Marble Falls ISD
has an unyielding commitment to love every child and inspire them to achieve their fullest potential.



Marble Falls ISD
Regular Meeting

Monday, September 17, 2018
6:00 PM

AGENDA OF REGULAR MEETING
MARBLE FALLS INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES
MONDAY, SEPTEMBER 17, 2018 – 6:00 PM
Marble Falls ISD Central Office Community Room

Notice is hereby given that on September 17, 2018, the Board of Trustees of the Marble Falls Independent School District will hold a Regular meeting at 6:00 PM, at the Marble Falls ISD Central Office Community Room, 1800 Colt Circle, Marble Falls, TX 78654.

The subjects to be discussed or considered, or upon which any formal action may be taken are listed below. Items do not have to be taken in the order shown on this meeting notice.

1. Call to Order
   Presenter: Kevin Naumann, President
2. Roll Call
   Presenter: Kevin Naumann, President
3. Invocation
   Presenter: Lee Ann Johnson
4. Pledge to the Flags
   Presenter: Kevin Virdell
5. Vision Statement
   Presenter: Gary Boshears
6. Special Recognition
   A. Superintendent's Award- Spicewood Elementary
      Presenter: Susan Cox
   B. Living the Vision Award- Michael Phillips
      Presenter: Jeff Gasaway
7. Citizen Comments
8. Information Items
   A. General Fund Summary 4
   B. Expenditure Report 7
9. Presentation/Discussion Items and Possible Action
   A. Bond Communications 23
      Presenter: Dr. Chris Allen
   B. Fine Arts Update 33
      Presenter: Tony Leflet, Bryce Gage & Jon Clark
   C. Device Renewal- Refresh of Elementary iPads & MS Staff Laptops 40
      Presenter: Nathan Fink
   D. Renewal of Meraki Wireless Licensing 45
      Presenter: Nathan Fink
   E. Transportation Facility Update 48
      Presenter: Jeff Gasaway
   F. Progress Monitoring Tools 65
      Presenter: Dr. Wes Cunningham

G. District and Campus Improvement Plans 76
Presenter: Dr. Wes Cunningham

10. Consider and Possible Approval of Action
    A. Consent
        1. Minutes from Regular Board Meeting held on August 20, 2018 110
        2. Budget Amendments 113
        3. Policy Update 111, affecting local policies BBD: Board Members- Training & Orientation; CCA: Fiscal Management Goals & Objectives- Financial Ethics; CJA: Contracts Services- Criminal History; DHE: Employee Standards of Conduct- Searches & Alcohol/Drug Testing; DI: Employee Welfare; FEA: Attendance- Compulsory Attendance 120
        4. Local Policy Update - CQ:Technology Resources; DH:Employee Standards of Conduct; DBD: Employment Requirements & Restrictions- Conflict of Interest; DEC: Compensation & Benefits- Leaves & Absences; EHDC (Exhibit): Alternative Methods for Earning Credit EHDC Credit by Examination without Prior Instruction; FFAC: Wellness & Health Services- Medical Treatment 526
11. Upcoming Meetings and Board Training Opportunities
    A. Monday, October 15, 2018 - Regular Board Meeting
    B. Monday, November 12, 2018 - Regular Board Meeting
    C. Monday, December 17, 2018 - Regular Board Meeting
12. Executive Session
    A. Discussion of Professional Personnel (TX Govt. Code 551.074)
    B. Consult with District Attorney on Ethics Training (TX Govt. Code 551.071)
13. Reconvene from Executive Session
14. Discussion and Possible Approval of Action Arising from Executive Session
    A. Possible Approval of Professional Personnel
15. Adjourn

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See BEC(LEGAL)]

FOR THE BOARD OF TRUSTEES
MARBLE FALLS INDEPENDENT SCHOOL

_____
Dr. Chris Allen, Superintendent of Schools

Marble Falls ISD

Statement of Revenues and Expenditures - General Fund

As of August 31, 2018

17%	Of Fiscal Year	CURRENT YEAR YTD				August
REVENUES		BUDGET	YTD ACTIVITY	BALANCE	% OF BUDGET	ACTIVITY
5710	LOCAL TAX REVENUES	$ 41,543,823	$ 266,635	$ 41,277,188	0.64%	$ 204,041
57XX	OTHER LOCAL REVENUES	$ 449,000	$ 82,326	$ 366,674	18.34%	$ 43,840
58XX	STATE PROG. REVENUES	$ 5,560,702	$ 248,309	$ 5,312,393	4.47%	$ 12,227
5900	FEDERAL REVENUE	$ 620,000	$ 1,026	$ 618,974	0.17%	$ 332
	TOTAL REVENUE	$ 48,173,525	$ 598,296	$ 47,575,229	1.24%	$ 260,440
EXPENDITURES						
11	INSTRUCTION	$ 21,774,023	$ 403,240	$ 21,370,783	1.85%	$ 198,508
12	LIBRARY	$ 432,250	$ 3,470	$ 428,780	0.80%	$ 1,181
13	STAFF DEVELOPMENT	$ 309,587	$ 83,512	$ 226,075	26.98%	$ 24,940
21	INST ADMINISTRATION	$ 1,008,970	$ 127,139	$ 881,831	12.60%	$ 60,127
23	SCHOOL ADMINISTRATION	$ 2,504,446	$ 227,621	$ 2,276,825	9.09%	$ 167,509
31	GUID AND COUNSELING	$ 1,206,856	$ 71,505	$ 1,135,351	5.92%	$ 64,255
32	SOCIAL WORK SERVICES	$ 62,120	$ 8,167	$ 53,953	13.15%	$ 3,917
33	HEALTH SERVICES	$ 400,467	$ 1,893	$ 398,574	0.47%	$ -
34	PUPIL TRANSP - REGULAR	$ 1,831,471	$ 211,364	$ 1,620,107	11.54%	$ 107,914
36	CO-CURRICULAR ACT	$ 1,699,989	$ 130,730	$ 1,569,259	7.69%	$ 83,653
41	GEN ADMINISTRATION	$ 1,550,661	$ 257,119	$ 1,293,542	16.58%	$ 142,840
51	PLANT MAINT & OPERATION	$ 4,437,611	$ 628,535	$ 3,809,076	14.16%	$ 402,832
52	SECURITY & MONITORING	$ 131,177	$ 9,475	$ 121,702	7.22%	$ 5,076
53	DATA PROCESSING	$ 1,295,252	$ 673,687	$ 621,565	52.01%	$ 607,563
61	COMMUNITY SERVICES	$ 41,737	$ 936	$ 40,801	2.24%	$ 656
71	DEBT SERVICE	$ 523,520	$ 139,720	$ 383,800	26.69%	$ 139,720
81	FACILITIES ACQ & CONST	$ 344,625	$ -	$ 344,625	0.00%	$ -
91	STUDENT ATTENDANCE CR	$ 7,863,263	$ -	$ 7,863,263	0.00%	$ (689,415)
99	PURCHASES & CONT SRVS	$ 755,500	$ -	$ 755,500	0.00%	$ -
	TOTAL EXPENDITURES	$ 48,173,525	$ 2,978,113	$ 45,195,412	6.18%	$ 1,321,276
7000	Other Sources	$ -	$ 302,220			$ 302,220
8000	Other Uses	$ -	$ 200,000			$ 200,000
		Budget	**Actual**			**Month Actual**
1200	EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	**$ -**	$ (2,277,597)	EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES		$ (958,616)
3000	Estimated BEG FUND BAL 07/01/18	$ 13,121,458				
	BUDGETED FUND BALANCE	**$ -**				
3000	Estimated END FUND BAL 08/31/19	$ 13,121,458	Unaudited			

