ~~Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the 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.~~

~~Pennsylvania State Police v. Suders, 542 U.S. 129 (2004); Nat'l Railroad Passenger Corp. v. Morgan, 536 U.S. 101 (2002); Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986); 29 C.F.R. 1604.11, 1606.8~~

Quid Pro Quo ~~Conduct of a sexual nature also constitutes harassment when:~~

- ~~4. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or~~
- ~~5. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.~~

~~29 C.F.R. 1604.11(a)~~

~~Same-Sex Sexual Harassment~~

~~Same-sex sexual harassment constitutes sexual harassment. Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)~~

Harassment Policy
[Prevention](#)

A district should take all steps necessary to prevent ~~sexual~~[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 issue of harassment under Title VII, and developing methods to sensitize all concerned. 29 C.F.R. 1604.11(f)

~~Corrective Action~~
[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 Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)

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

Sex Discrimination Pregnancy

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

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*, 17-1618, 2020 WL 3146686, (U.S. June 15, 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)

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

	<u>require or permit the involuntary retirement of any individual because of age. 29 U.S.C. 623(f); Labor Code 21.102</u>
<u>Disability Discrimination</u>	<u>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(b); Labor Code 21.051</u> <u>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)</u>
<u>Discrimination Based on Lack of Disability</u>	<u>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)</u>
<u>Definition of Disability</u>	<u>"Disability" means:</u> <u>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;</u> <u>2. A record of having such an impairment; or</u> <u>3. Being regarded as having such an impairment.</u> <u>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.</u>
<u>"Regarded as" Having an Impairment</u>	<u>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.</u>
<u>Transitory and Minor</u>	<u>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.</u>
<u>Mitigating Measures</u>	<u>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 sup-</u>

plies, low-vision devices, prosthetics, hearing aids, mobility devices, 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

“Physical or mental impairment” means:

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 Americans with Disabilities Act]

"Reasonable accommodation" includes: ~~Harassment of~~

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.

<u>Drug Testing</u>	<u>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.</u> <u>42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A) [See DHE]</u>
<u>Alcohol Use</u>	<u>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.</u> <u>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)</u>
<u>Qualification Standards</u>	<u>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.</u> <u>29 C.F.R. 1630.10(a)</u>
<u>Direct Threat to Health or Safety</u>	<u>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.</u> <u>42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)</u>
<u>Vision Standards and Tests</u>	<u>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.</u> <u>42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)</u>
<u>Communicable Diseases</u>	<u>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.</u> <u>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)</u>
<u>Service Animals</u>	<u>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]</u> <u>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</u>

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

Title IX

No person, on the basis of sex, shall be excluded from participation in, denied the benefits of, or be subjected to discrimination by a district receiving federal financial assistance. 20 U.S.C. 1681 [See FB, FFH]

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)

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 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)

~~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~~

Principal	A board, by local policy, shall adopt qualifications for principals. <i>Education Code 11.202(c)</i>
Qualifications	
Certification	State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. <i>19 TAC Ch. 241</i>
Duties	The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. <i>Education Code 11.202(a)</i> A principal shall: 1. Approve all teacher and staff appointments for the campus. [See DK] 2. Set specific education objectives for the campus, through the planning process. 3. Develop budgets for the campus. 4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus. 5. Assign, evaluate, and promote all personnel assigned to the campus. 6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus. 7. Perform any other duties assigned by the superintendent pursuant to board policy. 8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series] 9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ] 10. ~~(For high school principals only),~~ serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. <i>Election Code 13.046; 1 TAC 81.7</i> <i>Education Code 11.202(b), .253(c), (h)</i> [See also DMA]
Principal's Report to Superintendent	A principal must notify the superintendent not later than the seventh business day after the date:
<i>Educators</i>	1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or

2. The principal knew about an educator's criminal record under Education Code 21.006(b)(1).

Education Code 21.006(b-2); 19 TAC 249.14(e) [See Required Reports at DHB(LEGAL)]

Noncertified Employees

A principal must notify the superintendent not later than the seventh business day after the date of a noncertified employee's termination or resignation following allegations that the employee:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Education Code 22.093(e) [See Principal Notification at DHC(LEGAL)]

Sanctions and Administrative Penalty

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 21.006(f), 22.093(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than \$500 and not more than \$10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006 (i)*

Criminal Offense

A principal required to notify a superintendent about an employee's criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j), 22.093(k)*

School Nurse

Minimum Salary Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

Licensed Vocational Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

Nursing Peer Review Committee	Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. 22 TAC 217.11(2) “Nursing peer review committee” includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review. A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301: 1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and 2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs. A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person. <i>Occupations Code 303.001(4), .0015</i>

Note: Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

Certified School Counselor

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

Note: Education Code 33.006 applies to all districts that employ school counselors.

School Counselor
Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
 - a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
 - b. In need of modified instructional strategies; or
 - c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

Education Code 33.006

Nonphysician Mental Health Professional

A school district may employ or contract with one or more nonphysician mental health professionals.

In this section, “nonphysician mental health professional” means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

Education Code 38.0101

Note: For information about mental health treatment, including counseling, see FFEA.

School Psychological Services

The Texas ~~State Board of Examiners of Psychologists (TSBEP)~~ Behavioral Health Executive Council (TBHEC) has authority over the delivery of school psychological services in public schools. Recognizing the purview of the State Board of Education (SBOE) and the Texas Education Agency (TEA) in safeguarding the rights of school children in Texas, the ~~TSBEP~~ TBHEC adopts and enforces rules that reflect the occupational distinctions between the delivery of school psychological services in public schools and psychological services in the private sector. 22 TAC 465.38(a)

Licensed Specialist in School Psychology (LSSP)

Licensed specialist in school psychology (LSSP) means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002*(~~s~~2)

School psychological services may be provided in Texas public schools only by an LSSP or other individual authorized by ~~TSBEP~~ TBHEC in accordance with ~~TSBEP~~ TBHEC rules. 22 TAC 465.38(e), ~~463.8, .9(g), .10, .11~~

Scope of Practice

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;
2. Conducting manifestation determinations;

3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

22 TAC 465.38(b), (c)

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology.

Occupations Code 501.260(c); 22 TAC 465.38(b), ~~(e)~~ (3)

Notice of Assignment or Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with ~~TSBEP~~-BHEC standards. 22 TAC 465.38 (e)(3)

Compliance with Applicable Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973; and
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101; 22 TAC 465.38 (f)

Courses in the foundation and enrichment curriculum in grades 6–12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. A district is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

Grades 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

Physical Activity Requirements

A district shall require students in grades 6–8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum.

A district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

Exemptions

A district must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

A district may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The board must certify the activity; and

3. The student must provide proof of participation in the activity.

A “structured activity” is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and
2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the board.

Education Code 28.002(l)–(l-1); 19 TAC 103.1003

Fine Arts
Requirement

The school district must ensure that, beginning with students who enter grade 6 in the 2010–11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students. *19 TAC 74.3(a)(3)*

Instruction in High
School, College,
and Career
Preparation

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;
2. The distinguished level of achievement described by Education Code 28.025(b-15);
3. Each endorsement described by Education Code 28.025(c-1);
4. College readiness standards; and
5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board

of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

**High School Courses
at Earlier Grades**

A district may offer courses designated for grades 9–12 in earlier grade levels. *19 TAC 74.26(b)*

**Grades 9–12 Course
Offerings**

A district that offers grades 9–12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. A district shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

A district shall offer the courses listed below in grades 9–12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV, and at least one additional advanced English course.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Principles of Engineering.
 - a. The requirement to offer two additional courses may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.
 - b. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.
4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, and Economics with Emphasis on the Free Enterprise System and Its Benefits.
5. Physical education — at least two of the following:

- a. Foundations of Personal Fitness;
 - b. Adventure/Outdoor Education;
 - c. Aerobic Activities; or
 - d. Team or Individual Sports.
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] — ~~coherent sequences of courses selected from at least three of the following 16 career clusters~~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 TEA-designated programs of study determined by enrollment as follows:
- ~~a. Agriculture, Food, and Natural Resources;~~
 - ~~b. Architecture and Construction;~~
 - ~~c. Arts, Audio/Video Technology, and Communications;~~
 - ~~d. Business Management and Administration;~~
 - ~~e. Education and Training;~~
 - ~~f. Finance;~~
 - ~~g. Government and Public Administration;~~
 - ~~h. Health Science;~~
 - ~~i. Hospitality and Tourism;~~
 - ~~j. Human Services;~~
 - ~~k. Information Technology;~~
 - ~~l. Law, Public Safety, Corrections, and Security;~~
 - ~~m. Manufacturing;~~
 - ~~n. Marketing;~~

- ~~e. Science, Technology, Engineering, and Mathematics; and~~
 - ~~p. Transportation, Distribution, and Logistics.~~
 - 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. ~~Technology applications—~~Computer science — one course selected from Fundamentals of Computer Science, Computer Science I and Computer Science II, or Advanced Placement (AP) Computer Science and at least two of the following: Principles.
- ~~a. Computer Science III;~~
 - ~~b. Digital Art and Animation;~~
 - ~~c. Digital Communications in the 21st Century;~~
 - ~~d. Digital Design and Media Production;~~
 - ~~e. Digital Forensics;~~
 - ~~f. Digital Video and Audio Design;~~
 - ~~g. Discrete Mathematics for Computer Science;~~
 - ~~h. Fundamentals of Computer Science;~~
 - ~~i. Game Programming and Design;~~
 - ~~j. Independent Study in Evolving/Emerging Technologies;~~
10. ~~Independent Study In Technology~~Speech — Communication Applications;

- ~~a. Mobile Application Development;~~
- ~~b. Robotics Programming and Design;~~
- ~~c. 3-D Modeling and Animation;~~
- ~~d. Web Communications;~~
- ~~e. Web Design; and~~
- ~~f. Web Game Development.~~

~~11. Speech — Communications Applications.~~

~~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. 19 TAC 74.3(b)(2); Education Code 28.0021(b).~~

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

High School

A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.

Middle and Junior High School

A district may use the program in the district's middle or junior high school curriculum.

Program Requirements

Implementation of this requirement shall comply with the requirement that the board establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction.

A district may add elements at its discretion but must include the following areas of instruction:

1. Parenting skills and responsibilities, including child support;
2. Relationship skills, including money management, communication, and marriage preparation; and
3. Skills relating to the prevention of family violence, only if the district's middle, junior high, or high schools do not have a family violence program.

At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.

Local Programs and Materials

A district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in:

1. Child development;
2. Parenting skills, including child abuse and neglect prevention; and
3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

Parent Permission

A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.

Education Code 28.002(p); 19 TAC 74.35(a)

Alcohol Awareness Instruction

A district shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.

A district shall choose an evidence-based alcohol awareness program to use in the district's middle school, junior high school, and high school health curriculum from a list of programs approved by the commissioner for this purpose.

"Evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

CPR Instruction

For all students who entered grade 7 in the 2010–11 school year and thereafter, a district shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation from high school.

CPR instruction must include training that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR certification. If instruction is intended to result in certification, the

course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association; otherwise, an instructor is not required to be certified in CPR.

**Waivers for
Students with
Disabilities**

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR requirement must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code, Chapter 29, Subchapter A; or
2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Education Code 28.0023 (c)–(e), (g); 19 TAC 74.38

Donations

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR. A district may accept other donations, including donations of equipment, for use in providing CPR instruction. *Education Code 29.903*

**Proper Interaction
with a Peace Officer**

For any student entering grade 9 in the 2018–19 school year and thereafter, a district shall provide instruction in one or more courses to students in grades 9–12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction may be provided as part of any course or courses and must be provided to each student at least once before graduation from high school.

The instruction must include all the information required by 19 Administrative Code 74.39(b). A district shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the State Board of Education, and the Texas Education Agency. 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

**Compensatory
Education Allotment**

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides. *Education Code 48.104(i)*

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
 - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
 - b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

Education Code 48.104(~~j~~, ~~k~~)

Dropout Prevention
Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;
2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:

- a. High-quality, college readiness instruction with strong academic and social supports;
 - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
 - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918

**Educationally
Disadvantaged
Students**

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

19 TAC 61.1027(a)

Virtual School
Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the

state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. 19 TAC 61.1027(b)(3)(B)

Definition of At-Risk Student

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student’s parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Section 29.052;

11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless [see FD];
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation; or
14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07.

Education Code 29.081(d)(1)

Regardless of the student's age, a student who participates in an adult education program provided under a high school diploma and industry certification charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

Local Eligibility
Criteria

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

**Compensatory,
Intensive, and
Accelerated
Instruction**

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

Accelerated
Instruction

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the

student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Education Code 28.0211. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0217*

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

**Dropout Recovery
Education Programs**

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)–(f)

**Communities in
Schools**

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent

of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

**Optional Extended
Year Program**

A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. *Education Code 29.082(a); 19 TAC 105.1001*

**Optional Flexible
Year Program**

A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821; 19 TAC 129.1029*

**Optional Flexible
School Day Program**

Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

Education Code 29.0822

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting providing options for public input concerning the proposed application before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

19 TAC 129.1027(c)

Tutorial Services

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

**Basic Skills
Programs**

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086(a)

**After-School and
Summer Intensive
Mathematics and
Science Programs**

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
 - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
 - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;

4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

Education Code 29.088, .090; 19 TAC 102.1041

**Mentoring Services
Program**

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

**Accelerated Reading
Instruction Program**

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1), (k)

**Intensive Program of
Instruction**

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
 - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
 - b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Students Receiving Special Education Services	For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to: 1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and 2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]
Graduation Requirements	A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.
No Cause of Action	A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action. <i>Education Code 28.0213</i>
College Preparatory Courses	Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed: 1. For students at the 12th grade level whose performance on: a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and 2. To prepare students for success in entry-level college courses. A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.
Faculty	Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
Credit Earned	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
Dual Credit	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
Instructional Materials	Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices. <i>Education Code 28.014</i>
End-of-Course Exam	A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. <i>Education Code 39.025(a-1)</i>

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High School Diploma

A student may graduate and receive a diploma only if the student:

1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or
2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

FAFSA Required

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or
3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

A district shall adopt a form to be used for purposes of this provision. The form must be approved by the Texas Education Agency (TEA) and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Education Code Subchapter B, Chapter 29, in the district.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the

student has complied with this section and may not indicate the manner in which the student complied.

Education Code 28.0256

Note: Education Code 28.0258 and 19 Administrative Code 74.1025 related to individual graduation committees expire September 1, 2023.

Individual
Graduation
Committee

Without complying with the requirements above, a student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
 - a. The student's parent or person standing in parental relation to the student;
 - b. A designated advocate if the parent is unable to serve; or
 - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

*Alternate
Members*

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)–(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

*Curriculum
Requirements*

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

*Additional
Requirements to
Graduate*

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

*English
Language
Learners*

For provisions related to an IGC and English language learners (ELL), see EKB(~~LEGAL~~).

Students Who
Entered Grade 9
Before the 2011–12
School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);

4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and
5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

<i>District Determination</i>	The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. <i>19 TAC 74.1027(b)</i>
<i>Alternative Requirements</i>	The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).
<i>Local Alternative Requirements</i>	With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. <i>19 TAC 74.1027(d)</i>
<i>Appeals</i>	A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. <i>19 TAC 74.1027(e); Education Code 28.02541</i>
<i>Documentation</i>	The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. <i>19 TAC 74.1027(f)</i>
Special Education	A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. <i>19 TAC 101.3023(a)</i> [See Graduation of Students Receiving Special Education Services, below, and EKB]
Posthumous Diploma	Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may

not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

Diplomas for
Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

**Personal Graduation
Plan**

Junior High or
Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];

4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

*Students
Receiving
Special
Education
Services*

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by

Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)* [See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c)

Foundation High School Program

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

19 TAC 74.12

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. [19 TAC 74.13\(a\)](#)

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and

3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(d)

*Distinguished
Level of
Achievement*

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

*Algebra II
Notification*

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to

graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(i)–(j)

*Dual Credit
Courses*

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(h)*

*Core Curriculum
College Courses*

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;

2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and
3. Is entitled to receive a high school diploma.

19 TAC 74.11(n)

*Languages Other
Than English*

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other than English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

~~The SBOE shall adopt criteria to allow~~ A student ~~to comply with the curriculum requirement for one credit for a language other than English by who~~ successfully ~~completing at an elementary school~~ completes a course in American Sign Language. ~~Education Code 28.025 while in elementary school may satisfy one credit of the two credits required in a language other than English. 19 TAC 74.12(b-24)(5)(G)~~

*Physical
Education
Substitutions*

Other Physical
Activity

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level

may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

- b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with
Disability or
Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or

3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

*Community-
Based Fine Arts
Programs*

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

*Performance
Acknowledgments*

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:

- a. In a dual credit course;
 - b. In bilingualism and biliteracy;
 - c. On a College Board advanced placement test or international baccalaureate examination;
 - d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who
Entered Grade 9
Before the 2014–15
School Year

*Minimum High
School Program*

All credit for graduation must be earned no later than grade 12. 19 TAC 74.61(b), .71(b)

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with
Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability	A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program. <i>19 TAC 74.61(c), (d), .71(c), (d)</i>
Requirements	A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72. A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F. <i>Education Code 28.025; 19 TAC 74.62, .72</i>
<i>Recommended High School Program</i>	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. <i>Education Code 28.025; 19 TAC 74.63, .73</i>
<i>Advanced / Distinguished Achievement High School Program</i>	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. <i>Education Code 28.025; 19 TAC 74.64, .74</i>
<i>Substitutions</i>	No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. <i>19 TAC 74.63(d), .64(e), .73(d), .74(e)</i>
<i>AP or IB Courses</i>	College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. <i>19 TAC 74.61(k), .71(i)</i>
<i>Reading</i>	A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district: 1. Adopts policies to identify students in need of additional reading instruction; 2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and

3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

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, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.11(f)* [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 110–118, 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(i)*

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(j)*

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)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(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(h)–(i)*

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 110–118, 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 on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.

2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 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 on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments 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(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), (k)

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)

*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 if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see Endorsements, above].

A student receiving special education services in 11th or 12th grade who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements. [See Special Education, above, and EKB]

19 TAC 89.1070(f)

A student receiving special education services who entered grade 9 before the 2014–15 school year 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 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Rec-

commended or Advanced/Distinguished Achievement Programs, including satisfactory performance on the required state assessments.

2. The student is in grade 11 or 12 and has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in item 1 above.
3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.
4. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is 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; or
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 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(g), (k)

**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 tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

**Graduation of
Student Who Is
Homeless or in
Conservatorship of
DFPS**

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

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**State Assessment of
Academic Skills**

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

**Limited English
Proficient Students**

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

*Substitute
Passing Standard*

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

*Alternate Test
Dates*

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate

test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

Notice to Parents and Students

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be

provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012

**Testing in
Grades 3–8**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

~~Except as required~~ For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is ~~receiving~~on schedule to complete instruction in the entire curriculum for that subject. ~~during the semester the assessment is administered.~~

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)

**Kindergarten
Assessment**

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

**Prekindergarten
Assessment**

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)

**End-of-Course
Assessments**

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must pro-

vide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

Education Code 39.023(c)

Students Enrolled
Below High School
Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment
Requirements for
Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

Exceptions

English I or
English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

Credits Earned
Prior to
Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a

course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022

Substitute
Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a TSI assessment also meets the additional criteria of 19 Administrative Code 101.4002(d).

*TSI Additional
Criteria*

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSI as a substitute assessment.

Accountability
Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not ~~mark void or invalidate~~ the test in lieu of a substitute assessment ~~bubble for that administration~~.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

*Verification of
Results*

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Satisfactory
Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual
Graduation
Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to re-take and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible

for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

19 TAC 101.3023(a), (b)

Credit by
Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State
Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Reporting Results
To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly

scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents,
Students, and
Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

19 TAC 101.3014

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

Parents Right-to-
Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

**Out-of-State
Transfers**

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014

**Accelerated
Instruction**

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:
 - a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
 - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

<i>Faculty</i>	Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.
<i>Notice</i>	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
<i>Credit Earned</i>	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
<i>Dual Credit</i>	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
<i>Instructional Materials</i>	Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.
	<i>Education Code 28.014</i>
Security and Confidentiality	All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential. Districts and campuses and the superintendent and campus principals in each district and campus shall: 1. Implement and ensure compliance with state test administration procedures and training activities; 2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];

3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
 - a. Met the requirements to participate in the student assessment program;
 - b. Received annual training in test security and test administration procedures; and
 - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)–(a)(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;

9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary

skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)–(d)

**Disciplinary Action
and Penalties**

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)–(b), (g)

Minimize Disruptions

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

**Confidentiality of
Results**

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Note: The terms English language learner, [English learner](#), and limited English proficient student are used interchangeably. ~~19 TAC 89.1203~~

**Language
Proficiency
Assessment
Committee (LPAC)**

The language proficiency assessment committee (LPAC) [see EHBE] shall select the appropriate assessment option for English language learners, as defined by Education Code Chapter 29, Subchapter B, as a student of limited English proficiency (LEP), in accordance with 19 Administrative Code 101.1005. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by TEA.

Documentation

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005; and
3. In conjunction with the admission, review, and dismissal (ARD) committee, the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c)

Definitions

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. *Education Code 39.027(g)*

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
 - a. An asylee as defined by 45 C.F.R. 400.41; or
 - b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and

3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

Education Code 39.027(a-1); 19 TAC 101.1005(c)

“Inadequate schooling outside the United States” is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

English Language Proficiency Tests

In kindergarten through grade 12, an English-language learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state assessment requirements under Education Code Chapter 39, Subchapter B, [see EKB] and federal requirements. *19 TAC 101.1003(a)*

Limitations on Exemptions

First Year After Enrollment

A LEP 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 a LEP student. *Education Code 39.027(a)(1)*

Subsequent Years

A LEP student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student’s initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student’s academic progress in a valid, reliable manner.

Minimum Days for Enrollment

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days

during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g)

**Testing in Grades
3–8**

An English language learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.

**Spanish-Version
Assessment**

A Spanish-speaking English language learner in grades 3–5 may be administered the state’s Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student’s academic progress.

**Linguistically
Accommodated
Assessments**

An English language learner in grade 3 or higher may be administered the linguistically accommodated English version of the state’s mathematics, science, or social studies assessment if:

1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student’s academic progress;
2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above]; and
3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less [see Definitions, above].

**Exemption for
Asylee or Refugee**

An unschooled asylee or refugee who meets the criteria at Spanish-Version Assessment and Linguistically Accommodated Assessments above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.

19 TAC 101.1005(b), (c)

Refusal of Services

An English language learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made available to English language learners on the basis of limited English proficiency. *19 TAC 101.1005(f)*

**End-of-Course
Assessments**

An English language learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

An English language learner shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

Exception

If an English language learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above] and has been enrolled in U.S. schools for three school years or less, or qualifies as an un-schooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

Non-LEP Students

School districts may administer the assessment of academic skills in Spanish to a student who is not identified as limited English proficient but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(g)*

Special Education

**Selecting
Assessments**

For each English language learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP).

19 TAC 101.1005(a)

**English Language
Proficiency Tests**

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English language learner who receives special education services to participate in ~~an~~ the general required English language proficiency assessment ~~required above~~ [see English Language Proficiency Tests, above] for reasons associated with the student's particular disability. Students with the most significant cognitive disabilities who cannot participate in the general English language proficiency assessment, even with allowable accommodations, shall participate in the alternate

	English language proficiency assessment to meet federal requirements. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. <i>19 TAC 101.1003(b)</i> In the case of an English-language learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. <i>19 TAC 101.1003(c)</i>
Alternative Assessment Instruments	In certain cases, an English-language learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. <i>19 TAC 101.1005(b)</i> An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. <i>19 TAC 101.1005(c)</i>
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. <i>19 TAC 101.1005(e)</i>
Grade Advancement Requirements	The LPAC shall determine appropriate assessment and accelerated instruction for an English language learner who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1005. The grade placement committee for an English language learner shall make its decisions in consultation with a member of the student's LPAC. <i>19 TAC 101.2003(e)</i> [See EIE]

Definitions

Active Duty

“Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

Children of Military Families

“Children of military families” means a school-aged child, enrolled in kindergarten through grade 12, in the household of an active duty member.

Deployment

“Deployment” means the period one month prior to the service members’ departure from their home station on military orders through six months after return to their home station.

Transition

“Transition” means:

1. The formal and physical process of transferring from school to school; or
2. The period of time in which a student moves from one school in the sending state to another school in the receiving state.

Uniformed Services

“Uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

Veteran

“Veteran” means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

Education Code 162.002 art. II, §§ A–B, D, Q–S

Applicability

Education Code Chapter 162 shall apply to the children of:

1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Exceptions

Education Code Chapter 162 shall not apply to the children of:

1. Inactive members of the national guard and military reserves;
2. Members of the uniformed services now retired, except as provided above;

3. Veterans of the uniformed services, except as provided above; and
4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Education Code 162.002 art. III, §§ A, C

Eligibility for Enrollment

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

Continued Attendance

A transitioning military child, placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

Education Code 162.002 art. VI, § A

Education Records

Unofficial Records

In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records, the district shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

Official Records

Simultaneous with the enrollment and conditional placement of the student, the district shall request the student's official education record from the sending district. Upon receipt of this request, the sending district will process and furnish the official education records to the district within ten days.

Education Code 162.002 art. IV, §§ A–B

Tuition

A district shall be prohibited from charging tuition to:

1. A transitioning military child placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent; or
2. A student who is domiciled in another state and resides in military housing that is located in the district but is exempt from taxation by the district.

Education Code 25.004, 162.002 art. VI, § A

**Grade-Level
Placement**

Students shall be allowed to continue their enrollment at grade level in the district commensurate with their grade level, including kindergarten, from the sending district at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level shall be eligible for enrollment in the next highest grade level in the district, regardless of age. A student transferring after the start of the school year shall enter the district on his or her validated level from an accredited school in the sending state. *Education Code 162.002 art. IV, § D*

Course Placement

When the student transfers before or during the school year, the district shall initially honor placement of the student in educational courses based on the student's enrollment in the sending district and/or educational assessments conducted at the sending district if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

**Educational Program
Placement**

The district shall initially honor placement of the student in educational programs based on current educational assessments conducted at the sending district or participation/placement in like programs in the sending state. Such programs include, but are not limited to:

1. Gifted and talented programs; and
2. English as a second language (ESL).

This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student.

Waivers

District administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered in the district.

Education Code 162.002 art. V, §§ A–B, D

**Purple Star
Designation**

In accordance with Education Code 33.909 and 19 Administrative Code 61.1063, a campus may qualify to earn the Purple Star Designation if the campus meets criteria demonstrating supports and resources for its military-connected student population. 19 TAC 61.1063(a)

Other Related Policies:

EHBAB — Individualized Education Program (IEP) and ARDs

EIF — Graduation

EKB — State Assessment

FB — Equal Educational Opportunity

FEA — Compulsory Attendance

FFAB — Immunizations

FL — Student Records

FM — Student Activities

Note: For information about mental health curriculum and SHAC responsibilities, see EHAA. For information about threat assessments, see FFB. [For personnel information about mental health professionals, see DP.](#)

Mental Health Condition

“Mental health condition” means a persistent or recurrent pattern of thoughts, feelings, or behaviors that:

1. Constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or
2. Impairs a person's social, emotional, or educational functioning and increases the risk of developing such a condition.

Education Code 5.001(5-a)

Student Programs

The Texas Education Agency (TEA), in coordination with the Health and Human Services Commission and regional education service centers (ESCs), shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.

Subject Areas

The list must include programs and practices in the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

“School climate” means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the district, parents of those students, and personnel employed by the district.

[For information on employee training, see DMA.]

Practices and
Procedures

A district shall develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

1. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;
2. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Include a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;
4. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention;
5. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention; and
6. Include procedures:
 - a. To support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and

- b. For suicide prevention, intervention, and postvention.

The practices and procedures may address multiple subject areas [see Subject Areas, above]. The practices and procedures must prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]

Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

"Postvention" includes activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

Education Code 38.351(a)–(f), (i)–(o)

Immunity

The above requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. *Education Code 38.352*

**Consent to
Examinations, Tests,
or Treatment**

A district employee must obtain the written consent of a child's parent before the employee may conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or
2. State or federal law regarding requirements for special education.

Education Code 26.009(a)(1) [See FNG]

[For more information about consent to medical treatment, including psychological treatment, see FFAC. For information about consent to counseling, see FFEA.]

**Professional's
Authority**

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

**Exception: Court
Order**

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

Family Code 32.004(b), (c)

[See DP for more information about LSSP and school counselor responsibilities.]

Consent to LSSP

Informed consent for a licensed specialist in school psychology (LSSP) must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any [TSBEP Texas Behavioral Health Executive Council \(TBHEC\)](#) rules, is necessary in this context. [Licensees providing psychological services under 22 Administrative Code 465.38\(e\)\(2\), however, must obtain informed consent as otherwise required by the TBHEC rules.](#) 22 TAC 465.38(g)

**Professional
Immunity**

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct. [*Family Code 32.004\(d\)*](#)

~~Family Code~~
~~32.004(d)~~ **Outside
Counselors**

Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.
2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.
3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.
4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.
5. Specifically prohibits any disclosure of a student record that violates state or federal law.

Education Code 38.010

[See FFEA for information on the comprehensive guidance program. See FFB for mental health-care services provided by the threat assessment and safe and supportive school team.]

**Psychotropics and
Psychiatric
Evaluations**

A district employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or

2. Prohibit a school district employee, or an employee of an entity with which the district contracts, who is a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified to practice in this state from recommending that a child be evaluated by a physician or nonphysician mental health professional; or
3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016. [See FFAC]

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.

Nonphysician mental health professional has the meaning assigned by Education Code 38.0101 [see DP].

Education Code 38.016

[For information regarding administration of medication, see FFAC.]

Child Abuse
Reporting

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFG]

**Sexual Abuse,
Trafficking, and
Maltreatment
Policies and
Programs**

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 61.1051(b)(3)

Definitions

Child Abuse or
Neglect

The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment

This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a
Child

This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

19 TAC 61.1051(a)

Duty to Report

By Any Person

Any person who has 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)*

*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

By a Professional

Any professional who has 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 suspects abuse or neglect.

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, and juvenile detention or correctional officers.

Family Code 261.101(b)

Adult Victims of
Abuse

A person or professional shall make a report in the manner required above if the person or professional has 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)*

Psychotropic Drugs
and Psychological
Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or

2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFEB]

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

To Whom Reported

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 under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 61.1051(b)(1)–(2)

JJAEPs

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*

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)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

SBEC Disciplinary Action

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, [the commissioner of education](#), or the school superintendent or director under the circumstances and in the manner required by Education Code

21.006, [21.0062](#), [22.093](#), and 19 Administrative Code 249.14(d)–(f). *19 TAC 249.15(b)(4)*

Note: [The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school.](#)

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 Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 61.1051(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. *19 TAC 61.1051(b)(1)*

The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:
 - a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and
 - b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and
6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 61.1051(b)(2)

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and

3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 61.1051(b)(5)–(b)(8)

Annual Distribution
and Staff
Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

Required Poster

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS [Texas Abuse Hotline website](https://www.txabusehotline.org/)¹ for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 61.1051(e)–(f)

¹ Texas Abuse Hotline website: <https://www.txabusehotline.org/>

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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

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must:

1. Include 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; and
2. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Note: References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

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)*

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.

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 ~~admission and~~ 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 sexual harassment as the District's "Title IX formal complaint process."

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 handling 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 resolution 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 allegations 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, including 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 ten 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 ten 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 Formal Title IX 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 prohibited 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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Note: [For information regarding law enforcement records and schools, see GRAA.](#)

Education Records**“Education
Records” Defined**

For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term “education records” does not include:

1. Records that are created or received by a district after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student.
2. Records made by district personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of a district that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student; and
 - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3

Screening Records

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in the school.

Records shall be open for inspection by the state or local health department. ~~The University of Texas—Rio Grande Valley Border Health Office may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with provisions below concerning Access by Others.~~ 20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.145(b) [See FFAA]

Immunization Records

A district shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. A district shall cooperate with other districts in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Education Code 38.002* [See FFAB]

Medical Records

The parent or guardian of a student is entitled to access to the student's medical records maintained by a district. On request of a student's parent or guardian, a district shall provide a copy of the student's medical records to the parent or guardian. A district may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBAA]. *Education Code 38.0095*

Privacy Rule for Non-"Education Records"

To the extent a district is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the district must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record. *45 C.F.R. 160.103, 164.501* [See CRD]

Food Allergy Information

Information regarding a child's food allergy, regardless of how it is received by the school or school district, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the district.

Exceptions

If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the district.

A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the district, including a notation that the child's student records indicate that a parent has notified the district of the child's possible food allergy. [\[See FD\]](#)

Education Code 25.0022(d)–(f)

Assessment
Instruments

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by a district are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and district, and made available to the public, with appropriate interpretations, at regularly scheduled board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

Academic
Achievement
Record (Grades 9–
12)

Following guidelines developed by the commissioner of education, a district must 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 shall serve as the academic record for each student and must be maintained permanently by the district. A district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving district. *19 TAC 74.5(b)–(c)* [See EI]

Enrollment Records

If a parent or other person with legal control of a child enrolls the child in a district school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the district all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the commissioner in the *Student Attendance Accounting Handbook*.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Education Code 25.002(a)

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

*Education Code 25.002(a-1) [See FD]***Access, Disclosure,
and Amendment**Access to
Education Records*Definitions*

Attendance

“Attendance” includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

Authorized
Representative

“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct— with respect to federal- or state-supported education programs— any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

Biometric
Record

“Biometric record” means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

Disclosure

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education
Program

“Education program” means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

Parent

“Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Personally
Identifiable
Information

“Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s ~~biometric record, defined as a record of one or more measurable biological or~~

~~behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting);~~ social security number; ~~or,~~ student number, or biometric record;

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

Record "Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

~~Authorized Representative~~ ~~"Authorized representative" means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct with respect to federal or state supported education programs any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.~~

~~Education Program~~ ~~"Education program" means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.~~

34 C.F.R. 99.3

Signed and Dated Written Consent "Signed and dated written consent" may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person's approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d)

*Access by
Parents*

~~Access to the education records of a student who is or has been in attendance at a school in a district shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. 34 C.F.R. 99.10, .31(a)(8)~~

A district shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. [34 C.F.R. 99.4](#)

A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator. ~~34 C.F.R. 99.4; Family Code 153.012, .073~~

A parent is entitled to access to all written records of a district concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral patterns, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

"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

When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student. A district may disclose to a parent without the prior written consent of an eligible student if the disclosure is to the parent of the student who is a minor or who is a dependent for tax purposes or the disclosure is in connection with a health or safety emergency. 34 C.F.R. 99.5, .10, .31(a)(8), (a)(10), .36

*Access by
Student*

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

Nothing in this section prevents a district from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

34 C.F.R. 99.5

If ~~material in~~ the education ~~record~~records of a student ~~includes~~contain information on ~~another~~more than one student, ~~only the portion of the material relating to the~~the parent or eligible student ~~whose records were requested may be inspected~~inspect and ~~reviewed~~review or be informed of only the specific information about that student. 34 C.F.R. 99.12(a)

Access by Others

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following.

1. School Officials

School officials, including teachers, who have legitimate educational interests. ~~An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by a district for reasons determined in district policy.~~

A contractor, consultant, volunteer, or other party to whom a district has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

1. Performs an institutional service or function for which the district would otherwise use employees;
2. Is under the direct control of the district with respect to the use and maintenance of education records; and
3. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

A district must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A district that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.

~~34 C.F.R. 99.31, .36 34 C.F.R. 99.31, .36; Education Code 38.009~~

An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by a district for reasons determined by district policy. Education Code 38.009

2. Officials of Other Schools

Officials of ~~other schools or~~educational agencies or institutions, including officials of another school ~~systems or institution of postsecondary education~~ in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is

for purposes related to the student's enrollment or transfer, provided that a district ~~either~~shall:

~~1. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or~~

1. ~~Makes~~Make a reasonable attempt to notify the parent ~~(or eligible student at the last known address of the parent or eligible student,~~ unless the record transfer;

a. The disclosure is initiated by the parent; ~~or eligible student; or~~

b. ~~In either case, a district shall furnish a copy of the transferred records to the parent if requested and shall~~ The annual notification under 34 C.F.R. 99.7 includes a notice that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for the purposes related to the student's enrollment or transfer;

2. Give the parent or eligible student, upon request, a copy of the record that was disclosed; and

Give the parent or eligible student, upon request, an opportunity for a hearing ~~to challenge the content of the record.~~

~~1.3. 34 C.F.R. 99.~~ under 34 C.F.R. Part 99, Subpart C.

34 C.F.R. 99.31(a)(2), .34

3. Authorized Government Representatives

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. 34 C.F.R. 99.35

A district may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. A district is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 C.F.R. 214.3(g), or any corresponding regulation. 8 U.S.C. 1372(c)(2); 8 C.F.R. 214.1(h)

4. Financial Aid
Personnel

Personnel involved with a student's application for, or receipt of, financial aid. [34 C.F.R. 99.31\(a\)\(4\)\(i\)](#)

5. Juvenile
Justice Officials

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
2. The officials and authorities to whom such information is disclosed certify in writing to the district that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

[34 C.F.R. 99.31\(a\)\(5\)\(i\), .38](#)

A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC]. *Education Code 37.084(a)*

6. Organizations
Conducting
Studies

Organizations conducting studies for, or on behalf of, districts for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The district must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
4. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the

purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

A district that enters into an agreement with an organization conducting a study may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the district in accordance with the requirements of 34 C.F.R. 99.33(b).