Marble Falls ISD

Statement of Revenues and Expenditures - Food Service

As of August 31, 2018

17%	Of Fiscal Year	CURRENT YEAR YTD				August
REVENUES		BUDGET	YTD ACTIVITY	BALANCE	% OF BUDGET	ACTIVITY
57XX	LOCAL REVENUES	$ 663,834	$ 48,924	$ 614,910	7.37%	$ 45,326
58XX	STATE PROG. REVENUES	$ 12,000	$ -	$ 12,000	0.00%	$ -
59xx	FEDERAL REVENUE	$ 1,762,748	$ -	$ 1,762,748	0.00%	$ -
	TOTAL REVENUE	$ 2,438,582	$ 48,924	$ 2,389,658	2.01%	$ 45,326
EXPENDITURES						
61	PAYROLL COST	$ 1,004,751	$ 148,541	$ 856,210	14.78%	$ 73,477
62	PURCHASE & CONTRACTED	$ 92,555	$ 6,913	$ 85,642	7.47%	$ 6,733
63	SUPPLIES AND MATERIALS	$ 1,327,276	$ 60,473	$ 1,266,803	4.56%	$ 64,259
64	OTHER OPERATING EXP	$ 14,000	$ 495	$ 13,505	3.54%	$ 445
66	CPTL OUTLAY	$ -	$ -	$ -	0.00%	$ -
	TOTAL EXPENDITURES	$ 2,438,582	$ 216,422	$ 2,222,160	8.87%	$ 144,914
7000	Other Sources		$ -			$ -
8000	Other Uses		$ -			$ -
		Budget	**Actual**			**Month Actual**
1200	EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	$ -	$ (167,498)	EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES		$ (99,588)
3000	Estimated BEG FUND BAL 07/01/18	$ 524,289				
	BUDGETED FUND BALANCE					
3000	Estimated END FUND BAL 08/31/19	$ 524,289	Unaudited			

Marble Falls ISD
Statement of Revenues and Expenditures - Debt Service
As of August 31, 2018

17%	Of Fiscal Year	CURRENT YEAR YTD				August
REVENUES		BUDGET	YTD ACTIVITY	BALANCE	% OF BUDGET	ACTIVITY
57XX	LOCAL TAX REVENUES	$ 8,542,609	$ 85,314	$ 8,457,295	1.00%	$ 54,730
58XX	STATE PROG. REVENUES	$ 109,801	$ -	$ 109,801	0.00%	$ -
59xx	FEDERAL REVENUE	$ -	$ -	$ -	0.00%	$ -
	TOTAL REVENUE	$ 8,652,410	$ 85,314	$ 8,567,096	0.99%	$ 54,730
EXPENDITURES						
65	DEBT SERVICE	$ 7,083,300	$ 6,135,050	$ 948,250	86.61%	$ 6,135,050
	TOTAL EXPENDITURES	$ 7,083,300	$ 6,135,050	$ 948,250	86.61%	$ 6,135,050
7000	Other Sources		$ -			$ -
8000	Other Uses		$ -			$ -

		Budget	**Actual**		**Month Actual**
1200	EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	$ 1,569,110	$ (6,049,736)	EXCESS (DEFICIENCY) OF REVENUES OVER 0	$ (6,080,320)
3000	Estimated BEG FUND BAL 07/01/18	$ 9,348,246	0		
	BUDGETED FUND BALANCE				
3000	Estimated END FUND BAL 08/31/19	$ 10,917,356	Unaudited		

Marble Falls Independent School District

Financial Report

September 17, 2018

Check Payment Fund Summary

Expenditure to Budget Report

Check Payment Fund Summary

For Bills Paid

August 1 – August 31, 2018

F U N D S U M M A R Y

FUND	DESCRIPTION	BALANCE SHEET	REVENUE	EXPENSE	TOTAL
199	GENERAL FUND	112,790.47	36,822.25	822,700.24	972,312.96
211	TITLE I PART A, BASIC PROGRAMS	0.00	0.00	29,870.27	29,870.27
224	IDEA PART B FORMULA	0.00	0.00	6,316.70	6,316.70
240	FOOD SERVICE	950.00	14.17	71,226.13	72,190.30
242	SUMMER FEEDING PROGRAM-DHS	0.00	0.00	1,350.16	1,350.16
244	VOC. ED.-BASIC GRANT	0.00	0.00	130.00	130.00
255	TITLE II PART A TCHR & PRINCPL	0.00	0.00	3,030.13	3,030.13
263	TITLE III - BILINGUAL	0.00	0.00	11,300.00	11,300.00
352	21st CENTURY COMM LEARNING CEN	0.00	0.00	114,319.37	114,319.37
499	FOUNDATION GRANTS	0.00	0.00	7,346.43	7,346.43
*** Fund Summary Totals ***		113,740.47	36,836.42	1,067,589.43	1,218,166.32

********** End of report **********

Expenditure to Budget Report

September 17, 2018

General Operating Fund

Food Service Fund

Capital Projects

	Obj	Obj	2018-19 ESTIMATED REVENUE	August 2018-19 MTHLY ACTIVITY	2018-19 Activity	REVENUE BALANCE	PERCENT REALIZED	2018-19 YTD %
199		GENERAL FUND						
5700		REVENUE-LOCAL & INTERMED						
	571-	LOCAL REAL-PROPERTY TAXES	41,543,823.00	204,040.77	266,635.22	41,277,187.78	0.89	0.64
	573-	TUITION & FEES FROM PATRONS	75,000.00	800.00	2,000.00	73,000.00	9.95	2.67
	574-	TRANS FROM WITHIN STATE	264,000.00	19,699.83	56,026.54	207,973.46	21.71	21.22
	575-	ENTERPRISING ACTIVITIES	110,000.00	23,340.00	24,299.00	85,701.00	23.81	22.09
	57--	REVENUE-LOCAL & INTERMED	41,992,823.00	247,880.60	348,960.76	41,643,862.24	1.09	0.83
5800		STATE PROGRAM REVENUES						
	581-	PER CAPITA-FOUNDATION REV	3,683,263.00	12,227.00	98,698.00	3,584,565.00	2.68	2.68
	582-	STATE REVENUE DISTRBTD BY TEA	5,000.00	0.00	0.00	5,000.00	0.00	0.00
	583-	TRS ON BEHALF BENEFIT	1,872,439.00	0.00	149,611.64	1,722,827.36	7.99	7.99
	58--	STATE PROGRAM REVENUES	5,560,702.00	12,227.00	248,309.64	5,312,392.36	4.47	4.47
5900		FEDERAL PROGRAM REVENUES						
	591-	FEDERALLY DIST REVENUES	40,000.00	0.00	0.00	40,000.00	0.00	0.00
	592-		50,000.00	0.00	0.00	50,000.00	0.00	0.00
	593-	VOC ED NON FOUNDATION	530,000.00	332.42	1,025.78	528,974.22	1.00	0.19
	59--	FEDERAL PROGRAM REVENUES	620,000.00	332.42	1,025.78	618,974.22	0.85	0.17
7900		OTHER RESOURCES						
	791-		0.00	302,220.00	302,220.00	-302,220.00	0.00	0.00
	79--	OTHER RESOURCES	0.00	302,220.00	302,220.00	-302,220.00	0.00	0.00
	----	GENERAL FUND	48,173,525.00	562,660.02	900,516.18	47,273,008.82	2.11	1.87