A district is not required to initiate a study or agree with or endorse the conclusions or results of the study.

34 C.F.R. 99.31(a)(6)

7. Accrediting Organizations

Accrediting organizations ~~that require the information for purposes of accreditation.~~ to carry out their accrediting functions. 34 C.F.R. 99.31(a)(7)

8. Health or Safety Emergency

Appropriate ~~persons~~ parties, including the student's parents, ~~who, in connection with an emergency, must have such if the knowledge of the~~ information in order is necessary to protect the health or safety of the student or other ~~person~~ individuals.

In making a determination, a district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the district determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the U.S. Department of Education (DOE) will not substitute its judgment for that of the district in evaluating the circumstances and making its determination.

34 C.F.R. 99.31(a)(10), .36

9. Agriculture Secretary

The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act. 20 U.S.C. 1232g(b)(1)(K)

10. Child Welfare Agency

An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. Records of the

student shall not be disclosed by the agency, except to an individual or entity engaged in addressing the student's education needs and authorized by the agency to receive the disclosure. Any subsequent disclosure must be consistent with state laws applicable to protecting the confidentiality of a student's education records. 20 U.S.C. 1232g(b)(1)(L)

11. Directory Information

Any person requesting directory information after a district has given public notice of that definition. [\[See Directory Information, below\]](#) 34 C.F.R. 99.37

~~20 U.S.C. 1232g(b); 34 C.F.R. 99.31~~

Written Consent

The parent [or eligible student](#) shall provide a signed and dated written consent before a district discloses personally identifiable information from a student's education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. ~~34 C.F.R. 99.30~~

[When a disclosure is made under written consent, if a parent or eligible student requests, the district shall provide a copy of the records disclosed and if the parent of a student who is not an eligible student requests, the district shall provide the student with a copy of the records disclosed.](#)

[34 C.F.R. 99.30\(c\)](#)

Information Collection

U.S. DOE–
Funded Surveys
[\(PPRA\)](#)

[Under the Protection of Pupil Rights Amendment \(PPRA\)](#), no student shall be required, as part of any program funded in whole or in part by the U.S. DOE, to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.

6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

*20 U.S.C. 1232h(b)**Funded by Other Sources*

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOE, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2). *20 U.S.C. 1232h(c)(1)–(4) [See EF]*

Subpoenaed
Records

A district shall release student records ~~to an entity~~ in compliance with a judicial order, or ~~persons designated in a~~ pursuant to any lawfully issued subpoena. ~~A district shall, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act [42 U.S.C. 5101 note]) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required.~~ 20 U.S.C. 1232g(b)(1)(J), (b)(2)(B)

The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with: ~~to any person~~

1. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena ~~if a court orders the district to refrain from such disclosure. Unless~~ or the information furnished in response to the subpoena not be disclosed;
2. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency ~~orders the district to refrain from such disclosure or the order is~~ has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

~~1.3.~~ An ex parte court order obtained by the ~~U.S.~~ United States attorney general (or designee not lower than an assistant attorney general) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, ~~the district shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding.~~
~~20 U.S.C. 1232g(b)(1)(J), (b)(2)(B); 34 C.F.R. 99.31(a)(9).~~

If the district initiates legal action against a parent or student, the district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the district to proceed with the legal action as plaintiff.

If a parent or eligible student initiates legal action against a district, the district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the district to defend itself.

34 C.F.R. 99.31(a)(9)

Sex Offenders	A district may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines. <u>34 C.F.R. 99.31(a)(16)</u>
Request Procedure	Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, <u>but not to exceed more than 45 days after it has received the request.</u> A district shall respond to reasonable requests for explanations and interpretations of the records. <u>34 C.F.R. 99.10</u>
Records Destruction	A district shall not destroy any education records if there is an outstanding request to inspect and review the records. <u>34 C.F.R. 99.10(e)</u>
De-Identified Records	A district, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the district or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. <u>34 C.F.R. 99.31(b)(1)</u>

*Education
Research*

A district, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. A district or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

[34 C.F.R. 99.31\(b\)\(2\)](#)

Authenticating
Requestors'
Identities

A district must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from education records. [34 C.F.R. 99.31\(c\)](#)

~~34 C.F.R. 99.31(b)-(c)~~

Transfer Not
Permitted

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy, ~~or fails to destroy the information as required by 20 U.S.C. 1232g(b)(1)(F)~~, a district shall not permit access to information from education records to that third party for a period of not less than five years. [20 U.S.C. 1232g\(b\)\(4\)\(B\)](#); [34 C.F.R. 99.33\(a\)\(1\)](#)

A district shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. [34 C.F.R. 99.33\(c\)-\(d\)](#)

A district may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the district if:

1. The disclosures meet the requirements of 34 C.F.R. 99.31; and
2. The district has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. 99.32(b)(2).

34 C.F.R. 99.33(b)

Record of Access to Student Records

Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. A district must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's request to review the record.

A district must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see Health or Safety Emergency, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the district disclosed the information.

34 C.F.R. 99.32

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the district maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A); 34 C.F.R. 99.33(a)(2)*

The record shall not include requests for access by, or access granted to, parents of the student or officials of a district, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order. *34 C.F.R. 99.32(d)*

Right to Amend

The parent of a student whose records are covered by this policy may ask a district to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If a district decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records. [34 C.F.R. 99.20](#)

If a district decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the district decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the district. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed. [34 C.F.R. 99.21](#)

~~34 C.F.R. 99.20-.21~~

Fees for Copies

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for ~~copies~~[a copy](#) of education records ~~that are~~[which is](#) made for the ~~parents~~[parent](#) or ~~students under this policy provided that~~[an eligible student, unless](#) the ~~imposition of a~~ fee ~~does not effectively prevent them~~[prevents a parent or eligible student](#) from exercising ~~their~~[the](#) right to inspect and review those records. ~~Hardship cases shall be dealt with on an individual basis.~~ 20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012

Records of
Students with
Disabilities

A district shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities.
[34 C.F.R. 300.613\(a\)](#)

Access Rights

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect district records relating to the education of their child:

1. Parents may request that a representative inspect and review the records. [34 C.F.R. 300.613\(b\)\(3\)](#)
2. A district shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request. [34 C.F.R. 300.613\(a\)](#)

3. A district shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records.
34 C.F.R. 300.614

*Record Types
and Locations*

A district shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616*

Parental Consent

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. A district may not release information from these records without parental consent except as provided in FERPA.
34 C.F.R. 300.622

Confidentiality

A district shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in a district shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. A district shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623*

*Information
Destruction*

A district shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 C.F.R. 300.624

**Annual Notification
of Rights**

A district shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;

2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and
4. File with the U.S. DOE a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the district to comply with the requirements of the Act and 34 C.F.R. Part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 C.F.R. 99.20.
3. If the district has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

A district may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

A district shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. 1232g(e); 34 C.F.R. 99.7

Directory Information

"Directory
Information"
Defined

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended. "Directory information" does not include a student's:

1. Social security number; or
2. Student identification (ID) number, unless:

- a. The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or
- b. The student ID number or other unique personal identifier that is displayed on a student ID badge cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

34 C.F.R. 99.3

Disclosure of Directory Information

A district may release directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the district of:

1. The types of personally identifiable information that it has designated as directory information.
2. ~~The~~A parent's or eligible student's right ~~of the parent~~ to refuse to ~~permit~~let the district ~~to~~ designate any or all of ~~that~~those types of information about the student as directory information.
3. The period of time within which the parent ~~must~~has to notify the district in writing that he or she does not want any or all of those types of information about the student designated as directory information.

~~In-Class~~ Restrictions on the Right of Refusal

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent a district from disclosing or requiring a student to disclose the student's name, identifier, or institutional ~~e-mail address in a class in which the student is enrolled~~email address in a class in which the student is enrolled or to prevent a district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the district as directory information in the public notice provided under this section.

Former Students

A district may disclose directory information about former students without satisfying the public notice conditions above. However, the district must continue to honor any valid request to opt out of the

	disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.
Confirmation of Identity or Records	A district may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records. <i>34 C.F.R. 99.3, .37</i>
Homeless Students	Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information. <i>42 U.S.C. 11432(g)(3)(G)</i>
<i>Directory Information Designation</i>	A district may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by a district as directory information for that district is excepted from disclosure by the district under Government Code Chapter 552. [See GBA] Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or district publication, if any such purpose has been designated by a district, remains otherwise confidential and may not be released under Government Code Chapter 552.
<i>Annual Notice</i>	A district shall provide the following to the parent of each district student, at the beginning of each school year or on enrollment of the student after the beginning of the school year: 1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and 2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.
Contents	The notice must contain: 1. The following statement in boldface type that is 14-point or larger: "Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of district] to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by [insert date]. [Insert name of district] has designated the following information as directory information: [Here the district must include any directory

information it chooses to designate as directory information for the district, such as a student's name, address, telephone listing, electronic mail address, photograph, degrees, honors, and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]"

2. A form, such as a check-off list or similar mechanism, that:
 - a. Immediately follows, on the same page or the next page, the required statement; and
 - b. Allows a parent to record:
 - (1) The parent's objection to the release of all directory information or one or more specific categories of directory information if district policy permits the parent to object to one or more specific categories of directory information;
 - (2) The parent's objection to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education; and
 - (3) The parent's consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the district and is specifically identified, such as for a student directory, student yearbook, or district publication; and
3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the district that the parent does not want the student's information disclosed without the parent's prior written consent.

Education Code 26.013

*Student
Recruiting
Information*

Notwithstanding the Directory Information provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by a military recruiter or an institution of higher education, access to

secondary school students' names, addresses, and telephone listings unless a student's parent has submitted the prior consent request below.

Consent to
Release

A student who has attained 18 years of age or a parent of a secondary school student may submit a written request to a district that the student's name, address, and telephone listing not be released for purposes described above without prior written consent. Upon receiving such request, a district may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent or student. A district shall notify parents of the option to make a request.

No Opt-In
Process

Nothing in this provision shall be construed to allow a district to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process above.

20 U.S.C. 7908

**Videotapes and
Recordings**

A district employee must obtain the written consent of a child's parent before the employee may make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

Exceptions

A district employee is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction;
4. Media coverage of the school; or
5. A purpose related to the promotion of student safety under Education Code 29.022.

Education Code 26.009 [See EHA, EHBAF, FM, and FO]

**Information from
Law Enforcement**

Oral Notice of
Arrest or Referral

~~Upon receipt of oral notice from the head of a law enforcement agency or designee that the law enforcement agency has arrested a student or referred a student to the juvenile board for a specified offense [see GRAA], a superintendent shall immediately notify all~~

	~~instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.~~
~~Written Notice of Arrest or Referral~~	~~Upon subsequent receipt of confidential, written notice of the arrest or referral, a superintendent or designee shall send the information in the confidential notice to a district employee having direct supervisory responsibility over the student.~~
~~Oral Notice of Conviction or Adjudication~~	~~Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, a superintendent shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.~~
~~Notice of Transfer or Reenrollment~~	~~Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the superintendent of the district to which the student transfers or returns shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.~~
	~~A person who receives information described above shall not disclose it except as specifically authorized by Code of Criminal Procedure 15.27.~~
~~Contents~~	~~Required oral or written notice must include all pertinent details of the offense or conduct, including details of any:~~ ~~2.— Assaultive behavior or other violence;~~ ~~3.— Weapons used in the commission of the offense or conduct;~~ ~~or~~ ~~4.— Weapons possessed during the commission of the offense or conduct.~~ ~~Code of Criminal Procedure 15.27(a)–(c), (f), (k)~~ ~~Information received by a district under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. A district shall destroy the information at the end of the academic year in which the report was filed. <i>Education Code 37.017</i>~~
~~Duty to Flag Records~~	~~Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled~~

*Request in
Person*

~~in the school is missing, the school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, the school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.~~

~~When a request for a flagged record is made in person, the school may not advise the requesting party that the request concerns a missing child and shall:~~

- ~~5. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;~~
- ~~6. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;~~
- ~~7. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and~~
- ~~8. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.~~

~~After providing the information listed above, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.~~

*Request in
Writing*

~~When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.~~

Removal of Flag

~~On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, the school shall remove the flag from the records.~~

~~A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or~~

~~the missing children and missing persons information clearing-house. If a response is not received after the 45th day after the date of the request for confirmation, the school may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearing-house that the flag has been removed.~~

~~Code of Criminal Procedure 63.020-.022~~

Facilities

Dual Usage Educational Complex

A district may enter into a cooperative agreement with a community college district regarding a dual usage educational complex, provided the district is located in whole or in part in the service area of the college district. The college district shall coordinate and supervise the operation of the complex. The use and the costs associated with the establishment and operation of the complex shall be shared by the parties under the terms of the cooperative agreement. *Education Code 130.0103*

Instructional or Athletic Facility

~~A board may contract with an institution of higher education located wholly or partially within the district's boundaries for the use of any stadium and other athletic facilities owned by or under the control of the institution of higher education.~~

A district and an institution of higher education ~~located wholly or partially in the boundaries of the county in which the district is located may contract for the district to pay a portion of the costs of the~~ may contract for the design or construction of an instructional facility or athletic facility in accordance with Education Code 45.109. ~~a stadium or other athletic facilities owned by or under the control of the institution of higher education.~~

Education Code 45.109 [See CX]

College Courses in District Facilities

If a district is located in a county contiguous to, but not part of, a community college district, a board may enter into a contract with the community college district for the community college to hold college courses in a district's facilities. The contract shall be approved by board resolution. Either party may terminate the contract by giving the other party at least one year's written notice. *Education Code 130.006*

District Courses on Higher Education Campus

A board may operate a school or program or hold a class on the campus of an institution of higher education in this state if the board obtains written consent from the president or other chief executive officer of the institution, regardless of whether the institution is located within the boundaries of the district. *Education Code 11.166*

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 (see High School Credit-Only Courses, below).
2. Award of Dual Course Credit (see Dual Credit Courses, below).
3. Tech-Prep Programs.

4. Remedial or Developmental Instruction (see Remedial Programs, below).
5. College Preparatory Programs for High School Students. College prep courses are locally developed through a memorandum of understanding created between school districts and public two-year colleges.

19 TAC 9.143, .146

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. Transcribing 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. The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125*

Dual Credit Courses

A district may enter into an agreement with a public college to form a dual credit partnership. Dual credit means the process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and high school. *19 TAC Ch. 4, Subch. D* [See EHDD(~~LEGAL~~)]

Remedial Programs

A board may contract with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college. *Education Code 130.090; 19 TAC 9.146*

Dropout Recovery Program

A school district may enter into an articulation agreement to partner with the public junior college district in which the school district is located to provide on the campus of the college a dropout recovery

program for students to successfully complete and receive a diploma from a high school of the school district. *Education Code 29.402(a)*

A district located wholly or partly in a county with a population of more than three million may enter into an articulation agreement with any public junior college with a service area located wholly or partly in a county with a population of more than three million. *Education Code 29.402(a-1)*

The program must meet the requirements at Education Code 29.402(c) and 29.081(e), (f). *Education Code 29.402(c), (d)*

Student Eligibility

A person is eligible to enroll in the dropout recovery program if the person:

1. Is under 26 years of age;
2. Must complete not more than three course credits to complete the curriculum requirements for the foundation high school program, as appropriate, for high school graduation; or
3. Has failed to perform satisfactorily on an end-of-course assessment instrument under Education Code 39.023(c), or an assessment instrument under Education Code 39.023(c) as that section existed before 2007. [See EKB]

Education Code 29.402(b)

Funding

A school district shall pay the college district a negotiated amount for each student from the school district enrolled in the dropout recovery program. The negotiated amount shall not exceed the total average per student funding amount in that school district during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund. *Education Code 29.403(a)*

A student who is enrolled in a dropout recovery program is included in determining the average daily attendance of the school district. *Education Code 29.403(b)*

**Plan to Increase
Higher Education
Enrollment**

An affected district, as described below, shall enter into an agreement with the public institution of higher education in this state in closest geographic proximity to the district to develop a plan to increase the percentage of the district's graduating seniors who enroll in an institution of higher education for the academic year following graduation. The plan must address the elements at Education Code 29.904(d). *Education Code 29.904(c), (d)*

Affected District

An affected district is one with one or more high schools that:

1. During the preceding five years, have had an average of at least 26 students in the high school graduating class; and
2. For any two consecutive years during the preceding five years, have been among the lowest ten percent of high schools in this state in the percentage of students graduating and enrolling for the following academic year in an institution.

Education Code 29.904(a)

Timeline

Unless a district is already operating under a plan to increase enrollment, not later than May 1 of each year TEA shall notify a district if it is an affected district. The district must enter into an agreement to develop a plan to increase enrollment by August 1 of the year in which it receives notice from TEA. *Education Code 29.904(b), (c)*

A district shall file the plan with the commissioner of education and the commissioner of higher education. A district must implement the plan at the beginning of the school year following the year during which the district receives notice from TEA that it is an affected district. A district may revise the plan as necessary in response to achieving or failing to achieve goals under the plan. *Education Code 29.904(e)–(g)*

**CPS Investigations
at School**

~~A school official may not refuse to permit a~~ **Note:** The following legal provisions address the notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. For additional legal provisions addressing reporting child abuse and neglect and investigations generally, see FFG.

**Child Protective
Investigations**

A Texas Department of Family and Protective Services (CPS) DFPS) investigation of a report of child abuse or neglect under Family Code Chapter 261 may include an interview and examination of the subject child, which may be conducted at any reasonable time and place, including the child's school. A school official may not deny the request of an investigator investigating a report of suspected child abuse or neglect, to interview, at school, a student who is an alleged ~~to be a victim of abuse or neglect under Family Code 261.~~ A school official may not ~~require~~ condition granting the CPS investigator to permit district request on a requirement that school personnel to be present at, such as a student counselor, attend the interview conducted at school. Family Code 261.302(a), (b), 303(a); Atty. Gen. Op. DM-476 (1998)

A person that has confidential locating or identifying information regarding a family that is the subject of ~~a CPS~~ an investigation under Family Code Chapter 261 shall release that information to ~~the Texas Department of Family and Protective Services (DFPS)~~ on request. The release of information to DFPS ~~as required by this subsection~~ by a person is not subject to Government Code 552.352 or any other law providing liability for the release of confidential information. *Family Code 261.303(e)*

**CPS Special
Investigations of
Schools**

On receipt of a report of alleged or suspected child abuse or neglect in a public school, DFPS shall perform an investigation as provided by Family Code ~~261. Investigations of school personnel or volunteers for child abuse or neglect shall be conducted by CPS in accordance with the procedures adopted in DFPS rule. Family Code 261.406; 40 TAC 700.401-.412~~ Chapter 261 and the rules adopted thereunder.

The Special Investigations program (SI) of the Child Protective Investigations division (CPI) of DFPS investigates allegations of abuse or neglect of a child by school personnel or volunteers in a school setting.

Family Code 261.406(a); 40 TAC 707.597-.625

Definitions

"School personnel and volunteers" means persons who have access to children in a school setting and are providing services to or caring for the children. School personnel include but are not limited

to school employees, contractors, school volunteers, school bus drivers, school cafeteria staff, and school custodians.

“School setting” means the physical location of a child's school or of an event sponsored or approved by the child's school, or any other location where the child is in the care, custody, or control of school personnel in their official capacity, including transportation services. This does not include:

1. School settings involving only children in facilities regulated by the Texas Health and Human Services Commission (HHSC) when HHSC contracts with the local school district to provide education services; or
2. School settings that are a part of child care operations regulated by the Child Care Licensing division of HHSC.

40 TAC 707.605(6)–(7)

Notice to
~~Principal~~School
Personnel

Prior to conducting an investigation of school personnel or volunteers, ~~CPS~~SI shall notify the school principal (or the principal's supervisor if the school principal is an alleged perpetrator) of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time ~~when the investigator~~SI plans to visit the school campus to begin the investigation.

~~The CPS investigator~~SI must also orally notify the superintendent about the investigation.

SI must request that the school ~~principal (or the principal's supervisor)~~personnel notified of the investigation not alert the alleged perpetrator or others regarding the report until ~~the investigator~~SI has had an opportunity to interview the alleged perpetrator.

Family Code 261.105(d); 40 TAC ~~700.407~~707.615

~~Interviews~~
No Interference with
Investigation
Interviews on
School Premises

School officials or other persons related to the school setting may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS.

Interviews and examinations in a school investigation may take place on or off the school premises, as deemed appropriate by ~~the CPS investigator, provided the investigator notifies the SI, pursuant to all applicable standards. SI will notify appropriate~~ school ~~principal (or that individual's supervisor in the event that the principal is the alleged perpetrator)~~personnel prior to conducting an interview or ~~examination~~visual inspection on school premises.

~~Participants~~ CPS Presence of School Personnel	<u>SI</u> may request that school personnel or volunteers not be present during the interview or ~~examination~~ <u>visual inspection</u> of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation if the investigator determines that: 1. The presence of school personnel or volunteers would compromise the integrity of the investigation; or 2. A better interview or examination of the child would result without school personnel or volunteers being present. Family Code 261.303; ~~(a)~~; 40 TAC ~~700.409~~ <u>707.619</u> (a)
Report of Findings	After ~~DFPS has closed the school~~ <u>completion of an</u> investigation, ~~DFPS shall~~ <u>SI must</u> provide a report of the investigation, redacted to remove the identity of the reporter, to ~~TEA the Texas Education Agency~~ (Director of Education Investigations) <u>for an investigation concerning an employee of the district</u>. On request, ~~DFPS~~ <u>SI</u> shall provide a redacted copy of the report to the following: 1. State Board for Educator Certification; 2. The president of the school board; 3. The superintendent; and 4. The school principal, unless the principal is the alleged perpetrator. ~~Notice need~~ <u>SI is</u> not ~~be provided~~ <u>required to provide notice</u> to a school official if <u>it administratively closes</u> a report of abuse or neglect ~~is closed administratively~~ prior to ~~notification to any~~ <u>notifying</u> school ~~official~~ <u>officials</u> that ~~a report was~~ <u>DFPS</u> received ~~by DFPS~~ <u>a report of abuse or neglect in the school setting</u>. <u>Family Code 261.406(b)</u>; 40 TAC ~~700.411(a), (e)~~ <u>707.623</u>
Students Taken into Custody	A child may be taken into custody under Family Code Title 3 (Juvenile Justice Code): 1. Pursuant to an order of the juvenile court. 2. Pursuant to the laws of arrest. 3. By a law enforcement officer, including a school district peace officer, if there is probable cause to believe the student has engaged in a criminal violation, delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation.

4. By a probation officer, if there is probable cause to believe the student has violated a condition of probation or a condition of release.
5. Pursuant to a directive to apprehend issued by a juvenile court.
6. By a law enforcement officer, to take the child's fingerprints or photograph, as set forth at Family Code 58.0021.

Family Code 52.01(a), 58.0021

In addition, a child may be taken into custody without a court order:

1. By an authorized representative of the DFPS, a law enforcement officer, or a juvenile probation officer under the conditions set out in Family Code 262.104, relating to the student's physical health or safety; or
2. As otherwise provided by Family Code Chapter 262 (Suit by Governmental Entity to Protect Health and Safety of Child).

Family Code Ch. 262

Students in Custody

A person taking a child into custody may, if school is in session and the child is a student, bring the child to the campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day. *Family Code 52.02(a)(7)*

**Notices to Law
Enforcement
Agencies**

A principal or designee shall notify local law enforcement if the principal has reasonable grounds to believe that any of the following activities occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property, without regard to whether the activity is investigated by school security officers:

1. Conduct that may constitute an offense listed in Government Code 508.149; deadly conduct, as described by Penal Code 22.05; or a terroristic threat, as described by Penal Code 22.07.
2. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code 481.
3. The possession of any of the weapons or devices listed in Penal Code 46.01(1)–(7), (9)–(14), or (16). [See FNCG]
4. The possession of a weapon as defined by 18 U.S.C. Section 921, in accordance with the Gun-Free Schools Act. [See FOD]
5. Conduct that may constitute a criminal offense under Penal Code 71.02, Engaging in Organized Criminal Activity.
6. Conduct that may constitute a criminal offense for which a student may be expelled under Education Code 37.007(a), (d), or (e).

Notice is not required if the principal reasonably believes that the activity does not constitute a criminal offense.

The principal or designee shall provide the notice to the district police department (if one exists) and the police department of the municipality in which the school is located. If the school is not in a municipality, the principal or designee shall provide the notice to the sheriff of the county in which the school is located. The report shall include the name and address of each student the person believes may have participated in the activity.

**Notice to
Employees**

The principal or designee shall also notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

Education Code 37.015, .007(e)

**Report of Conduct
Constituting Assault
or Harassment**

A principal or designee may make a report to any school district police department or the police department of the municipality in which the school is located or, if the school is not in a municipality,

the sheriff of the county in which the school is located if, after an investigation is completed, the principal has reasonable grounds to believe that a student engaged in conduct that constitutes assault under Penal Code 22.01 or harassment with electronic communications under Penal Code 42.07(a)(7).

A person who makes a report may include the name and address of each student the person believes may have participated in the conduct.

Designee

The principal may designate a school employee, other than a school counselor, who is under the supervision of the principal to make the report.

Immunity

A person who voluntarily makes a report is immune from civil or criminal liability. A person who takes any action under this provision is immune from civil or criminal liability or disciplinary action resulting from that action.

This provision does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action.

District employees and volunteers are immune from suit resulting from an act under this provision, including an act under related policies and procedures.

An act by a district employee or volunteer under this provision, including an act under related policies and procedures, is the exercise of judgment or discretion on the part of the employee or volunteer and is not considered to be a ministerial act for purposes of liability of the district or the district's employees.

Education Code 37.0151

**Notices from Law
Enforcement
Agencies**

As described below, representatives of the juvenile justice system shall provide notice to a district when:

1. A student is arrested or referred to the juvenile board [see Arrest, below];
2. A student is convicted, or receives deferred prosecution or deferred adjudication [see Conviction or Adjudication, below];
3. A student was removed to a disciplinary alternative education program (DAEP) and the criminal case against the student is refused or the student is found not guilty [see Not Guilty/Charges Dropped, below]; or

4. A student on parole, probation, or community supervision transfers into or reenrolls in a district [see Transfer Students, below].

Code of Criminal Procedure 15.27(a), (b), (c), (g)

Local law enforcement shall provide notice to the superintendent if a registered sex offender intends to reside in the district, as set out below. *Code of Criminal Procedure 62.053(e), .053(f)* [See Registered Sex Offenders, below]

[A law enforcement agency that receives a report that a child under 11 years of age is missing shall immediately notify each school that the child attended or in which the child was enrolled that the child is missing. Code of Criminal Procedure 63.020 \[See Missing Children, below\]](#)

Reportable
Offenses

Code of Criminal Procedure 15.27 applies to the following offenses:

1. Any felony offense; and
2. The following misdemeanors:
 - a. An offense under Penal Code 20.02 (Unlawful Restraint), 21.08 (Indecent Exposure), 22.01 (Assault), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 71.02 (Engaging in Organized Criminal Activity);
 - b. The unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code Chapter 481; and
 - c. The unlawful possession of any of the weapons or devices listed in Penal Code 46.01(1)–(7), (9)–(14), or (16), or a weapon listed as a prohibited weapon under Penal Code 46.05.

Code of Criminal Procedure 15.27(h)

Contents of Notice

Oral or written notice under Code of Criminal Procedure 15.27 must include all pertinent details of the offense or conduct, including details of any:

1. Assaultive behavior or other violence;
2. Weapons used in the commission of the offense or conduct; or
3. Weapons possessed during the commission of the offense or conduct.

*Threat
Assessment and
Safety Plan*

In addition to the information above, the law enforcement agency shall provide information relating to the student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student. A school board may enter into a memorandum of understanding with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan. Absent a memorandum of understanding, the information requested by the superintendent or the superintendent's designee shall be considered relevant.

Code of Criminal Procedure 15.27(k), (k-1)

Law enforcement records concerning a child may be inspected or copied by the superintendent of a public school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child. *Family Code 58.008(d), (d-1)*

Electronic Notice

A person may substitute electronic notice for oral notice where oral notice is required by Code of Criminal Procedure 15.27. If electronic notice is used, any written notice required by article 15.27 is not required. *Code of Criminal Procedure 15.27(i)*

Arrest

Oral Notice

If a law enforcement agency arrests a person or refers a child to the juvenile board for an offense specified at Reportable Offenses, and the agency believes the person is enrolled as a student in a public school, the head of the agency or designee shall orally notify the superintendent or designee in the district in which the student is enrolled, or believed to be enrolled, of the arrest or referral. The notice shall be provided within 24 hours after the arrest or referral is made or before the next school day, whichever is earlier.

Written Notice

Within seven days after oral notice is given, the head of the law enforcement agency or designee shall mail written notice to the superintendent or designee. The written notice shall include the facts in the oral notice, the name of the person who was orally notified, and the date and time of the oral notice.

Both the oral and written notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable a superintendent or designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code or whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student. The information in the notice shall be considered by a superintendent or designee in making such a determination.

Code of Criminal Procedure 15.27(a)

<i>Failure to Provide Notice to District</i>	If the superintendent of a district in which a student is enrolled learns of a failure of the head of a law enforcement agency or designee to provide a notice under Code of Criminal Procedure 15.27(a), the superintendent or principal shall report the failure to the Commission on Law Enforcement Officer Standards and Education. <i>Code of Criminal Procedure 15.27(m)</i>
<i>Notice to Employees</i>	A superintendent or designee shall immediately notify all instructional and support personnel who have responsibility for supervision of a student who has been arrested or taken into custody. All personnel shall keep the information received confidential. A superintendent or designee shall send to an employee having direct supervisory responsibility over the student the information in the confidential notice provided by the law enforcement agency.
<i>Failure to Provide Notice to Employees</i>	If a board learns of a failure by the superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(a) or (a-1), the board shall report the failure to the State Board for Educator Certification (SBEC). <i>Code of Criminal Procedure 15.27(a), (a-1), (l)</i>
<i>Conviction or Adjudication Oral Notice</i>	On conviction, deferred prosecution, deferred adjudication, or adjudication of delinquent conduct of a student for an offense or for any conduct specified at Reportable Offenses, the office of the prosecuting attorney shall orally notify a superintendent or designee of the conviction or adjudication and whether the student is required to register as a sex offender. Oral notice must be given within 24 hours of the time of the order or before the next school day, whichever is earlier.
<i>Written Notice</i>	Within seven days after the date the oral notice is given, the office of the prosecuting attorney shall mail written notice, which must contain a statement of the offense of which the individual is convicted or on which the adjudication, deferred adjudication, or deferred prosecution is grounded and a statement of whether the student is required to register as a sex offender.
<i>Notice to Employees</i>	A superintendent or designee shall, within 24 hours of receiving notice from the office of the prosecuting attorney, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.
<i>Failure to Provide Notice to Employees</i>	If a board learns of a failure by the superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(b), the board shall report the failure to the SBEC. <i>Code of Criminal Procedure 15.27(b), (l)</i>

Not Guilty/Charges Dropped	The office of the prosecuting attorney or the office or official designated by the juvenile board shall notify the district that removed a student to a (DAEP) if: 1. Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or 2. The court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice. Notice shall be provided to the district within two working days.
Review of Placement	On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP [see FOC]. <i>Code of Criminal Procedure 15.27(g); Education Code 37.006(h)</i>
Transfer Students	If a juvenile justice agency has jurisdiction over a student who is arrested, referred, convicted, or adjudicated for a reportable offense and the student transfers from a school or is subsequently removed from a school and later returned to a school or district other than the one the student was enrolled in when the arrest, referral, conviction, or adjudication occurred, the juvenile justice agency shall notify the superintendent or designee of the district to which the student transfers or is returned. The juvenile justice agency shall provide notice of an arrest or referral in a manner similar to that provided above, at Arrest. The juvenile justice agency shall provide notice of a conviction or delinquent adjudication in a manner similar to that provided above at Conviction or Adjudication. In either case, notice shall be provided within 24 hours of learning of the student's transfer or reenrollment, or before the next school day, whichever is earlier.
Notice to Employees	The superintendent of the district to which the student transfers or is returned shall, within 24 hours of receiving notice or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student. <i>Code of Criminal Procedure 15.27(c)</i>
Registered Sex Offenders	The local law enforcement authority shall immediately provide notice to the superintendent of the district in which a person subject to registration as a sex offender intends to reside, by mail to the office of the superintendent, as set out below. <i>Code of Criminal Procedure 62.053(e), .053(f)</i>

A local law enforcement authority shall provide notice to a superintendent regarding a registered sex offender only if:

1. The victim was at the time of the offense a child younger than 17 years of age or a student enrolled in a public or private secondary school;
2. The person subject to registration is a student enrolled in a public or private secondary school; or
3. The basis on which the person is subject to registration is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Penal Code 43.25 (Sexual Performance by a Child) or 43.26 (Possession or Promotion of Child Pornography), or a substantially similar offense.

A local law enforcement authority may not provide notice to a superintendent if the basis for the notice is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Section 25.02, Penal Code (Prohibited Sexual Conduct, relating to incest), or a substantially similar offense.

Code of Criminal Procedure 62.054

Notice to
Employees

On receipt of the notice from law enforcement regarding a registered sex offender, a superintendent shall release the information in the notice to appropriate district personnel, including peace officers and security personnel, principals, nurses, and counselors.
Code of Criminal Procedure 62.053(e), .055(f)

Missing Children

Duty to Flag Records

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in the school is missing, the school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, the school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.
Code of Criminal Procedure 63.020(c), .021

Request in Person

When a request for a flagged record is made in person, the school may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;

2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

Request in Writing

When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

Code of Criminal Procedure 63.021(d)

Removal of Flag

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, the school shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearing-house. If a response is not received after the 45th day after the date of the request for confirmation, the school may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearing-house that the flag has been removed.