	Obj	Obj	2018-19 ESTIMATED REVENUE	August 2018-19 MTHLY ACTIVITY	2018-19 Activity	REVENUE BALANCE	PERCENT REALIZED	2018-19 YTD %
240		FOOD SERVICE						
5700		REVENUE-LOCAL & INTERMED						
	574-	TRANS FROM WITHIN STATE	1,850.00	30.36	85.46	1,764.54	4.62	4.62
	575-	ENTERPRISING ACTIVITIES	661,984.00	45,296.05	48,838.75	613,145.25	8.37	7.38
	57--	REVENUE-LOCAL & INTERMED	663,834.00	45,326.41	48,924.21	614,909.79	8.36	7.37
5800		STATE PROGRAM REVENUES						
	582-	STATE REVENUE DISTRBTD BY TEA	12,000.00	0.00	0.00	12,000.00	0.00	0.00
	58--	STATE PROGRAM REVENUES	12,000.00	0.00	0.00	12,000.00	0.00	0.00
5900		FEDERAL PROGRAM REVENUES						
	592-		1,762,748.00	0.00	0.00	1,762,748.00	0.00	0.00
	59--	FEDERAL PROGRAM REVENUES	1,762,748.00	0.00	0.00	1,762,748.00	0.00	0.00
	----	FOOD SERVICE	2,438,582.00	45,326.41	48,924.21	2,389,657.79	2.28	2.01

Number of Accounts: 50

********** **End of report** **********

	Obj	Obj	2018-19 ESTIMATED REVENUE	August 2018-19 Monthly Activity	2018-19 Activity	REVENUE BALANCE	2018-19 YTD %
199		GENERAL FUND					
	5---	REVENUE	48,173,525.00	260,440.02	598,296.18	47,575,228.82	1.24
	7---	OTHER RESOURCES	0.00	302,220.00	302,220.00	-302,220.00	0.00
	----	GENERAL FUND	48,173,525.00	562,660.02	900,516.18	47,273,008.82	1.87
240		FOOD SERVICE					
	5---	REVENUE	2,438,582.00	45,326.41	48,924.21	2,389,657.79	2.01
	----	FOOD SERVICE	2,438,582.00	45,326.41	48,924.21	2,389,657.79	2.01

Number of Accounts: 50

********** **End of report** **********

	Obj	Obj	2018-19 BUDGET	ENCUMBRANCE YTD	2018-19 EXPENDITURES	August 2018-19 ACTIVITY	BALANCE	2018-19 YTD %
199		GENERAL FUND						
00								
	89--	OTHER USES	0.00	0.00	200,000.00	200,000.00	-200,000.00	0.00
	----		0.00	0.00	200,000.00	200,000.00	-200,000.00	0.00
11		INSTRUCTION						
	61--	PAYROLL COSTS	21,063,039.00	0.00	348,193.23	147,064.85	20,714,845.77	1.65
	62--	PURCHASE & CONTRACTED SVS	287,417.76	92,119.80	15,847.34	12,576.80	179,450.62	5.51
	63--	SUPPLIES AND MATERIALS	367,811.24	72,397.07	37,247.76	37,227.16	258,166.41	10.13
	64--	OTHER OPERATING EXPENSES	55,755.00	8,067.96	1,951.59	1,639.04	45,735.45	3.50
	----	INSTRUCTION	21,774,023.00	172,584.83	403,239.92	198,507.85	21,198,198.25	1.85
12		INST. RESOURCES & MEDIA SVCS						
	61--	PAYROLL COSTS	352,673.00	0.00	2,863.96	574.60	349,809.04	0.81
	62--	PURCHASE & CONTRACTED SVS	33,463.00	470.00	0.00	0.00	32,993.00	0.00
	63--	SUPPLIES AND MATERIALS	42,412.47	3,707.28	165.15	165.15	38,540.04	0.39
	64--	OTHER OPERATING EXPENSES	3,701.53	870.00	441.00	441.00	2,390.53	11.91
	----	INST. RESOURCES & MEDIA S	432,250.00	5,047.28	3,470.11	1,180.75	423,732.61	0.80
13		CURRICULUM DEV & INST STFF DEV						
	61--	PAYROLL COSTS	108,234.00	0.00	63,807.37	8,614.74	44,426.63	58.95
	62--	PURCHASE & CONTRACTED SVS	73,900.00	50,845.00	400.00	400.00	22,655.00	0.54
	63--	SUPPLIES AND MATERIALS	73,049.00	1,002.66	9,547.02	9,547.02	62,499.32	13.07
	64--	OTHER OPERATING EXPENSES	54,404.00	7,806.60	9,757.53	6,378.29	36,839.87	17.94
	----	CURRICULUM DEV & INST STF	309,587.00	59,654.26	83,511.92	24,940.05	166,420.82	26.98
21		INSTRUCTIONAL LEADERSHIP						
	61--	PAYROLL COSTS	861,570.00	0.00	121,541.69	57,246.75	740,028.31	14.11
	62--	PURCHASE & CONTRACTED SVS	106,941.52	4,528.28	1,856.69	965.71	100,556.55	1.74
	63--	SUPPLIES AND MATERIALS	27,825.00	477.32	556.61	532.80	26,791.07	2.00
	64--	OTHER OPERATING EXPENSES	15,333.48	1,040.50	3,183.44	1,381.57	11,109.54	20.76

	Obj	Obj	2018-19 BUDGET	ENCUMBRANCE YTD	2018-19 EXPENDITURES	August 2018-19 ACTIVITY	BALANCE	2018-19 YTD %
199		GENERAL FUND						
21		INSTRUCTIONAL LEADERSHIP						
	----	INSTRUCTIONAL LEADERSHIP	1,011,670.00	6,046.10	127,138.43	60,126.83	878,485.47	12.57
23		SCHOOL LEADERSHIP						
	61--	PAYROLL COSTS	2,421,923.00	0.00	218,593.20	160,089.89	2,203,329.80	9.03
	62--	PURCHASE & CONTRACTED SVS	34,479.32	28,681.61	3,047.03	1,567.31	2,750.68	8.84
	63--	SUPPLIES AND MATERIALS	31,005.68	4,437.58	3,642.72	3,514.38	22,925.38	11.75
	64--	OTHER OPERATING EXPENSES	17,038.00	1,451.85	2,337.50	2,337.50	13,248.65	13.72
	----	SCHOOL LEADERSHIP	2,504,446.00	34,571.04	227,620.45	167,509.08	2,242,254.51	9.09
31		GUIDANCE & COUNSELING						
	61--	PAYROLL COSTS	1,169,010.00	0.00	64,286.75	57,037.50	1,104,723.25	5.50
	62--	PURCHASE & CONTRACTED SVS	7,632.00	0.00	0.00	0.00	7,632.00	0.00
	63--	SUPPLIES AND MATERIALS	19,045.00	5,914.14	4,496.65	4,496.65	8,634.21	23.61
	64--	OTHER OPERATING EXPENSES	11,169.00	540.00	2,721.15	2,721.15	7,907.85	24.36
	----	GUIDANCE & COUNSELING	1,206,856.00	6,454.14	71,504.55	64,255.30	1,128,897.31	5.92
32		SOCIAL WORK SERVICES						
	61--	PAYROLL COSTS	50,120.00	0.00	8,167.44	3,916.68	41,952.56	16.30
	62--	PURCHASE & CONTRACTED SVS	12,000.00	0.00	0.00	0.00	12,000.00	0.00
	----	SOCIAL WORK SERVICES	62,120.00	0.00	8,167.44	3,916.68	53,952.56	13.15
33		HEALTH SERVICES						
	61--	PAYROLL COSTS	390,832.00	0.00	1,893.26	0.23	388,938.74	0.48
	62--	PURCHASE & CONTRACTED SVS	675.00	0.00	0.00	0.00	675.00	0.00
	63--	SUPPLIES AND MATERIALS	8,345.00	366.41	0.00	0.00	7,978.59	0.00
	64--	OTHER OPERATING EXPENSES	615.00	0.00	0.00	0.00	615.00	0.00
	----	HEALTH SERVICES	400,467.00	366.41	1,893.26	0.23	398,207.33	0.47