Code of Criminal Procedure 63.022

0177 - MAINTENANCE FUND/WTNB

Cash Ending Balance:	384,643.70
Add Investment:	
Total:	384,643.70

0456 - SCHOLARSHIP FUND/WTNB

Cash Ending Balance:	38,964.93
Add Investment:	
Total:	38,964.93

1225 - CD 1225/TRANSPICOS BANK

Cash Ending Balance:	.00
Add Investment: CD - CD/OPERATIONS	64,703.15
Total:	64,703.15

1312 - CD 1312/TRANSPICOS BANK

Cash Ending Balance:	.00
Add Investment: CD - CD/OPERATIONS	9,331.37
Total:	9,331.37

LSIP - LONE STAR INVESTMENT POOL

Cash Ending Balance:	2,814,319.75
Add Investment:	
Total:	2,814,319.75

TOTALS

Cash Ending Balance	3,237,928.38
Add Investment Balance	74,034.52
Totals	3,311,962.90

End of Report

Obj / Func	Description	Annual Budget	YTD Actual	YTD Encumbrance	Variance	Percent To Total
REVENUES:						
5700	Revenues, Local & Intermediate	1,054,571.00	-933,593.51	.00	120,977.49	58.15%
5800	State Program Revenues	722,037.00	-668,192.20	.00	53,844.80	41.62%
5900	Federal Program Revenues	27,500.00	-3,610.62	.00	23,889.38	.22%
5000	Total Revenues	1,804,108.00	-1,605,396.33	.00	198,711.67	99.99%
EXPENDITURES:						
11	Instruction	-973,450.00	336,964.21	31,697.81	-604,787.98	46.22%
12	Inst. Resources/Media Services	-7,081.00	2,086.27	1,445.08	-3,549.65	.29%
13	Curriculum/Instructional PD	-9,488.00	4,681.00	434.61	-4,372.39	.64%
23	School Leadership	-113,469.00	49,588.06	341.77	-63,539.17	6.80%
31	Guidance/Counseling/Evaluation	-5,682.00	1,453.09	193.50	-4,035.41	.20%
33	Health Services	-12,150.00	1,863.85	6,126.10	-4,160.05	.26%
34	Student Transportation	-15,746.00	4,013.13	4,290.10	-7,442.77	.55%
35	Food Services	-20,527.00	8,358.25	2,405.07	-9,763.68	1.15%
36	Extracurricular Activities	-58,738.00	16,332.15	1,626.00	-40,779.85	2.24%
41	General Administration	-236,267.00	115,013.01	23,598.65	-97,655.34	15.78%
51	Facilities Maintenance & Opera	-201,357.00	72,191.36	48,610.81	-80,554.83	9.90%
52	Security & Monitoring Services	-11,000.00	3,280.48	5,168.10	-2,551.42	.45%
53	Data Processing Services	-113,119.00	66,869.15	2,432.15	-43,817.70	9.17%
61	Community Services	-1,000.00	.00	.00	-1,000.00	.00%
71	Debt Services	-23,413.00	23,411.00	.00	-2.00	3.21%
93	Payments to Fiscal Agent	-6,800.00	6,800.00	.00	.00	.93%
99	Other Intergovernmental Charge	-36,643.00	16,134.00	20,509.00	.00	2.21%
6000	Total Expenditures	-1,845,930.00	729,039.01	148,878.75	-968,012.24	100.00%
OPERATING TRANSFERS:						
7915	Operating Transfers In	13,027.00	.00	.00	13,027.00	
7000	Total Other Resources/Non-Operating Rev	13,027.00	.00	.00	13,027.00	
8911	Operating Transfers Out	-13,027.00	.00	.00	-13,027.00	
8000	Total Other Uses/Non-Operating Exp	-13,027.00	.00	.00	-13,027.00	
Total Operating Transfers		.00	.00			
3000 Fund Balance - January (Unaudited)		.00	.00			
3000 Year to Date Fund Balance (Unaudited)		-41,822.00	-876,357.32			

End of Report

Board Report
Detail Comparison of Revenue to Budget
Marathon ISD
As of January

Fund 101 / 1 Food Service Fund

	<u>Budget</u>	<u>Estimated Revenue (Budget)</u>	<u>Revenue Realized Current</u>	<u>Revenue Realized To Date</u>	<u>Revenue Balance</u>	<u>Percent Realized</u>
5000 - Revenue Control Accounts						
5900 - Federal Program Revenues						
5920 - Federal Revenues Dist by TEA						
5921-00.000-1-00000 School Breakfast Program		7,500.00	-841.05	-3,610.62	3,889.38	48.14%
Sub Total 5920		7,500.00	-841.05	-3,610.62	3,889.38	48.14%
Total Federal Program Revenues		7,500.00	-841.05	-3,610.62	3,889.38	48.14%

Board Report
Detail Comparison of Revenue to Budget
Marathon ISD
As of January

Fund 101 / 1 Food Service Fund

	<u>Budget</u>	<u>Estimated Revenue (Budget)</u>	<u>Revenue Realized Current</u>	<u>Revenue Realized To Date</u>	<u>Revenue Balance</u>	<u>Percent Realized</u>
7000 - Other Resources/NonOperating R						
7900 - Other Resources/NonOperating R						
7910 - Other Resources/NonOperating R						
7915-00.000-1-00000 Transfer In/199		13,027.00	.00	.00	13,027.00	.00%
Sub Total 7910		13,027.00	.00	.00	13,027.00	.00%
Total Other Resources/NonOperating R		13,027.00	.00	.00	13,027.00	.00%
Total Revenue Local-State-Federal		20,527.00	-841.05	-3,610.62	16,916.38	17.59%
Total for 000	.00	20,527.00	-841.05	-3,610.62	16,916.38	17.59%

		<u>Budget</u>	<u>Encumbrance YTD</u>	<u>Expenditure YTD</u>	<u>Current Expenditure</u>	<u>Balance</u>	<u>Percent Realized</u>
6000 - Expenditures/Expense Object Co							
35 - Food Services							
6100 - Payroll Costs							
6129-00.001-1-99000 Salary/Food Service		-8,537.00	.00	3,615.51	160.23	-4,921.49	42.35%
6141-00.001-1-99000 Social Security/Medicare		-124.00	.00	52.45	2.33	-71.55	42.30%
6142-00.001-1-99000 Group Health & Life		-3,276.00	.00	1,657.50	331.50	-1,618.50	50.60%
6143-00.001-1-99000 Workers' Compensation		-42.00	.00	25.25	5.05	-16.75	60.12%
6145-00.001-1-99000 Unemployment		.00	.00	.00	.00	.00	.00%
6146-00.001-1-99000 TRS/TRS Care		-948.00	.00	412.61	29.05	-535.39	43.52%
Sub Total 6100		-12,927.00	.00	5,763.32	528.16	-7,163.68	44.58%
6300 - Supplies & Materials							
6341-00.001-1-99000 Food		-5,400.00	1,774.70	2,225.30	415.60	-1,400.00	41.21%
6342-00.001-1-99000 Non-Food		-400.00	275.37	124.63	59.06	.00	31.16%
Sub Total 6300		-5,800.00	2,050.07	2,349.93	474.66	-1,400.00	40.52%
6400 - Other Operating Costs							
6411-00.001-1-99000 Employee Travel/Prof Dev		-500.00	.00	.00	.00	-500.00	.00%
6499-00.001-1-99000 Misc Costs		-1,000.00	355.00	245.00	70.00	-400.00	24.50%
6499-01.001-1-99000 TDSHS Fees		-300.00	.00	.00	.00	-300.00	.00%
Sub Total 6400		-1,800.00	355.00	245.00	70.00	-1,200.00	13.61%
Total Function 35 Food Services		-20,527.00	2,405.07	8,358.25	1,072.82	-9,763.68	40.72%
Total Expenditures		-20,527.00	2,405.07	8,358.25	1,072.82	-9,763.68	40.72%
Total for 001 - Marathon Schools		-20,527.00	2,405.07	8,358.25	1,072.82	-9,763.68	40.72%

		<u>Budget</u>	<u>Encumbrance YTD</u>	<u>Expenditure YTD</u>	<u>Current Expenditure</u>	<u>Balance</u>	<u>Percent Realized</u>
6000 - Expenditures/Expense Object Co							
11 - Instruction							
6300 - Supplies & Materials							
6396-01.001-1-11000 Epson DC-21 Doc Cameras		-5,890.00	5,890.00	.00	.00	.00	.00%
6397-02.001-1-11000 HP 450 ProBookG& i7 (20)		-1,986.00	.00	1,986.00	.00	.00	100.00%
6397-03.001-1-11000 HP Chromebooks 11G8 (40)		-10,280.00	10,280.00	.00	.00	.00	.00%
6398-07.001-1-11000 DJI Mavic 2 Prone Drone		-488.00	13.93	474.07	.00	.00	97.15%
6399-05.001-1-11000 Other Tech		-1,860.00	.00	1,620.00	772.00	-240.00	87.10%
Sub Total 6300		-20,504.00	16,183.93	4,080.07	772.00	-240.00	19.90%
Total Function 11 Instruction		-20,504.00	16,183.93	4,080.07	772.00	-240.00	19.90%
12 - Inst. Resources/Media Services							
6300 - Supplies & Materials							
6329-00.001-1-11000 Reading Materials/Books		-2,116.00	450.99	1,544.73	1,544.73	-120.28	73.00%
6329-01.001-1-11000 STEM/Library Books/MES		-1,000.00	994.09	.00	.00	-5.91	.00%
Sub Total 6300		-3,116.00	1,445.08	1,544.73	1,544.73	-126.19	49.57%
Total Function 12 Inst. Resources/Media Services		-3,116.00	1,445.08	1,544.73	1,544.73	-126.19	49.57%
Total Expenditures		-23,620.00	17,629.01	5,624.80	2,316.73	-366.19	23.81%
Total for 001 - Marathon Schools		-23,620.00	17,629.01	5,624.80	2,316.73	-366.19	23.81%

	<u>Budget</u>	<u>Encumbrance YTD</u>	<u>Expenditure YTD</u>	<u>Current Expenditure</u>	<u>Balance</u>	<u>Percent Realized</u>
6000 - Expenditures/Expense Object Co						
52 - Security & Monitoring Services						
6600 - Capital Outlay/Land/Bldgs/Equi						
6639-00.001-1-99000 Security/Audio Alert/Paging	-6,000.00	5,168.10	.00	.00	-831.90	.00%
Sub Total 6600	-6,000.00	5,168.10	.00	.00	-831.90	.00%
Total Function 52 Security & Monitoring Services	-6,000.00	5,168.10	.00	.00	-831.90	.00%
Total Expenditures	-6,000.00	5,168.10	.00	.00	-831.90	.00%
Total for 001 - Marathon Schools	-6,000.00	5,168.10	.00	.00	-831.90	.00%

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Cnty Dist: 022-902

Board Report

Detail Comparison of Revenue to Budget

Marathon ISD

As of January

Program: FIN3050

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Fund 199 / 1

General Operating Fund

		Budget	Estimated Revenue (Budget)	Revenue Realized Current	Revenue Realized To Date	Revenue Balance	Percent Realized
5000 - Revenue Control Accounts							
5700 - Revenues, Local & Intermediate							
5710 - Revenues, Local Property Taxes							
5711-00.000-1-00000	Taxes-Current Year Levy		1,022,287.00	-619,918.94	-926,105.98	96,181.02	90.59%
5712-00.000-1-00000	Taxes-Prior Years		10,000.00	-431.67	-1,551.95	8,448.05	15.52%
5712-01.000-1-00000	Sale Proceeds		.00	.00	.00	.00	.00%
5719-00.000-1-00000	Taxes-Penalty & Interest		7,500.00	-240.05	-726.39	6,773.61	9.69%
Sub Total 5710			1,039,787.00	-620,590.66	-928,384.32	111,402.68	89.29%
5740 - Revenues from Local Sources							
5742-00.000-1-00000	Interest Earnings/WTNB		500.00	-24.69	-136.20	363.80	27.24%
5742-01.000-1-00000	Interest Earnings/TPB		75.00	.00	-133.27	-58.27	177.69%
5742-04.000-1-00000	Interest Earnings/LSIP		7,000.00	-177.29	-921.80	6,078.20	13.17%
5743-00.000-1-00000	Rent - Teacherage		6,000.00	-2,000.00	-2,000.00	4,000.00	33.33%
5744-00.000-1-00000	Donations/Telescope Repairs		.00	.00	.00	.00	.00%
5744-01.000-1-00000	Donation/Voc Ag Program		.00	.00	.00	.00	.00%
5744-02.000-1-00000	Donations/Musical		209.00	.00	-209.00	.00	100.00%
5749-00.000-1-00000	Misc Revenues		1,000.00	-373.88	-998.92	1.08	99.89%
5749-01.000-1-00000	M2M/MF Grant		.00	.00	.00	.00	.00%
5749-02.000-1-00000	Misc Rev/CTE Tables		.00	.00	-600.00	-600.00	.00%
5749-03.000-1-00000	USAC/ERate Reimb		.00	.00	.00	.00	.00%
Sub Total 5740			14,784.00	-2,575.86	-4,999.19	9,784.81	33.81%
5750 - Cocurricular/Enterprising/Acti							
5752-00.000-1-00000	Athletic Gate Proceeds		.00	.00	-210.00	-210.00	.00%
Sub Total 5750			.00	.00	-210.00	-210.00	.00%
Total Revenues, Local & Intermediate			1,054,571.00	-623,166.52	-933,593.51	120,977.49	88.53%
5800 - State Program Revenues							
5810 - Per Capita & FSP Revenues							
5811-00.000-1-00000	State Available School		23,903.00	.00	-7,414.00	16,489.00	31.02%
5812-00.000-1-00000	State Foundation School		616,663.00	551,012.00	-630,623.00	-13,960.00	102.26%
5812-01.000-1-00000	2017-2018 Foundation/Tax		.00	.00	.00	.00	.00%
Sub Total 5810			640,566.00	551,012.00	-638,037.00	2,529.00	99.61%
5830 - State Revenues/Tx Gov Agencies							
5831-00.000-1-00000	TRS On Behalf		81,471.00	-12,787.66	-30,155.20	51,315.80	37.01%
5831-01.000-1-00000	GASB 24/Medicare Pt.D		.00	.00	.00	.00	.00%
5831-02.000-1-00000	GASB75/Proportionate Share		.00	.00	.00	.00	.00%
Sub Total 5830			81,471.00	-12,787.66	-30,155.20	51,315.80	37.01%
Total State Program Revenues			722,037.00	538,224.34	-668,192.20	53,844.80	92.54%
5900 - Federal Program Revenues							
5930 - Other Federal Revenues							
5931-00.000-1-00000	School Health/SHARS		20,000.00	.00	.00	20,000.00	.00%
5932-00.000-1-00000	MAC Reimb		.00	.00	.00	.00	.00%
Sub Total 5930			20,000.00	.00	.00	20,000.00	.00%
Total Federal Program Revenues			20,000.00	.00	.00	20,000.00	.00%
Total Revenue Local-State-Federal			1,796,608.00	-84,942.18	-1,601,785.71	194,822.29	89.16%
Total for 000		.00	1,796,608.00	-84,942.18	-1,601,785.71	194,822.29	89.16%

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As of January

		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co							
11 - Instruction							
6100 - Payroll Costs							
6112-00.001-1-11000	Substitute Teacher	-8,000.00	.00	2,014.75	157.50	-5,985.25	25.18%
6112-00.001-1-23000	Substitute/Special Ed	.00	.00	.00	.00	.00	.00%
6112-00.001-1-32000	Substitute Teacher/PK	-250.00	.00	.00	.00	-250.00	.00%
6112-01.001-1-11000	Substitute/LT/MV	-6,772.00	.00	3,690.00	.00	-3,082.00	54.49%
6118-00.001-1-30000	Salaries/SatSch/Credit Rec	-500.00	.00	.00	.00	-500.00	.00%
6118-00.699-1-30000	Salaries/Summer School	-500.00	.00	.00	.00	-500.00	.00%
6118-00.699-1-38000	Summer School/ECHS	-500.00	.00	.00	.00	-500.00	.00%
6118-01.001-1-30000	Salaries/Tutorials/RTI	-500.00	.00	.00	.00	-500.00	.00%
6118-02.001-1-38000	Salaries/Tutorials/ECHS/DC	-500.00	.00	.00	.00	-500.00	.00%
6118-02.699-1-30000	Salaries/Credit Recovery	-500.00	.00	.00	.00	-500.00	.00%
6118-03.001-1-11000	Stipend/Masters (7)	-13,671.00	.00	5,607.49	1,151.86	-8,063.51	41.02%
6118-03.001-1-30000	Salaries/SatSch/AccIns	-500.00	.00	.00	.00	-500.00	.00%
6119-00.001-1-11000	Salaries/Teacher/Reg	-410,689.00	.00	144,289.87	9,381.46	-266,399.13	35.13%
6119-00.001-1-21000	Salary/TeacherGT	.00	.00	-132.78	-132.78	-132.78	.00%
6119-00.001-1-22000	Salaries/Teacher/CTE	-18,988.00	.00	6,229.81	-99.59	-12,758.19	32.81%
6119-00.001-1-23000	Salaries/Teacher/SpEd	-79,164.00	.00	27,497.99	1,109.95	-51,666.01	34.74%
6119-00.001-1-30000	Salaries/Teacher/SCE	-39,543.00	.00	14,412.28	1,231.24	-25,130.72	36.45%
6119-00.001-1-32000	Salaries/Teacher/PreK	-39,480.00	.00	12,304.11	-855.09	-27,175.89	31.17%
6119-00.001-1-34000	Salaries/PK/SCE	-4,935.00	.00	2,056.25	411.25	-2,878.75	41.67%
6119-00.001-1-36000	PK/Early Education	-4,935.00	.00	2,057.05	411.25	-2,877.95	41.68%
6119-00.001-1-37000	Salary/Tchr/Dyslexia	-1,612.00	.00	402.99	134.33	-1,209.01	25.00%
6119-00.001-1-38000	Salary/ECHS/DC	-10,889.00	.00	3,213.86	79.40	-7,675.14	29.51%
6128-00.001-1-11000	Salary Driver/Field Trip	-300.00	.00	52.50	.00	-247.50	17.50%
6128-00.001-1-38000	Salary/Driver/ECHS/DC	-300.00	.00	.00	.00	-300.00	.00%
6129-00.001-1-11000	Teacher Aide/Reg	-1,372.00	.00	.00	.00	-1,372.00	.00%
6129-00.001-1-23000	Salary/SpEd Aide	.00	.00	-326.62	-326.62	-326.62	.00%
6129-00.001-1-32000	Salary/Aide/PK	-17,989.00	.00	-1,482.62	-1,482.62	-19,471.62	8.24%
6129-00.001-1-34000	Salaries/PK/SCE	-20,123.00	.00	8,384.50	1,676.90	-11,738.50	41.67%
6141-00.001-1-11000	Social Security/Medicare	-5,455.00	.00	2,261.01	184.46	-3,193.99	41.45%
6141-00.001-1-21000	Social Security/Medicare	.00	.00	-1.28	-1.28	-1.28	.00%
6141-00.001-1-22000	Social Security/Medicare	-317.00	.00	90.31	-1.45	-226.69	28.49%
6141-00.001-1-23000	Social Security/Medicare	-1,030.00	.00	392.53	11.33	-637.47	38.11%
6141-00.001-1-30000	Social Security/Medicare	-276.00	.00	195.35	16.82	-80.65	70.78%
6141-00.001-1-32000	Social Security/Medicare	-540.00	.00	155.17	-33.80	-384.83	28.74%
6141-00.001-1-34000	Social Security/Medicare	-363.00	.00	151.08	30.22	-211.92	41.62%
6141-00.001-1-36000	Social Security/Medicare	-72.00	.00	29.55	5.91	-42.45	41.04%

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Cnty Dist: 022-902			Detail Comparison of Expenditures and Encumbrances to Budget			Page 8 of 21	
			Marathon ISD			File ID: C	
Fund 199 / 1 General Operating Fund			As of January				
			Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Percent Realized
6000 - Expenditures/Expense Object Co							
11 - Instruction							
6100 - Payroll Costs							
6142-00.001-1-36000	Group Health & Life	-663.00	.00	276.12	55.20	-386.88	41.65%
6142-00.001-1-37000	Group Health & Life	-5.00	.00	1.34	1.30	-3.66	26.80%
6142-00.001-1-38000	Group Health & Life	-4,150.00	.00	214.49	44.57	-3,935.51	5.17%
6143-00.001-1-11000	Workers' Compensation	-1,961.00	.00	1,031.53	204.08	-929.47	52.60%
6143-00.001-1-21000	Workers' Compensation	.00	.00	.00	.00	.00	.00%
6143-00.001-1-22000	Workers' Compensation	-107.00	.00	46.25	9.25	-60.75	43.22%
6143-00.001-1-23000	Workers' Compensation	-348.00	.00	192.90	38.58	-155.10	55.43%
6143-00.001-1-30000	Workers' Compensation	-102.00	.00	96.25	19.25	-5.75	94.36%
6143-00.001-1-32000	Workers' Compensation	-183.00	.00	96.23	19.25	-86.77	52.58%
6143-00.001-1-34000	Workers' Compensation	-147.00	.00	61.05	12.21	-85.95	41.53%
6143-00.001-1-36000	Workers' Compensation	-14.00	.00	12.02	2.40	-1.98	85.86%
6143-00.001-1-37000	Workers' Compensation	-8.00	.00	2.37	.79	-5.63	29.62%
6143-00.001-1-38000	Workers' Compensation	-125.00	.00	22.52	5.30	-102.48	18.02%
6143-01.001-1-11000	Workers' Compensation	-72.00	.00	.00	.00	-72.00	.00%
6144-00.001-1-11000	TRS On-Behalf	-35,510.00	.00	12,994.94	5,673.66	-22,515.06	36.60%
6144-00.001-1-21000	TRS On Behalf	.00	.00	.00	.00	.00	.00%
6144-00.001-1-22000	TRS On-Behalf	-1,735.00	.00	642.45	256.98	-1,092.55	37.03%
6144-00.001-1-23000	TRS On-Behalf	-6,345.00	.00	2,750.52	1,079.20	-3,594.48	43.35%
6144-00.001-1-30000	TRS On-Behalf	-1,716.00	.00	1,263.52	528.91	-452.48	73.63%
6144-00.001-1-32000	TRS On-Behalf	-2,501.00	.00	1,309.22	508.76	-1,191.78	52.35%
6144-00.001-1-34000	TRS ON-BEHALF BENEFIT	-2,165.00	.00	897.27	357.04	-1,267.73	41.44%
6144-00.001-1-36000	TRS ON-BEHALF BENEFIT	-1,334.00	.00	163.73	63.60	-1,170.27	12.27%
6144-00.001-1-37000	TRS ON-BEHALF BENEFIT	-110.00	.00	23.66	21.98	-86.34	21.51%
6144-00.001-1-38000	TRS On-Behalf	-2,035.00	.00	223.08	157.00	-1,811.92	10.96%
6144-01.001-1-11000	On Behalf/Medicare Pt D	-224.00	.00	.00	.00	-224.00	.00%
6144-01.001-1-22000	On Behalf/Medicare Pt D	.00	.00	.00	.00	.00	.00%
6144-01.001-1-23000	On Behalf/Medicare Pt D	.00	.00	.00	.00	.00	.00%
6144-01.001-1-30000	On Behalf/Medicare Pt D	.00	.00	.00	.00	.00	.00%
6144-01.001-1-32000	On Behalf/Medicare Pt D	.00	.00	.00	.00	.00	.00%
6144-01.001-1-36000	On Behalf/Medicare Pt D	.00	.00	.00	.00	.00	.00%
6144-01.001-1-38000	On Behalf/Medicare Pt D	.00	.00	.00	.00	.00	.00%
6144-02.001-1-11000	On Behalf/Proportionate	.00	.00	.00	.00	.00	.00%
6144-02.001-1-22000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6144-02.001-1-23000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6144-02.001-1-30000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6144-02.001-1-32000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6144-02.001-1-36000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6144-02.001-1-38000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6145-00.001-1-11000	Unemployment	-2,000.00	.00	.00	.00	-2,000.00	.00%
6145-00.001-1-23000	Unemployment	.00	.00	.00	.00	.00	.00%
6145-00.001-1-30000	Unemployment	.00	.00	.00	.00	.00	.00%
6145-00.001-1-32000	Unemployment	.00	.00	.00	.00	.00	.00%
6145-00.001-1-36000	Unemployment	-14.00	.00	.00	.00	-14.00	.00%
6145-00.001-1-37000	Unemployment	-5.00	.00	.00	.00	-5.00	.00%
6145-00.001-1-38000	Unemployment	.00	.00	.00	.00	.00	.00%
6146-00.001-1-11000	Teacher Retirement/TRS	-12,063.00	1052	6,412.34	814.95	-5,650.66	53.16%
6146-00.001-1-21000	Teacher Retirement/TRS	.00	.00	-1.00	-1.00	-1.00	.00%
6146-00.001-1-22000	Teacher Retirement/TRS	-654.00	.00	212.54	32.42	-441.46	32.50%

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Cnty Dist: 022-902			Detail Comparison of Expenditures and Encumbrances to Budget			Page 9 of 21	
			Marathon ISD			File ID: C	
Fund 199 / 1 General Operating Fund			As of January				
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co							
11 - Instruction							
6100 - Payroll Costs							
6146-00.001-1-23000	Teacher Retirement/TRS	-1,868.00	.00	843.50	142.22	-1,024.50	45.16%
6146-00.001-1-30000	Teacher Retirement/TRS	-592.00	.00	530.43	76.71	-61.57	89.60%
6146-00.001-1-32000	Teacher Retirement/TRS	-1,039.00	.00	463.49	55.98	-575.51	44.61%
6146-00.001-1-34000	Teacher Retirement/TRS	-611.00	.00	258.15	51.68	-352.85	42.25%
6146-00.001-1-36000	Teacher Retirement/TRS	-178.00	.00	44.36	12.27	-133.64	24.92%
6146-00.001-1-37000	Teacher Retirement/TRS	-72.00	.00	20.61	3.77	-51.39	28.62%
6146-00.001-1-38000	Teacher Retirement/TRS	-789.00	.00	221.07	21.18	-567.93	28.02%
6146-01.001-1-11000	Teacher Retirement/TRS	-233.00	.00	.00	.00	-233.00	.00%
Sub Total 6100		-863,345.00	.00	301,013.75	30,586.06	-562,331.25	34.87%
6200 - Professional & Contracted Serv							
6223-00.001-1-11000	Tuition TxVSN	-12,200.00	8,795.00	3,405.00	3,405.00	.00	27.91%
6223-00.001-1-38000	Tuition/ECHS/DC	-8,650.00	.00	8,610.00	3,540.00	-40.00	99.54%
6223-00.699-1-11000	Tuition Summer/TxVSN	.00	.00	.00	.00	.00	.00%
6239-04.001-1-30000	R.18 DMAC	-2,043.00	.00	2,042.75	.00	-.25	99.99%
6268-00.001-1-22015	NN/Rental/Cylinders	-1,800.00	753.60	1,046.40	1,018.40	.00	58.13%
6269-00.001-1-11001	Rental/Copier/HS	-2,500.00	1,487.70	1,012.30	404.92	.00	40.49%
6269-00.001-1-11101	Rental/Copier/MES	-2,600.00	1,530.30	1,069.70	427.88	.00	41.14%
6299-00.001-1-38000	ACT/SAT Enhanced Prep.	.00	.00	.00	.00	.00	.00%
6299-33.001-1-11000	CPR Certification/SVS	-300.00	.00	.00	.00	-300.00	.00%
Sub Total 6200		-30,093.00	12,566.60	17,186.15	8,796.20	-340.25	57.11%
6300 - Supplies & Materials							
6321-00.001-1-11000	Textbooks/Regular	-500.00	.00	399.85	399.85	-100.15	79.97%
6321-00.001-1-11012	TJ/Science Textbooks	-442.00	.00	441.32	441.32	-.68	99.85%
6321-00.001-1-11014	Sec Math/Textbooks	-560.00	34.41	458.80	.00	-66.79	81.93%
6321-00.001-1-11020	History/Textbooks	-280.00	.00	239.91	.00	-40.09	85.68%
6321-01.001-1-38000	College Textbooks/ECHS/DC	-500.00	119.00	93.29	.00	-287.71	18.66%
6395-00.001-1-11006	History Fair Materials	-300.00	.00	.00	.00	-300.00	.00%
6395-00.001-1-11008	Science Fair Materials	-250.00	.00	.00	.00	-250.00	.00%
6395-00.001-1-11012	TJ/Instructional Materials	-1,558.00	.00	.00	.00	-1,558.00	.00%
6395-00.001-1-11013	JG/Instructional Materials	-2,000.00	.00	154.00	.00	-1,846.00	7.70%
6395-00.001-1-11014	Sec Math/Instructional	-1,440.00	83.06	35.99	.00	-1,320.95	2.50%
6395-00.001-1-11016	JS/Instructional Materials	-1,209.00	.00	882.93	.00	-326.07	73.03%
6395-00.001-1-11020	History Instructional Material	-670.00	.00	168.10	.00	-501.90	25.09%
6395-00.001-1-11024	JR/PE Instructional Materials	-1,000.00	.00	.00	.00	-1,000.00	.00%
6395-00.001-1-11033	MB/K Instructional Materials	-2,000.00	.00	.00	.00	-2,000.00	.00%
6395-00.001-1-11034	MP/1-2 Instructional Materials	-2,000.00	.00	.00	.00	-2,000.00	.00%
6395-00.001-1-11035	EA/3-5 Instructional Materials	-697.00	.00	.00	.00	-697.00	.00%
6395-00.001-1-11036	AH/3-5 Instructional Materials	-1,730.00	.00	.00	.00	-1,730.00	.00%
6395-00.001-1-23018	JNG/SpEd Inst. Materials	-1,000.00	.00	.00	.00	-1,000.00	.00%
6395-00.001-1-30035	EA/Great Minds/4-5/SCE	-1,075.00	.00	985.94	.00	-89.06	91.72%
6395-00.001-1-30036	AH/Vocabulary/Spelling	-70.00	.00	69.95	.00	-.05	99.93%
6395-00.001-1-32032	PH/Instructional Materials	-2,000.00	351.99	261.52	51.57	-1,386.49	13.08%
6395-00.001-1-36035	EA/Great Minds/3/EE	-228.00	.00	227.70	.00	-.30	99.87%
6395-00.001-1-38000	Tech Materials/ECHS/DC	-200.00	.00	.00	.00	-200.00	.00%
6395-01.001-1-11012	TJ/Science Lab Materials	-1,000.00	1053.00	154.44	.00	-845.56	15.44%
6395-02.001-1-11215	NN/Wood Work Materials	-2,000.00	124.00	161.00	.00	-1,715.00	8.05%
6395-02.001-1-11024	JR/PE Field Day	-250.00	.00	.00	.00	-250.00	.00%

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			Marathon ISD			File ID: C	
Fund 199 / 1 General Operating Fund			As of January				
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co							
11 - Instruction							
6300 - Supplies & Materials							
6395-02.001-1-11035	EA/3-5 Science Lab Materials	-1,000.00	.00	.00	.00	-1,000.00	.00%
6395-03.001-1-11215	NN/Feed/Poultry	-800.00	585.01	586.94	97.45	371.95	73.37%
6395-04.001-1-11015	NN/Garden Materials	-200.00	.00	.00	.00	-200.00	.00%
6395-04.001-1-11215	NN/Exploring Careers	-200.00	30.05	119.95	119.95	-50.00	59.98%
6395-05.001-1-11015	NN/Instructional Materials	.00	.00	.00	.00	.00	.00%
6395-09.001-1-11018	JNG/PE Inst. Materials	-1,000.00	.00	.00	.00	-1,000.00	.00%
6397-00.001-1-11007	Technology Materials	-2,000.00	334.94	710.23	.00	-954.83	35.51%
6397-01.001-1-11000	Printer Cartridges	-3,000.00	414.96	1,007.95	.00	-1,577.09	33.60%
6397-02.001-1-11000	Laminator Film	-500.00	.00	.00	.00	-500.00	.00%
6398-02.001-1-11000	Aquarium Materials/MES	.00	.00	.00	.00	.00	.00%
6398-05.001-1-11000	Telescope Mat/Donations	-324.00	.00	96.00	.00	-228.00	29.63%
6399-00.001-1-11019	Inst Materials/COVID-19	.00	.00	.00	.00	.00	.00%
6399-00.001-1-21033	MB/GT Instructional Materials	-500.00	.00	.00	.00	-500.00	.00%
6399-00.001-1-22015	NN/Welding I Materials	-2,000.00	.00	1,000.00	.00	-1,000.00	50.00%
6399-00.001-1-23011	LR/SpEd Inst. Materials	-1,000.00	378.64	376.93	.00	-244.43	37.69%
6399-00.001-1-30000	Inst. Materials/SCE	.00	.00	.00	.00	.00	.00%
6399-00.001-1-36000	PK-3/Reading/Math	-1,500.00	.00	.00	.00	-1,500.00	.00%
6399-00.001-1-37000	Dyslexia Materials	.00	.00	.00	.00	.00	.00%
6399-01.001-1-21033	NNAT3 (GT)	-300.00	.00	252.00	.00	-48.00	84.00%
6399-01.001-1-22015	NN/Welding II Materials	-2,000.00	.00	.00	.00	-2,000.00	.00%
6399-01.001-1-30000	Lexia	.00	.00	.00	.00	.00	.00%
6399-10.001-1-30000	Istation/Reading/SCE	-3,000.00	.00	1,149.50	.00	-1,850.50	38.32%
6399-11.001-1-30000	Renaissance Learning/SCE	-4,450.00	.00	4,450.00	.00	.00	100.00%
6399-13.001-1-30000	Mentoring Minds/SCE	-2,925.00	.00	.00	.00	-2,925.00	.00%
6399-14.001-1-11000	Materials/Green House	-500.00	.00	.00	.00	-500.00	.00%
6399-16.001-1-11033	MB/Art Materials	-2,000.00	491.22	.00	.00	-1,508.78	.00%
6399-30.001-1-11000	Paper/Copy Machine	-1,000.00	.00	.00	.00	-1,000.00	.00%
Sub Total 6300		-55,158.00	2,947.28	14,484.24	1,110.14	-37,726.48	26.26%
6400 - Other Operating Costs							
6412-00.001-1-11000	Meals/Field Trips/Reg	.00	.00	.00	.00	.00	.00%
6412-00.001-1-11006	History Fair Meals/Hotel	-1,500.00	.00	.00	.00	-1,500.00	.00%
6412-00.001-1-11008	Travel/Science Fair	-350.00	.00	.00	.00	-350.00	.00%
6412-00.001-1-23000	Field	.00	.00	.00	.00	.00	.00%
6412-00.001-1-38000	Meals/Hotels/Industry	.00	.00	.00	.00	.00	.00%
6412-01.001-1-38000	Meals/Hotel/UTPB/ECHS	.00	.00	.00	.00	.00	.00%
6412-03.001-1-38000	Meals/Hotel/College	.00	.00	.00	.00	.00	.00%
6412-40.001-1-11000	Meals/Hotel/STEAM	.00	.00	.00	.00	.00	.00%
6494-00.001-1-11000	Fuel/Field Trips/Reg	.00	.00	.00	.00	.00	.00%
6494-00.001-1-11008	Science Fair Fuel	-150.00	.00	.00	.00	-150.00	.00%
6494-00.001-1-23000	Fuel/Field Trip/SpEd	.00	.00	.00	.00	.00	.00%
6494-00.001-1-38000	Fuel/ECHS/UTPB/Ind/Colleg	-100.00	.00	.00	.00	-100.00	.00%
6494-01.001-1-11006	History Fair Fuel	-500.00	.00	.00	.00	-500.00	.00%
6494-40.001-1-11000	Fuel/STEAM	.00	.00	.00	.00	.00	.00%
6495-00.001-1-11006	History Fair Fees	-550.00	.00	.00	.00	-550.00	.00%
6495-00.001-1-11008	Science Fair Fees	-300.00	1054	.00	.00	-300.00	.00%
6495-00.001-1-11036	AH/Field Trip Fees	-200.00		200.00	.00	.00	100.00%
6495-00.001-1-32032	PH/Field Trip Fees	.00		.00	.00	.00	.00%
6499-00.001-1-11000	Misc Costs/Fees/REg	.00	.00	.00	-85.00	.00	.00%

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Fund 199 / 1 General Operating Fund			As of January					
			Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co								
11 - Instruction								
6400 - Other Operating Costs								
6499-00.001-1-11024	JR/PE Misc Exp Family		-300.00	.00	.00	.00	-300.00	.00%
6499-00.001-1-22015	NN/Fees/CTE		-400.00	.00	.00	.00	-400.00	.00%
6499-00.001-1-38000	Misc Costs/ECHS/DC		.00	.00	.00	.00	.00	.00%
6499-40.001-1-11000	Fees/STEAM		.00	.00	.00	.00	.00	.00%
Sub Total 6400			-4,350.00	.00	200.00	-85.00	-4,150.00	4.60%
Total Function 11 Instruction			-952,946.00	15,513.88	332,884.14	40,407.40	-604,547.98	34.93%
12 - Inst. Resources/Media Services								
6100 - Payroll Costs								
6118-00.001-1-11000	Stipend/Library Services		-1,600.00	.00	480.00	160.00	-1,120.00	30.00%
6141-00.001-1-11000	Social Security/Medicare		-30.00	.00	6.90	2.30	-23.10	23.00%
6143-00.001-1-11000	Workers' Compensation		-13.00	.00	2.34	.78	-10.66	18.00%
6144-00.001-1-11000	TRS On Behalf		-184.00	.00	37.45	24.74	-146.55	20.35%
6145-00.001-1-11000	Unemployment		-12.00	.00	.00	.00	-12.00	.00%
6146-00.001-1-11000	TRS/TRS Care		-126.00	.00	14.85	4.77	-111.15	11.79%
Sub Total 6100			-1,965.00	.00	541.54	192.59	-1,423.46	27.56%
6300 - Supplies & Materials								
6329-01.001-1-11000	Library Books and Media		-1,000.00	.00	.00	.00	-1,000.00	.00%
6399-00.001-1-11000	Library Materials/Supplies		-500.00	.00	.00	.00	-500.00	.00%
6399-01.001-1-11000	Automated Book Systems		-500.00	.00	.00	.00	-500.00	.00%
Sub Total 6300			-2,000.00	.00	.00	.00	-2,000.00	.00%
Total Function 12 Inst. Resources/Media Services			-3,965.00	.00	541.54	192.59	-3,423.46	13.66%
13 - Curriculum/Instructional PD								
6200 - Professional & Contracted Serv								
6237-00.001-1-11000	R.18 Prof Dev Svs/Reg		.00	.00	.00	.00	.00	.00%
6237-00.001-1-30000	R.18 Prof Dev Svs/SCE		-2,500.00	.00	.00	.00	-2,500.00	.00%
6237-00.001-1-32000	R.18 Prof Dev/PK		-500.00	.00	.00	.00	-500.00	.00%
6237-00.001-1-37000	R.18 Dyslexia/Prof Dev		-250.00	.00	.00	.00	-250.00	.00%
6237-06.001-1-21000	R.18/GT Fees/Training/PD		-750.00	.00	.00	.00	-750.00	.00%
6239-01.001-1-11000	R.18 Required Training		-700.00	.00	700.00	.00	.00	100.00%
6239-01.001-1-30000	R18 Tailor Made		-3,913.00	.00	3,913.00	.00	.00	100.00%
6239-02.001-1-11000	R.18 Prof Dev Record		-75.00	.00	68.00	.00	-7.00	90.67%
Sub Total 6200			-8,688.00	.00	4,681.00	.00	-4,007.00	53.88%
6400 - Other Operating Costs								
6411-00.001-1-23000	Travel/Prof Dev/SpEd		-300.00	.00	.00	.00	-300.00	.00%
6499-01.001-1-11000	Certification Fee		-500.00	434.61	.00	.00	-65.39	.00%
Sub Total 6400			-800.00	434.61	.00	.00	-365.39	.00%
Total Function 13 Curriculum/Instructional PD			-9,488.00	434.61	4,681.00	.00	-4,372.39	49.34%
23 - School Leadership								
6100 - Payroll Costs								
6118-00.001-1-99000	Stipend/Principal		-3,000.00	.00	1,250.00	250.00	-1,750.00	41.67%
6119-00.001-1-99000	Salary Principal/PT		-51,000.00	.00	21,250.00	4,250.00	-29,750.00	41.67%
6119-01.001-1-99000	Salary/Principal/PT		-20,350.00	.00	8,479.25	1,695.85	-11,870.75	41.67%
6129-00.001-1-99000	Salary/Princ Secretary		-15,010.00	.00	7,942.32	1,254.04	-7,067.68	52.91%
6141-00.001-1-99000	Social Security/Medicare		-740.00	1055	553.56	106.00	-186.44	74.81%
6141-01.001-1-99000	Social Security/Medicare		-314.00	.00	.00	.00	-314.00	.00%
6141-02.001-1-99000	Social Security/Medicare		-214.00	.00	.00	.00	-214.00	.00%

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			Marathon ISD			File ID: C	
Fund 199 / 1 General Operating Fund			As of January				
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co							
23 - School Leadership							
6100 - Payroll Costs							
6142-00.001-1-99000	Group Health & Life	-3,312.00	.00	4,196.87	761.37	884.87	126.72%
6142-01.001-1-99000	Group Health & Life	-2,315.00	.00	.00	.00	-2,315.00	.00%
6142-02.001-1-99000	Group Health & Life	-3,510.00	.00	.00	.00	-3,510.00	.00%
6143-00.001-1-99000	Workers' Compensation	-248.00	.00	170.33	33.42	-77.67	68.68%
6143-01.001-1-99000	Workers' Compensation	-114.00	.00	.00	.00	-114.00	.00%
6143-02.001-1-99000	Workers' Compensation	-27.00	.00	.00	.00	-27.00	.00%
6144-00.001-1-99000	TRS On-Behalf	-4,463.00	.00	2,734.79	1,024.99	-1,728.21	61.28%
6144-01.001-1-99000	On Behalf/Medicare Pt D	-1,880.00	.00	.00	.00	-1,880.00	.00%
6144-02.001-1-99000	On Behalf/Proportinate Share	-1,313.00	.00	.00	.00	-1,313.00	.00%
6145-00.001-1-99000	Unemployment	-500.00	.00	.00	.00	-500.00	.00%
6145-01.001-1-99000	Unemployment	.00	.00	.00	.00	.00	.00%
6146-00.001-1-99000	TRS/TRS Care/NonOASDI	-1,199.00	.00	1,442.43	283.92	243.43	120.30%
6146-01.001-1-99000	Teacher Retirement/TRS	-677.00	.00	.00	.00	-677.00	.00%
6146-02.001-1-99000	Teacher Retirement/TRS	-353.00	.00	.00	.00	-353.00	.00%
Sub Total 6100		-110,539.00	.00	48,019.55	9,659.59	-62,519.45	43.44%
6200 - Professional & Contracted Serv							
6269-01.001-1-99000	Rental/Postage Meter	-230.00	211.77	18.23	.00	.00	7.93%
Sub Total 6200		-230.00	211.77	18.23	.00	.00	7.93%
6300 - Supplies & Materials							
6399-00.001-1-99000	Campus Office Supplies	-1,500.00	.00	1,480.28	125.00	-19.72	98.69%
6399-01.001-1-99000	Diplomas/Certificates	-200.00	.00	.00	.00	-200.00	.00%
6399-02.001-1-99000	Postage	-200.00	130.00	70.00	.00	.00	35.00%
6399-30.001-1-99000	Paper/Copy Machine	-300.00	.00	.00	.00	-300.00	.00%
Sub Total 6300		-2,200.00	130.00	1,550.28	125.00	-519.72	70.47%
6400 - Other Operating Costs							
6411-00.001-1-99000	Hotel/Meals/Reg Fees/Prof	-500.00	.00	.00	.00	-500.00	.00%
Sub Total 6400		-500.00	.00	.00	.00	-500.00	.00%
Total Function 23 School Leadership		-113,469.00	341.77	49,588.06	9,784.59	-63,539.17	43.70%
31 - Guidance/Counseling/Evaluation							
6100 - Payroll Costs							
6118-01.001-1-99000	Testing Coordinator Stipend	-2,000.00	.00	666.66	222.22	-1,333.34	33.33%
6141-00.001-1-99000	Social Security/Medicare	-13.00	.00	9.06	3.02	-3.94	69.69%
6142-00.001-1-99000	Group Health & Life	.00	.00	.00	.00	.00	.00%
6143-00.001-1-99000	Workers' Compensation	-18.00	.00	3.24	1.08	-14.76	18.00%
6144-00.001-1-99000	TRS On-Behalf	.00	.00	49.51	32.93	49.51	.00%
6146-00.001-1-99000	Teacher Retirement/TRS	-51.00	.00	22.62	7.48	-28.38	44.35%
Sub Total 6100		-2,082.00	.00	751.09	266.73	-1,330.91	36.08%
6200 - Professional & Contracted Serv							
6299-00.001-1-99000	Test Scoring	-200.00	.00	.00	.00	-200.00	.00%
Sub Total 6200		-200.00	.00	.00	.00	-200.00	.00%
6300 - Supplies & Materials							
6339-00.001-1-99000	Testing	-300.00	.00	.00	.00	-300.00	.00%
6399-00.001-1-99000	Supplies/Materials	-300.00	.00	.00	.00	-300.00	.00%
6399-02.001-1-99000	Career/Motivational Materials	-150.00	1056	.00	.00	-150.00	.00%
6399-03.001-1-99000	Materials/Red Ribbon Week	-100.00	.00	.00	.00	-100.00	.00%
6399-45.001-1-99000	STOP IT License	-600.00	.00	600.00	.00	.00	100.00%

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Fund 199 / 1 General Operating Fund		As of January				
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Percent Realized
6000 - Expenditures/Expense Object Co						
31 - Guidance/Counseling/Evaluation						
6300 - Supplies & Materials						
Sub Total 6300		-1,450.00	.00	600.00	.00	41.38%
6400 - Other Operating Costs						
6411-00.001-1-99000	Prof Dev Fees/Hotel/Meals	-300.00	.00	.00	.00	.00%
6499-00.001-1-21000	GT Testing	-300.00	.00	.00	.00	.00%
6499-00.001-1-99000	Testing Fees/ACT/SAT/TSI	-1,000.00	193.50	102.00	102.00	10.20%
6499-01.001-1-99000	Testing Fees/CLEP	-150.00	.00	.00	.00	.00%
6499-02.001-1-99000	Misc Operating Costs	-100.00	.00	.00	.00	.00%
6499-03.001-1-38000	College Transcripts	-100.00	.00	.00	.00	.00%
Sub Total 6400		-1,950.00	193.50	102.00	102.00	5.23%
Total Function 31		-5,682.00	193.50	1,453.09	368.73	25.57%
33 - Health Services						
6200 - Professional & Contracted Serv						
6219-00.001-1-99000	Cont Svs-Nurse	-7,500.00	6,126.10	1,373.90	.00	18.32%
6299-00.001-1-99000	CPR Certification	-155.00	.00	.00	.00	.00%
6299-01.001-1-99000	AED/Services	-1,500.00	.00	.00	.00	.00%
Sub Total 6200		-9,155.00	6,126.10	1,373.90	.00	15.01%
6300 - Supplies & Materials						
6399-00.001-1-99000	Health Services Supplies	-300.00	.00	144.95	.00	48.32%
6399-00.001-1-99019	PPE/M2M/COVID 19	-345.00	.00	345.00	.00	100.00%
6399-01.001-1-99000	AED Supplies	-2,000.00	.00	.00	.00	.00%
6399-01.001-1-99019	PPE Masks/M2M	-350.00	.00	.00	.00	.00%
Sub Total 6300		-2,995.00	.00	489.95	.00	16.36%
Total Function 33 Health Services		-12,150.00	6,126.10	1,863.85	.00	15.34%
34 - Student Transportation						
6200 - Professional & Contracted Serv						
6249-00.999-1-99000	Maintenance/Repairs/Vehicle	-1,500.00	175.00	670.42	.00	44.69%
6299-00.999-1-99000	Alcohol/Drug Screening	-1,000.00	.00	.00	.00	.00%
Sub Total 6200		-2,500.00	175.00	670.42	.00	26.82%
6300 - Supplies & Materials						
6311-00.999-1-99000	Gasoline/Diesel Fuel	-5,000.00	4,075.10	924.90	.00	18.50%
6319-00.999-1-99000	Tires	-1,000.00	.00	.00	.00	.00%
6319-01.999-1-99000	Supplies/Vehicles	-500.00	.00	207.46	.00	41.49%
6398-00.999-1-99000	Misc Equipment	-300.00	.00	203.35	.00	67.78%
Sub Total 6300		-6,800.00	4,075.10	1,335.71	.00	19.64%
6400 - Other Operating Costs						
6411-00.999-1-99000	Travel/Transportation	-250.00	.00	.00	.00	.00%
6429-00.999-1-99000	Vehicle Insurance	-1,896.00	.00	1,896.00	.00	100.00%
6499-00.999-1-99000	Private	-1,500.00	.00	.00	.00	.00%
6499-02.999-1-99000	Driver Training	-1,000.00	.00	.00	.00	.00%
6499-03.999-1-99000	Driver Physicals	-1,500.00	.00	.00	.00	.00%
6499-04.999-1-99000	Vehicle Registration	-300.00	40.00	111.00	45.00	37.00%
Sub Total 6400		-6,446.00	40.00	2,007.00	45.00	31.14%
Total Function 34 Student Transportation		-15,746.00	10,729.10	4,013.13	45.00	25.49%

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Cnty Dist: 022-902			Detail Comparison of Expenditures and Encumbrances to Budget			Page 14 of 21	
			Marathon ISD			File ID: C	
Fund 199 / 1 General Operating Fund			As of January				
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co							
36 - Extracurricular Activities							
6100 - Payroll Costs							
6118-00.001-1-99017	Stipend/UIIL Director/MES	-250.00	.00	250.00	.00	.00	100.00%
6118-01.001-1-91000	Stipend/Basketball/JH	-1,500.00	.00	450.00	150.00	-1,050.00	30.00%
6118-01.001-1-99017	Stipend/UIIL Director/MHS	-250.00	.00	.00	.00	-250.00	.00%
6118-02.001-1-91000	Stipend/Basketball/Varsity	-2,000.00	.00	600.00	200.00	-1,400.00	30.00%
6118-02.001-1-99017	Stipend/UIIL Director/MJH	-250.00	.00	250.00	.00	.00	100.00%
6118-03.001-1-91000	Stipend/Cross Country	-2,000.00	.00	600.00	200.00	-1,400.00	30.00%
6118-04.001-1-91000	Stipend/Tennis/JH/HS	-2,000.00	.00	600.00	200.00	-1,400.00	30.00%
6118-04.001-1-99017	Stipend/UIIL/Individual Events	-2,500.00	.00	1,600.00	.00	-900.00	64.00%
6118-05.001-1-91000	Stipend/Track/JH/HS	-1,500.00	.00	900.00	300.00	-600.00	60.00%
6118-06.001-1-91000	Stipend/Volleyball/JH/HS	-1,500.00	.00	450.00	150.00	-1,050.00	30.00%
6118-07.001-1-91000	Summer Gym/Weights	-1,500.00	.00	.00	.00	-1,500.00	.00%
6125-00.001-1-38000	Driver/ECHS/DC	-250.00	.00	.00	.00	-250.00	.00%
6128-00.001-1-91000	Driver/Athletics	-500.00	.00	217.50	.00	-282.50	43.50%
6128-00.001-1-99017	Driver/UIIL	-250.00	.00	.00	.00	-250.00	.00%
6128-01.001-1-91000	Salary/Scorekeepers	-250.00	.00	.00	.00	-250.00	.00%
6141-00.001-1-91000	Social Security/Medicare	-180.00	.00	55.29	17.38	-124.71	30.72%
6141-00.001-1-99000	Social Security/Medicare	.00	.00	26.71	.00	26.71	.00%
6141-01.001-1-99000	Social	-226.00	.00	.00	.00	-226.00	.00%
6143-00.001-1-91000	Workers' Compensation	-60.00	.00	20.58	5.83	-39.42	34.30%
6143-00.001-1-99000	Workers' Compensation	.00	.00	10.24	.00	10.24	.00%
6143-01.001-1-99000	Workers' Compensation	-99.00	.00	.00	.00	-99.00	.00%
6144-00.001-1-91000	TRS On Behalf	-980.00	.00	280.86	174.56	-699.14	28.66%
6144-00.001-1-99000	TRS On Behalf	.00	.00	160.94	160.94	160.94	.00%
6144-01.001-1-91000	On Behalf/Medicare Pt D	.00	.00	.00	.00	.00	.00%
6144-01.001-1-99000	TRS On Behalf	-1,240.00	.00	.00	.00	-1,240.00	.00%
6144-02.001-1-91000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6145-00.001-1-91000	Unemployment	-500.00	.00	.00	.00	-500.00	.00%
6145-00.001-1-99000	Unemployment	.00	.00	.00	.00	.00	.00%
6146-00.001-1-91000	Teacher Retirement/TRS	-276.00	.00	114.46	36.45	-161.54	41.47%
6146-00.001-1-99000	Teacher Retirement/TRS	.00	.00	64.15	.00	64.15	.00%
6146-01.001-1-91000	Teacher Retirement/TRS	-300.00	.00	.00	.00	-300.00	.00%
6146-01.001-1-99000	Teacher Retirement/TRS	-919.00	.00	.00	.00	-919.00	.00%
Sub Total 6100		-21,280.00	.00	6,650.73	1,595.16	-14,629.27	31.25%
6200 - Professional & Contracted Serv							
6249-00.001-1-91000	Repairs/Score Board	-250.00	.00	.00	.00	-250.00	.00%
6294-00.001-1-91000	Athletic Officials	-3,000.00	.00	804.15	657.99	-2,195.85	26.80%
Sub Total 6200		-3,250.00	.00	804.15	657.99	-2,445.85	24.74%
6300 - Supplies & Materials							
6397-00.001-1-91000	Athletic Uniforms	-1,000.00	.00	.00	.00	-1,000.00	.00%
6397-02.001-1-91000	Coaching Apparel	-300.00	.00	.00	.00	-300.00	.00%
6397-31.001-1-91000	Uniforms/Basketball/B&G	-600.00	.00	.00	.00	-600.00	.00%
6397-35.001-1-91000	Uniforms/Cross Cntry/B&G	-600.00	.00	.00	.00	-600.00	.00%
6397-36.001-1-91000	Uniforms/Tennis/B&G	-600.00	.00	.00	.00	-600.00	.00%
6397-37.001-1-91000	Uniforms/Volleyball	-600.00	.00	.00	.00	-600.00	.00%
6398-00.001-1-91000	Weights/Smith Machine	.00	1058	.00	.00	.00	.00%
6398-37.001-1-91000	VB Equipment	-3,283.00	.00	3,283.00	.00	.00	100.00%
6399-00.001-1-91000	Supplies/Athletic Program	-400.00	370.00	.00	.00	-30.00	.00%

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Cnty Dist: 022-902			Detail Comparison of Expenditures and Encumbrances to Budget			Page 15 of 21	
			Marathon ISD			File ID: C	
Fund 199 / 1 General Operating Fund			As of January				
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co							
36 - Extracurricular Activities							
6300 - Supplies & Materials							
6399-01.001-1-91000	Medical Supplies	-800.00	.00	.00	.00	-800.00	.00%
6399-01.001-1-99017	Supplies/UIIL	-1,000.00	.00	11.00	.00	-989.00	1.10%
6399-02.001-1-99000	Supplies/Yearbook	.00	.00	.00	.00	.00	.00%
6399-03.001-1-99000	Materials/NHS	-125.00	.00	.00	.00	-125.00	.00%
6399-31.001-1-91000	Supplies/Basketball	-1,000.00	.00	.00	.00	-1,000.00	.00%
6399-32.001-1-91000	Supplies/Track	-1,000.00	.00	.00	.00	-1,000.00	.00%
6399-34.001-1-91000	Materials/Homecoming/Motiv	-500.00	.00	.00	.00	-500.00	.00%
6399-35.001-1-91000	Supplies/Cross Country	-300.00	165.00	129.00	.00	-6.00	43.00%
6399-36.001-1-91000	Supplies/Tennis	-500.00	.00	.00	.00	-500.00	.00%
6399-37.001-1-91000	Supplies/Volleyball	-1,000.00	.00	.00	.00	-1,000.00	.00%
Sub Total 6300		-13,608.00	535.00	3,423.00	.00	-9,650.00	25.15%
6400 - Other Operating Costs							
6411-10.001-1-91000	Travel/Mtgs/PD/Coach	-500.00	.00	.00	.00	-500.00	.00%
6412-00.001-1-91024	JR/THSC Assn	-600.00	.00	.00	.00	-600.00	.00%
6412-00.001-1-99016	JS/Meals/Hotel/Robotics	-550.00	.00	.00	.00	-550.00	.00%
6412-01.001-1-99017	Travel/UIIL	-1,000.00	.00	245.00	140.00	-755.00	24.50%
6412-03.001-1-99000	Travel/NHS	-500.00	.00	.00	.00	-500.00	.00%
6412-04.001-1-99000	Travel/Science Fair	.00	.00	.00	.00	.00	.00%
6412-05.001-1-99000	Travel/History Fair	.00	.00	.00	.00	.00	.00%
6412-31.001-1-91000	Travel/Basketball	-1,000.00	551.00	97.50	45.50	-351.50	9.75%
6412-32.001-1-91000	Travel/Track	-1,300.00	.00	.00	.00	-1,300.00	.00%
6412-35.001-1-91000	Travel/Cross Country	-600.00	40.00	454.16	250.15	-105.84	75.69%
6412-36.001-1-91000	Travel/Tennis	-500.00	.00	.00	.00	-500.00	.00%
6412-37.001-1-91000	Travel/Volleyball	-1,000.00	500.00	194.58	.00	-305.42	19.46%
6429-00.001-1-91000	Athletic Insurance	-1,750.00	.00	1,500.00	.00	-250.00	85.71%
6494-00.001-1-38000	Fuel/ECHS/DC	-250.00	.00	.00	.00	-250.00	.00%
6494-00.001-1-91000	Fuel/Athletics	-500.00	.00	40.28	.00	-459.72	8.06%
6494-00.001-1-99016	JS/Fuel/Robotics	-150.00	.00	.00	.00	-150.00	.00%
6494-02.001-1-99000	Fuel/Science Fair	.00	.00	.00	.00	.00	.00%
6494-03.001-1-99000	Fuel/NHS TRAVEL	-150.00	.00	.00	.00	-150.00	.00%
6494-04.001-1-99017	Fuel/UIIL Competition	-315.00	.00	.00	.00	-315.00	.00%
6494-05.001-1-99000	Fuel/History Fair	.00	.00	.00	.00	.00	.00%
6495-10.001-1-91000	Dues/Coach	-150.00	.00	.00	.00	-150.00	.00%
6497-00.001-1-99000	Letter Jackets/Student	-500.00	.00	.00	.00	-500.00	.00%
6499-00.001-1-99000	Misc Costs/Student Programs	-500.00	.00	15.75	.00	-484.25	3.15%
6499-00.001-1-99016	JS/Fees/Robotics	-85.00	.00	85.00	85.00	.00	100.00%
6499-01.001-1-99017	Dues/UIIL	-6,300.00	.00	2,369.00	.00	-3,931.00	37.60%
6499-02.001-1-99000	Fees/NHS	-400.00	.00	385.00	.00	-15.00	96.25%
6499-04.001-1-99000	Fees/Science Fair	.00	.00	.00	.00	.00	.00%
6499-05.001-1-99000	Fees/History Fair	.00	.00	.00	.00	.00	.00%
6499-31.001-1-91000	Fees/Basketball	-500.00	.00	.00	.00	-500.00	.00%
6499-32.001-1-91000	Fees/Track	-500.00	.00	.00	.00	-500.00	.00%
6499-35.001-1-91000	Fees/Cross Country	-400.00	.00	68.00	.00	-332.00	17.00%
6499-36.001-1-91000	Fees/Tennis	-300.00	.00	.00	.00	-300.00	.00%
6499-37.001-1-91000	Fees/Volleyball	-300.00	.00	.00	.00	-300.00	.00%
Sub Total 6400		-20,600.00	1,091.00	5,454.27	520.65	-14,054.73	26.48%
Total Function 36 Extracurricular Activities		-58,738.00	1,626.00	16,332.15	2,773.80	-40,779.85	27.81%

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		Marathon ISD			File ID: C		
Fund 199 / 1 General Operating Fund		As of January					
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co							
41 - General Administration							
6100 - Payroll Costs							
6119-00.701-1-99000	Salary/Superintendent	-51,000.00	.00	21,250.00	4,250.00	-29,750.00	41.67%
6119-00.750-1-99000	Salary/Business Manager	-49,302.00	.00	24,120.49	4,118.13	-25,181.51	48.92%
6122-00.701-1-99000	Substitute/Office	-500.00	.00	237.75	.00	-262.25	47.55%
6129-00.701-1-99000	Salary/Supt Secretary	-15,010.00	.00	7,942.48	1,254.04	-7,067.52	52.91%
6141-00.701-1-99000	Social Security/Medicare	-954.00	.00	439.72	79.53	-514.28	46.09%
6141-00.750-1-99000	Social Security/Medicare	-711.00	.00	347.75	59.37	-363.25	48.91%
6141-01.701-1-99000	Social	-61.00	.00	.00	.00	-61.00	.00%
6142-00.701-1-99000	Group Health & Life	-6,822.00	.00	3,232.59	568.51	-3,589.41	47.38%
6142-00.750-1-99000	Group Health & Life	-8,190.00	.00	3,997.57	682.51	-4,192.43	48.81%
6143-00.701-1-99000	Workers' Compensation	-276.00	.00	120.31	23.17	-155.69	43.59%
6143-00.750-1-99000	Workers' Compensation	-240.00	.00	117.55	20.07	-122.45	48.98%
6143-01.701-1-99000	Workers'	-12.00	.00	.00	.00	-12.00	.00%
6144-00.701-1-99000	TRS On Behalf	-5,776.00	.00	1,987.86	736.61	-3,788.14	34.42%
6144-00.750-1-99000	TRS On Behalf	-4,068.00	.00	1,986.24	678.23	-2,081.76	48.83%
6144-01.701-1-99000	On Behalf/Medicare Pt D	.00	.00	.00	.00	.00	.00%
6144-01.750-1-99000	On Behalf/Medicare Pt D	.00	.00	.00	.00	.00	.00%
6144-02.701-1-99000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6144-02.750-1-99000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6145-00.701-1-99000	Unemployment	-500.00	.00	.00	.00	-500.00	.00%
6145-00.750-1-99000	Unemployment	-300.00	.00	.00	.00	-300.00	.00%
6146-00.701-1-99000	TRS/TRS Care/NOASDI	-1,551.00	.00	1,131.63	218.47	-419.37	72.96%
6146-00.750-1-99000	TRS/TRS Care/NOASDI	-1,352.00	.00	664.58	113.46	-687.42	49.16%
Sub Total 6100		-146,625.00	.00	67,576.52	12,802.10	-79,048.48	46.09%
6200 - Professional & Contracted Serv							
6211-00.702-1-99000	Legal Services/Board	-2,500.00	1,153.50	1,346.50	.00	.00	53.86%
6212-00.750-1-99000	Financial Audit	-19,000.00	585.21	18,414.79	6,000.00	.00	96.92%
6212-01.750-1-99000	Property Tax Audit	-1,000.00	.00	.00	.00	-1,000.00	.00%
6213-00.703-1-99000	Tax Collection Fees	-21,000.00	11,274.38	9,725.62	.00	.00	46.31%
6214-00.701-1-99000	Advocacy/Lobbying Costs	-25.00	.00	.00	.00	-25.00	.00%
6237-00.702-1-99000	R.18 Board Training	-250.00	.00	.00	.00	-250.00	.00%
6239-00.701-1-99000	R.18 Certification/Personnel	-650.00	.00	650.00	.00	.00	100.00%
6239-02.750-1-99000	R.18 Purchasing Cooperative	-450.00	.00	450.00	.00	.00	100.00%
6239-04.701-1-99000	R.18 Federal Grant Services	-1,000.00	.00	906.01	.00	-93.99	90.60%
6239-04.750-1-99000	R.18 School Finance	-1,150.00	.00	1,150.00	.00	.00	100.00%
6239-05.701-1-99000	R.12 E-RATE Services	-1,500.00	1,500.00	.00	.00	.00	.00%
6239-06.701-1-99000	R.12 E-RATE Works	-500.00	.00	500.00	.00	.00	100.00%
6269-00.701-1-99000	Copier Rental/Supt Office	-850.00	512.55	337.45	134.98	.00	39.70%
6269-00.750-1-99000	Copier Rental/Bus Office	-850.00	512.55	337.45	134.98	.00	39.70%
6269-01.701-1-99000	Postage Meter/Supt Office	-250.00	230.63	19.37	.00	.00	7.75%
6269-01.750-1-99000	Postage Meter/Bus Office	-250.00	230.63	19.37	.00	.00	7.75%
6299-00.750-1-99000	BSWIFT/ACA Reporting	-1,000.00	1,000.00	.00	.00	.00	.00%
Sub Total 6200		-52,225.00	16,999.45	33,856.56	6,269.96	-1,368.99	64.83%
6300 - Supplies & Materials							
6398-00.701-1-99000	Technology/Superintendent	-500.00	.00	.00	.00	-500.00	.00%
6398-00.702-1-99000	Technology/Board	-500.00	1060	.00	.00	-500.00	.00%
6399-00.701-1-99000	Supplies/Materials/Supt	-2,000.00	42.00	188.00	120.99	-1,770.00	9.40%
6399-00.750-1-99000	Supplies/Materials/Business	-2,000.00	414.96	1,082.96	150.00	-502.08	54.15%

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Cnty Dist: 022-902		Detail Comparison of Expenditures and Encumbrances to Budget			Page 17 of 21		
		Marathon ISD			File ID: C		
Fund 199 / 1 General Operating Fund		As of January					
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co							
41 - General Administration							
6300 - Supplies & Materials							
6399-02.701-1-99000	Postage	-500.00	330.00	170.00	.00	.00	34.00%
6399-02.750-1-99000	Postage	-750.00	490.00	260.00	.00	.00	34.67%
6399-30.701-1-99000	Paper/Copy Machine	-250.00	.00	.00	.00	-250.00	.00%
6399-30.750-1-99000	Paper/Copy Machine	-250.00	.00	.00	.00	-250.00	.00%
Sub Total 6300		-6,750.00	1,276.96	1,700.96	270.99	-3,772.08	25.20%
6400 - Other Operating Costs							
6411-00.701-1-99000	Travel Costs/Supt	-1,500.00	25.00	1,370.00	75.00	-105.00	91.33%
6411-00.750-1-99000	Travel Costs/Business Office	-750.00	.00	.00	.00	-750.00	.00%
6419-00.702-1-99000	Travel/Board	-5,000.00	150.00	461.00	225.00	-4,389.00	9.22%
6429-00.701-1-99000	TASB Liability Insurance	-3,500.00	.00	3,500.00	.00	.00	100.00%
6439-00.702-1-99000	Election Costs	-3,635.00	.00	2,194.27	.00	-1,440.73	60.37%
6491-00.701-1-99000	Legally Req Pub Not/Supt	-1,000.00	125.00	.00	.00	-875.00	.00%
6491-00.702-1-99000	Legally Req Pub Not/Board	-365.00	.00	.00	.00	-365.00	.00%
6491-00.750-1-99000	Legally Req Pub	-1,500.00	.00	213.25	130.00	-1,286.75	14.22%
6495-00.701-1-99000	Dues/Superintendent	-500.00	.00	408.00	.00	-92.00	81.60%
6495-00.750-1-99000	TASBO Membership	-200.00	.00	.00	.00	-200.00	.00%
6495-01.701-1-99000	TASB Membership & Leg Ass	-1,000.00	.00	1,000.00	.00	.00	100.00%
6499-00.701-1-99000	Misc Costs/Supt	-1,500.00	.00	567.00	.00	-933.00	37.80%
6499-00.702-1-99000	Misc Board Costs	-500.00	.00	35.00	.00	-465.00	7.00%
6499-00.750-1-99000	Misc Costs/Business Offices	-2,000.00	.00	52.69	37.06	-1,947.31	2.63%
6499-01.701-1-99000	Misc/School Spirit/M2M	-567.00	.00	.00	.00	-567.00	.00%
6499-01.702-1-99000	TASB Policy Updates	-3,000.00	2,176.24	823.76	721.76	.00	27.46%
6499-02.702-1-99000	TASB Policy Online Support	-1,000.00	1,000.00	.00	.00	.00	.00%
6499-03.701-1-99000	TASB HR Services	-1,000.00	1,000.00	.00	.00	.00	.00%
6499-04.701-1-99000	Fee/Background	-50.00	46.00	4.00	2.00	.00	8.00%
6499-04.702-1-99000	TASB Policy Services	-800.00	800.00	.00	.00	.00	.00%
6499-05.702-1-99000	TASB Board Book	-1,300.00	.00	1,250.00	.00	-50.00	96.15%
Sub Total 6400		-30,667.00	5,322.24	11,878.97	1,190.82	-13,465.79	38.74%
Total Function 41 General Administration		-236,267.00	23,598.65	115,013.01	20,533.87	-97,655.34	48.68%
51 - Facilities Maintenance & Opera							
6100 - Payroll Costs							
6129-00.001-1-99000	Salary/Facilities	-15,600.00	.00	6,499.10	1,299.82	-9,100.90	41.66%
6129-00.001-1-99019	Salary/COVID-19	-5,000.00	.00	760.50	.00	-4,239.50	15.21%
6129-00.999-1-99019	Salary/COVID-19	.00	.00	.00	.00	.00	.00%
6129-01.001-1-99000	Salary/Custodial	-27,348.00	.00	11,926.61	2,298.85	-15,421.39	43.61%
6129-02.001-1-99019	Salaries/Support/M2M/C19	-7,678.00	.00	1,540.01	304.53	-6,137.99	20.06%
6141-00.001-1-99000	Social Security/Medicare	-623.00	.00	370.07	56.16	-252.93	59.40%
6141-00.001-1-99019	Medicare/COVID-19	-75.00	.00	.00	.00	-75.00	.00%
6141-00.999-1-99000	Social Security/Medicare	.00	.00	.00	.00	.00	.00%
6141-00.999-1-99019	Medicare/COVID-19	.00	.00	.00	.00	.00	.00%
6141-01.001-1-99000	Social Security/Medicare	-83.00	.00	.00	.00	-83.00	.00%
6142-00.001-1-99000	Group Health & Life	-11,700.00	.00	4,875.10	975.02	-6,824.90	41.67%
6143-00.001-1-99000	Workers' Compensation	-1,550.00	.00	767.13	151.91	-782.87	49.49%
6143-00.001-1-99019	Workers Compensation	-175.00	.00	.00	.00	-175.00	.00%
6143-00.999-1-99000	Workers' Compensation	.00	1061	.00	.00	.00	.00%
6143-00.999-1-99019	Workers Compensation	.00	.00	.00	.00	.00	.00%
6143-01.001-1-99000	Workers' Compensation	-192.00	.00	.00	.00	-192.00	.00%

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Cnty Dist: 022-902			Detail Comparison of Expenditures and Encumbrances to Budget			Page 18 of 21	
			Marathon ISD			File ID: C	
Fund 199 / 1 General Operating Fund			As of January				
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Balance	Percent Realized
6000 - Expenditures/Expense Object Co							
51 - Facilities Maintenance & Opera							
6100 - Payroll Costs							
6144-00.001-1-99000	TRS On Behalf	-3,758.00	.00	1,712.31	683.06	-2,045.69	45.56%
6144-00.999-1-99000	TRS On'Behalf	.00	.00	.00	.00	.00	.00%
6144-01.001-1-99000	On Behalf/Medicare Pt D	-400.00	.00	.00	.00	-400.00	.00%
6144-02.001-1-99000	On Behalf/Proportionate Share	.00	.00	.00	.00	.00	.00%
6145-00.001-1-99000	Unemployment	-200.00	.00	.00	.00	-200.00	.00%
6145-00.001-1-99019	Unemployment/COVID-19	-225.00	.00	.00	.00	-225.00	.00%
6145-00.999-1-99019	Unemployment/COVID-19	.00	.00	.00	.00	.00	.00%
6146-00.001-1-99000	TRS/TRS Care/NOASDI	-1,009.00	.00	459.90	91.73	-549.10	45.58%
6146-00.001-1-99019	TRS/TRS Care/COVID-19	-325.00	.00	.00	.00	-325.00	.00%
6146-00.999-1-99000	Teacher Retirement/TRS	.00	.00	.00	.00	.00	.00%
6146-00.999-1-99019	TRS/COVID-19	.00	.00	.00	.00	.00	.00%
6146-01.001-1-99000	Teacher Retirement/TRS	-113.00	.00	.00	.00	-113.00	.00%
Sub Total 6100		-76,054.00	.00	28,910.73	5,861.08	-47,143.27	38.01%
6200 - Professional & Contracted Serv							
6219-00.999-1-99000	AHERA/Asbestos	-2,080.00	360.00	1,720.00	.00	.00	82.69%
6249-00.999-1-99000	Contracted	-15,000.00	2,552.18	6,773.59	495.00	-5,674.23	45.16%
6249-00.999-1-99019	Cont Svs/COVID-19	-8,000.00	.00	.00	.00	-8,000.00	.00%
6249-01.999-1-99000	Pest Management Control	-1,000.00	.00	.00	.00	-1,000.00	.00%
6249-02.999-1-99000	Asbestos Abatement	-920.00	.00	.00	.00	-920.00	.00%
6249-04.999-1-99000	Termite Control Services	.00	.00	.00	.00	.00	.00%
6249-05.999-1-99000	Repairs/Fire Alarm System	-500.00	.00	.00	.00	-500.00	.00%
6258-00.999-1-99000	VOIP/Internet	-8,000.00	4,516.07	2,483.93	501.38	-1,000.00	31.05%
6258-01.999-1-99000	Alert/Paging System	.00	.00	.00	.00	.00	.00%
6259-01.999-1-99000	Water	-7,000.00	5,377.73	1,622.27	378.52	.00	23.18%
6259-02.999-1-99000	Phone/Fax/Dish	-1,560.00	1,109.50	607.50	133.43	157.00	38.94%
6259-03.999-1-99000	Electricity	-18,000.00	14,461.91	3,538.09	981.83	.00	19.66%
6259-04.999-1-99000	Heat/Propane	-22,000.00	16,799.19	5,200.80	3,440.64	-.01	23.64%
6259-05.999-1-99000	Waste Disposal	-3,000.00	2,118.08	881.92	222.56	.00	29.40%
6269-00.999-1-99000	Rental/Electricity Poles	-36.00	.00	35.55	35.55	-.45	98.75%
6269-01.999-1-99000	Rental/Equipment	-300.00	.00	.00	.00	-300.00	.00%
6299-00.999-1-99000	TASB Facilities	-1,050.00	.00	1,050.00	.00	.00	100.00%
6299-02.999-1-99000	Annual Fire Alarm Inspection	-3,500.00	.00	.00	.00	-3,500.00	.00%
6299-03.999-1-99000	Annual Fire Extinguisher	-650.00	92.15	222.15	.00	-335.70	34.18%
Sub Total 6200		-92,596.00	47,386.81	24,135.80	6,188.91	-21,073.39	26.07%
6300 - Supplies & Materials							
6317-00.999-1-99000	Supplies/Custodial	-5,000.00	51.52	1,633.75	127.74	-3,314.73	32.67%
6317-00.999-1-99019	Disinfecting	-5,000.00	74.49	1,989.70	21.48	-2,935.81	39.79%
6318-00.999-1-99000	Supplies/Grounds	-500.00	.00	.00	.00	-500.00	.00%
6319-00.999-1-99000	Paint	-500.00	.00	.00	.00	-500.00	.00%
6319-01.999-1-99000	Supplies/Facilities Maint	-5,000.00	1,097.99	364.38	102.01	-3,537.63	7.29%
6398-00.999-1-99000	Equipment/Grounds	-250.00	.00	.00	.00	-250.00	.00%
6398-01.999-1-91000	Sand/Track Area	-500.00	.00	.00	.00	-500.00	.00%
6398-01.999-1-99000	Equipment/Facilities	-250.00	.00	.00	.00	-250.00	.00%
Sub Total 6300		-17,000.00	1,224.00	3,987.83	251.23	-11,788.17	23.46%