	Obj	Obj	2018-19 BUDGET	ENCUMBRANCE YTD	2018-19 EXPENDITURES	August 2018-19 ACTIVITY	BALANCE	2018-19 YTD %
199		GENERAL FUND						
34		PUPIL TRANSPORTATION						
	61--	PAYROLL COSTS	1,508,841.00	0.00	204,518.41	97,912.32	1,304,322.59	13.55
	62--	PURCHASE & CONTRACTED SVS	33,625.00	9,499.36	6,264.20	1,131.07	17,861.44	18.63
	63--	SUPPLIES AND MATERIALS	384,205.00	52,390.73	13,458.86	12,542.07	318,355.41	3.50
	64--	OTHER OPERATING EXPENSES	-95,200.00	54,154.13	-12,877.32	-3,671.08	-136,476.81	13.53
	----	PUPIL TRANSPORTATION	1,831,471.00	116,044.22	211,364.15	107,914.38	1,504,062.63	11.54
36		COCURR./EXTRACURR.ACTIVITIES						
	61--	PAYROLL COSTS	1,055,458.00	0.00	70,056.62	41,273.49	985,401.38	6.64
	62--	PURCHASE & CONTRACTED SVS	152,921.56	5,076.86	6,206.46	6,117.15	141,638.24	4.06
	63--	SUPPLIES AND MATERIALS	143,996.00	34,727.36	10,242.00	8,811.83	99,026.64	7.11
	64--	OTHER OPERATING EXPENSES	347,613.44	26,846.41	44,225.20	27,450.52	276,541.83	12.72
	----	COCURR./EXTRACURR.ACTIVIT	1,699,989.00	66,650.63	130,730.28	83,652.99	1,502,608.09	7.69
41		GENERAL ADMINISTRATION						
	61--	PAYROLL COSTS	1,176,294.00	0.00	189,068.89	90,599.52	987,225.11	16.07
	62--	PURCHASE & CONTRACTED SVS	126,964.00	29,609.21	17,862.93	12,899.50	79,491.86	14.07
	63--	SUPPLIES AND MATERIALS	82,878.00	3,358.20	35,875.18	26,905.76	43,644.62	43.29
	64--	OTHER OPERATING EXPENSES	115,844.00	34,972.83	14,312.23	12,435.23	66,558.94	12.35
	66--	CPTL OUTLY LAND BLDG & EQ	45,981.00	0.00	0.00	0.00	45,981.00	0.00
	----	GENERAL ADMINISTRATION	1,547,961.00	67,940.24	257,119.23	142,840.01	1,222,901.53	16.61
51		PLANT MAINTENANCE & OPERATIONS						
	61--	PAYROLL COSTS	2,572,351.00	0.00	425,514.17	210,725.69	2,146,836.83	16.54
	62--	PURCHASE & CONTRACTED SVS	1,127,480.00	113,470.56	109,512.24	122,405.96	904,497.20	9.71
	63--	SUPPLIES AND MATERIALS	361,215.00	99,901.54	79,011.25	55,382.67	182,302.21	21.87
	64--	OTHER OPERATING EXPENSES	181,825.00	174,982.00	2,505.00	2,325.00	4,338.00	1.38
	66--	CPTL OUTLY LAND BLDG & EQ	194,740.00	1,893.31	11,992.69	11,992.69	180,854.00	6.16
	----	PLANT MAINTENANCE & OPERA	4,437,611.00	390,247.41	628,535.35	402,832.01	3,418,828.24	14.16

	Obj	Obj	2018-19 BUDGET	ENCUMBRANCE YTD	2018-19 EXPENDITURES	August 2018-19 ACTIVITY	BALANCE	2018-19 YTD %
199		GENERAL FUND						
52		SECURITY & MONITORING SERVICES						
	61--	PAYROLL COSTS	72,177.00	0.00	8,316.38	3,916.73	63,860.62	11.52
	62--	PURCHASE & CONTRACTED SVS	56,500.00	0.00	0.00	0.00	56,500.00	0.00
	63--	SUPPLIES AND MATERIALS	2,500.00	0.00	1,158.95	1,158.95	1,341.05	46.36
	----	SECURITY & MONITORING SER	131,177.00	0.00	9,475.33	5,075.68	121,701.67	7.22
53		DATA PROCESSING SERVICES						
	61--	PAYROLL COSTS	613,700.00	0.00	108,659.57	53,255.59	505,040.43	17.71
	62--	PURCHASE & CONTRACTED SVS	216,343.30	26,126.53	172,866.46	168,007.17	17,350.31	79.90
	63--	SUPPLIES AND MATERIALS	429,609.00	65,622.51	89,568.18	83,707.00	274,418.31	20.85
	64--	OTHER OPERATING EXPENSES	35,600.00	2,129.80	373.00	373.00	33,097.20	1.05
	66--	CPTL OUTLY LAND BLDG & EQ	0.00	0.00	302,220.00	302,220.00	-302,220.00	0.00
	----	DATA PROCESSING SERVICES	1,295,252.30	93,878.84	673,687.21	607,562.76	527,686.25	52.01
61		COMMUNITY SERVICES						
	61--	PAYROLL COSTS	41,737.00	0.00	935.97	656.38	40,801.03	2.24
	----	COMMUNITY SERVICES	41,737.00	0.00	935.97	656.38	40,801.03	2.24
71		DEBT SERVICES						
	65--	DEBT SERVICE	523,519.70	105,550.34	139,719.90	139,719.90	278,249.46	26.69
	----	DEBT SERVICES	523,519.70	105,550.34	139,719.90	139,719.90	278,249.46	26.69
81		FACILITIES ACQ. & CONSTRUCTION						
	66--	CPTL OUTLY LAND BLDG & EQ	344,625.00	0.00	0.00	0.00	344,625.00	0.00
	----	FACILITIES ACQ. & CONSTRU	344,625.00	0.00	0.00	0.00	344,625.00	0.00

	Obj	Obj	2018-19 BUDGET	ENCUMBRANCE YTD	2018-19 EXPENDITURES	August 2018-19 ACTIVITY	BALANCE	2018-19 YTD %
199		GENERAL FUND						
91		INTERGOVERNMENTAL CHARGES						
	62--	PURCHASE & CONTRACTED SVS	7,863,263.00	0.00	0.00	-689,415.00	7,863,263.00	0.00
	----	INTERGOVERNMENTAL CHARGES	7,863,263.00	0.00	0.00	-689,415.00	7,863,263.00	0.00
99		OTHR INTERGOVERNMENTAL CHARGES						
	62--	PURCHASE & CONTRACTED SVS	755,500.00	0.00	0.00	0.00	755,500.00	0.00
	----	OTHR INTERGOVERNMENTAL CH	755,500.00	0.00	0.00	0.00	755,500.00	0.00
	----	GENERAL FUND	48,173,525.00	1,125,035.74	3,178,113.50	1,521,275.88	43,870,375.76	6.60

	Obj	Obj	2018-19 BUDGET	ENCUMBRANCE YTD	2018-19 EXPENDITURES	August 2018-19 ACTIVITY	BALANCE	2018-19 YTD %
240		FOOD SERVICE						
35		FOOD SERVICES						
	61--	PAYROLL COSTS	1,004,751.00	0.00	148,540.67	73,476.89	856,210.33	14.78
	62--	PURCHASE & CONTRACTED SVS	92,555.00	14,494.41	6,912.90	6,733.10	71,147.69	7.47
	63--	SUPPLIES AND MATERIALS	1,327,276.00	940,639.09	60,473.23	64,259.40	326,163.68	4.56
	64--	OTHER OPERATING EXPENSES	14,000.00	0.00	495.25	445.00	13,504.75	3.54
	----	FOOD SERVICES	2,438,582.00	955,133.50	216,422.05	144,914.39	1,267,026.45	8.87
	----	FOOD SERVICE	2,438,582.00	955,133.50	216,422.05	144,914.39	1,267,026.45	8.87

Number of Accounts: 1948

********** End of report **********

	Obj	Obj	2018-19 BUDGET	ENCUMBRANCE YTD	2018-19 EXPENDITURES	August 2018-19 ACTIVITY	BALANCE	2018-19 YTD %
199		GENERAL FUND						
	6---	EXPENDITURES	48,173,525.00	1,125,035.74	2,978,113.50	1,321,275.88	44,070,375.76	6.18
	8---	OTHER USES	0.00	0.00	200,000.00	200,000.00	-200,000.00	0.00
	----	GENERAL FUND	48,173,525.00	1,125,035.74	3,178,113.50	1,521,275.88	43,870,375.76	6.60
240		FOOD SERVICE						
	6---	EXPENDITURES	2,438,582.00	955,133.50	216,422.05	144,914.39	1,267,026.45	8.87
	----	FOOD SERVICE	2,438,582.00	955,133.50	216,422.05	144,914.39	1,267,026.45	8.87

Number of Accounts: 1948

********** **End of report** **********

Fnd T Fn Obj Sb Org F Pr L L2 Fnd / Obj / Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
651 R 00 7915 00 000 0 00 0 00 CPF - MAINTENANCE					OPERATING TRANSFERS IN						
08/10/18	JE		18-00057		2			08/10/18			-200,000.00
						August					-200,000.00
						*651 R 00 7915 00 000 0 00 0 00					-200,000.00
						*Journal Entries					-200,000.00
651 R 00 79-- -- --- - -- - -- CPF - MAINTENANCE											
651 R 00 ---- -- --- - -- - -- CPF - MAINTENANCE											
651 E 81 6629 42 934 0 99 0 00 CPF - MAINTENANCE					BUILDING PURCHASE/CONST/IMPRVM						
08/09/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364248501	07/25/18	1691	08/10/18	396.11
08/09/18	AP	JS		CITY OF MARBLE FALLS	9511900126	MT - TRNSPRTN SITE UTILITIES	2017532	07/31/18	1689	08/10/18	5,053.71
08/09/18	AP	JS		NELSON LEWIS INC	6001900008	MT - TD SITE RELOCATION	3	07/31/18	1692	08/10/18	133,950.00
08/09/18	AP	JS		UNITED RENTALS (NORTH AMERICA) INC	6001900004	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	159507151001	07/26/18	1693	08/10/18	1,154.12
08/15/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364338901	08/03/18	1695	08/16/18	1.96
08/15/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364338301	08/03/18	1695	08/16/18	608.52
08/15/18	AP	JS		HOLT ENGINEERING, INC	6001900007	MT - TD SITE RELOCATION ENGINEERING	06224181	07/27/18	1696	08/16/18	2,247.06
08/15/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364305401	07/31/18	1695	08/16/18	3.70
08/15/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364325201	08/02/18	1695	08/16/18	63.93
08/15/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364329301	08/02/18	1695	08/16/18	25.82
08/15/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364336901	08/03/18	1695	08/16/18	24.27
08/15/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364295901	07/30/18	1695	08/16/18	90.80
08/15/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364326901	08/02/18	1695	08/16/18	69.23
08/23/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364348001	08/06/18	1698	08/24/18	11.46
08/23/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364342901	08/04/18	1698	08/24/18	8.84
08/23/18	AP	JS		ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364348801	08/06/18	1698	08/24/18	32.88

Fnd T Fn Obj Sb Org F Pr L L2 Fnd Obj

651 E 81 6629 42 934 0 99 0 00 (continued)

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
08/23/18	AP		JS	ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364370201	08/08/18	1698	08/24/18	684.30
08/23/18	AP		JS	ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364371401	08/08/18	1698	08/24/18	58.60
08/30/18	AP		JS	ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364393902	08/10/18	1700	08/31/18	8.86
08/30/18	AP		JS	ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364395901	08/10/18	1700	08/31/18	150.61
08/30/18	AP		JS	ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364387301	08/09/18	1700	08/31/18	23.82
08/30/18	AP		JS	ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364393901	08/10/18	1700	08/31/18	45.49
08/30/18	AP		JS	ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364399601	08/11/18	1700	08/31/18	19.72
08/30/18	AP		JS	ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364401702	08/13/18	1700	08/31/18	15.37
08/30/18	AP		JS	ELLIOTT ELECTRIC SUPPLY	6001900005	W.O. #9129 - TD SITE RELOCATION ELEC & CONST	364382801	08/09/18	1700	08/31/18	102.55
						August					144,851.73

P.O. #	*Year	Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
6001900001	2018	MT - TD SITE RELOCATION	NELSON LEWIS INC	07/23/2018	92,330.20	92,330.20	0.00	0.00	92,330.20	O
6001900009	2018	W.O. #9129 - TD RELOCATION ELE	THE HOME DEPOT	08/10/2018	156.38	156.38	0.00	0.00	156.38	H
6001900010	2018	W.O. #9129 - TD SITE RELOCATIO	ELLIOTT ELECTRIC SUP	08/29/2018	1,000.00	1,000.00	0.00	0.00	1,000.00	O
				*Total	93,486.58	93,486.58	0.00	0.00	93,486.58	
				*651 E 81 6629 42 934 0 99 0 00						144,851.73
				*Accounts Payable						144,851.73

651 E 81 66-- -- --- - -- - -- CPF - MAINTENANCE
651 E 81 ---- -- --- - -- - -- CPF - MAINTENANCE
651 - -- ---- -- --- - -- - -- CPF - MAINTENANCE

Total for Accounts Payable	144,851.73
Total for Journal Entries	-200,000.00
Grand Total	-55,148.27

Number of Accounts: 2

* The Year column displays the first year of the fiscal year pair (2018 for 2018-2019).

** The report displays only accounts with activity in the date range selected.

LEARNERS TODAY, LEADERS TOMORROW, MUSTANGS FOREVER!