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Cnty Dist: 022-902		Detail Comparison of Expenditures and Encumbrances to Budget			Page 19 of 21	
		Marathon ISD			File ID: C	
Fund 199 / 1 General Operating Fund		As of January				
		Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Percent Realized
6000 - Expenditures/Expense Object Co						
51 - Facilities Maintenance & Opera						
6400 - Other Operating Costs						
6411-00.999-1-99000	Travel/Facilities	-250.00	.00	.00	.00	.00%
6411-01.999-1-99000	Travel/IPM Training	-300.00	.00	.00	.00	.00%
6429-00.999-1-99000	Insurance/Property	-15,157.00	.00	15,157.00	.00	100.00%
Sub Total 6400		-15,707.00	.00	15,157.00	.00	96.50%
Total Function 51 Facilities Maintenance & Opera		-201,357.00	48,610.81	72,191.36	12,301.22	35.85%
52 - Security & Monitoring Services						
6200 - Professional & Contracted Serv						
6239-07.001-1-11000	R.18 School Safety	-1,200.00	.00	.00	.00	.00%
6249-00.001-1-99000	Repairs/Security	.00	.00	.00	.00	.00%
Sub Total 6200		-1,200.00	.00	.00	.00	.00%
6300 - Supplies & Materials						
6399-00.001-1-99000	Materials/Security	.00	.00	.00	.00	.00%
Sub Total 6300		.00	.00	.00	.00	.00%
6400 - Other Operating Costs						
6411-00.001-1-99000	Security/Prof Development	-1,300.00	.00	780.48	747.03	60.04%
6429-00.999-1-99000	TASB/Privacy/Info Security	-2,500.00	.00	2,500.00	.00	100.00%
Sub Total 6400		-3,800.00	.00	3,280.48	747.03	86.33%
Total Function 52 Security & Monitoring Services		-5,000.00	.00	3,280.48	747.03	65.61%
53 - Data Processing Services						
6100 - Payroll Costs						
6118-00.999-1-99000	Salary/Tech/Extra Duty Pay	-2,500.00	.00	833.34	277.78	33.33%
6119-00.750-1-99000	Salary/Data/Business Office	-21,129.00	.00	5,294.76	1,764.92	25.06%
6129-00.001-1-99000	Salary PEIMS Data	-20,015.00	.00	5,016.60	1,672.20	25.06%
6141-00.001-1-99000	Social Security/Medicare	-286.00	.00	71.64	23.88	25.05%
6141-00.750-1-99000	Social Security/Medicare	-305.00	.00	76.35	25.45	25.03%
6141-00.999-1-99000	Social Security/Medicare	-46.00	.00	11.34	3.78	24.65%
6142-00.001-1-99000	Group Health & Life	-4,680.00	.00	1,170.09	390.03	25.00%
6142-00.750-1-99000	Group Health & Life	-3,510.00	.00	877.53	292.51	25.00%
6143-00.001-1-99000	Workers' Compensation	-36.00	.00	9.84	3.28	27.33%
6143-00.750-1-99000	Workers' Compensation	-103.00	.00	25.80	8.60	25.05%
6143-00.999-1-99000	Workers' Compensation	-24.00	.00	4.05	1.35	16.88%
6144-00.001-1-99000	TRS On-Behalf	-1,751.00	.00	438.94	292.63	25.07%
6144-00.750-1-99000	TRS On-Behalf	-1,743.00	.00	436.01	290.67	25.01%
6144-00.999-1-99000	TRS On'Behalf	-240.00	.00	61.90	41.17	25.79%
6146-00.001-1-99000	Teacher Retirement/TRS	-470.00	.00	117.84	39.28	25.07%
6146-00.750-1-99000	Teacher Retirement/TRS	-579.00	.00	145.92	48.64	25.20%
6146-00.999-1-99000	TRS/TRS Care	-188.00	.00	28.25	9.34	15.03%
Sub Total 6100		-57,605.00	.00	14,620.20	5,185.51	25.38%
6200 - Professional & Contracted Serv						
6236-00.999-1-99000	EdLink/Erate	-11,758.00	.00	11,758.00	.00	100.00%
6236-01.999-1-99000	EdLink/Security Suite	-4,342.00	.00	4,342.00	.00	100.00%
6236-02.999-1-99000	EdLink/On-Site Support	-11,288.00	.00	11,288.00	.00	100.00%
6236-03.999-1-99000	EdLink Disaster Recovery	-557.00	460.15	96.85	19.22	17.39%
6238-00.001-1-99000	R.18 Info Systems/Student	-11,018.00	1063.00	11,018.00	.00	100.00%
6238-00.750-1-99000	R.18 Infor Systems/BO/HR	-9,831.00	.00	9,831.00	.00	100.00%
6238-02.001-1-99000	R.18/ECDS Services	-500.00	.00	500.00	.00	100.00%

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Cnty Dist: 022-902			Detail Comparison of Expenditures and Encumbrances to Budget			Page 20 of 21	
			Marathon ISD			File ID: C	
Fund 199 / 1 General Operating Fund			As of January				
			Budget	Encumbrance YTD	Expenditure YTD	Current Expenditure	Percent Realized
6000 - Expenditures/Expense Object Co							
53 - Data Processing Services							
6200 - Professional & Contracted Serv							
6239-03.999-1-99000	R.18 Antivirus Software		-1,600.00	.00	1,600.00	.00	100.00%
6239-04.999-1-99000	R.18 Windows Server		-258.00	.00	257.10	.00	99.65%
6249-00.001-1-99000	Cabling/Installation/Meraki		-940.00	940.00	.00	.00	.00%
Sub Total 6200			-52,092.00	1,400.15	50,690.95	19.22	97.31%
6300 - Supplies & Materials							
6398-00.001-1-99002	Meraki/2-Erate		-1,032.00	1,032.00	.00	.00	.00%
6399-00.001-1-99000	Supplies/Tech		.00	.00	.00	.00	.00%
6399-03.999-1-99000	Microsoft Office Renewal		.00	.00	.00	.00	.00%
6399-05.999-1-99000	Wix Web Hosting/Events		-250.00	.00	.00	.00	.00%
6399-06.999-1-99000	Google Web Domain		-120.00	.00	.00	.00	.00%
6399-07.999-1-99000	Monitoring Software		-462.00	.00	.00	.00	.00%
6399-08.001-1-99000	Meraki License		-1,558.00	.00	1,558.00	.00	100.00%
Sub Total 6300			-3,422.00	1,032.00	1,558.00	.00	45.53%
6400 - Other Operating Costs							
6499-00.999-1-99000	Misc Costs		.00	.00	.00	.00	.00%
Sub Total 6400			.00	.00	.00	.00	.00%
Total Function 53 Data Processing Services			-113,119.00	2,432.15	66,869.15	5,204.73	59.11%
61 - Community Services							
6300 - Supplies & Materials							
6399-00.001-1-99000	Materials/Parental		-100.00	.00	.00	.00	.00%
Sub Total 6300			-100.00	.00	.00	.00	.00%
6400 - Other Operating Costs							
6499-00.001-1-99000	Misc Costs/Parental		-900.00	.00	.00	.00	.00%
Sub Total 6400			-900.00	.00	.00	.00	.00%
Total Function 61 Community Services			-1,000.00	.00	.00	.00	.00%
71 - Debt Services							
6500 - Debt Service							
6512-00.001-1-99000	Principal/4 of 5		-22,090.00	.00	22,088.48	.00	99.99%
6522-00.001-1-99000	Interest/4 of 5		-1,323.00	.00	1,322.52	.00	99.96%
Sub Total 6500			-23,413.00	.00	23,411.00	.00	99.99%
Total Function 71 Debt Services			-23,413.00	.00	23,411.00	.00	99.99%
93 - Payments to Fiscal Agent							
6400 - Other Operating Costs							
6492-00.001-1-23000	Fiscal Agent/588 Coop		-6,800.00	.00	6,800.00	.00	100.00%
Sub Total 6400			-6,800.00	.00	6,800.00	.00	100.00%
Total Function 93 Payments to Fiscal Agent			-6,800.00	.00	6,800.00	.00	100.00%
99 - Other Intergovernmental Charge							
6200 - Professional & Contracted Serv							
6213-00.703-1-99000	Property Appraisal Services		-36,643.00	20,509.00	16,134.00	.00	44.03%
Sub Total 6200			-36,643.00	20,509.00	16,134.00	.00	44.03%
Total Function 99 Other Intergovernmental			-36,643.00	20,509.00	16,134.00	.00	44.03%

	<u>Budget</u>	<u>Encumbrance YTD</u>	<u>Expenditure YTD</u>	<u>Current Expenditure</u>	<u>Balance</u>	<u>Percent Realized</u>
8000 - Other Uses & NonOperating Exp						
00 - Generic						
8900 - Other Uses						
8911-00.000-1-00000 Transfer to Food Service	-13,027.00	.00	.00	.00	-13,027.00	.00%
Sub Total 8900	-13,027.00	.00	.00	.00	-13,027.00	.00%
Total Function 00 Generic	-13,027.00	.00	.00	.00	-13,027.00	.00%
Total Expenditures	-1,808,810.00	123,676.57	715,055.96	92,358.96	-970,077.47	39.53%
Total for 000	-1,808,810.00	123,676.57	715,055.96	92,358.96	-970,077.47	39.53%
End of Report						

Check Nbr	Check Date	Vend Nbr	Payee	Organization	PO Nbr Fnd-Fnc-Obj.	Invoice Nbr So-Org-Prog	Typ Cd	Reason	Amount	EFT
012101	01-05-2021	00086	TEACHER RETIREMEN		100029		D	December Payroll	541.17	N
					863-00-2155.00-000-100000					
					100029		D	December Payroll	6,411.18	N
					863-00-2155.00-000-100000					
					100029		D	December Payroll	64.79	N
					863-00-2155.01-000-100000					
					100029		D	December Payroll	802.87	N
					863-00-2155.02-000-100000					
					100029		D	December Payroll	10.80	N
					863-00-2155.03-000-100000					
					100029		D	December Payroll	624.46	N
					863-00-2155.04-000-100000					
					100029		D	December Payroll	1,155.63	N
					863-00-2155.08-000-100000					
Check 012101 Total:								9,610.90		
012102	01-11-2021	00086	TEACHER RETIREMEN TSTA DUES		100030		D	January Premium	4,752.00	N
					863-00-2153.00-005-100000					
			TRS ACT/CARE		100030		D	January Premium	8,249.00	N
					863-00-2153.00-006-100000					
Check 012102 Total:								13,001.00		
012103	01-13-2021	00148	INTERNAL REVENUE S		100033		D	December Payroll	13.95	N
					863-00-2152.01-000-100000					
					100033		D	December Payroll	13.95	N
					863-00-2152.02-000-100000					
Check 012103 Total:								27.90		
012104	01-25-2021	00148	INTERNAL REVENUE S		100034		D	January Payroll	6,375.12	N
					863-00-2151.00-000-100000					
					100034		D	January Payroll	9.77	N
					863-00-2152.01-000-100000					
					100034		D	January Payroll	9.77	N
					863-00-2152.01-000-100000					
					100034		D	January Payroll	1,138.39	N
					863-00-2152.01-000-100000					
100034		D	January Payroll	1,138.39	N					
863-00-2152.02-000-100000										
Check 012104 Total:								8,671.44		
031707	01-07-2021	14336	SAVVAS/PEARSON ED	MARATHON SCHOO	100022	4026219138	D	LOST IN TRANSIT/RE-ISSU	-458.80	N
					199-11-6321.00-001-111014					
			MARATHON SCHOO		100022	4026219138	D	LOST IN TRANSIT/RE-ISSU	-239.91	N
					199-11-6321.00-001-111020					
Check 031707 Total:								-698.71		
031789	01-07-2021	14214	The Lincoln Electric Co	MARATHON SCHOO	100137	909749563	D	LOST IN TRANSIT/RE-ISSU	-600.00	N
					199-11-6399.00-001-122015					
031822	01-11-2021	01607	Agency 405 Crime Reco	SUPERINTENDENT	100068	CRS202011204777	C	Background Check Fee	2.00	N
					199-41-6499.04-701-199000					
031823	01-11-2021	00002	ALPINE AVALANCHE	BUSINESS OFFICE	100178	43154	C	Publication/FIRST Public Mt	130.00	N
					199-41-6491.00-750-199000					
031824	01-11-2021	14202	Apple Inc.	MARATHON SCHOO	100188	AE05449128	C	MP3 player for testing	772.00	N
					196-11-6399.05-001-111000					
					1066					

Check Nbr	Check Date	Vend Nbr	Payee	Organization	PO Nbr Fnd-Fnc-Obj.	Invoice Nbr So-Org-Prog	Typ Cd	Reason	Amount	EFT
031825	01-11-2021	01414	AT&T	DISTRICT WIDE	100004 199-51-6259.02-999-199000	0300407752001	C	Long Distance	12.97	N
031826	01-11-2021	01549	BIG BEND TELEPHONE	DISTRICT WIDE	100006 199-51-6258.00-999-199000	00046392	C	VOIP/Telecommunications	501.38	N
031827	01-11-2021	14322	BUSH'S CHICKEN	MARATHON SCHOO	100165 199-36-6412.31-001-191000		C	Meals Basketball	45.50	N
031828	01-11-2021	01375	DIRECT ENERGY BUSI	DISTRICT WIDE	100001 199-51-6259.03-999-199000	210040044360862	C	Utility - Electricity	981.83	N
031829	01-11-2021	14347	ELVINS AUTO REPAIR	DISTRICT WIDE	100202 199-34-6499.04-999-199000		C	BlueBird Bus Inspection	45.00	N
031830	01-11-2021	14257	GAS CARD	MARATHON SCHOO	100148 199-52-6411.00-001-199000		C	Gas for Training	37.37	N
031831	01-11-2021	01272	Labatt Food Service LLC	MARATHON SCHOO	100053 101-35-6341.00-001-199000	01030919	C	Breakfast Program	293.82	N
				MARATHON SCHOO	100053 101-35-6342.00-001-199000	01030919	C	Breakfast Program	59.06	N
				Check 031831 Total:		352.88				
031832	01-11-2021	14214	The Lincoln Electric Co	MARATHON SCHOO	100032 199-11-6399.00-001-122015	909749563	C	600 pounds of welding electr	600.00	N
031833	01-11-2021	01033	MARATHON WATER &	DISTRICT WIDE	100000 199-51-6259.01-999-199000	3,23,47	C	Water & Sewer	378.52	N
031834	01-11-2021	00146	MASTERCARD - CARD	MARATHON SCHOO	100134 199-36-6412.35-001-191000		C	2 hotel rooms for 11.9 XC m	79.18	N
				MARATHON SCHOO	100134 199-36-6412.35-001-191000		C	2 hotel rooms for 11.9 XC m	79.18	N
				MARATHON SCHOO	100142 199-36-6412.35-001-191000		C	Regional Cross Country Mee	91.79	N
				MARATHON SCHOO	100146 199-52-6411.00-001-199000		C	Training Registraion	445.20	N
				MARATHON SCHOO	100147 199-52-6411.00-001-199000		C	Training Hotel	185.37	N
				Check 031834 Total:		880.72				
031835	01-11-2021	01512	MCCOY'S #86	DISTRICT WIDE	100201 199-51-6319.01-999-199000	8608127	C	Maint Sup - Jan	95.41	N
031836	01-11-2021	14336	SAVVAS Learning Comp	MARATHON SCHOO	100031 199-11-6321.00-001-111014	4026219138	C	Math Textbooks	458.80	N
				MARATHON SCHOO	100031 199-11-6321.00-001-111020	4026219138	C	History Textbooks	239.91	N
				Check 031836 Total:		698.71				
031837	01-11-2021	01433	PRINTCO	MARATHON SCHOO	100190 199-23-6399.00-001-199000	29336	C	School Enevelopes	125.00	N
				SUPERINTENDENT	100190 199-41-6399.00-701-199000	29336	C	School Enevelopes	100.00	N
				BUSINESS OFFICE	100190 199-41-6399.00-750-199000	29336	C	School Enevelopes	150.00	N
Check 031837 Total:		375.00								

Date Run: 02-03-2021 1:10 PM				Y-T-D Check Payments				Program: FIN1750		
Cnty Dist: 022-902				Marathon ISD				Page: 3 of 5		
From 01-01-2021 To 01-31-2021				Sort by Check Number, Account Code				File ID: C		
Accounting Period: C										
Check Nbr	Check Date	Vend Nbr	Payee	Organization	PO Nbr Fnd-Fnc-Obj.	Invoice Nbr So-Org-Prog	Typ Cd	Reason	Amount	EFT
031838	01-11-2021	14250	QUILL CORPORATION	MARATHON SCHOO	100179 199-11-6395.00-001-132032	12690754	C	PreK	51.57	N
031839	01-11-2021	14451	Juan Saldana	MARATHON SCHOO	100149 199-52-6411.00-001-199000		C	Training Meals	79.09	N
031840	01-11-2021	00438	TASB, INC.	SCHOOL BOARD	100193 199-41-6419.00-702-199000	603941	C	New Bd Memb Trng online	225.00	N
031841	01-11-2021	01408	Texas Disposal Systems	DISTRICT WIDE	100003 199-51-6259.05-999-199000	5755603	C	Waste Disposal	222.56	N
031842	01-11-2021	01219	WTG FUELS	DISTRICT WIDE	100002 199-51-6259.04-999-199000	4218856	C	Fuel/Propane	200.16	N
				DISTRICT WIDE	100002 199-51-6259.04-999-199000	4214064	C	Fuel/Propane	1,800.48	N
								Check 031842 Total:	2,000.64	
031843	01-11-2021	01522	CMC BUSINESS SYST	MARATHON SCHOO	100083 199-11-6269.00-001-111001	22254312	C	Copier Lease	202.46	N
				MARATHON SCHOO	100083 199-11-6269.00-001-111101	22254313	C	Copier Lease	213.94	N
				SUPERINTENDENT	100083 199-41-6269.00-701-199000	22254312	C	Copier Lease	67.49	N
				BUSINESS OFFICE	100083 199-41-6269.00-750-199000	22254312	C	Copier Lease	67.49	N
								Check 031843 Total:	551.38	
031844	01-11-2021	14335	TEXAS EDUCATION A	MARATHON SCHOO	100145 199-11-6223.00-001-111000	F200013	C	TXVSN Enrollment	2,880.00	N
031845	01-11-2021	00301	Odessa College	MARATHON SCHOO	100211 199-11-6223.00-001-138000		C	Duel Credit	3,540.00	N
031846	01-25-2021	00637	First Financial Administr	ANNUITY #43	DEDCHK 863-00-2153.00-043-100000		D	JAN DED LIFE INSURANCE	8.16	N
				DENTAL/METLIFE	DEDCHK 863-00-2153.00-106-100000		D	JAN DED HEALTH INSURA	693.50	N
				VISION/METLIFE	DEDCHK 863-00-2153.00-107-100000		D	JAN DED HEALTH INSURA	205.11	N
				LIFE INSURANCE	DEDCHK 863-00-2153.00-108-100000		D	JAN DED LIFE INSURANCE	698.56	N
				CANCER INSURANC	DEDCHK 863-00-2153.00-109-100000		D	JAN DED HEALTH INSURA	163.48	N
				HOSPITAL GAP	DEDCHK 863-00-2153.00-110-100000		D	JAN DED HEALTH INSURA	51.90	N
				ACCIDENT	DEDCHK 863-00-2153.00-112-100000		D	JAN DED HEALTH INSURA	39.90	N
				EMPLOYEE LIFE	DEDCHK 863-00-2153.00-113-100000		D	JAN DED LIFE INSURANCE	69.48	N
				SPOUSE LIFE	DEDCHK 863-00-2153.00-114-100000		D	JAN DED LIFE INSURANCE	14.00	N
				CHILD LIFE	DEDCHK 863-00-2153.00-115-100000		D	JAN DED LIFE INSURANCE	2.00	N
				ANNUITY #45	DEDCHK 863-00-2159.00-045-100000		D	JAN DED TAX SHEL. ANNU	200.00	N
				DISABILITY	DEDCHK 863-00-2159.00-111-100000		D	JAN DED INCOME REPLAC	339.02	N
				AMERICAN FIDELIT	DEDCHK 863-00-2159.00-118-100000		D	JAN DED INCOME REPLAC	19.36	N

Check Nbr	Check Date	Vend Nbr	Payee	Organization	PO Nbr Fnd-Fnc-Obj.	Invoice Nbr So-Org-Prog	Typ Cd	Reason	Amount	EFT
Check 031846 Total:									2,504.47	
031847	01-25-2021	14361	REGION 18 ESC/CERTI	SUPERINTENDENT	DEDCHK 863-00-2159.00-119-100000		D	JAN DED MISCELLANEOU	400.00	N
031848	01-22-2021	14495	ANDERSON'S		100208 865-00-2190.00-000-100000	9740408	C	Homecoming Sashes	67.94	N
031849	01-22-2021	14374	Clint J Aragon	MARATHON SCHOO	100038 199-36-6294.00-001-191000		C	Official/Buena Vista/1/8/21	97.07	N
031850	01-22-2021	01414	AT&T	DISTRICT WIDE	100004 199-51-6259.02-999-199000	0300407752001	C	Long Distance	13.46	N
031851	01-22-2021	01366	AT&T MOBILITY	DISTRICT WIDE	100005 199-51-6259.02-999-199000	287273120946x01	C	Utility/Mobility/WiFi	107.00	N
031852	01-22-2021	01522	CMC BUSINESS SYST	MARATHON SCHOO	100083 199-11-6269.00-001-111001	26050878	C	Copier Lease	202.46	N
				MARATHON SCHOO	100083 199-11-6269.00-001-111101	26050877	C	Copier Lease	213.94	N
				SUPERINTENDENT	100083 199-41-6269.00-701-199000	26050878	C	Copier Lease	67.49	N
				BUSINESS OFFICE	100083 199-41-6269.00-750-199000	26050878	C	Copier Lease	67.49	N
Check 031852 Total:									551.38	
031853	01-22-2021	14209	PAUL CASIAS	MARATHON SCHOO	100036 199-36-6294.00-001-191000		C	Official/Buena Vista/1/8/21	147.80	N
				MARATHON SCHOO	100036 199-36-6294.00-001-191000		C	Official/Rankin/1/11/21	187.80	N
Check 031853 Total:									335.60	
031854	01-22-2021	00013	DOUBLE R WELDING S	MARATHON SCHOO	100132 199-11-6268.00-001-122015	Les377	C	welding gasses and cylinder	1,018.40	N
031855	01-22-2021	01507	ECKERT & COMPANY,	BUSINESS OFFICE	100036 199-41-6212.00-750-199000	33656	C	Annual Financial Audit	6,000.00	N
031856	01-22-2021	14393	Follett School Solutions,	MARATHON SCHOO	100196 196-12-6329.00-001-111000	7999704	C	Library Books/Brown Grant	1,019.33	N
				MARATHON SCHOO	100196 196-12-6329.00-001-111000	799704a	C	Library Books/Brown Grant	525.40	N
Check 031856 Total:									1,544.73	
031857	01-22-2021	01272	Labatt Food Service LLC	MARATHON SCHOO	100053 101-35-6341.00-001-199000	01100056	C	Breakfast Program	42.14	N
				MARATHON SCHOO	100053 101-35-6341.00-001-199000	01178466	C	Breakfast Program	79.64	N
				MARATHON SCHOO	100053 101-35-6499.00-001-199000	01100056	C	Breakfast Program	35.00	N
				MARATHON SCHOO	100053 101-35-6499.00-001-199000	01178466	C	Breakfast Program	35.00	N
Check 031857 Total:									191.78	
031858	01-22-2021	14498	Nichole Lake	MARATHON SCHOO	100039 199-36-6294.00-001-191000		C	Official/Alpine/12/14/21	66.16	N
031859	01-22-2021	14496	Gary H. Lamar	MARATHON SCHOO	100037 199-36-6294.00-001-191000		C	Official/Rankin/1/11/21	159.16	N

Check Nbr	Check Date	Vend Nbr	Payee	Organization	PO Nbr Fnd-Fnc-Obj.	Invoice Nbr So-Org-Prog	Typ Cd	Reason	Amount	EFT
031860	01-22-2021	00146	MASTERCARD - CARD	MARATHON SCHOO	100187 199-36-6412.01-001-199017		C	UIL Meal	140.00	N
				BUSINESS OFFICE	100035 199-41-6499.00-750-199000		C	Fees	37.06	N
				DISTRICT WIDE	100218 199-51-6317.00-999-199019		C	Disinfecting wipes	9.50	N
								Check 031860 Total:	186.56	
031861	01-22-2021	01512	MCCOY'S #86	DISTRICT WIDE	100201 199-51-6319.01-999-199000	8608504	C	Maint Sup - Jan	6.60	N
031862	01-22-2021	14336	SAVVAS Learning Comp	MARATHON SCHOO	100212 199-11-6321.00-001-111000	4026273133	C	MS - History Txtbooks	399.85	N
031863	01-22-2021	14250	QUILL CORPORATION	SUPERINTENDENT	100203 199-41-6399.00-701-199000	13510878	C	Batteries Soap disp, ink ribb	20.99	N
				DISTRICT WIDE	100203 199-51-6317.00-999-199000	13510878	C	Batteries Soap disp, ink ribb	127.74	N
				DISTRICT WIDE	100168 199-51-6317.00-999-199019	13279723	C	plates, spoons,fork,lysolspra	11.98	N
								Check 031863 Total:	160.71	
031864	01-22-2021	00312	REGION 18 ESC	DISTRICT WIDE	100029 199-53-6236.03-999-199000	048859	C	Technology Services	19.22	N
031865	01-22-2021	14497	C.T. Electric	DISTRICT WIDE	100217 199-51-6249.00-999-199000	0000182	C	Classroom light fixed	245.00	N
031866	01-22-2021	14453	Tractor Supply Credit PI	MARATHON SCHOO	100086 199-11-6395.03-001-111215	2019358731	C	chicken supplies	97.45	N
				MARATHON SCHOO	100204 199-11-6395.04-001-111215	2019635273	C	chicken supplies	119.95	N
								Check 031866 Total:	217.40	
031867	01-22-2021	14335	TEXAS EDUCATION A	MARATHON SCHOO	100113 199-11-6223.00-001-111000	F200093	C	TXVSN Registration	525.00	N
031868	01-22-2021	01219	WTG FUELS	DISTRICT WIDE	100002 199-51-6259.04-999-199000	4229419	C	Fuel/Propane	1,440.00	N
031869	01-27-2021	01508	American Electric Power	DISTRICT WIDE	100221 199-51-6269.00-999-199000	119-212897654	C	Rental/Light Poles	35.55	N
031870	01-27-2021	14495	Anderson's		100207 865-00-2190.00-000-100000	9740154	C	HC-King/Queen Crown/Tiara	114.97	N
031871	01-27-2021	14251	COLLEGE BOARD	MARATHON SCHOO	100093 199-31-6499.00-001-199000	382166387A	C	PSAT Test	102.00	N
031872	01-27-2021	14336	SAVVAS Learning Comp	MARATHON SCHOO	100216 199-11-6321.00-001-111012	4026274122	C	Sci Textbks	441.32	N
031873	01-27-2021	00312	REGION 18 ESC	SUPERINTENDENT	100169 199-41-6411.00-701-199000	048886	C	TEA Fingerprinting Trng Onli	75.00	N
031874	01-27-2021	00438	TASB, INC.	SCHOOL BOARD	100013 199-41-6499.01-702-199000	604511	C	TASB Policy Updates	721.76	N
031875	01-27-2021	01582	TW HEAT & AIR LLC	DISTRICT WIDE	100155 199-51-6249.00-999-199000	9987	C	HS/ELEM System checks	250.00	N
					1070			Grand Total:	63,470.15	

Eckert & Company
CERTIFIED PUBLIC ACCOUNTANTS

A Limited Liability Partnership

Michael E. Oliphant, CPA
Wayne Barr, CPA
Cathryn A. Pitcock, CPA
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www.eckertcpa.com

Members of
American Institute of CPAs
Texas Society of CPAs

January 24, 2021

Victoria Sanchez, CTSBS, CTSBO, Business Manager
Marathon Independent School District
P.O. Box 416
Marathon, TX 79842-0416

We are in the process of planning our audit schedule for the fall. As a part of this planning, we have enclosed two copies of our engagement letter for the District's audit for the year ending August 31, 2021. You and the Board President will need to sign and date one copy and return it to us in the enclosed envelope. The other copy is for your files.

Also enclosed are Form 1295, Certificate of Interested Parties, provided by the Texas Ethics Commission and instructions on how you are to acknowledge its receipt to the Commission.

We have enjoyed our past association and look forward to working with you again this fall.


Michael E. Oliphant, CPA

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Eckert & Company

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January 24, 2021

Board of Trustees
Marathon Independent School District
P.O. Box 416
Marathon, TX 79842-0416

This will confirm our understanding of the services we are to provide the Marathon Independent School District for the year ending August 31, 2021. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Marathon Independent School District as of and for the year ending August 31, 2021. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Marathon Independent School District's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Marathon Independent School District's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles in the United States of America and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Budgetary Comparison Schedule - Major Funds
3. Schedules of Net Pension Liability and Contributions - Teacher Retirement System of Texas
4. Schedules of Net OPEB Liability and Contributions - Teacher Retirement System of Texas

We have also been engaged to report on supplementary information other than RSI that accompanies the Marathon Independent School District's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditor's report on the financial statements:

1. Required TEA Schedules

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the Marathon Independent School District and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the Marathon Independent School District's financial statements. Our report will be addressed to the Board of Trustees of the Marathon Independent School District. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the District's internal control or on compliance, and that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the Marathon Independent School District is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures - General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the District or to acts by management or employees acting on behalf of the District. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, an unavoidable risk exists that some material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and may include tests of the physical existence of inventories and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We may request written representations from your attorneys as part of the engagement. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures - Internal Controls

Our audit will include obtaining an understanding of the District and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control, and accordingly no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Marathon Independent School District's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of the Marathon Independent School District in conformity with accounting principles generally accepted in the United States of America based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards*, and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements

and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Management is also responsible for providing us with access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, including identification of all related parties and all related-party relationships and transactions; additional information that we may request for the purpose of the audit; and unrestricted access to persons within the District from whom we determine it necessary to obtain audit evidence.

Management's responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

Management is responsible for the design and implementation of programs and controls to prevent and detect fraud and for informing us about all known or suspected fraud affecting the District involving management, employees who have significant roles in internal control, and others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the District received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the District complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy any fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report.

Management is responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the management representation letter that you are responsible for presentation of the supplementary information in accordance with generally accepted accounting principles; you believe the supplementary information, including its form and content, is fairly presented in accordance with generally accepted accounting principles; the methods of measurement or presentation have not changed from those used in the prior period; and you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. Management is also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

Engagement Administration, Fees, and Other

We will provide copies of our reports to the District; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Eckert & Company, LLP, and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the oversight agencies for audits or their designees, a state or federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Eckert & Company, LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Texas Education Agency. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

The beginning date of our audit will be communicated to you in a future letter. We expect to issue our report no later than 150 days after the District's fiscal year end. Michael E. Oliphant is the engagement partner and is responsible for supervising the engagement and signing the report.

Our fees for these services will be based on the actual time spent at our standard hourly rates plus out-of-pocket costs. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered as work progresses. The District will be invoiced at the completion of field work and on completion of the engagement.

Board of Trustees
Marathon Independent School District
Page Six
January 24, 2021

We appreciate the opportunity to be of service to the Marathon Independent School District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Eckert & Company, LLP

ECKERT & COMPANY, LLP
Certified Public Accountants

This letter correctly sets forth the understanding of the Marathon Independent School District.

By _____

Title Superintendent _____

Date _____

By _____

Title Board President _____

Date _____

**MARATHON INDEPENDENT SCHOOL DISTRICT
AUTHORIZED REPRESENTATIVES**

R E S O L U T I O N

BE IT RESOLVED.....that the Board of Trustees of the Marathon Independent School District hereby appoints the individuals listed below to serve as authorized representatives of the district's financial accounts held as follows:

- 1) West Texas National Bank: 1) Now Checking Account No. 73060177; and 2) Scholarship Fund Account No. 7110456.
- 2) Transpecos Bank: 1) Marathon ISD Operating Account No. Certificates of Deposit No. 1225 and No. 1312

Authorized Representative and Check Signers:

Marina Aguilar, Trustee

Steven Aguilar, Trustee

Judy Briones, Trustee

Cheyenne Marta, Trustee

Craig Carter, Trustee

Hayes West, Trustee

Dara Cavness, Trustee

Authorized Representatives Administration and Online Banking Services

Peter H. Price, Superintendent

Victoria Sanchez, Business Manager

BE IT FURTHER RESOLVED.....that West Texas National Bank is authorized to remove any and or all representatives not listed; and to prepare and execute said documents, noting that two signatures are required for all checks issued by the district.

Approved on this the 24th day of February 2021.

Board President

Board Secretary

**Board Resolution Extending Depository Contract for Funds
Of Independent School Districts Under Texas Education Code,
Chapter 45, Subchapter G, School District Depositories**

Resolved by the Marathon Independent School District Board of Trustees that:
Board of Trustees

West Texas National Bank located at Brewster
(Name of Depository Bank) (Name of County)

County, State of Texas, being a bank as defined in section 45.201 of the Texas Education Code, and Marathon Independent School District (CDN: 022-902) agree to extend this depository
(Name of District)

contract pursuant to Texas Education Code Section 45.205, for an additional two-year term from 04/01/2021, through 08/31/2023. Under Texas Education Code Section 45.205(b), a school district and the district's depository bank may agree to extend a depository contract for three additional two-year terms. The extension constitutes the parties' Second two-year term.
(first, second, third)

Furthermore, under Texas Education Code Section 45.205(c), the contract term and any extension must coincide with the school district's fiscal year.

AGREED AND ACCEPTED on behalf of Marathon Independent School District
Name of District

this the 24 day of February, 2021.

Signature of President of School Board

AGREED AND ACCEPTED on behalf of Depository this the _____ day of _____, _____.

Typed Name of Depository

Signature of Authorized Bank Officer

Title of Authorized Bank Officer

Acknowledgement

Acknowledged before me in _____ County, Texas, on _____, 20____, by

_____, bank officer of the Depository named in the preceding document, for the Depository.

Signature of Notary

(SEAL)

Notary Public in and for _____
County, Texas

Districts Eligible for a Depository Contract Extension for FY2021-2023		
	CDNum	District Name
381	220910	Lake Worth ISD
382	079901	Lamar Consolidated ISD
383	058906	Lamesa ISD
384	141901	Lampasas ISD
385	057913	Lancaster ISD
386	201903	Laneville ISD
387	107910	Lapoynor ISD
388	240901	Laredo ISD
389	245901	Lasara ISD
390	113905	Latexo ISD
391	019914	Leary ISD
392	090902	Lefors ISD
393	187906	Leggett ISD
394	145911	Leon ISD
395	074909	Leonard ISD
396	110902	Levelland ISD
397	201904	Leveretts Chapel ISD
398	061902	Lewisville ISD
399	144902	Lexington ISD
400	246908	Liberty Hill ISD
401	146906	Liberty ISD
402	019908	Liberty-Eylau ISD
403	034905	Linden-Kildare Consolidated ISD
404	111902	Lipan ISD
405	061914	Little Elm ISD
406	140904	Littlefield ISD
407	150901	Llano ISD
408	028902	Lockhart ISD
409	077902	Lockney ISD
410	160905	Lohn ISD
411	141902	Lometa ISD
412	178906	London ISD
413	092903	Longview ISD
414	083902	Loop ISD
415	168902	Loraine ISD
416	161907	Lorena ISD
417	054902	Lorenzo ISD
418	241906	Louise ISD
419	043919	Lovejoy ISD
420	152901	Lubbock ISD
421	127905	Lueders-Avoca ISD
422	003903	Lufkin ISD
423	028903	Luling ISD
424	100907	Lumberton ISD
425	245902	Lyford Consolidated ISD
426	154901	Madisonville Consolidated ISD
427	170906	Magnolia ISD
428	107906	Malakoff ISD
429	109908	Malone ISD
430	019910	Malta ISD
431	227907	Manor ISD
432	220908	Mansfield ISD
433	022902	Marathon ISD
434	027904	Marble Falls ISD
435	189901	Marfa ISD
436	073903	Marlin ISD
437	102902	Marshall ISD
438	234905	Martins Mill ISD
439	174909	Martinsville ISD
440	157901	Mason ISD
441	158904	Matagorda ISD
442	205904	Mathis ISD
443	019903	Maud ISD
444	025905	May ISD
445	108906	McAllen ISD
446	231901	McCamey ISD
447	011905	McDade ISD
448	161909	McGregor ISD
449	043907	McKinney ISD
450	090903	McLean ISD
451	034906	McLeod ISD
452	162904	McMullen County ISD
453	010901	Medina ISD
454	043908	Melissa ISD
455	096904	Memphis ISD
456	108907	Mercedes ISD



MARATHON ISD



BUDGET MANUAL

02/2021

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MARATHON ISD ADMINISTRATIVE REVIEW & APPROVAL OF PROCEDURES, HANDBOOKS AND MANUALS

In accordance with Board Policy BP (Local), the Superintendent and administrative staff shall be responsible for developing and enforcing procedures for the operation of the District.

These procedures shall constitute the administrative regulations of the District, and shall consist of guidelines, handbooks, manuals, forms, and any other documents defining standard operating procedures.