Marble Falls ISD
Board of Trustees
Agenda Item Information

Meeting Date:
9.17.2018

Meeting Type:
- (•) Regular Meeting
- ( ) Special Meeting/Workshop
- ( ) Hearing

Date Submitted: 9.10.2018

Agenda Placement:
- ( ) Public Hearing
- (•) Information Items
- ( ) Presentation/Discussion Items
- ( ) Consideration Items
- ( ) Consent Agenda

Subject:
Bond Program Communications Update

Executive Summary:

This agenda item informs the Board of the District's 2018 Bond information communication efforts

Fiscal Impact:

Cost:
- ( ) Recurring
- ( ) One-Time
- (•) No Fiscal Impact

Funding Source:
- ( ) General Fund
- ( ) Grant Funds
- ( ) Bond Funds
- ( ) Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ( ) Yes
- ( ) No

Administration's Recommendation:

No action needed

Submitted By:

Chris Allen

Board Approval Required: ( ) Yes (•) No

Revised 2.16.16



Love and Inspire

Communication Efforts

- Campus/staff presentations
- Community Presentation
- Presentations as Invited Guest

MARBLE FALLS ISD
2018 BOND

Campus/Staff Presentations

- Campus Presentations:
  - MFHS – 8/29
  - FCHS & Maint. – 8/31
  - HLES – 9/4
  - MFES – 9/6
  - SWES – 9/10
  - MFMS – 9/12
  - CES & Trans – 9/20

MARBLE FALLS ISD
2018 BOND

Community Presentations

- Community Presentations:
  - 9/11: MFMS at 6:00 p.m.
  - 9/13 and 10/2: Presence at Parent Information Night
  - 9/22: Community Room at 10:00 a.m.
  - 9/24: MFHS at 6:00 p.m.
  - 9/25: SWES at 6:00 p.m.
  - 10/1: HLES at 6:00 p.m. English and Spanish
  - Scheduled visits with key leader groups
  - Email/social media/campus visits/media

MARBLE FALLS ISD
2018 BOND

Invited Presentations

- Invited Presentations:
  - 8/31: KBEY Radio Halftime Show Guest
  - 9/4: HLRTA Guest
  - 9/18: City Council Update
  - 9/25: Kiwanis
  - 9/28: Coffee with Superintendent at Numinous
  - Several media request: Picayune, Highlander, KBEY

MARBLE FALLS ISD
2018 BOND

Key Information

- Bond Information/Facts
- Voting Information
- Voting Locations

MARBLE FALLS ISD
2018 BOND

VOTING INFORMATION

- **Last day to register to vote:** October 9, 2018
- **Early Voting:** October 22 – November 2, 2018
- **Election Day:** Tuesday, November 6, 2018

MARBLE FALLS ISD
2018 BOND

VOTING LOCATIONS

Vote Early at:

- **First United Methodist Church**
  1101 Bluebonnet Dr, Marble Falls 78654 – next to HEB
- **Marble Falls Courthouse South Annex**
  810 Steve Hawkins Parkway, Marble Falls 78654
- **Burnet County Courthouse**
  220 S. Pierce, Burnet 78611

MARBLE FALLS ISD
2018 BOND

Questions?

For more information, visit
www.marblefalllsisdbond.org

MARBLE FALLS ISD
2018 BOND

LEARNERS TODAY,
LEADERS TOMORROW,
MUSTANGS FOREVER!

Marble Falls ISD
Board of Trustees
Agenda Item Information

Meeting Date:
September 17, 2018

Meeting Type:
- (•) Regular Meeting
- ( ) Special Meeting/Workshop
- ( ) Hearing

Date Submitted: September 12, 2018

Agenda Placement:
- ( ) Public Hearing
- ( ) Information Items
- (•) Presentation/Discussion Items
- ( ) Consideration Items
- ( ) Consent Agenda

Subject:
Fine Arts Update

Executive Summary:
This presentation will provide an update of our fine arts programs in MFISD.

Fiscal Impact:

Cost:
- ( ) Recurring
- ( ) One-Time
- (•) No Fiscal Impact

Funding Source:
- ( ) General Fund
- ( ) Grant Funds
- ( ) Bond Funds
- ( ) Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ( ) Yes
- (•) No

Administration's Recommendation:
This is for information purposes only.

Submitted By:
Wes Cunningham

Board Approval Required: ( ) Yes (•) No

MFISD
Fine Arts Programming Update

Staff

- Bryce Gage
- Jon Clark
- Tony Leflet

MFISD Band Program

- **Band is marching forward into the fall!**

MFISD Theatre Program

- **Theatre was acting up this past summer…**

MFISD Choir Program

- **Choir is making NEWS with their singing!**

Questions & Comments

LEARNERS TODAY,
LEADERS TOMORROW,
MUSTANGS FOREVER!

Marble Falls ISD
Board of Trustees
Agenda Item Information

Meeting Date:
September 17, 2018

Meeting Type:
- (•) Regular Meeting
- ( ) Special Meeting/Workshop
- ( ) Hearing

Date Submitted:

Agenda Placement:
- ( ) Public Hearing
- ( ) Information Items
- (•) Presentation/Discussion Items
- ( ) Consideration Items
- ( ) Consent Agenda

Subject:
Device Renewal - Refresh of Elementary iPads and Middle School Staff Laptops

Executive Summary:

First read to review for consideration -

MFISD currently has the last Elementary iPad Lease ending in December. We will be replacing these 1,400 iPads and cases with the same newer model and case we used for the last refresh. Apple has extended the district special discounted pricing if we are able to approve and purchase in September. The total cost of the lease purchase is $438,480.00 plus interest at $148,919.45 per year with the option to purchase all devices for $1 at the end of the lease without incurring any property taxes. This includes a total of $18,200.00 in discounts on the iPads and cases as well as $4,796.00 in select support.

MFISD currently has the Middle School Staff Laptop Lease ending in December. We will be replacing the middle school staff devices with the same device we have issued to the rest of the district. Dell has released a newer model; however, they have given it to us at the same price. We have also added in 3yr Accidental Damage Protection for only $45 per device. The total cost of the lease purchase will be $89,500.00 plus interest at $31,409.13 with the option to buy all devices for $1 at the end of the lease.

We are asking for Board approval tonight in order to take advantage of the savings and because these are budgeted items.

Fiscal Impact:

Cost:
- (•) Recurring
- ( ) One-Time
- ( ) No Fiscal Impact

Funding Source:
- (•) General Fund
- ( ) Grant Funds
- ( ) Bond Funds
- ( ) Other Funds (Specify)

Fiscal Year: 2018-19

Amendment Required?
- ( ) Yes
- (•) No

Administration's Recommendation:

Approve the purchase of 1400 iPads and cases from Apple in the total cost of $446,759.35 and 100 laptop computers from Dell with the total cost of $94,228.39.

Submitted By:

Nathan Fink/Jeff Gasaway

Board Approval Required: (•) Yes ( ) No

Apple Inc. Education Price Quote

Customer:
Nathanial Fink
MARBLE FALLS ISD TX DIR
Phone: 8306936497
email: nfink@mfisd.txed.net

Apple Inc:
Jason Blanchette
5505 W Parmer Lane
Bldg 7
Austin, TX 78727-6524
Phone: +1-512-6746553
email: jblanchette@apple.com

Apple Quote: 2205006500

Quote Date: Tuesday, September 11, 2018

Quote Valid Until: Saturday, October 06, 2018

Quote Comments:
Please reference Apple Quote number on your Purchase Order.

TX DIR-TSO-3789

#	Product Description	Qty	Unit List Price	Discount per Unit	Unit Discounted Price	Extended Discounted Price
1	**iPad Wi-Fi 32GB - Space Gray (10-pack)** Part Number BN3U2LL/A **iPad Wi-Fi 32GB - Space Grey (10-pack)** Part Number: MR8A2LL/A Quantity: 1,400	140	$2,940.00	$100.00	$2,840.00	$397,600.00
2	**OtterBox UnlimitEd Case for iPad (5th generation) (10-pack) - Slate Gray** Part Number HLK82ZM/A	140	$322.00	$30.00	$292.00	$40,880.00
3	**AppleCare OS Support - Select** Part Number D6602ZM/A	1	$4,796.00	$4,796.00	$0.00	$0.00

Extended EDU List Price Total	**$461,476.00**
Total Discount	$22,996.00
Extended Discounted Price Subtotal	$438,480.00
- Additional Tax	$0.00
- Estimated Tax	$0.00
Extended Discounted Total Price*	**$438,480.00**

*In most cases Extended discounted Total price does not include Sales Tax
*If applicable, eWaste/Recycling Fees are included. Standard shipping is complimentary

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    - For registration assistance, call 1.800.800.2775

- If you are unable to submit your order online, please send a copy of this Quote with your Purchase Order via email to institutionorders@apple.com. Be sure to reference the Apple Quote number on the PO to ensure expedited processing of your order.
    - For more information, go to provision C below, for details.

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A. A. ANY ORDER THAT YOU PLACE IN RESPONSE TO THIS QUOTE WILL BE GOVERNED BY (1) ANY CONTRACT IN EFFECT BETWEEN APPLE INC. ("APPLE") AND YOU AT THE TIME YOU PLACE THE ORDER OR (2), IF YOU DO NOT HAVE A CONTRACT IN EFFECT WITH APPLE, CONTACT contracts@apple.com.

B. B. ALL SALES ARE FINAL. PLEASE REVIEW RETURN POLICY BELOW IF YOU HAVE ANY QUESTIONS. IF YOU USE YOUR INSTITUTION'S PURCHASE ORDER FORM TO PLACE AN ORDER IN RESPONSE TO THIS QUOTE, APPLE REJECTS ANY TERMS SET OUT ON THE PURCHASE ORDER THAT ARE INCONSISTENT WITH OR IN ADDITION TO THE TERMS OF YOUR AGREEMENT WITH APPLE.

C. C. YOUR ORDER MUST REFER SPECIFICALLY TO THIS QUOTE AND IS SUBJECT TO APPLE'S ACCEPTANCE. ALL FORMAL PURCHASE ORDERS SUBMITTED BY EMAIL MUST SHOW THE INFORMATION BELOW:

    - APPLE INC. AS THE VENDOR
    - BILL-TO NAME AND ADDRESS FOR YOUR APPLE ACCOUNT
    - PHYSICAL SHIP-TO NAME AND ADDRESS (NO PO BOXES)
    - PURCHASE ORDER NUMBER
    - VALID SIGNATURE OF AN AUTHORIZED PURCHASER
    - APPLE PART NUMBER AND/OR DESCRIPTION OF PRODUCT AND QUANTITY
    - TOTAL DOLLAR AMOUNT AUTHORIZED OR UNIT PRICE AND EXTENDED PRICE ON ALL LINE ITEMS
    - CONTACT INFORMATION: NAME, PHONE NUMBER AND EMAIL

D. UNLESS THIS QUOTE SPECIFIES OTHERWISE, IT REMAINS IN EFFECT UNTIL {QuoteExpirationDate} UNLESS APPLE WITHDRAWS IT BEFORE YOU PLACE AN ORDER, BY SENDING NOTICE OF ITS INTENTION TO WITHDRAW THE QUOTE TO YOUR ADDRESS SET OUT IN THE QUOTE.

    - APPLE MAY MODIFY OR CANCEL ANY PROVISION OF THIS QUOTE, OR CANCEL ANY ORDER YOU PLACE PURSUANT TO THIS QUOTE, IF IT CONTAINS A TYPOGRAPHIC OR OTHER ERROR.

E. THE AMOUNT OF THE VOLUME PURCHASE PROGRAM (VPP) CREDIT SHOWN ON THIS QUOTE WILL ALWAYS BE AT UNIT LIST PRICE VALUE DURING REDEMPTION ON THE VPP STORE.

F. UNLESS SPECIFIED ABOVE, APPLE'S STANDARD SHIPPING IS INCLUDED IN THE TOTAL PRICE.

SEA # 1857573
Opportunity ID: 18000001672958
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Fax:

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Document rev 10.6.1

Date of last revision – June 20th, 2016

Dell Financial Services™

Prepared For: MARBLE FALLS IND SCH DISTRICT

September 9, 2018

Thank you for giving Dell Financial Services L.L.C. ("DFS") the opportunity to provide a technology financing solution. Enclosed is a financing proposal for your new technology needs. We look forward to discussing this opportunity in further detail with you. If you have any questions, please contact me at the phone number or email address below.

Term	36
Option	TELP
Payments:	Annual
Consolidation:	Monthly
Payments Due:	Advance
Interim Rent:	None

Dell Quote Number	Summary Product Description	Product Price	Quantity	Extended Price	Rate Factor	3 Payments
3000028654273.1	Dell Latitude 5590	$ 895.00	100	$89,500.00	0.35094	$31,409.13
	TOTALS			**$89,500.00**		**$31,409.13**

Proposal Expiration Date:
October 9, 2018

Leasing and financing provided by Dell Financial Services L.L.C. or its affiliate or designee ("DFS") to qualified customers. Offers may not be available or may vary in certain countries. Where available, offers may be changed without notice and are subject to product availability, credit approval, execution of documentation provided by and acceptable to DFS, and may be subject to minimum transaction size. Offers not available for personal, family or household use. Dell and the Dell logo are trademarks of Dell Inc. Proposal is property of DFS, contains confidential information and shall not be duplicated or disclosed in whole or part. Proposal is not a firm offer of financing. Pricing and rates based upon the final amount, configuration and specification of the supplied equipment, software, services or fees. Prorata payment may be due in the first payment cycle. Proposal excludes additional costs to customer such as shipping, maintenance, filing fees, applicable taxes, insurance and similar items. Proposal valid through the expiration date shown above, or if none is specified, for 30 calendar days from date of presentation.

End of Term Options:
Tax Exempt Lease Purchase (TELP):
• Exercise the option to purchase the products for $1.00.
• Return all products to lessor at the lessee's expense.

Caren Wright
FSR
Dell | Financial Services
office + 512-728-6628
caren_wright@dell.com

Additional Information:

LEASE QUOTE: The Lease Quote is exclusive of shipping costs, maintenance fees, filing fees, licensing fees, property or use taxes, insurance premiums and similar items which shall be for Lessee's account. Lessee will pay payments and all other amounts without set-off, abatement or reduction for any reason whatsoever. Additionally, Lessee shall declare and pay all sales, use and personal property taxes to the appropriate taxing authorities. **If you are sales tax exempt, please provide a copy of your Exemption Certificate with the Lease Contract.** If Lessee provides the appropriate tax exemption certificates to DFS, sales and use taxes will not be collected by DFS. However, if your taxing authority assesses a **personal property tax** on leased equipment, and if DFS pays that tax under your lease structure, Lessee must reimburse DFS for that tax expense in connection with the Lessee's lease.