The Superintendent or designee shall ensure that administrative regulations are kept up to date and are consistent with Board policy. The Superintendent or designee shall resolve any discrepancies among conflicting administrative regulations. In case of conflict between administrative regulations and policy, policy shall prevail.

Administrative regulations are subject to Board review but shall not be adopted by the Board. The Superintendent shall review and approve all procedures, handbooks and manuals.

Handbook/Manual: Budget Manual

School Year: 2020-2021

Revision Date: February 18,2021

Signature on File

Prepared by: _____
Victoria Sanchez, Business Manager

Signature on File

Approved by: _____
Peter H. Price, Superintendent



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Introduction

This Budget Manual has been prepared to provide general information about the budgeting process at Marathon ISD. Additional information may be available within the district's Board Policies, Administrative Procedures, or other resources such as TEA's Financial Accountability System Resource Guide (FASRG).

The development and management of the district's budget is focused on supporting the district's Vision and Mission Statements.

If assistance is needed in any area of our business operations, please contact Victoria Sanchez, Business Manager at (432) 386-4431 extension 109 or vsanchez@marathonisd.net.

Marathon ISD Mission Statement

All teachers and staff will provide a safe and nurturing environment, empowering students to expand and reach their individual potential, while holding them accountable through diverse, rigorous learning experiences.

Marathon ISD Vision Statement

Marathon ISD will educate all students to their highest level of academic achievement and personal growth, preparing productive, responsible, innovative, and compassionate life-long learners.

Core Values

Motivate: Unwavering belief in all students' unique abilities and interests

Unlimited Potential: All students and staff can learn and grow

Safety: Ensuring all students and staff feel safe and secure

Teamwork: All Stakeholders are critical in the education process

Academic Achievement: Focused on college, career and military readiness

Nurture: Commitment to social and emotional development

Growth: Continuous improvement

Strive to Succeed: In pursuit of excellence in all areas

Motto

Every Student Matters



Budget Overview

What is a budget?

- A process of allocating resources to prioritized needs of a campus and/or district.
- A product of the campus and district planning process
- A valuable tool in the planning and evaluation process
- The link between instruction and financial planning

Legal Requirements

- State Law – Texas Education Code (TEC) 44.002 through 44.006
 - Superintendent (or designee) shall prepare budget
 - Budget must be prepared by August 20th
 - President of Board must call public hearing
 - Notice of the public hearing must be published in a daily, weekly or bi-weekly newspaper published in the district (not earlier than 30th day or later than the 10th day before the date of the hearing)
 - No funds must be expended until adoption of the budget
 - Budget must be prepared in accordance with GAAP (accounting practices)
 - Budget must be adopted before the tax rate
 - Public funds of a district may not be spent in any manner other than as provided for in the budget adopted by the board, but the board may amend a budget or adopt a supplementary emergency budget to cover necessary unforeseen expenses.
- State Law – TEC 29.081(b-1)
 - A district that is required to provide accelerated instruction under TEC 29.081 (b-1) shall separately budget sufficient funds, including funds under Education Code 42.152, for that purpose.
 - A district may not budget funds received under Education Code 42.152 for any other purpose until the district adopts a budget to support additional accelerated instruction. *Education Code 29.081(b-2)*
- State Law – TEC 44.0041
 - The district shall post a summary of the proposed budget on the school district's Internet website or, if the district has not Internet website, in the district's central administrative office.
- State Law – TEC 44.0051
 - On final approval of the budget by the Board, the district shall post on the district's Internet website a copy of the budget adopted by the Board. (Note. The budget must remain posted on the website until the 3rd anniversary of the date the budget was adopted.
- State Law – Local Government Code 140.0045
 - The proposed budget of a district must include a line item indicating expenditures for notices required by law to be published in a newspaper by the district or a representative of the district that allows as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year.
- TEA Requirements
 - Budget must be adopted by Board by Aug 31st



- Minutes must reflect all Budget adjustments
- At a minimum, the General Fund, Food Service Fund and Debt Service Fund must be adopted
- Budget must be filed with TEA through PEIMS
- Budget must be amended before exceeding any function

Local Policy Requirements

- School Board Policy CE Local
 - The expenditure of funds shall be under the direction of the Superintendent or designee who shall ensure that funds are expended in accordance with the adopted budget.

What Time Period Does the Budget Cover?

- State law (TEC 44.0011) allows school districts to select one of two fiscal years: September 1st – August 31st or July 1st – June 30th
- The Marathon ISD Fiscal Year is noted below:
 - **September 1 through August 31st**

What factors determine how much money we receive in the General Fund?

- Federal Revenues
 - SHARS Reimbursements
- State Revenue
 - Student Average Daily Attendance (average of entire school year)
 - Number of students served in special programs
 - Gifted and Talented (PIC 21)
 - Career and Technology (PIC 22)
 - Special Education (PIC 23)
 - Bilingual/ESL (PIC 25)
 - Compensatory Education – At Risk (PIC 30)
 - PreK (PIC 32)
 - PreK/Special Education (PIC 33)
 - PreK/Compensatory Ed (PIC 34)
 - PreK/Bilingual Ed (PIC 35)
 - Early Education (K-3 PIC36)
 - Dyslexia (PIC 37)
 - Dyslexia/Special Education (PIC 43)
 - College Career & Military Readiness (PIC) 38
 - Other State Revenues or Incentives
 - School Safety Allotment
 - Transportation Allotment
 - College Preparation Assessment Reimbursement
- Local Revenue
 - Property Tax Revenues, Penalty and Interests
 - Investment Interest Earnings
 - Other Miscellaneous Revenues and/or Donations/Contributions



Budget Process Overview

There are three major phases:

- **Planning** – Defines the goals and objectives of the campus
- **Preparation** – Budgetary resource allocations
- **Evaluation** – Typically involves an examination of:
 - How the funds were expended
 - What outcomes resulted from the expenditure of funds
 - To what degree these outcomes achieved the objectives stated in the planning process
 - The evaluation process determines the following year's budgetary allocations

The budget process is part of a continuous cycle of planning and evaluation to achieve campus and district goals

- The district's mission statement and goals should be the foundation to budget planning, preparation and evaluations
- Planning defines the goals and objectives of the campuses
- Budgetary resource allocations are the preparation phase of the budget
- Evaluation typically involves an examination of:
 - How the funds were expended
 - What outcomes resulted from the expenditure of funds
 - To what degree these outcomes achieved the objectives stated in the planning process
 - The evaluation process determines the following year's budgetary allocations



Roles and Responsibilities in the Budgeting Process

- District-wide
 - Must comply with federal/state laws and local board policies
 - Must ensure that all resources are reflected in the District/Campus Improvement Plans
 - Must ensure that all students are served
 - Must ensure that all students in special programs are served in accordance with TEC
- Site Based/DEIC Committee
 - Assists with the development of goals and objectives for campus/district (advisory only)
 - Identifies budgetary needs (resources) and funding priorities (advisory only)
- Campus Principal
 - Acts as budget manager for the campus
 - Evaluates staffing needs based on enrollment projections
 - Submits campus budget needs to the Superintendent or Designee
- Central Office Administrator/Business Manager
 - Review of Staffing Needs
 - Review of Special Programs Compliance
 - Review of Fiscal Compliance
 - Calculates Estimated Revenues
 - Collects Campus and Department Budget Submissions for Data Entry and Submission
 - Prepares and Finalizes Preliminary Budget and Submits to Superintendent
- Superintendent
 - Conducts Final Review of Preliminary Budget
 - Submits Proposed Budgets to School Board of Trustees
- Board of Trustees
 - Reviews Proposed Budget for Compliance with District Goals
 - Conducts Budget Public Hearings
 - Adopts the Official Budget

Revenue Sources

The district receives revenue from three (3) major sources: Local, State and Federal. Generally, the least restrictive revenue sources are Local and the most restrictive are Federal funds.

Local funding should be used to serve ALL students. State and Federal revenue sources are generally supplemental in nature. For example, the Special Program Allotments (part of the FSP funding) are for a specific population of students. The Federal revenue, other than the Impact Aid funds, are for specific grant program activities. The State and Federal Grants Manual contains additional information regarding the estimation, budgeting and monitoring of Special Program Allotments.

The most recent Annual Financial Audit indicates that the district's largest portion of revenue comes from local sources. The Local revenue sources are mainly comprised of tax revenues, investment earnings, miscellaneous local revenues, and donations.



Expenditure Categories

There are several expenditure categories, the largest of which is the Compensation (salaries and benefits) portion. The Compensation portion of the budget typically ranges between 63% to 75% of the budget. If the district has budgeted significant facility improvements, the Compensation portion of the budget usually falls within the 63% to 70% range. The non-compensation categories are referred to as “discretionary” funds. The allocation for each campus and department include only discretionary funds. The account codes for these expenditure categories will be explored in the Financial Accountability System Resource Guide (FASRG) section.

- Compensation – Salaries and Benefits
- Contracted Services
- Supplies and Non-Capitalized Equipment
- Travel and Other Miscellaneous Costs
- Capitalized Equipment, Furniture and Other Assets
- Other Uses, Such as Transfer to Other Funds

The Compensation portion of the budget shall be driven by the number of staff positions authorized by the Board and managed using a Compensation Plan. The Compensation Plan includes all pay scales, benefits and incentive programs. The district shall strive to ensure that the Compensation Plan supports the district goals for hiring and retaining highly qualified employees. The Compensation Plan shall be affordable and sustainable within the annual adopted budget.

Some of the expenditures are further categorized as fixed cost or recurring costs. Most fixed costs vary from year-to-year due to consumption or other factors. Fixed costs typically refer to recurring costs due to long-term commitments or contracts. Some of the fixed costs typically included in an annual budget include:

- Utilities such as electricity, gas, garbage disposal, water, and telephone
- Internet Access
- Copier maintenance support contracts
- Education Service Center Commitments
- Special Education Shared Service Arrangements
- Property Tax Appraisals and Collections
- Business and Student Software Management Systems
- Technology Infrastructure and Management Contracts

Budget Allocations for Campuses and Departments (Discretionary budgets)

The district is a single campus district. Discretionary budgets are based on grade-level or specific program needs as provided during the budget process; and is evaluated throughout the year to determine needs based on growth or decline.



Long-term Budget Planning

A long-term budget for capital expenses shall be developed and submitted for review by the Business Manager and Superintendent on an annual basis. Long-term budgets shall include the following capital expenditures (defined as equipment with a per unit cost in excess of \$5,000).

- Vehicles, including buses, passenger vehicles and electric carts
- Food Service equipment such as ovens, freezers, etc.
- Rooftop air conditioner units
- Heating and cooling units such as boilers, water heaters, chillers, etc.
- Network servers and other technology-related infrastructure
- Telephone equipment and software system
- Maintenance and yard equipment such as forklift, riding lawn mower, etc.

Financial Accountability System Resource Guide, or FASRG

The Financial Accountability System Resource Guide was created by the Texas Education Agency. There are several modules that directly apply to MISD. They are: FAR (Financial Accounting & Reporting), Budgeting, Purchasing, Auditing, SBDM, Accountability, Data Collection, Management, and SCE. The FAR contains all account codes. These account codes are uniform throughout the state, except for locally defined codes.

Accounting Code Structure

The Financial Accounting & Reporting Module of the Financial Accountability System Resource Guide (FASRG) contains the required accounting code structure. Use of the appropriate accounting code structure is mandatory. The code structure is available on the TEA website at www.tea.state.tx.us.

A major purpose of the following accounting code structure is to establish the standard school district fiscal accounting system required by law. Although certain codes within the overview may be used at local option, the sequence of the codes within the structure, and the funds and chart of accounts, are to be uniformly used by all school districts in accordance with generally accepted accounting principles.

Account Code Determination

- **Fund** - How the expenditure is financed?
- **Function** - Why the expenditure was made – the purpose?
- **Object** - What was purchased?
- **Sub-Object** - Optional use for greater detail accounting
- **Organization** - Where is the beneficiary of the expenditure located?
- **Fiscal year** - In which fiscal year did the transaction occur?
- **PIC** - What is the intent of the program provided to students?
- **Optional Codes** - Three-digit code – optional use for greater detail



The Accounting Code Structure

<u>Fund Code</u>		<u>Function Code</u>		<u>Object Code</u>		<u>Sub object Code</u>		<u>Campus/Org Code</u>		<u>Fiscal Year & Program Intent Code</u>		<u>Local Option Code</u>
XXX	-	XX	-	XXXX	-	XX	-	XXX	-	X-XX	-	XXX

Common Fund Codes

Fund 101 – Child Nutrition/School Breakfast Program Fund

Fund 198 - Construction/Special Projects Fund

Fund 199 – General Fund

Fund 211 – Title I, A (MISD is no longer at Title I School – Effective 2019-2020 FY)

Fund 255 – Title II, A

Fund 289 – Title IV, A Subpart

Fund 410 – Instructional Materials Allotment Fund

Function Codes

11 - Instruction

12 - Library & Media Services

13 - Staff Development

21 - Instructional Administration

23 - Campus Administration

31 - Counseling Services

33 - Health Services

34 - Transportation

35 - Food Service

36 - Co/Extra-curricular

41 - Central Administration

51 - Maintenance/Custodial

52 - Safety and Security

53 - Data Processing

61 - Parental Involvement

71 - Debt Service

81 - Facilities/Construction

93 - Shared Services/588 Co-op

99 - Appraisal District

Object Codes

- **Salaries - 6100's**
 - 6112 Substitute Teachers (not aides)
 - 6117 Retention Incentive
 - 6118 Stipends, Extra Duty and/or Coaching for Professional Staff
 - 6119 Professional Staff Salaries
 - 6121 Extra duty/Overtime, Support Staff



- 6122 Substitutes, Support Staff
- 6125/6128 Extra Duty Support Staff
- 6127/Retention Incentive
- 6129 Salaries, Support Staff
- **Contracted Services - 6200's**
 - 6211 Legal Services
 - 6212 Audit Services
 - 6213 Tax Collections
 - 6214 Advocacy/Lobbying Costs
 - 6219 Professional Services (Per Govt Code: Architects, Engineers, etc.)
 - 6223 Student tuition, other than public education
 - 6238-6239 Education Service Centers
 - 6249 Repairs
 - 625X Utilities
 - 626X Rentals
 - 6291 Consultants (Best Practices, Strategic Planning, etc.)
 - 6294 Athletic Official
 - 6299 Other Professional Contracted Services
- **Supplies - 6300's**
 - 6311 Fuel, Oil, Vehicles
 - 6317-6319 Supplies for Facilities, Transportation & Grounds
 - 6321 Textbooks
 - 6329 Reading Materials, Library Books
 - 6339 Testing Materials – Standardized Tests
 - 6398 Equipment (Unit cost \$1,000 to \$4,999)
 - 6395-6399 Supplies & Equipment less than \$1,000 per unit
- **Travel & Misc. Expenditures - 6400's**
 - 6411 Staff Travel
 - 6412 Student Travel
 - 6419 Non-employee Travel (Parents & School Board)
 - 6429 Insurance
 - 6439 Election Costs
 - 6491 Legally Required Publications
 - 6492 Fiscal Agent/588 Co-op
 - 6494 Fuel/Travel
 - 6495 Membership Dues
 - 6499 Misc. Expenses (Awards, refreshments, etc.)
- **Debt Service – 6500's**
 - 6512 – Capital Lease Principal
 - 6522 – Capital Lease Interest
- **Equipment - 6600's**



- 6619 Land Purchase and Improvements
- 6629 Building Purchase, Construction Improvements
- 6631 Vehicles (> \$5,000)
- 6639 Equipment with unit cost > \$5000
- 6641 Vehicles (less than \$5,000)
- 7915 Operating Transfers In
- 8911 Operating Transfers Out

Sub-Object Code

Assigned Locally and Identified with Description

Organization

001 Marathon School
 701 Superintendent's Office
 702 School Board
 703 Taxing Unit
 750 Business Office
 999 Undistributed

Program Intent Codes

11 Basic Program
 21 Gifted and Talented
 22 Career & Technology
 23 Special Education
 25 Bilingual & ESL
 28 DAEP Basic Services (Compensatory Education)
 30 Compensatory Education (Title I Schoolwide)
 31 High School Allotment (N/A)
 32 Prekindergarten
 33 Prekindergarten – Special Education
 34 Prekindergarten – Compensatory Education
 35 Prekindergarten - Bilingual
 36 Early Education – K-3rd
 37 Dyslexia
 38 College Career Military Readiness
 43 Dyslexia – Special Education
 91 Athletics & Related Activities
 99 Undistributed



Meeting the Needs of Special Populations

State Program allotments are estimated and paid to school districts through a Summary of Finance template created by the Texas Education Agency.

A percentage of each state allotment must be spent on “direct” expenditures for the given special program. The current percentages and program intent code (PIC) are noted below by program, and shall be in compliance with state law, i.e. Texas Education Code.

Career & Technical Education 55% PIC 22 (TEC 48.106)

Special Education 55% PIC 23 & 33 (TEC 48.102)

State Compensatory Education (SCE) 55% PIC 24-30 & 34 (except 25& 27) (TEC 48.104)

Bilingual/ESL Education 55% PIC 25 & 35 (TEC 48.105)

Early Education 100% PIC 36 (TEC 48.108)

Dyslexia 100% PIC 37 (TEC 48.103)

College Career or Military Readiness 100% PIC 38 (TEC 48.110)

School Safety Allotment 100% (TEC 42.168)

Preparing and Submitting a Campus Budget

- Review the District Improvement Plan and Goals
- Prepare a Needs Assessment for all student populations for the Campus
 - Review the Texas Academic Performance Report (TAPR) and Accountability Reports for the Campus
 - Review PEIMS Student, Staff and Budget Data
- Update the Campus Improvement Plan
- Review the Budget Timeline – schedule budget training and site-based committee meetings as needed to meet all deadlines
- Ensure that the campus plan and the campus’ proposed budget are “linked”, i.e. all strategies listed on the campus plan should be included in the proposed budget if a cost for staff, supplies, travel, etc. will be incurred
- Determine if any program and/or master schedule changes will be implemented during the next school year
- Determine the staffing needs for the upcoming school year – submit requests for new staff positions to the Executive Director of Finance
- Obtain the campus or department allocation from the Business Manager
- Complete the budget request forms and submit to the Business Manager
- Budget for fixed costs such as copier rentals/leases, contractual obligations, ESC commitments, etc.
- Ensure that special program funds are budgeted for all special populations represented on the campus
- Prepare and submit a prioritized list of major projects – to include costs associated with proposed new programs, buildings renovations, fixed assets (equipment with a unit cost > \$5000), and technology projects
- Prepare a Staff FTE Report for the campus – to include all professional and paraprofessional staff



- Ensure that all Staff FTE's and expenditures, for at least the State Compensatory Education (SCE) program, are clearly indicated on the campus plan.

Monitoring and Amending the Budget

Monitoring the Budget

- Financial reports are available via the TxELS system on a real-time basis
- Campus and department staff are authorized to view their respective budgets subject to the "masked" accounts in the user profile
- Periodic monitoring (at least monthly) should be conducted
- The timing of planned expenditures should be noted and documented – the campus plan timelines should aid in this process
- Budget resources should be realigned as the need arises due to changes in the instructional program and/or campus plan
- The purchasing deadlines should be adhered to

Amending the Budget

- Budget amendments are mandated by the state when funds are moved from one functional area to another – these amendments require Board approval. Adequate planning is required since the School Board meets once per month.
- Budget transfers (within functional areas) – may be initiated by a campus principal or other approved staff as the need arises. The Business Manager shall approve and record budget transfers on a timely basis.
- The Final Amended Budget shall be approved the School Board prior to August 31st for the current fiscal year.

Evaluation of the Budget – At Year-End

- As part of the campus planning process, the budget should be reviewed at year-end to determine if:
 - The campus used its resources to meet the district goals
 - The campus used its resources to meet the campus goals
 - The campus used its resources to serve all student populations
 - The campus used its special program allotments to supplement the basic instruction for all identified students
 - The campus realigned its resources as needed during the school year to meet the changing needs of the students
 - The campus should consider adding and/or deleting programs

Budgeting for Staff

- Salaries are budgeted based on what the person does, where the person does it, and who the person serves.
- The key to budgeting for campus staff is the master schedule and/or staff roster.
- Staff full-time equivalents (FTEs) are compiled based on the master schedule or staff roster.
- The number of instructional staff may be determined by:



- Type of master schedule
- Block or traditional
 - Student to Teacher ratio – Staff Allocation Formula
 - Specialized courses, such as Advanced Placement (AP)
 - Other instructional strategies such as co-teaching, inclusion, and pull-out programs
- The number of department staff may be determined by:
 - Roles and responsibilities of staff such as custodial, food service, maintenance, transportation, and administrative staff
 - Custodial staff shall be based on the total square footage of district facilities, the type of floor surfaces, and the number of students at each facility
 - Transportation staff shall be based on the total bus routes for regular, special education, and special programs
 - Food Service staff shall be based on the meals per labor hour at each campus
 - Administrative staff shall be based on the administrative functions, number of staff, and number of students served directly or indirectly
- The PEIMS Staff Data profiles (submitted in the Fall PEIMS submission) should be checked carefully to ensure that the payroll and responsibility data match

Budgeting for Federal Funds

The finance department, Business Manager, shall budget grant funds in the appropriate fund code as authorized by Financial Accountability System Resource Guide, or the granting agency, as appropriate. In addition, the object expenditure codes noted on the grant application shall be consistent with the budgeted account codes.

Federal grant funds shall be budgeted and available for use no later than 30 days after receipt of the NOGA or from the stamp-in date, whichever is earlier.

- Types of federal grants
 - Formula funding (entitlements)
- ESSA Title Programs such as:
- Title II, Part A (Fund 255)
- Title IV, Part A Subpart 1 (Fund 289)
- How to compile and submit a grant application
 - Compile a comprehensive needs assessment
 - Involve required stakeholders:
- Private school consultation is required – Title I (if applicable)
- The ESSA Consolidated Application for Federal Funding requires the date that parents were involved in evaluating the parental involvement program (Title I)
- Identify strategies & planned activities
 - Identify planned expenditures (budget)
 - Identify program coordination, professional development, parental involvement, equitable access activities and compliance
- ESSA Consolidated Federal Grant Application – complete via e-Grants
 - Title I, Part A



- Title II, Part A
- Title IV, A Subpart 1
- Obtain approval from TEA – NOGA
 - No obligations may be made prior to the starting date of the grant
 - No funds may be used to pay for goods or services received after the ending date of the grant
 - Comply with Grant Requirements
 - Program evaluations
 - Financial expenditures & reporting
- Funds are used to provide services only to a select group of students based on grant requirements.
- Requires basic components for Title I schools
- ESSA Requirements:
 - Reservation of funds:
 - To serve homeless students P
 - Parental involvement (> \$500K) Staff
 - development (if all teachers are not Highly Qualified)
 - Serve eligible students in private schools
 - Staff must meet Highly Qualified guidelines
 - Written parental involvement policy
- Fiscal Requirements:
 - ESSA Maintenance of Effort
- Maintain fiscal effort with state and local funds – not less than 90%
 - Special Education Maintenance of Effort
- Maintain the same level of expenditures in total or per student
 - Comparability
- Comparability does not apply to Marathon ISD
 - Supplement not Supplant
- Title I funds must be used to increase the level of funding – they may not replace state or local funds
- Budget forms for Federal Grants
 - Special Program Budget form
- Helpful website:
 - TEA Grant Resources:

https://tea.texas.gov/Finance_and_Grants/Administering_a_Grant.aspx

Records Retention

Records will be maintained in accordance with the Texas Local Government Records Schedule of the District.

- **GR1025-04a** Annual Budgets (including amendments) **PERMANENT**
- **GR1025-04b** Special Budgets (includes budgets for capital improvement projects, grant-funded projects, or other projects prepared on a special or emergency basis and not included in an annual budget). **PERMANENT**



- **GR1025-04C** Working papers created exclusively for the preparation of budgets, including budget requests, justification statements, and similar documents. **3 Years**
- **GR1025-04d** Encumbrance and expenditure reports (status reports showing expenditures and encumbrances against a budget). **2 Years**
- **GR1025-04e** Budget change documentation, including line item or contingency/reserve fund transfers and supplemental budget requests. **2 Years**

Note: The retention schedules listed above are only sections of the district's Records Retention Schedule. A full copy of the district's Records Retention Schedule and Records Management Handbook is available as follows:

District Website: [Forms, Procedures & Manuals | marathonsd](#)

District Offices: Superintendent's Office – 109 N. 5th St., Marathon, Tx 79842
Business Office – Room No. 1 ** 109 N. 5th St., Marathon, Tx 79842

Acknowledgements

A substantial amount of information presented in this Budget Manual was extracted from TEA's Financial Accountability System Resource Guide (FASRG). The FASRG in its entirety is located on TEA's website at:

https://tea.texas.gov/Finance_and_Grants/Financial_Accountability/Financial_Accountability_System_Resource_Guide/



Marathon ISD
Budget & Tax Rate Calculations Timeline for 2020-2021 FY
Budget & Tax Rate Adoptions for 2021-2022 FY

January 22, 2021	Budget Planning/Timelines: Preparations Begin
January 28, 2021	Business Manager begins compiling budget on fixed costs items Business Manager begins preliminary payroll costs calculations
February 10, 2021	Athletic Department Submits Athletic Program Worksheet
February 18, 2021	Review and Approve Budget Manual Business Manager/Superintendent
February 18, 2021	Budget Planning Meeting with Administrative Staff Discuss District & Campus Goals Discuss draft master schedules and staffing needs Discuss pupil projections
February 24, 2021	Board review of proposed budget and tax rate adoption timelines Budget Manual is presented to Board of Trustees - Information Only
March 18, 2021	Extra Curricular, Stipends, Other Pay Planning Meeting with Administrative Staff (Procedure and application review and recommendations)
March 24, 2021	Budget Workshop - Board of Trustees
3/22-26/2021	Submission of major projects, new program budgets, and first draft of department budgets Superintendent reviews submissions and makes recommendations for processing or revisions Preliminary State Revenue Calculations
April 1, 2021	Budget Planning Meeting with Administrative Staff Review phase one of budget compilations and campus/district needs
April 2021	DEIC Meeting - Discuss District Improvement Plan and Budget Data
April 28, 2021	Budget Update - Board Meeting
April 30 or May 1st	Receive Preliminary Property Values from Brewster County Appraisal District Business Manager calculates estimated tax revenues based on preliminary values
May 26, 2021	Budget Workshop - Board of Trustees
June 23, 2021	Budget Update - Board of Trustees
July 25-29, 2021	Received Certified Values from Brewster County Appraisal District Business Manager calculates estimated tax revenues based on certified values
Aug 2-9, 2021	Board Meeting - Preliminary Budget Presentation
August 12, 2021	Notice of Budget Adoption is published in the Alpine Avalanche
August 25, 2021	Public Hearing on Proposed Budget & Tax Rate Board Adopts Budget and Tax Rate for 2021-2022

Note: Dates subject to change based on data availability and scheduling conflicts



MARATHON ISD SCHOOL CALENDAR

2021-2022 DRAFT (updated 2.24.21)

July 2021						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August 2021						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2021						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October 2021						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December 2021						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Semester Days	
1st Grading Period	22
2nd Grading Period	24
3rd Grading Period	29
1st Semester	75
4th Grading Period	27
5th Grading Period	35
6th Grading Period	32
2nd Semester	94
Student Days	169

First/Last Day of School	Holidays
First August 24	September 6
Last May 27	Nov. 22-26
STAAR/EOC Testing Days	Dec. 20-31
April 5-8	Jan. 17
May 3-6; 9-13	March 14-18
Parent/Student Conferences	## 15
Oct. 11 Jan 31	
Staff Development/Student Holiday	
Aug. 17-20; 23	Bad Weather Days
Sept. 24	Feb. 11
Oct. 29 Feb. 11	Apr 18
Dec. 17 Apr 18	Graduation
Jan. 3 May 27	May 28

1 day =	450	min	st	t
Student days	169		August	6 12
Student minutes	76050		September	20 21
Extra minutes	450		October	20 21
Extra days	1		November	17 17
Teacher days	182		December	12 13
			January	19 20
			February	19 20
			March	18 18
			April	19 20
			May	19 20
				169 182

January 2022						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February 2022						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March 2022						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 2022						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 2022						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June 2022						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Elementary Master Schedule 2021-22

Considerations: teachers must have 30-minute duty-free lunch and 450 minutes of planning over two weeks

	P Hernandez	Barlow	Pinedo	Arguello	Hunt
Breakfast 7:45-7:55	Student supervision in cafeteria area	Student supervision in cafeteria area	Student supervision in cafeteria area	Student supervision in cafeteria area	Student supervision in cafeteria area
1st Period 8:00-8:50	PreK 3-4	Kinder	1st-2nd	3rd-4th	5th
2nd Period 8:52-9:42	9-9:30am PE 9:30-10:10 Music (M)	9-9:30am PE 9:30-10:10 Music (M)	9-9:30am Art (T) 9:30-10:10am PE	9-9:30am Art (Th) 9:30-10:10 Music (F)	9-9:30am Art (Th) 9:30-10:10 Music (F)
3rd Period 9:44-10:34	PreK 3-4	Kinder	10:10-10:50 Music (W)	10:10-10:50 PE	10:10-10:50 PE
4th Period 10:36-11:26	PreK 3-4	Kinder	1st-2nd	3rd-4th	5th
Lunch 11:26-12:09	Lunch	Lunch	Lunch	Lunch	Lunch
Flex 12:09-12:54					
5th Period 12:56-1:46	PreK 4	Conference (T & Th) (covered by Salmon)	1st-2nd	5th	3rd-4th
6th Period 1:48-2:38	PreK 4	Kinder	1st-2nd	5th	3rd-4th
7th Period 2:40-3:30	PreK-4	Kinder	1st-2nd	5th	3rd-4th
After-School 3:30-4:00	Teacher Prep	Teacher Prep	Teacher Prep	Teacher Prep	Teacher Prep

Secondary Master Schedule 2020-21--Final

Class periods that include both core and CCMR courses will be taught at a 90/10 time commitment (90% core, 10% CCMR); both TXVSN & CCMR courses will be taught 50/50

	Jarrell Science	ELA Golden	Math Cowell	Novosad SS/Ag	Rivera	Salmon	Garcia	Rayburn	Saldana Admin
Breakfast 7:45-7:55	Teacher Prep(Duty Monday)	Teacher Prep (Breakfast/Lunch Duty Thurs)	Teacher Prep (Duty Sub)	Teacher Prep (B Duty Wed)	Teacher Prep	6:30 Breakfast	Teacher Prep (Duty Tues)	Teacher Prep (Duty Fri)	Teacher Prep
1st Period 8:00-8:50	7th Science	Eng. III Eng. IV (CCMR)	Geomet. (9,10)	6th Grade Invest Career	Spanish 1 (8) TXVSN	Cafeteria	Special Ed 1	Special Ed. 2	Admin
2nd Period 8:52-9:42	Biology (9,10,12)	7th Reading	Algebra I (8) 11 College Algebra/PF (CCMR)	6th Grade World Cultures	Elem PE	PreK	Special Ed 1	Special Ed. 2	Admin
3rd Period 9:44- 10:34	6th Science 9-12 Electives (CCMR)	8 th Reading 9-12 Electives (CCMR)	7th Math 9-12 Electives (CCMR)	Welding I, II	Elem PE	PreK	Special Ed 1	Special Ed. 2	Elem. Music Mon. & Fri. 9:30-10:10
4th Period 10:36- 11:26	8th Science	6th Reading English II (10th)	US His (CCMR) (10,11,12) 9th World Geo TXVSN	7th Grade Texas History	Conference 10:50-11:35	PreK	Special Ed 1	Special Ed. 2	Elem. Music Weds. 10:10-10:50
Lunch 11:26- 12:07	Lunch	Lunch	Lunch	Lunch	Lunch 11:35-12:09	Lunch Monitor PreK	Lunch	Lunch	Lunch
Flex 12:09- 12:54	11/12	9/10	Tutoring	8th	6th	Lunch	7th	Special Ed. 2	Admin
5th Period 12:56- 1:46	Special Ed. 2	English I (9) English II (10th)	Conference	8th US History US His (10)	6th Heath/PE	Flex Kinder (T & Th)	Conference	Physics (11/12)	7th Grade Music
6th Period 1:48-2:38	Special Ed. 2	Conference	11 Elective /12th College Algebra/PF (CCMR) Bio (9) TXVSN	Conference	JH PE/ 7th-8th PE	Flex	Spanish II (CCMR) (9,10)	Conference	6th Grade Robotics 2nd Sem.
7th Period 2:40-3:30	Conference	Student support Dyslexia Services (twice a week)	6th Math	7-8th Investigating Careers	HS PE/Athletics/Health	Leave @ 3pm	HS PE	Special Ed. 2	Advanced Robotics 7th- 8th
After- School 3:30-4:00	Teacher Prep	Teacher Prep	Teacher Prep	Teacher Prep	Teacher Prep	Teacher Prep	Teacher Prep	Teacher Prep	Teacher Prep

Key:

CCMR: Green Self Contained/SPED: Yellow SCE: Orange TXVSN: Gray CTE: Red Dyslexia: Blue Content Mastery/SPED: Magenta

ABOUT

How Does CATCH Work?

CATCH stands for a Coordinated Approach to Child Health. By uniting multiple players in a child's life to create a community of health, CATCH is proven to prevent childhood obesity and supported by 25 years and 120 academic papers indicating as much as 11% decrease in overweight and obesity. Our community health programs aim to impact the messaging a child receives in physical education, the lunchroom, the classroom, and at home, to influence a child's choices not only in school, but lifelong.



Two of the most important ways that CATCH creates behavior change are by enabling children to identify healthy foods, and by increasing the amount of moderate to vigorous physical activity (MVPA) children engage in each day. Our health education curriculum uses terminology for identifying healthful foods—GO, SLOW and WHOA—that has been adopted colloquially nationwide as a simple means of labeling food's nutritional content.



Children in Akron Housing Authority Program use Parachute with GO, SLOW and WHOA foods on it.

Further, CATCH is designed and proven to coordinate healthy messages throughout the community and fully integrates the Centers for Disease Control's "Whole School, Whole Community, Whole Child" model; the expanded Coordinated School Health approach. Simply put, our community health programs are effective and fun.

CATCH Activity Boxes and PE Trainings arm teachers with the tools needed to increase students' MVPA, and our curriculum provides teachers with simple suggestions of how to

incorporate physical activity into their lessons.

Who created CATCH?

CATCH was first developed in the late 1980s, funded by the National Heart Lung and Blood Institute through a collaborative effort by the University of California at San Diego, University of Minnesota, Tulane University, and The University of Texas Health Science Center at Houston (UTHealth) School of Public Health. Referred to as the Child and Adolescent Trial for Cardiovascular Health, CATCH was the largest school-based health promotion study ever conducted in the United States.

About

[CATCH My Breath Ambassadors](#)

[Getting Started with CATCH](#)

[Board of Directors](#)

[CATCH Partners](#)

[Advisors](#)

[CATCH Team](#)

[CATCH Trainers](#)

WHY IT WORKS

CATCH is based on the CDC Whole School, Whole Community, Whole Child model in which health education, school environment, and family/community involvement work together to support youth in a healthy lifestyle.

[Learn More](#)

LATEST NEWS

CATCH GLOBAL FOUNDATION ANNOUNCES THE APPOINTMENT OF THREE NEW BOARD MEMBERS

CGF Welcomes New Members Margo

THE HISTORY OF CATCH AND OUR COMMUNITY HEALTH PROGRAM

Initially funded in 1988, the original CATCH study was the largest school-based health promotion study ever conducted in the United States. CATCH continues to be tested and improved by researchers with The University of Texas Health Science Center at Houston (UTHealth) School of Public Health. More than 25 years of research and real world implementation has gone into this well-renowned, successful program. CATCH has been expanded beyond elementary school and now has programs and health education curriculum for early childhood through middle school, including the after-school and childcare settings.



Flaghouse joined the CATCH Team in 1998 as the publisher and distributor of the CATCH Program, bringing the outstanding university-led research and development to the masses. Throughout the years, Flaghouse and the UTHealth School of Public Health have acted in concert to continuously grow and enhance CATCH beyond the original K-5 curriculum and activities, to the acclaimed and robust offering of community health programs available today.

In spring of 2014, the CATCH Global Foundation was founded in order to expand CATCH beyond UTHealth where it could operate independently. CATCH Global Foundation now leads development and further dissemination of the CATCH program.



UTHealth was a founding partner of the CATCH Global Foundation, as was The University of Texas MD Anderson Cancer Center. A four-year agreement calls for MD Anderson to provide \$3.3 million in funding for infrastructure and operations, health education curriculum development and dissemination, and program and technologic support.

While projects span across a number of areas of program improvement, perhaps MD Anderson's most noteworthy contribution to date is their development of *Ray and the Sunbeatables™: A Sun Safety Curriculum*, now disseminated by CATCH Global

Foundation, which aims to educate teachers, children and parents about sun protection.

CATCH Today

Today, our community health programs serve children in 10,000 schools and communities across the US, in pre-K, K-8 and after-school settings. Continually researched, new schools prove CATCH is still working every day. For instance, our friends in Los Fresnos CISD saw a 28% increase in MVPA after implementing CATCH, as measured in May 2015.

CATCH is used across the United States, in Canada and Ecuador. CATCH is used in every state in the country, and over half of schools in our home state of Texas use our curriculum.

Wootan, Allison
Schnieders, and Shweta
Patira to its Board...
[READ MORE ►](#)

[View All](#)

CASE STUDIES

CATCH COMMUNITY SPOTLIGHT PAGES

View the great work happening in CATCH Communities around the country!

[View All](#)



PRODUCT SPECIFICATION SHEET

Product Code No.: 4093B

Product Name: WHOLE GRAIN SAUSAGE ROLL
Smoked Knockwurst Baked in Dough

Description: 2 oz. SMOKED PORK, CHICKEN AND BEEF KNOCKWURST SAUSAGE BAKED IN DOUGH

Allergens: Wheat, Milk, Soy, Egg

Ingredients: (See label below)

Inspection: PREPARED UNDER SUPERVISION OF THE US DEPARTMENT OF AGRICULTURE EST NO. 7184M.

Portion: THIS PRODUCT MEETS THE FOOD AND NUTRITION SERVICE STANDARD FOR THE "CHILD NUTRITION MEAL PATTERN" REQUIREMENTS WHEN SERVED IN SIZES SHOWN. ONE PORTION PROVIDES 1.0 OZ EQUIVALENT MEAT AND 1 OUNCE OF EQUIVALENT GRAIN FOR SCHOOL CHILDREN AS OUTLINED IN THE FOOD BUYING GUIDE. EACH ROLL CONTAINS 9.5g WHOLE GRAINS PER SERVING AND 18.75g TOTAL GRAINS. CN# 098255

Pack: INDIVIDUALLY WRAPPED – 136/2.0 oz **Case Net Wt.:** 17 LBS.

Case Dimensions: 16.000" L x 13.313" W x 12.500" H **Case Cube:** 1.54

Pallet Tie: Ti/Hi: 9 x 5 **Cases per Pallet:** 45

Code Dating: CASE IS DATED WITH A PACK DATE

Shelf Life: 12 MONTHS FROZEN FROM PACK DATE **UPC Code:** 00071193640939

Label/Nutrition:



4093B

KEEP FROZEN - FULLY COOKED HEAT & SERVE
9.5g Whole Grains Per Serving

Individually Wrapped

Nutrition Facts		
Serving Size 1 Roll (57g)		
Servings Per Container 136		
Amount Per Serving		
Calories 190	Calories from Fat 90	
% Daily Value*		
Total Fat 10g		15%
Saturated Fat 3.5g		18%
Trans Fat 0g		
Cholesterol 20mg		7%
Sodium 410mg		17%
Total Carbohydrate 18g		6%
Dietary Fiber 1g		4%
Sugars 4g		
Protein 6g		
Vitamin A 10%	Vitamin C 4%	
Calcium 4%	Iron 6%	
*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.		
	Calories:	2,000 2,500
Total Fat	Less than 65g	80g
Saturated Fat	Less than 20g	25g
Cholesterol	Less than 300mg	300mg
Sodium	Less than 2,400mg	2,400mg
Total Carbohydrate	30g	375g
Dietary Fiber	25g	30g
Calories per gram:		
Fat 9 • Carbohydrate 4 • Protein 4		

WHOLE GRAIN SAUSAGE ROLL
Smoked Knockwurst Made with Pork, Chicken, Beef Wrapped in Dough and Baked

Each 2.00 oz. Fully Cooked Whole Grain Sausage Roll provides 1.0 oz. equivalent meat and 1.0 oz. equivalent whole grain for Child Nutrition Meal Pattern. Use of this logo and statement authorized by USDA, 06-19).

INGREDIENTS: DOUGH: Whole Wheat Flour, Water, Enriched Wheat Flour (Bleached Wheat Flour, Malted Barley Flour, Niacin, Reduced Iron, Thiamine Mononitrate, Riboflavin, Folic Acid), Sugar, Shortening (Soybean Oil, Vegetable Mono- and Diglycerides, TBHQ and Citric Acid added to protect flavor), Contains less than 2% of Yeast, Dairy Blend (Soy Flour, Sweet Dairy Whey, Calcium Sulfate), Salt, Egg Blend (Wheat Flour, Eggs, Soybean Oil, and 2% or less of Carboxymethylcellulose, Soy Lecithin, Sodium Bicarbonate, Salt, Colors [Annatto Extract, Turmeric]), Mono- and Diglycerides, Calcium Sulfate, Calcium Propionate, Beta Carotene (Glycerine, Water, Polyglycerol Esters of Fatty Acids, Vegetable Oil [Soybean, Corn, Sunflower or Palm Oils], Beta Carotene, Soy Lecithin), Dough Relaxer (Wheat Starch, Calcium Carbonate, L-Cysteine Hydrochloride). KNOCKWURST: Pork, Ground Chicken, Water, Beef, Contains 2% or Less of: Salt, Corn Syrup, Flavorings, Sodium Phosphate, Sodium Erythorbate, Sodium Nitrite. CONTAINS: Wheat, Soy, Milk, Egg

NET WT 17 LBS.



00071193640939

DOUBLE B FOODS, INC. MERIDIAN, TX 76665



The nutrition information is generated based on the most current data furnished to us by our suppliers and is accurate to the best of our knowledge.

109 E. Morgan St. Meridian, TX 76665



10145 - MUFFIN CHOCOLATE CHOCOLATE CHIP MADE WITH 51% WHOLE GRAIN NATURALLY AND ARTIFICIALLY FLAVORED INDIVIDUALLY WRAPPED 72/2 OZ

Certified Kosher Dairy. Meets Smart Snack Criteria. Can be Sold to Schools. Eligible for Whole Grain Council Basic Stamp. 11 grams whole grain per serving. Minimum 50% of total grains as whole grain. 1 Creditable Grain Ounce Equivalent. No High Fructose Corn Syrup. 0 Grams Trans Fat per Serving.



Brand: Ots Spunkmeyer-Delicious Essentials

Nutrition Facts

Serving Size 1 MUFFIN (57g)
Servings Per Container 72

Amount Per Serving

Calories 200 Calories from Fat 50

	% Daily Value*
Total Fat 6 g	9%
Saturated Fat 2 g	10%
Trans Fat 0 g	
Cholesterol 40 mg	13%
Sodium 135 mg	6%
Total Carbohydrate 32 g	11%
Dietary Fiber 3 g	12%
Sugars 17 g	
Protein 4 g	

Vitamin A 2 % • Vitamin C 0 %
Calcium 4 % • Iron 8 %

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

Ingredients

Whole Wheat Flour, Sugar, Eggs, Water, Invert Sugar, Enriched Wheat Flour (Wheat Flour, Malted Barley Flour, Niacin, Iron, Thiamine Mononitrate, Riboflavin, Folic Acid), Semi-Sweet Chocolate Chips (Sugar, Unsweetened Chocolate, Cocoa Butter, Dextrose, Soy Lecithin, Vanilla Extract, Milk), Contains 2% Or Less of: Cocoa (Processed With Alkali), Soybean Oil, Palm Oil, Canola Oil, Caramel Color, Wheat Gluten, Modified Corn Starch, Propylene Glycol Monoand Diesters of Fats And Fatty Acids, Leavening (Sodium Aluminum Phosphate, Baking Soda, Monocalcium Phosphate), Mono- And Diglycerides, Oat Fiber, Potassium Sorbate (Preservative), Salt, Sodium Alginate, Soy Lecithin, Natural And Artificial Flavors, Enzymes.

Product Specifications

GTIN	10013087101451	Case Net Weight	9.0000 LB
Item UPC		Case L/W/H	16.450 IN, 10.950 IN, 8.270 IN
Unit Size	72 / 20Z	Cube	0.86 CF
Shelf Life	365 Days	Tie x High	9 x 9
Case Gross Weight	10.7500 LB	Kosher Status	

Preparation and Cooking

Thaw And Serve. Must Keep Frozen Until Ready To Use.

Serving Suggestions

Serve Along Side Your Favorite Beverage

Packaging and Storage

Individually Wrapped Muffins Are Bulk Packed In a Master Shipping Case. Store Frozen.

Allergens

CONTAINS:
Soybeans or Soybean Derivatives

Dave's Baking Company

NUTRITION & ANALYSIS SHEET

PRODUCT NAME: Whole Grain Blueberry Mini Muffin
PRODUCT CODE: WG380
PORTION SIZE: 1.9 oz.; 55 gm
PACKED: 90
CASE NET WEIGHT: 10.7 lbs
CASE DIMENSIONS: 16"x12"x7"
PALLETIZING: 10 tie X 10 hi

MEAL CONTRIBUTION:

EACH WHOLE GRAIN BLUEBERRY MUFFIN PROVIDES: 1 serving of grain, contains minimum 16 gm of wheat flour, contains minimum 51% of the flour as whole wheat.

INGREDIENTS:

Whole grain wheat flour, enriched wheat flour (contains niacin, reduced iron, thiamine mononitrate, riboflavin, folic acid), water, eggs, unsweetened applesauce, blueberries, sugar, vegetable oil (soybean), nonfat milk, baking powder, salt.

Contains: Wheat, Egg, Soybean, Milk,
(Manufactured in a Peanut Free Plant)

Shelf life: 10 months frozen, 10 days room temp.
Serving directions: Thaw at room temperature 6 hours
Prior to serving

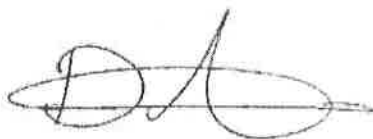
I certify that the above information is accurate at present on this date.

Name: David Aframian

Title: Vice President

Signature:

Date: January 4, 2018



Nutritional Analysis

Per Serving (55 gm)

Basic Components

Calories 118

Protein 2.4 g

Carbohydrates 19.5 g

Dietary Fiber 1.8 g

Sugar - Total 7.5 g

Fat - Total 3.3 g

Saturated Fat 0.5 g

Trans Fat 0 g

Cholesterol 18 mg

Vitamin A IU 34 IU

Vitamin C 0.68 mg

Calcium 5.3 mg

Iron 0.75 mg

Sodium 74 mg

Niacin 1.1 mg

Thiamin 0.13 mg

Riboflavin <0.1 mg

Calories from Fat 30

PRODUCT INFORMATION



FROZEN BAKERY

Chef Pierre®

Baking delicious since 1922™

08861

Chef Pierre® Individually Wrapped Muffin 51% Whole Grain Banana 48ct/2oz

Made with real bananas in a whole grain-rich muffin base. Perfect for K-12 operators seeking to meet USDA guidelines.



FEATURES & BENEFITS

- Individually wrapped, perfect for grab-and-go convenience.
- Simply thaw-and-serve to fit any operation.
- Made with 51% Whole Grains to align with USDA meal guidelines.
- Chef Pierre® baking delicious since 1922.

SPECIFICATIONS

Outer Case:

GTIN:	00032100088619
Net Weight:	
Gross Weight:	
Dimensions:	
Case Cube:	
Pallet Cases/Layer:	
Pallet Layers:	

Inner Package:

UPC:	
Dimensions:	
Frozen Shelf Life (In Days):	
Kosher:	N/A

ALLERGENS



Nutrition Facts		Amount/serving	% Daily Value*	Amount/serving	% Daily Value*
1 servings per Container		Total Fat 8g	10%	Total Carbohydrate 31g	11%
Serving Size		Saturated Fat 1.5g	7%	Dietary Fiber 1g	5%
1 MUFFIN (56g)		Trans Fat 0g		Total Sugars 16g	
Calories		Cholesterol 10mg	3%	Includes 15g Added Sugars	30%
per serving		Sodium 110mg	5%	Protein 2mg	
200		Vitamin D 0mcg	0%	Iron 1mg	4%
		Calcium 0mg	0%	Potassium 100mg	2%
*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.					

Disclaimer: The Sara Lee Frozen Bakery websites features Nutritional Facts compliant with the revised FDA label requirements. Products purchased in market may still reflect older Nutritional Facts labels.

INGREDIENTS: WHEAT FLOUR (WHOLE WHEAT FLOUR, ENRICHED BLEACHED FLOUR (WHEAT FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID)), SUGAR, WATER, BANANAS, VEGETABLE OIL (SOYBEAN, CANOLA), EGGS, CONTAINS 2% OR LESS: MALTODEXTRIN, MODIFIED CORN STARCH, MEDIUM CHAIN TRIGLYCERIDES, BAKING SODA, SALT, POTASSIUM SORBATE (PRESERVATIVE), BAKING POWDER (CORN STARCH, SODIUM ALUMINUM PHOSPHATE, SODIUM BICARBONATE AND MONOCALCIUM PHOSPHATE), MONO- AND DIGLYCERIDES, SODIUM STEAROYL LACTYLATE, NATURAL FLAVOR.

saraleefrozenbakery.com | 855.524.7876 | questions@saraleefb.com

Cn Fully Cooked Fiesta Egg And Cheese Sandwich On A Whole Grain Bun

Item #: 68096

Product Description: Egg patty with onions, red and green peppers topped with American pepper jack cheese on a whole grain bun. Fully cooked, individually packaged in Mylar film wrap. CN labeled.

Technical Name: Fully Cooked Egg and Cheese Sandwich with Onions and Bell Peppers on a Whole Grain Bun

Brand: Pierre

Product Details

Data Generated: 6/16/2016
Data Valid As Of: 4/1/2016
Packing Type: BULK-FILM
Pieces Per Case: 100
Portion Size (oz.): 2.35
Case Net Weight (lb.): 14.68

Case Dimensions:
 Width: 15.38
 Length: 15.88
 Height: 10.00
 Case Cube: 1.41

Cases / Pallet: 48
Case TiHi: 6 x 8

Credit (CN): 0.75 OZ MMA NOMEAT
Equivalent Grain: 1.25

Ingredients:

INGREDIENTS: FULLY BAKED WHOLE GRAIN BUN: WATER, WHOLE WHEAT FLOUR, ENRICHED BLEACHED WHEAT FLOUR (WHEAT FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, ENZYME, FOLIC ACID), SUGAR. CONTAINS 2% OR LESS OF: YEAST (YEAST, SORBITAN MONOSTEARATE, ASCORBIC ACID), SOYBEAN OIL, SALT, MONOGLYCERIDES WITH ASCORBIC ACID AND CITRIC ACID (ANTIOXIDANTS), FUMARIC ACID, CALCIUM PROPIONATE (PRESERVATIVE), CALCIUM SULFATE, ENZYMES, WHEAT STARCH, ASCORBIC ACID. FULLY COOKED EGG PATTY WITH ONIONS, RED AND GREEN PEPPERS: WHOLE EGGS, RED PEPPERS, GREEN PEPPERS, ONIONS, WATER, SOYBEAN OIL, MODIFIED FOOD STARCH, WHEY SOLIDS, SALT, NONFAT DRIED MILK, XANTHAN GUM, WHITE PEPPER, CITRIC ACID. PASTEURIZED PROCESS AMERICAN PEPPER JACK CHEESE: MILK, SKIM MILK, CHEESE CULTURE, WATER, JALAPENO PEPPERS, CREAM, SODIUM CITRATE, SALT, RED BELL PEPPERS, NATURAL FLAVOR, SORBIC ACID (PRESERVATIVE), LACTIC ACID, SOY LECITHIN (NON-STICKING AGENT), ENZYMES. CONTAINS: EGG, MILK, SOY, WHEAT

Shelf Life (days): 270
 Starting from date of production when kept @ 0°F or below.

Preparation Method:

Convection Oven: For best results heat from thawed state. Heat sealed/wrapped sandwiches in a preheated 275 degree convection oven for 15-17 minutes.

Microwave: For 30-40 seconds on high.

Master Case GTIN: 00071421054187

The data contained on this spec sheet has been approved by Child Nutrition Labeling Technologist, Kimberly M Crocker.

Kimberly M. Crocker



AdvancePierre Foods • 9990 Princeton-Glendale Rd. • Cincinnati, Ohio 45246 • Phone: 1-800-969-2747 •
 www.advancepierre.com

Nutrition Facts:

Serving Size: 2.35 OZ (66 g)
Servings Per Container: 100

Calories / Calories from Fat 150 / 45
 % Daily Value **

Total Fat	5 g	8%
Saturated Fat	2 g	10%
Trans Fat	0 g	
Cholesterol	70 mg	23%
Sodium	260 mg	11%
Total Carbohydrate	20 g	7%
Dietary Fiber	2 g	8%
Sugars	4 g	
Protein	6 g	
Vitamin A		4%
Vitamin C		15%
Calcium		8%
Iron		8%

** Percent Daily values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.

NUTRITION INFORMATION:

Serving Size:	2 Pieces (72g)	-
Serving Size (grams):	72	-
Serving Size (weight oz):	2.54	-
Eaches/Case:	144	-
Inner Packs/Case:	72	-
Servings/Case:	72	-
Calories:	160	-
Calories From Fat:	45	-
Calories From Saturated Fat:	13.5	-
Total Fat:	5	8%
Saturated Fat:	1.5	8%
Trans Fat:	0	-
Cholesterol:	30	9%
Sodium:	290	12%
Potassium:	170	5%
Total Carbohydrate:	20	7%
Total Dietary Fiber:	2	7%
Sugars:	5	-
Protein:	8	-
Vitamin A:	-	0%
Vitamin C:	-	0%
Calcium:	-	10%
Iron:	-	10%
Whole Grain:	11	54%

* Percent Daily Values are based on a 2,000 calorie diet.



Karen Wilder 1110

6073 SUPER SLICE® – Super Blueberry®

>51% WHOLE GRAIN – 3.4oz

SBI CODE # - 6073

UPC ITEM# - 091464607300

Nutrition Facts

Serving size (96g)

Amount Per Serving

Calories 270

% Daily Value*

Total Fat 8g 10%

Saturated Fat 1.5g 8%

Trans Fat 0g

Cholesterol 0mg 0%

Sodium 250mg 11%

Total Carbohydrate 46g 17%

Dietary Fiber 2g 7%

Total Sugars 24g

Includes 24g Added Sugars 48%

Protein 5g 10%

Vitamin D 0mcg 0%

Calcium 46mg 4%

Iron 1mg 6%

Potassium 173mg 4%

*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

INGREDIENTS: WATER, WHOLE WHEAT FLOUR, ENRICHED WHEAT FLOUR (WHEAT FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), GRANULATED SUGAR, SOYBEAN OIL, BLUEBERRIES, EGG WHITES, DEFATTED SOY FLOUR, SODIUM ACID PYROPHOSPHATE, WHEAT GLUTEN, SODIUM BICARBONATE, MODIFIED CORN STARCH, MODIFIED WHEAT STARCH, DEXTROSE, NATURAL FLAVOR, MONO- AND DIGLYCERIDES, DRY HONEY SOLIDS, CORN STARCH, SALT, GUAR GUM, XANTHAN GUM, CINNAMON, MONOCALCIUM PHOSPHATE, WHEY.

CONTAINS: WHEAT, EGGS, SOY & MILK

PRODUCT CONTRIBUTION

GRAIN CREDIT: 2oz grain equivalent

GRAMS OF FLOUR: 32g

GRAMS OF WHOLE GRAIN: 16.3g

GRAMS OF ENRICHED: 15.7g

PERCENT OF TOTAL GRAINS THAT ARE WHOLE GRAIN: 51%

DOES THIS PRODUCT QUALIFY AS WHOLE GRAIN RICH: Yes

PRODUCT HIGHLIGHTS

- Qualifies as Whole Grain Rich
- Menu or Ala Carte
- 27% calories from fat, 5% calories from sat fat, 25% sugar by weight (30-10-30)

SUGGESTED BID SPEC

Blueberry Slice/6073: 70, 3.4oz (96g), Frozen, IW, Thaw & Serve, Contains zero trans-fat, ≥51% Whole Wheat Flour, No artificial colors, flavors, or preservatives. Must conform to USDA Child Nutrition Program specifications, and meet 2oz grain equivalent. Student Preferred Brand Super Bakery Breakfast Bread SBI Code #6073, Must meet 30% or less calories from fat, 10% or less calories from saturated fat and 30% or less sugar by weight, 2g fiber, 5g protein, ≤250mg sodium, ≥173mg potassium, 4% Calcium, & 6% Iron. Made in the U.S.A., Peanut Free Product. Nutritional analysis required.

CASE SPECS

cs/ct	70
case dimensions	18.625" L x 13.125" W x 6.25" H
case cube	0.87
case weight	15.88 lbs
cases per pallet	84
TiHi	7 x 12
shelf life	frozen: 12 months / ambient: 5 days refrigerated: 10 days



www.superbakery.com

James Han

PRESIDENT, SUPER BAKERY, INC.

Updated: 7.1.18

6071 ULTRA BREAD SLICE - Banana

>51% WHOLE GRAIN – 3.4oz

SBI CODE # - 6071

UPC ITEM# - 091464607102

Nutrition Facts		
Serving Size 3.4oz (96g)		
Servings Per Container 1		
Amount Per Serving		
Calories 280	Calories from Fat 90	
		% Daily Value*
Total Fat 10g		15%
Saturated Fat 2g		9%
Trans Fat 0g		
Polyunsaturated Fat 4.5g		
Monounsaturated Fat 3g		
Cholesterol 0mg		0%
Sodium 220mg		9%
Potassium 130mg		4%
Total Carbohydrate 44g		15%
Dietary Fiber 2g		7%
Sugars 25g		
Protein 5g		
Vitamin A 2%	•	Vitamin C 0%
Calcium 8%	•	Iron 6%
Thiamine 4%	•	Riboflavin 4%
Niacin 4%	•	Folate 0%
*Percent Daily Values are based on a 2,000 calorie diet.		

INGREDIENTS: WHOLE WHEAT FLOUR, ENRICHED WHEAT FLOUR (WHEAT FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), WATER, SUGAR, SOYBEAN OIL, BANANA PUREE, WHOLE EGG SOLIDS, MODIFIED CORN STARCH, DISTILLED MONOGLYCERIDE, LEAVENING (SODIUM BICARBONATE, CALCIUM ACID PYROPHOSPHATE), DEFATTED SOY FLOUR, VITAL WHEAT GLUTEN, SALT, NATURAL FLAVOR, DRY HONEY SOLIDS, DEXTROSE, XANTHAN GUM, SPICE (CINNAMON), MILK.

CONTAINS: WHEAT, EGGS, SOY & MILK

PRODUCT CONTRIBUTION

GRAIN CREDIT: 2oz grain equivalent

GRAMS OF FLOUR: 32g

GRAMS OF WHOLE GRAIN: 16.3g

GRAMS OF ENRICHED: 15.7g

PERCENT OF TOTAL GRAINS THAT ARE WHOLE GRAIN: 51%

DOES THIS PRODUCT QUALIFY AS WHOLE GRAIN RICH: Yes

PRODUCT HIGHLIGHTS

- Qualifies as Whole Grain Rich
- Menu or Ala Carte
- 32.1% calories from fat, 6.4% calories from sat fat, 26% sugar by weight (35-10-30)

SUGGESTED BID SPEC

Ultra Banana Slice/6071: 70, 3.4oz (96g), Frozen, IW, Thaw & Serve, Contains zero trans-fat, ≥51% Whole Wheat Flour, Non-Dairy, No artificial colors, flavors, or preservatives. Must conform to USDA Child Nutrition Program specifications, and meet 2oz grain equivalent. Student Preferred Brand Super Bakery Breakfast Bread SBI Code #6071, Must meet 32.1% or less calories from fat, 6.4% or less calories from saturated fat and 26% or less sugar by weight, 2g fiber, 5g protein, ≤220mg sodium, ≥130mg potassium, 8% Calcium, & 6% Iron. Made in the U.S.A., Peanut Free Product. Nutritional analysis required.

CASE SPECS

cs/ct	70
case dimensions	18" L x 12.75" W x 5.5" H
case cube	0.73
case weight	15.88 lbs
cases per pallet	84
TiHi	7 x 12
shelf life	frozen: 12 months / ambient: 5 days refrigerated: 10 days



www.superbakery.com

PRESIDENT, SUPER BAKERY, INC.

CN Fully Cooked Whole Grain Biscuit And Breaded Chicken Patty



Item #: 68102 Pieces Per Case (Approx.): 100 Piece Size (oz.): 2.90 Case Weight (lb.): 18.13

Data Generated: 11/4/2019

Data Valid As Of: 4/12/2019

Description: A breaded chicken patty in a whole grain biscuit. Fully cooked and CN qualified.

Features & Benefits: Convenient--Individually wrapped for breakfast on the go or in the classroom. Easy Preparation--Heat and serve. Reduced Labor Costs--No messy cleanup required. Healthy Choice--Whole grain biscuit helps meet new USDA school.

Technical Label Name: Fully Cooked Whole Grain Biscuit and Breaded Chicken Patty Sandwich

Brand: Advance Pierre

Packaging Type: BULK-FILM

Master Case GTIN: 00071421681024

Master Case Gross Weight: 19.88300

Master Case Length: 17.37500

Master Case Width: 13.00000

Master Case Height: 10.50000

Master Case Cube: 1.37250

Cases/Layer: 8

Cases/Pallet: 64

Layers/Pallet: 8

Frozen Shelf Life (days): 270

Refrigerated Shelf Life (days): 7

CN Credit: 0.75 OZ MMA CHICKEN

Equivalent Grain: 2.00

Preparation Method:

Conventional Oven: From thawed state, heat sealed wrapped sandwich (es) in a preheated 275 degrees f conventional oven for 22-24 minutes.

Convection Oven: From thawed state, heat sealed wrapped sandwich (es) in a preheated 275 degrees f convection oven for 18-20 minutes.

Microwave: From thawed state microwave for 60-90 seconds on full power.

Ingredient Statement: INGREDIENTS: WHOLE GRAIN BISCUIT: WATER, WHOLE WHEAT FLOUR, ENRICHED WHEAT FLOUR (WHEAT FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, ENZYME, FOLIC ACID), BUTTERMILK BLEND (SWEET WHEY, CALCIUM SULFATE, BUTTERMILK, ADIPIC ACID), BUTTER FLAVORED SHORTENING (PALM OIL, NATURAL BUTTER FLAVOR AND SOY LECITHIN), PALM OIL, CONTAINS 2% OR LESS OF: DEXTROSE, SUGAR, SODIUM ALUMINUM PHOSPHATE, SODIUM BICARBONATE, SALT, CALCIUM PROPIONATE (PRESERVATIVE), METHYLCELLULOSE, ASCORBIC ACID. FULLY COOKED BREADED CHICKEN PATTY: INGREDIENTS: CHICKEN BREAST (WITH RIB MEAT), ISOLATED SOY PROTEIN, WATER, SALT, SODIUM TRIPOLYPHOSPHATE. BREADED WITH: WHOLE WHEAT FLOUR, ENRICHED WHEAT FLOUR (ENRICHED WITH NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), DEHYDRATED POTATOES (POTATOES, MONO AND DIGLYCERIDES, DEXTROSE), YEAST, SUGAR, SALT, BATTERED WITH: WATER, WHOLE WHEAT FLOUR, ENRICHED WHEAT FLOUR (ENRICHED WITH NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), POTATO FLOUR, SALT, MODIFIED CORN STARCH, LEAVENING (CALCIUM ACID PYROPHOSPHATE, MONOCALCIUM PHOSPHATE, SODIUM BICARBONATE), FLAVOR (CONTAINS MALTODEXTRIN, SALT AND NATURAL FLAVORS), HYDROLYZED CORN PROTEIN, ONION POWDER, GARLIC POWDER, YEAST EXTRACT, CHICKEN BROTH, SPICE. CONTAINS: WHEAT, MILK, SOY

Nutrition Facts:

Serving Size: 2.90 OZ (81 g)
Servings Per Container: 100

Calories / Calories from Fat: 230 / 90

	% Daily Value **
Total Fat 10 g	15%
Saturated Fat 4 g	20%
Trans Fat 0 g	
Cholesterol 15 mg	5%
Sodium 420 mg	18%
Total Carbohydrate 28 g	9%
Dietary Fiber 3 g	12%
Sugars 2 g	
Protein 9 g	
Vitamin A	0%
Vitamin C	70%
Calcium	10%
Iron	10%

** Percent Daily values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.



Part of the Tyson Foods Family.

CN Equivalency Statement: 68102

Master Case Labels: 68102

Kellogg's® Eggo® Bites® Mini Waffles Maple

Maple flavored waffles.

Product Type
Waffles

Product Category

UPC Code
3800092315

Servings/Case
72 ct

Sizes
2.65 oz

Format
Bulk

Gross Weight
14.98

Allergen Information
CONTAINS WHEAT, EGG, SOY AND MILK
INGREDIENTS.

Dietary Exchange Per Serving
2 Carbohydrates, 1 Fat

Kosher Status
Kosher Dairy

Grain Ounce Equivalents
2

Shelf Life
365 days (12 months)

Country of Origin
Distributed in USA



Date Printed: 11/09/2018

Kellogg's® Eggo Bites® Minis Waffles Maple Flavored

Nutrition Facts		* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:	
Serving Size	1 Pouch (75g)	Calories	2,000 2,500
Amount Per Serving			
Calories 200	Calories from Fat 45		
% Daily Value*			
Total Fat 5g	8%	Total Fat	Less than 65g 80g
Saturated Fat 1.5g	8%	Sat. Fat	Less than 20g 25g
Trans Fat 0g		Cholesterol	Less than 300mg 300mg
Cholesterol 0mg	0%	Sodium	Less than 2,400mg 2,400mg
Sodium 220mg	9%	Potassium	3,500mg 3,500mg
Potassium 160mg	5%	Total Carbohydrate	300g 375g
Total Carbohydrate 35g	12%	Dietary Fiber	25g 30g
Dietary Fiber 4g	14%	Ingredients: Whole wheat flour, water, sugar, egg whites, vegetable oil (soybean, palm, and/or canola oil), contains 2% or less of leavening (baking soda, sodium aluminum phosphate, monocalcium phosphate), molasses, soy lecithin, maltodextrin, natural flavors, whey, salt, modified corn starch.	
Sugars 10g			
Protein 4g		Vitamins and Minerals: Calcium carbonate, vitamin A palmitate, reduced iron, niacinamide, vitamin B ₁₂ , vitamin B ₆ (pyridoxine hydrochloride), vitamin B ₁ (thiamin hydrochloride), vitamin B ₂ (riboflavin).	
Vitamin A 10%	• Vitamin C 0%	CONTAINS WHEAT, EGG, SOY AND MILK INGREDIENTS.	
Calcium 10%	• Iron 15%		
Thiamin 10%	• Riboflavin 10%		
Niacin 10%	• Vitamin B ₆ 10%		
Vitamin B ₁₂ 10%	• Phosphorus 25%		

NLI#11930

Product Information



UPC CODE: 10077900190107
LEGACY PRODUCT CODE: 19010
PRODUCT CODE: 10000019010

Jimmy Dean® Whole Grain Original Pancake & Sausage Breakfast Sticks, 2.51 oz.



Reasons to buy

- Made with fully cooked Jimmy Dean® premium breakfast sausage
- Coated with our unique, pre-sweetened pancake batter
- Easy and fun to eat; great for breakfast at home or on-the-go
- Provides 1.0 oz. protein equivalent and 1.0 oz. grain equivalent

Packaging Information

MASTER CASE

Gross Weight:	10.26 lbs
Net Weight:	9.413
Cube:	0.568
Length:	16.6875
Height:	5.375
Width:	10.9375

PALLET

Tt	9
Ht	7

Nutritional Information

Serving Size 71g

Servings Per Container 60

Amount Per Serving	Daily Value % *
Calories 200	
Calories from Fat 100	

Total Fat 11g	17%
Saturated Fat 3g	15%
Trans Fat 0g	
Cholesterol 20mg	7%
Sodium 380mg	16%
Total Carbohydrate 19g	6%
Dietary Fiber 1g	4%
Sugar 7g	0%
Protein 6g	0%

Vitamin A	0%
Vitamin C	0%
Calcium	2%
Potassium	4%
Iron	6%

CN label numbers

094602

CN statement

Each 2.51 oz whole grain pancake batter wrapped pre-cooked ground pork, turkey and vegetable protein product skinless link on a stick provides 1.00 oz equivalent meat/meat alternate and 1.00 oz equivalent grains for Child Nutrition Meal Pattern Requirements.

To inquire if a signed copy of the product formulation statement or Child Nutrition statement is available for this item, please contact the Tyson Foodservice Customer Relations Team at 1-800-261-4754. Or email tysonfoodservice@casupport.com.

Ingredients

Pancake Batter: Water, Whole Grain Wheat Flour, Enriched Wheat Flour (Enriched With Niacin, Reduced Iron, Thiamine Mononitrate, Riboflavin, Folic Acid), Sugar, Contains 2% Or Less: Soybean Oil, Salt, Dextrose, Leavening (Sodium Bicarbonate)

Allergens

Eggs, Milk, Soy, Wheat

Dietary needs



No MSG

Storage

Shelf Life

270 Days

Storage Temperature - Maximum

0 °F

Storage Temperature - Minimum

0 °F

Storage Method

Frozen

Preparation

BAKE:

Conventional Oven

375° Thawed 5-10 Minutes Frozen 16-18 Minutes

Heat to an internal temperature of 160°F. Hold at 140°F or above. Heating times may vary with each oven.

Convection:

Convection Oven

350° Thawed 6-8 Minutes Frozen 14-16 Minutes

Heat to an internal temperature of 160°F. Hold at 140°F or above. Heating times may vary with each oven.

Microwave:

Microwave

HIGH Thawed 45-60 seconds Frozen 90 seconds

Heat to an internal temperature of 160°F. Hold at 140°F or above. Heating times may vary with each oven.

Product Name	Eggo Bites Blueberry Flavored Mini Pancakes
Flavor Descriptor	Naturally and Artificially Flavored
NLI Description	Production
Brand	EGGO



Date Created	04/23/14
NLI #	09659
Kosher Status	OU-D
Product of	U.S.A.

USDA Ounce Equivalents of Grain per Serving		2		
USDA Ounce Equivalents of Meat/Meat Alternate				
	Carbohydrates	Fat	Protein	Free
Diet Exchange	2	1		
Whole Grains (g/serving)	32			

Serving Size	1 Pouch							
Serving Size g	86							
Serving Size oz								
Amount Per Serving								
Calories	210							
Calories from Fat	60							
			% Daily Value*				% Daily Value*	
Total Fat	6	g	9	%		g		%
Saturated Fat	1	g	5	%		g		%
Trans Fat	0	g				g		
Polyunsaturated Fat		g				g		
Monounsaturated Fat		g				g		
Cholesterol	10	mg	3	%		mg		%
Sodium	310	mg	13	%		mg		%
Potassium	150	mg	4	%		mg		%
Total Carbohydrate	35	g	12	%		g		%
Dietary Fiber	4	g	14	%		g		%
Soluble Fiber		g				g		
Insoluble Fiber		g				g		
Sugars	11	g				g		
Sugar Alcohol		g				g		
Other Carbohydrate		g				g		
Protein	4	g		%		g		%
Vitamin A			10	%				%
Vitamin C			0	%				%
Calcium			6	%				%
Iron			15	%				%
Vitamin D				%				%
Vitamin E				%				%
Vitamin K				%				%
Thiamin			10	%				%
Riboflavin			10	%				%
Niacin			10	%				%
Vitamin B6			10	%				%
Folic Acid				%				%
Vitamin B12			10	%				%
Biotin				%				%
Pantothenic Acid				%				%
Phosphorus			25	%				%
Iodine				%				%
Magnesium				%				%
Zinc				%				%
Selenium				%				%
Copper				%				%
Manganese				%				%
Chromium				%				%
Molybdenum				%				%

Ingredients:
Ingredients: Whole wheat flour, water, sugar, vegetable oil (soybean, palm, palm kernel, and/or canola oil), buttermilk, eggs, contains 2% or less of leavening (baking soda, sodium aluminum phosphate, monocalcium phosphate), fructose, salt, rice flour, corn cereal, natural and artificial flavors, yellow corn flour, cornstarch, soy lecithin, corn syrup solids, blue 2, red 40.
Vitamins and Minerals: Vitamin A palmitate, reduced iron, niacinamide, vitamin B12, vitamin B6 (pyridoxine hydrochloride), vitamin B1 (thiamin hydrochloride), vitamin B2 (riboflavin).

ALLERGEN INFORMATION:
CONTAINS WHEAT, MILK, EGG AND SOY INGREDIENTS.

Other Required Statements:

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:				
	Calories:	2,000	2,500	Print value if "Y"
Total Fat	Less than	65g	80g	Y
Sat. Fat	Less than	20g	25g	Y
Cholesterol	Less than	300mg	300mg	Y
Sodium	Less than	2,400mg	2,400mg	Y
Potassium		3,500mg	3,500mg	Y
Total Carbohydrate		300g	375g	Y
Dietary Fiber		25g	30g	Y
Protein		50g	65g	
Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4				

Julia Jursinic

Julia M. Jursinic, MS
Sr. Director, Nutrition Labeling & Regulatory Compliance
Kellogg Company

Nutrient Contents Per 100g			
Calories	249	Vitamin A	581 IU
Calories from fat	64	Vitamin C	0 mg
Total Fat	7.1 g	Calcium	77.2 mg
Saturated Fat	1.4 g	Iron	3.1 mg
Monounsaturated Fat	1.7 g	Vitamin D	0 IU
Polyunsaturated Fat	3.4 g	Vitamin E	0 IU
Trans Fat	0.1 g	Thiamin	0.17 mg
Cholesterol	10 mg	Riboflavin	0.20 mg
Sodium	362 mg	Niacin	2.3 mg
Potassium	171 mg	Vitamin B6	0.23 mg
Total Carbohydrate	41.1 g	Folic Acid	17 mcg
Dietary Fiber	4.1 g	Vitamin B12	0.7 mcg
Soluble Fiber	0.0 g	Pantothenic Acid	NA mg
Insoluble Fiber	0.0 g	Phosphorus	310 mg
Sugars	12.3 g	Magnesium	53 mg
Sugar Alcohols	NA g	Zinc	1.1 mg
Protein	5.1 g	Copper	NA mg
NA = Database values for the nutrient do not exist or are incomplete.		Manganese	NA mg
		Selenium	NA mcg
		Moisture	44.8 %
		Ash	1.9 %

GTIN/UPC Code	Type of Package	Net Weight	Servings Per Container
00038000925610	Pouch	3.03 oz (86 g)	1 Pouch
00038000925603	Case	72 - 3.03 oz (86 g)	72 Pouches

Product Name	Eggo Bites Mini French Toast Original
Flavor Descriptor	Naturally and Artificially Flavored
NLI Description	Production
Brand	EGGO



Date Created	04/23/14
NLI #	09651
Kosher Status	OU-D
Product of	U.S.A.

USDA Ounce Equivalents of Grain per Serving		2		
USDA Ounce Equivalents of Meat/Meat Alternate				
	Carbohydrates	Fat	Protein	Free
Diet Exchange	2 1/2	1		
Whole Grains (g/serving)	32			

Serving Size	1 Pouch					
Serving Size g	86					
Serving Size oz						
Amount Per Serving						
Calories	210					
Calories from Fat	45					
		% Daily Value*			% Daily Value*	
Total Fat	5 g	8 %		g		%
Saturated Fat	1.5 g	8 %		g		%
Trans Fat	0 g			g		%
Polyunsaturated Fat	g			g		%
Monounsaturated Fat	g			g		%
Cholesterol	0 mg	0 %		mg		%
Sodium	240 mg	10 %		mg		%
Potassium	150 mg	4 %		mg		%
Total Carbohydrate	37 g	12 %		g		%
Dietary Fiber	3 g	14 %		g		%
Soluble Fiber	g			g		%
Insoluble Fiber	g			g		%
Sugars	13 g			g		%
Sugar Alcohol	g			g		%
Other Carbohydrate	g			g		%
Protein	4 g			g		%
Vitamin A		10 %				%
Vitamin C		0 %				%
Calcium		10 %				%
Iron		15 %				%
Vitamin D						%
Vitamin E						%
Vitamin K						%
Thiamin		10 %				%
Riboflavin		10 %				%
Niacin		10 %				%
Vitamin B6		10 %				%
Folic Acid						%
Vitamin B12		10 %				%
Biotin						%
Pantothenic Acid						%
Phosphorus		25 %				%
Iodine						%
Magnesium						%
Zinc						%
Selenium						%
Copper						%
Manganese						%
Chromium						%
Molybdenum						%

Ingredients:

Ingredients: Whole wheat flour, water, sugar, egg whites, vegetable oil (soybean, palm, and/or canola oil), contains 2% or less of leavening (baking soda, sodium aluminum phosphate, monocalcium phosphate), fructose, molasses, soy lecithin, natural and artificial flavors, salt, whey.

Vitamins and Minerals: Calcium carbonate, vitamin A palmitate, reduced iron, niacinamide, vitamin B12, vitamin B6 (pyridoxine hydrochloride), vitamin B1 (thiamin hydrochloride), vitamin B2 (riboflavin).

ALLERGEN INFORMATION:

CONTAINS WHEAT, EGG, SOY, AND MILK INGREDIENTS.

Other Required Statements:

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500	Print value if "Y"
Total Fat	Less than	65g	80g	Y
Sat. Fat	Less than	20g	25g	Y
Cholesterol	Less than	300mg	300mg	Y
Sodium	Less than	2,400mg	2,400mg	Y
Potassium		3,500mg	3,500mg	Y
Total Carbohydrate		300g	375g	Y
Dietary Fiber		25g	30g	Y
Protein		50g	65g	

Calories per gram: Fat 9 • Carbohydrate 4 • Protein 4



Julia M. Jursinic, MS
Sr. Director, Nutrition Labeling & Regulatory Compliance
Kellogg Company

Nutrient Contents Per 100g			
Calories	242	Vitamin A	581 IU
Calories from fat	52	Vitamin C	0 mg
Total Fat	5.8 g	Calcium	116.3 mg
Saturated Fat	1.7 g	Iron	3.1 mg
Monounsaturated Fat	1.8 g	Vitamin D	0 IU
Polyunsaturated Fat	1.7 g	Vitamin E	0 IU
Trans Fat	0.1 g	Thiamin	0.17 mg
Cholesterol	0 mg	Riboflavin	0.20 mg
Sodium	279 mg	Niacin	2.3 mg
Potassium	178 mg	Vitamin B6	0.23 mg
Total Carbohydrate	42.8 g	Folic Acid	16 mcg
Dietary Fiber	4.0 g	Vitamin B12	0.7 mcg
Soluble Fiber	0.0 g	Pantothenic Acid	NA mg
Insoluble Fiber	0.0 g	Phosphorus	335 mg
Sugars	14.8 g	Magnesium	48 mg
Sugar Alcohols	NA g	Zinc	1.2 mg
Protein	4.8 g	Copper	NA mg
NA = Database values for the nutrient do not exist or are incomplete.		Manganese	NA mg
		Selenium	NA mcg
		Moisture	44.0 %
		Ash	2.6 %

GTIN/UPC Code	Type of Package	Net Weight	Servings Per Container
00038000806957	Pouch	3.03 oz (86 g)	1
00038000806933	Case	72 - 3.03 oz (86 g)	72

NUTRITION INFORMATION:

Serving Size:	1 Pizza (94g)	-
Serving Size (grams):	94	-
Serving Size (weight oz):	3.31	-
Eaches/Case:	128	-
Inner Packs/Case:	8	-
Servings/Case:	128	-
Calories:	210	-
Calories From Fat:	70	-
Calories From Saturated Fat:	18	-
Total Fat:	7	11%
Saturated Fat:	2	10%
Trans Fat:	0	-
Cholesterol:	15	5%
Sodium:	480	20%
Potassium:	240	7%
Total Carbohydrate:	26	9%
Total Dietary Fiber:	2	8%
Sugars:	9	-
Protein:	9	-
Vitamin A:	-	4%
Vitamin C:	-	0%
Calcium:	-	10%
Iron:	-	10%
Whole Grain:	14	52%

* Percent Daily Values are based on a 2,000 calorie diet.



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 info@schwansfs.com
 Last Update Date: 6/3/2016 Printed on: 6/13/2016

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Karen Wilder 11/18

Karen Wilder, RD, MPH, LD
 Sr Director, Scientific & Regulatory Affairs



YOGURT DANIMALS STRAWBERRY-BANANA NONFAT



YOGURT DANIMALS STRAWBERRY-BANANA NONFAT

Product Last Saved Date:12 April 2017

Nutrition Facts

Serving Size: 113 GRM

Number of Servings per 48

Amount Per Serving

Calories: 80

Calories from Fat: 0

% Daily Value*

Total Fat g 0%

Saturated Fat g 0%

Trans Fat g

Cholesterol 5 mg 1%

Sodium 60 mg 3%

Total Carbohydrate g 5%

Dietary Fiber g 0%

Sugars g

Protein g

Vitamin A	Per Srv	Vitamin C	Per Srv
0%	0%	0%	0%

Calcium 15% Iron 0%

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat. Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram

Fat 9 Carbohydrate 4 Protein 4

Product Specifications:

Code	GTIN	Pack	Pack Description
2732	20036632027324	48 X 4 ONZ	

Brand	Brand Owner	GPC Description
DANIMALS	The Dannon Company, Inc.	Yogurt/Yogurt Substitutes (Perishable)

Gross Weight	Net Weight	Country of Origin	Kosher	Child Nutrition
13.30 LBR	12 LBR	USA	Yes	No

Shipping Information

Length	Width	Height	Volume	TlxHl	Shelf Life	Storage Temp From/To
15.75 INH	10 INH	5.563 INH	0.507 FTQ	12x11	25 Days	38 FAH / 45 FAH

Ingredients :

CULTURED GRADE A NON FAT MILK, SUGAR, WATER, MODIFIED FOOD STARCH, CONTAINS LESS THAN 1% OF KOSHER GELATIN, NATURAL FLAVORS, AGAR AGAR, BETA CAROTENE AND BLACK CARROT JUICE(FOR COLOR), MALIC ACID, POTASSIUM SORBATE (TO MAINTAIN FRESHNESS), VITAMIN D3,CONTAINS ACTIVE YOGURT CULTURES.

Allergens(C='Contains' MC='May Contain' N='Free From' UN='Undeclared' 30='Free From Not Tested' 50='Derived From Ingredients' 60='Not Derived From Ingredients' NI='No Info

Eggs - N	Milk - C	Peanuts - N
Soy - N	Wheat - N	TreeNuts - N
Fish - N	Crustacean - N	

Handling Suggestions :

This product is a 4 oz. individual plastic cup with a foil lid. It's packaged in a multi-pack configuration with 12 - 4 packs. Each cup has a UPC code that can be scanned. The cups snap apart. Product should be stored in refrigeration in an upright position. It can be frozen if desired.

Benefits :

As the top selling kids yogurt brand, Danimals is a nonfat yogurt with kid appeal. It's a good source of calcium and Vitamin D. No artificial colors, no artificial flavors, no high fructose corn syrup. *This product equals 1 meal/meat alternative. *This product is Gluten Free.

Serving Suggestions :

This product can be consumed on it's own, or as a part of a healthy meal or snack.

Prep & Cooking Suggestions :

This product can be consumed directly from the container. No preparation required. It should be stored in refrigeration up until the time of consumption. It can also be frozen for a special treat!

More Information :

12/12/2018

Print View

BID CODE: CC175
LABATT CODE: 373-2153

Keebler® Animal Crackers

Vending. Animal-shaped crackers with strong kid appeal.

Product Type
Grab 'n Go Crackers

Product Category

UPC Code
3010020150

Servings/Case
150 ct

Sizes
1 oz

Format
Single Serve

Gross Weight
10.86

Allergen Information
CONTAINS WHEAT AND SOY
INGREDIENTS.

Dietary Exchange Per Serving
1 1/2 Carbohydrates, 1/2 Fat

Kosher Status
Kosher Dairy

Grain Ounce Equivalents
1

Shelf Life
240 days (8 months)

Country of Origin
Distributed in USA.



Date Printed: 12/12/2018

Keebler® Animal Crackers

Nutrition Facts	
Serving size	1 Pouch (29g)
Amount per serving	
Calories	120
% Daily Value*	
Total Fat 3.5g	4%
Saturated Fat 1g	5%
Trans Fat 0g	
Polyunsaturated Fat 1.5g	
Monounsaturated Fat 1g	
Cholesterol 0mg	0%
Sodium 115mg	5%
Total Carbohydrate 22g	8%
Dietary Fiber 2g	6%
Total Sugars 8g	
Includes 8g Added Sugars	16%
Protein 2g	
Vitamin D 0mcg 0%	Calcium 0mg 0%
Iron 0.8mg 4%	Potassium 50mg 0%
*Percent Daily Values are based on a 	

Ingredients: Whole wheat flour, sugar, enriched flour (wheat flour, niacin, reduced iron, vitamin B₁ [thiamin mononitrate], vitamin B₂ [riboflavin], folic acid), soybean and palm oil. Contains 2% or less of salt, baking soda, soy lecithin, natural flavor, rosemary extract for freshness.
CONTAINS WHEAT AND SOY INGREDIENTS.

NLI# 14743



5150006960 - 2.6 OZ PEANUT BUTTER & GRAPE JELLY ON WHEAT BREAD

Creamy Peanut Butter and Smucker's Grape Jelly crimped within a crustless pocket on wheat bread. Each wholesome soft bread sandwich is individually wrapped and frozen for optimal freshness and convenience.

Brand: Smucker's®



Nutrition Facts

1 servings per container

Serving size 1 sandwich (76g)

Amount per serving

Calories **300**

	% Daily Value*
Total Fat 17g	21%
Saturated Fat 3g	15%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 280mg	12%
Total Carbohydrate 32g	12%
Dietary Fiber 4g	1%
Total Sugars 14g	
Includes 12g Added Sugars	25%

Protein 9g

Vitamin D 0mcg 0%	• Calcium 26mg 2%
Iron 1mg 8%	• Potassium 244mg 6%

* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

Ingredients

Peanut Butter: Peanuts, Sugar, Contains 2% Or Less of: Molasses, Fully Hydrogenated Vegetable Oils (Rapeseed And Soybean), Mono And Diglycerides, Salt. Bread: Unbleached Whole Wheat Flour, Enriched Unbleached Flour (Wheat Flour, Malted Barley Flour, Niacin, Ferrous Sulfate, Thiamin Mononitrate, Riboflavin, Folic Acid), Water, Sugar, Yeast, Contains 2% Or Less of: Wheat Gluten, Soybean Oil, Salt, Dough Conditioners (Distilled Mono And Diglycerides, Sodium Stearoyl Lactylate, Datem, Enzymes [With Wheat Starch, Ascorbic Acid, Calcium Peroxide],). Grape Jelly: Sugar, Grape Juice, Contains 2% Or Less of: Pectin, Citric Acid, Potassium Sorbate (Preservative).

Case Specifications

GTIN	10051500069605	Case Net Weight	11.70 LB
Item UPC	5150006960	Case L,W,H	15.89 IN, 11.89 IN, 8.52 IN
Unit Size	72 / 2.6OZ	Cube	0.93 CF
Shelf Life	270 Days	Tie x High	10 x 5
Case Gross Weight	13.62 LB	Kosher Status	Yes

Preparation and Cooking

Thaw 60 minutes. Serve within 8-10 hours for optimal freshness. Do not microwave.

Serving Suggestions

Easy to prepare, simply thaw and serve.

Packaging and Storage

Keep frozen. Do not refreeze after thawing.

Allergens

CONTAINS:

Peanuts or Peanut Derlvatives, Wheat or Wheat Derivatives



GTIN CODE: 00071421016802
LEGACY PRODUCT CODE: 68079
PRODUCT CODE: 10000001880

AdvancePierre™ Fully Cooked Egg & Cheese on a Whole Grain Bun, 2.36oz

Ingredients

Fully Baked Whole Grain Roll: Water, Whole Wheat Flour, Enriched Wheat Flour (Wheat Flour, Niacin, Reduced Iron, Thiamine Mononitrate, Riboflavin, Enzyme, Folic Acid), Sugar. CONTAINS 2% OR LESS OF: Yeast (Yeast, Sorbitan Monostearate, Ascorbic Acid), Soybean Oil, Salt, Monoglycerides With Ascorbic Acid and Citric Acid (Antioxidants), Fumaric Acid, Calcium Propionate (Preservative), Calcium Sulfate, Enzymes, Wheat Starch, Ascorbic Acid. EGG PATTY: Whole Eggs, Water, Soybean Oil, Modified Food Starch, Whey Solids, Salt, Nonfat Dried Milk, Citric Acid. SHARP PASTEURIZED PROCESS AMERICAN CHEESE: Milk, Water, Cheese Culture, Salt, Sodium Citrate, Cream, Sodium Pyrophosphate, Sodium Phosphate, Sorbic Acid (Preservative), Citric Acid, Enzymes, Color Added, Soy Lecithin.

ALLERGENS

Eggs, Milk, Soy, Wheat

Packaging information

MASTER CASE	
CUBE	1.3019
GROSS WEIGHT	16.0338 lbs
HEIGHT	10.6875
LENGTH	15.8125
NET WEIGHT	14.69
WIDTH	13.3125
PALLET	
HI	6
TI	8

Storage

SHELF LIFE:	270 Days
STORAGE TEMPERATURE - MAXIMUM:	0 °F
STORAGE TEMPERATURE - MINIMUM:	0 °F
STORAGE METHOD:	Frozen

Preparation

THAW:

Heating Instructions: Conventional Oven: From thawed state, leave in oven ready film. Do not open. Preheat oven to 275 degrees F. Bake for 15-17 minutes. Convection Oven: From thawed state, leave in oven ready film. Do not open. Preheat oven to 275 degrees F. Bake for 15-17 minutes. Microwave: From thawed state, leave in oven ready film. Do not open. Heat on high for 30-40 seconds

Nutritional information

NUTRITION FACTS

100 Servings Per Container

Serving Size	66g
Amount Per Serving	
Calories	150
	Daily Value % *
Total Fat 6g	9%
Saturated Fat 2g	10%
Trans Fat 0g	
Polyunsaturated Fat 1.5g	
Monounsaturated Fat 1g	
Cholesterol 65mg	22%
Sodium 270mg	11%
Total Carbohydrate 19g	6%
Dietary Fiber 2g	8%
Total Sugars 4g	
Includes Added Sugars	%
Protein 6g	0%
Vitamin D	%
Calcium	6%
Iron	6%
Potassium	%

CN LABEL NUMBERS

092485

CN STATEMENT

ONE 2.35 OZ FULLY COOKED EGG AND CHEESE SANDWICH ON A WHOLE GRAIN ROLL PROVIDES 0.75 OZ EQUIVALENT MEAT ALTERNATE AND 1.25 OZ EQUIVALENT GRAINS FOR CHILD NUTRITIONAL MEAL PATTERN REQUIREMENTS. (USE OF THIS LOGO AND STATEMENT AUTHORIZED BY THE FOOD AND NUTRITION SERVICE, USDA 01-18).

*The % Daily Value tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

To inquire if a signed copy of the product formulation statement or Child Nutrition statement is available for this item, please contact the Tyson Foodservice Customer Relations Team at 1-800-261-4754. Or email tysonfoodservice@casupport.com

Need help?

Call us at 1-800-261-4754



SCHOOL FOODSERVICE

168-1 oz. Light Mozzarella String Cheese. Meal Contribution Credit per serving: 1 m/ma

Product Code: 59703000034500

Nutrition – Per 100g	
Calories	204 kcal
Protein	25 g
Carbohydrates	4 g
Dietary Fiber	0 g
Total Sugar	4 g
Total Fat	10 g
Saturated Fat	6 g
Monounsaturated Fat	3 g
Polyunsaturated Fat	.2 g
Trans Fatty Acid	.5 g
Cholesterol	39 mg
Ash	4 g
Vitamin A - IU	605 IU
Vitamin C	0 mg
Calcium	731mg
Iron	.3 mg
Sodium	705 mg
Calories from Fat	87 kcal

Nutrition Facts	
Serving Size 1oz (28g)	
Servings Per Container 1	
Amount Per Serving	
Calories 60	Calories from Fat 25
% Daily Value*	
Total Fat 3g	4%
Saturated Fat 2g	9%
Trans Fat 0g	
Cholesterol 10mg	4%
Sodium 200mg	8%
Total Carbohydrate 1g	0%
Dietary Fiber 0g	
Sugars 1g	
Protein 7g	
Vitamin A	4%
Vitamin C	0%
Calcium	20%
Iron	0%
*% Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs. This is a representation of the nutrition label. The actual nutrition label on the product may vary slightly.	

Curriculum Outline

1. RULES OF THE GAME: Forming a Respectful Group

Objectives:

- Review the Key Messages of *Big Decisions*
- Identify respect as a key value for the group
- Develop ground rules for the group
- Role-play showing respect for others
- Express confidence in your ability to show respect

Activities

- 1.1 - Introduction and Key Messages Review - 5 min
- 1.2 - Ice-Breaker: Differences and Respect - 10 min
- 1.3 - Setting Ground Rules - 10 min
- 1.4 - Respecting Others - 15 min
- 1.5 - What Respect Means to Me - 5 min

2. GOALS AND DREAMS: My Future

Objectives

- Picture your dreams for the future
- Consider how a pregnancy (or another pregnancy) or HIV/STI could affect reaching your goals and dreams
- Prepare to talk with a parent or other trusted adult about goals and dreams

Activities

- 2.1 - My Dream Board - 30 min
- 2.2 - How Could It Affect My Goals and Dreams? - 5 min
- 2.3 - My Goals, My Decisions - 5 min
- 2.4 - Homework: Talking about Goals and Dreams - 5 min

3. RELATIONSHIPS AND ROMANCE: What is Healthy?

Objectives

- Reflect on conversations with your parent or other adult about goals and dreams
- Identify characteristics of healthy and unhealthy relationships
- Learn how people in unhealthy relationships can seek help, if needed
- Personalize the importance of showing and expecting respect

Activities

- 3.1 - Homework Review: Goals and Dreams - 5 min
- 3.2 - Healthy or Unhealthy? - 20 min
- 3.3 - Relationship Role-Plays - 15 min
- 3.4 - Relationships and Me - 5 min

4. ANATOMY AND REPRODUCTION: How it Works

Objectives

- Identify the names and functions of reproductive body parts
- Review how pregnancy happens
- Evaluate statements about reproduction to determine if they are true or false

Activities

- 4.1 - Ice-Breaker: What Do They Call It? - 5 min
- 4.2 - Reproductive Anatomy: The Body Parts - 20 min
- 4.3 - The Journeys of the Sperm and the Egg - 5 min
- 4.4 - Reproduction: True or False? - 10 min

5. ABSTINENCE: Decisions to Wait

Objectives

- Define what is meant by “abstinence”
- Identify reasons to not have sex
- Understand the risks of “sexting”
- List ways, other than sex, to show someone you care
- Personalize the advantages of abstinence

Activities

- 5.1 - Reasons to Wait - 10 min
- 5.2 - Is This Abstinence? - 10 min
- 5.3 - What about “Sexting”? - 5 min
- 5.4 - Ways to Show You Care - 10 min
- 5.5 - My Ideas about Abstinence - 5 min
- 5.6 - Homework: Talking about Abstinence - 5 min

Curriculum Outline, Continued

6. A CLEAR “NO”: My Limits

Objectives

- Reflect on conversations with your parent or other adult about abstinence and pressure
- Learn that everyone has the right to say “no” to sex
- Learn that it is never OK to pressure someone for sex
- Learn and practice effective ways to say “no”

Activities

- 6.1 - Homework Review: Talking with Parents - 5 min
- 6.2 - The Right to Say “No” - 10 min
- 6.3 - Pressure Situation: A CLEAR “No” - 15 min
- 6.4 - Pressure Situation: The Party – 15 min

7. CONTRACEPTION: Pregnancy at a Good Time for You

Objectives

- State what you would like to have in place before you have or cause a pregnancy, or another pregnancy
- Evaluate commonly used contraceptive methods (including abstinence) for effectiveness
- Personalize the risk of pregnancy without using effective contraception
- Identify your personal limits to avoid pregnancy, or another pregnancy, as a teen

Activities

- 7.1 - When would be a Good Time for a Pregnancy, or another Pregnancy? - 5 min
- 7.2 - Contraceptive Method Bingo - 30 min
- 7.3 - Effectiveness Line-Up - 5 min
- 7.4 - Pregnancy in My Life - 5 min

8. SEXUALLY TRANSMITTED INFECTIONS, Including HIV/AIDS

Objectives

- Personalize the potential consequences of common STIs
- Identify ways to reduce the risk of getting and spreading STIs
- Identify health providers in your community that provide testing for HIV and other STIs
- Identify your personal limits to reduce your risk of STIs

Activities

- 8.1 - Index Cards - 5 min
- 8.2 - STI Information Stations - 30 min
- 8.3 - Getting Tested - 5 min
- 8.4 - STIs and Me - 5 min

9. STAYING HEALTHY AND ON TRACK: Defending My Limits

Objectives

- Review effective ways to give a CLEAR “no”
- Practice saying “no” to activities that are beyond your personal limits
- Demonstrate the ability to say “no” effectively to having sex; to having sex without a latex¹ condom; and to having sex without effective contraception
- Prepare to talk with a parent or other trusted adult about having children

Activities

- 9.1 - Defending My Limits - 5 min
- 9.2 - Role-Play Situation #1: After School - 15 min
- 9.3 - Role-Play Situation #2: Prom Night - 20 min
- 9.4 - Talking about Having Children Homework - 5 min

10. OVERCOMING CHALLENGES: Big Decisions

Objectives

- Reflect on conversations with parents about having children
- Consider ways that your personal limits might be challenged
- Demonstrate strategies to overcome challenges to your limits
- Reinforce the connection between defending your limits and achieving your goals
- Celebrate completion of *Big Decisions*

Activities

- 10.1 - Homework Review: Talking about Having Children- 5 min
- 10.2 - Goals and Challenges - 10 min
- 10.3 - Write Your Own Challenge Situation - 20 min
- 10.4 - *Big Decisions* Graduation - 10 min

¹ or polyurethane or polyisoprene, if latex-allergic

MARATHON ISD Electricity Usage Annual Comparison Report										
Elementary #558784404	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	1040	\$ 113.89	840	\$ 93.95	1240	\$ 133.44	1160	\$ 131.51	1160	\$ 125.85
2019-2020	1720	\$ 191.95	1920	\$ 259.24	1680	\$ 236.01	1280	\$ 180.69	1160	\$ 149.58
2020-2021	2280	\$ 211.96	1960	\$ 180.38	1760	\$ 193.39	1120	\$ 146.61	800	\$ 92.45

PreK #136523668	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	504	\$ 150.21	628	\$ 222.71	1103	\$ 247.30	1499	\$ 272.37	1418	\$ 259.45
2019-2020	641	\$ 159.29	552	\$ 232.30	869	\$ 263.08	1323	\$ 285.03	1367	\$ 266.20
2020-2021	449	\$ 171.28	562	\$ 212.40	312	\$ 187.49	1010	\$ 236.43	1121	\$ 234.65

HomeMkg #119714512	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	877	\$ 98.26	767	\$ 87.09	748	\$ 86.94	705	\$ 86.40	760	\$ 88.02
2019-2020	1125	\$ 133.07	767	\$ 115.32	873	\$ 127.83	1148	\$ 150.09	907	\$ 107.49
2020-2021	709	\$ 52.58	499	\$ 39.38	493	\$ 41.47	519	\$ 43.64	548	\$ 41.17

Conc/Field #119707474	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	0	\$ 16.18	0	\$ 16.18	0	\$ 16.18	13	\$ 17.50	0	\$ 16.18
2019-2020	0	\$ 16.18	0	\$ 16.18	0	\$ 16.18	0	\$ 16.18	0	\$ 16.18
2020-2021	0	\$ 4.33	6	\$ 4.74	12	\$ 5.25	7	\$ 4.86	0	\$ 4.33

High School #558784403	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	7920	\$ 695.69	5600	\$ 524.52	4960	\$ 468.27	4960	\$ 505.85	4880	\$ 471.12
2019-2020	12000	\$ 992.60	7200	\$ 867.11	4400	\$ 587.24	4720	\$ 555.93	4880	\$ 496.38
2020-2021	6880	\$ 633.96	4000	\$ 389.14	5520	\$ 519.06	4080	\$ 393.23	4000	\$ 352.92

Tax Office #119702816	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	100	\$ 25.53	51	\$ 20.88	111	\$ 26.68	22	\$ 18.24	144	\$ 30.58
2019-2020	90	\$ 25.49	44	\$ 21.84	45	\$ 21.98	39	\$ 20.72	33	\$ 19.49
2020-2021	67	\$ 8.89	49	\$ 7.77	37	\$ 7.21	61	\$ 9.04	23	\$ 5.87

AgShop #557406617	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	400	\$ 53.76	300	\$ 43.95	400	\$ 54.00	400	\$ 54.96	400	\$ 54.97
2019-2020	900	\$ 108.15	400	\$ 66.80	400	\$ 65.87	400	\$ 62.06	500	\$ 66.19
2020-2021	200	\$ 17.95	500	\$ 42.01	500	\$ 39.45	500	\$ 42.20	400	\$ 31.22

N 5th St #119707416	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	0	\$ 16.18	0	\$ 16.18	0	\$ 16.18	0	\$ 16.18	0	\$ 16.18
2019-2020	0	\$ 16.18	0	\$ 16.18	1	\$ 16.31	0	\$ 16.18	0	\$ 16.18
2020-2021	177	\$ 16.39	7	\$ 4.86	211	\$ 19.20	25	\$ 6.24	0	\$ 4.33

301 N 5th #119707420	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	336	\$ 37.50	311	\$ 35.11	369	\$ 40.54	334	\$ 38.27	319	\$ 37.74
2019-2020	518	\$ 59.37	300	\$ 46.57	304	\$ 46.49	385	\$ 51.20	410	\$ 47.05
2020-2021	542	\$ 45.66	243	\$ 24.80	241	\$ 22.94	500	\$ 30.59	433	\$ 36.58

N 5th St Unmetered/GL	September		October		November		December		January	
	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost	KWH Use	Cost
2018-2019	513	\$ 66.92	513	\$ 66.32	513	\$ 67.35	513	\$ 68.71	513	\$ 68.71
2019-2020	513	\$ 72.50	513	\$ 85.08	513	\$ 84.24	513	\$ 78.61	513	\$ 70.61
2020-2021	513	\$ 64.83	513	\$ 65.95	513	\$ 69.44	513	\$ 68.99	513	\$ 64.30

MARATHON ISD Water/Sewage/Fees Usage Annual Comparison Report												
Elementary	September				October				November			
	Gallons	Cost	Swg/Fee	Total	Gallons	Cost	Swg/Fee	Total	Gallons	Cost	Swg/Fee	Total
2018-2019	20000	\$ 112.04	\$ 62.87	\$ 174.91	30000	\$ 163.04	\$ 63.13	\$ 226.17	13600	\$ 82.65	\$ 62.72	\$ 145.37
2019-2020	7700	\$ 89.71	\$ 97.51	\$ 187.22	7300	\$ 87.99	\$ 97.50	\$ 185.49	5700	\$ 81.11	\$ 97.47	\$ 178.58
2020-2021	16000	\$ 128.35	\$ 81.53	\$ 209.88	19400	\$ 144.22	\$ 81.61	\$ 225.83	8200	\$ 92.67	\$ 81.36	\$ 174.03
	December				January							
	Gallons	Cost	Swg/Fee	Total	Gallons	Cost	Swg/Fee	Total				
2018-2019	10600	\$ 69.15	\$ 62.66	\$ 131.81	11500	\$ 73.20	\$ 62.68	\$ 135.88				
2019-2020	14000	\$ 118.05	\$ 97.65	\$ 215.70	7300	\$ 88.75	97.51	\$ 186.26				
2020-2021	8100	\$ 92.23	\$ 81.35	\$ 173.58	49300	\$ 302.28	\$ 82.40	\$ 384.68				

Secondary	September				October				November			
	Gallons	Cost	Swg/Fee	Total	Gallons	Cost	Swg/Fee	Total	Gallons	Cost	Swg/Fee	Total
2018-2019	17200	\$ 98.85	\$ 33.16	\$ 132.01	5400	\$ 46.65	\$ 32.90	\$ 79.55	3100	\$ 37.01	\$ 32.85	\$ 69.86
2019-2020	2500	\$ 67.58	\$ 66.17	\$ 133.75	3000	\$ 69.65	\$ 66.18	\$ 135.83	2000	\$ 65.50	\$ 66.16	\$ 131.66
2020-2021	5300	\$ 80.05	\$ 66.73	\$ 146.78	2700	\$ 68.94	\$ 66.67	\$ 135.61	2800	\$ 69.36	\$ 66.68	\$ 136.04
	December				January							
	Gallons	Cost	Swg/Fee	Total	Gallons	Cost	Swg/Fee	Total				
2018-2019	1600	\$ 32.50	\$ 32.83	\$ 65.33	1400	\$ 32.50	\$ 32.83	\$ 65.33				
2019-2020	2000	\$ 65.50	\$ 66.16	\$ 131.66	1800	\$ 66.00	66.16	\$ 132.16				
2020-2021	2100	\$ 66.42	\$ 66.66	\$ 133.08	1900	\$ 66.00	\$ 66.66	\$ 132.66				

Rental Property	September				October				November			
	Gallons	Cost	Swg/Fee	Total	Gallons	Cost	Swg/Fee	Total	Gallons	Cost	Swg/Fee	Total
2018-2019	400	\$ 32.50	\$ 32.83	\$ 65.33	500	\$ 32.50	\$ 32.83	\$ 65.33	500	\$ 32.50	\$ 32.83	\$ 65.33
2019-2020	3800	\$ 40.47	\$ 33.37	\$ 73.84	3700	\$ 40.06	\$ 33.37	\$ 73.43	9500	\$ 65.10	\$ 33.49	\$ 98.59
2020-2021	900	\$ 33.50	\$ 38.36	\$ 71.86	900	\$ 33.50	\$ 38.36	\$ 71.86	700	\$ 33.50	\$ 38.36	\$ 71.86
	December				January							
	Gallons	Cost	Swg/Fee	Total	Gallons	Cost	Swg/Fee	Total				
2018-2019	400	\$ 32.50	\$ 32.88	\$ 65.38	400	\$ 32.50	\$ 32.83	\$ 65.33				
2019-2020	86300	\$ 467.21	\$ 35.50	\$ 502.71	30500	Adj - No Payment		\$ -				
2020-2021	500	\$ 33.50	\$ 38.36	\$ 71.86	800	\$ 33.50	38.36	\$ 71.86				

MARATHON ISD
Propane Usage Annual Comparison Report

Elementary	September			October			November			December			January			Annual	
	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	Total
2018-2019	0	0	\$ -	525	1.85	\$ 971.25	0	0	\$ -	450	1.85	\$ 832.50	500	1.85	\$ 925.00	1475	\$ 2,728.75
2019-2020	0	0	\$ -	375	1.85	\$ 693.75	0	0	\$ -	500	1.85	\$ 925.00	0	0	\$ -	875	\$ 1,618.75
2020-2021	0	0	\$ -	0	0	\$ -	0	0	\$ -	0	0	\$ -	0	0	\$ -	0	\$ -

Secondary	September			October			November			December			January			Annual	
	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	Total
2018-2019	0	0	\$ -	1000	1.85	\$ 1,850.00	1000	1.85	\$ 1,850.00	1550	1.85	\$ 2,868.06	2550	1.85	\$ 4,717.50	6100.3	\$ 11,285.56
2019-2020	0	0	\$ -	1000	1.85	\$ 1,850.00	1975.1	1.85	\$ 3,654.13	0	0	\$ -	2275	1.85	\$ 4,208.75	5250.1	\$ 9,712.88
2020-2021	1100	1.6	\$ 1,760.16	0	0	\$ -	0	0	\$ -	1125	1.6	\$ 1,800.48	900	1.6	\$ 1,440.00	3125.3	\$ 5,000.64

Rental Prop.	September			October			November			December			January			Annual	
	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	PPG	Total	Gallons	Total
2018-2019	0	0	\$ -	150.4	1.85	\$ 278.24	0	0	\$ -	198.5	1.85	\$ 367.23	0	0	\$ -	348.9	\$ 645.47
2019-2020	0	0	\$ -	0	0	\$ -	109.7	1.85	\$ 202.95	160.3	1.85	\$ 296.56	0	0	\$ -	270	\$ 499.51
2020-2021	0	0	\$ -	0	0	\$ -	0	0	\$ -	125.1	1.6	\$ 200.16	0	0	\$ -	125.1	\$ 200.16

Plan for Shop Storeroom

By

Jackson Barlow, Campbell West, Dr. Price
Feb. 24, 2021 School Board Meeting

History

- ❖ Need to clean out storeroom
- ❖ Need for computer lab to compliment shop curriculum
- ❖ Need for junior students to add another class
- ❖ Desire to create a leadership and service opportunity for juniors

Before



1132

Planning Process/Consultation

- ❖ Brainstorm ideas for the storeroom
- ❖ Determine sequence of steps to take
- ❖ Assessment of items in the storeroom
- ❖ Inventory all the items
- ❖ Consultation with Marci Roberts, Mr. Novosad, & Mr. Ruben

Clean Out/Moving

- ❖ Decisions to keep items or trash them
- ❖ Moved extra desks under school
- ❖ Take Ruben's stuff to his storage area
- ❖ Removed ceiling tiles

After Photo



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Possible Ideas for the Storeroom

- ❖ Create a computer lab that will compliment CTE curriculum
- ❖ Makerspace
- ❖ Use by other teachers



Jackson

Funding Ideas

- ❖ Grants
 - Federal
 - State
 - Local
- ❖ Fundraisers
- ❖ Crowdfunding
- ❖ Donations

Next Steps

If the Board approves the project:

- ❖ Develop a building plan for walls, electrical/lighting, HVAC, fire safety, flooring
- ❖ Determine what work can be done for free
- ❖ Pursue funding if needed
- ❖ Contact contractors if needed

Questions/Suggestions