PURCHASE ORDER: The Purchase Order must be made out to Dell Financial Services L.L.C., One Dell Way, RR8-23, Round Rock, TX 78682. The Purchase Order will need to include the quote number, quantity and description of the equipment. Please be sure to indicate that the PO is for a lease order and shows the type of lease, the term length, and payment frequency. The date of the lease quote referenced should be included. Please be sure to include any applicable shipping costs as a line item and include your address as the SHIP TO destination.

INSURANCE: The risk of loss on the equipment is borne solely by the Lessee. Lessee shall be required to purchase and maintain during the Term (i) comprehensive public liability insurance naming Lessor as additional insured; and (ii) "all-risk" physical damage insurance in a minimum amount of the Purchase Price, naming DFS as first loss payee.

APPROPRIATION COVENANT: The Lease will contain an appropriation of funds clause. The Lessee will covenant that it shall do all things legally within its power to obtain and maintain funds from which the payments may be paid.

DOCUMENTATION: In addition to a duly executed Agreement, other documents as reasonably requested by DFS may be required, such as but not limited to, opinions of counsel, IRS tax exemption forms (if applicable), and audited financials.

PROPOSAL VALIDITY / APPROVALS: This is a proposal based upon market conditions and is valid for 30 days, is subject to final credit approval, review of the economics of the transaction, and execution of mutually acceptable documentation.

$1 Purchase Option

Thank you for considering Apple Financial Services to fund your technology plan. Please find your $1 Purchase Option financing proposal below.

Financed Amount	Annual Payments in Advance	Lease Term
$438,480.00	$148,919.45	3 Years

What is a $1 Purchase Option?

This is a financing option designed for equipment ownership at the end of the financed term. The $1 Purchase Option creates predictable payments while enabling universities and schools to deploy years' worth of equipment today using budgeted funds.

Why use a $1 Purchase Option?

This option is usually recommended for educational institutions that know they want to own equipment at the end of term. Once the financed term ends, ownership will enable flexibility: continue using the equipment or trade it in to recover value toward new gear.

What are my options at the end of the financed term?

End of term options will be detailed in the final documents. The options include:

1. Purchase the equipment at end of term for $1.
2. Trade in equipment for value toward a new purchase or financed term.

Overall, the $1 Purchase Option enables administrators to buy more equipment today, while providing the flexibility that ownership allows.

Please do not hesitate to call or email me at the contact information below with any questions.

Rochelle Bryant
Area Financing Manager–US | Apple Financial Services
T: 469–299–7558 | E: rochelle.bryant@applefin.com

Pricing Notes and Conditions

This proposal is for informational purposes and does not constitute a legally binding obligation of either party. Subject to the satisfactory completion of the Lessor's standard credit approval process and the completion of documentation acceptable to the Lessor. Apple Financial Services is not a financial advisor and does not have a fiduciary duty to you under federal securities laws. Consult with your financial advisor regarding the options offered.

Lease Discount Disclosure Statement: Apple Inc. through the Apple Financial Services program may provide an equipment discount to certain third-party investors. The discount may be applied to facilitate a lease rate discount. The actual interest rate paid on any resulting lease may be reflected in an amortization table provided with lease documents. The quoted payment amount does not include amounts that may be due for taxes or fees, if applicable.

The lease charge portion of the payments can be determined by applying to the total adjusted cost the rate which will amortize the total adjusted cost down to the purchase option amount. The lease charge rate may be higher than the actual annual interest rate because of the amortization of certain costs and fees incurred by the third-party investor. Rates may be subject to verification that the Lessee is a state or political subdivision as defined in Sec. 103 of the IRS Code, 1986.

LEARNERS TODAY, LEADERS TOMORROW, MUSTANGS FOREVER!

Marble Falls ISD
Board of Trustees
Agenda Item Information

Meeting Date:
September 17, 2018

Meeting Type:
- (•) Regular Meeting
- ( ) Special Meeting/Workshop
- ( ) Hearing

Date Submitted:

Agenda Placement:
- ( ) Public Hearing
- ( ) Information Items
- (•) Presentation/Discussion Items
- ( ) Consideration Items
- ( ) Consent Agenda

Subject:
Renewal of Meraki Wireless Licensing

Executive Summary:

First read to review for consideration - MFISD currently has 510 wireless access points ("APs") and 12 switches spread throughout the district. These APs and switches operate on a per license basis. They were originally purchased with a 3yr license, which ends in October. The total cost for a 1yr renewal is $28,974.00, which is budgeted for in the local Technology budget. However, this renewal also falls under ERate, which was filed for and funded. Once the renewal is paid, the district will be refunded 80% of the cost for a total refund of $23,179.20.

In October, we will be asking the Board for approval.

Fiscal Impact:

Cost:
- (•) Recurring
- ( ) One-Time
- ( ) No Fiscal Impact

Funding Source:
- (•) General Fund
- ( ) Grant Funds
- ( ) Bond Funds
- ( ) Other Funds (Specify)

Fiscal Year: 2018-19

Amendment Required?
- ( ) Yes
- (•) No

Administration's Recommendation:

1st Read Only

Submitted By:

Nathan Fink/Jeff Gasaway

Board Approval Required: ( ) Yes (•) No



Great South Texas Corp dba Computer Solutions
814 Arion Parkway, Suite 101
San Antonio, Texas 78216
United States
http://www.comsoltx.com
(P) (210) 369-0300
(F) 210-369-0389

Quote (Open)

Date	**Expiration Date**
Mar 08, 2018 10:43 AM CST	2018-11-30 Quote

Modified Date
Aug 31, 2018 10:59 AM CDT

Doc #
1006723 - rev 1 of 1

Description
RFP 180017402 - 1Yr Basic Maintenance of Internal Connections

SalesRep
Balli, David
(P) 210-369-0300
(F) 210-369-0389

Customer Contact
Fink, Nathan
(P) 830-693-6497
nfink@mfisd.txed.net

Customer
Marble Falls ISD (MFISD123)
Fink, Nathan
1800 COLT CIRCLE
MARBLE FALLS, TX 78654
United States
(P) 8306936497

Bill To
Marble Falls ISD
Accounts, Payable
1800 COLT CIRCLE
MARBLE FALLS, TX 78654
United States
(P) 8306936497

Ship To
Marble Falls ISD
Fink, Nathan
1800 Colt Circle
Marble Falls, TX 78654
United States
(P) 830-693-6497
nfink@mfisd.txed.net

Sales Order Type: Drop Ship

Customer PO:	**Terms:** Net 30 Days	**Ship Via:** FedEx Ground
Special Instructions:		**Carrier Account #:**

#	Description	Part #	Qty	Unit Price	Total
	Marble Falls ISD RFP 180017402 - 1 Year Basic Maintenance of Internal Connections				
	Great South Texas Corp. dba Computer Solutions SPIN # 143005689				
	Basic Maintenance of Internal Connections - 1 Year				
1	Cisco Meraki Enterprise Cloud Controller Subscription license (1 year) - 1 access point - hosted	LIC-ENT-1YR (QX9284)	510	$51.30	$26,163.00
2	Cisco Meraki Enterprise Subscription license (1 year) + 1 Year Enterprise Support - 1 switch	LIC-MS350-48FP-1YR (2U9708)	12	$234.25	$2,811.00

Subtotal:	$28,974.00
Tax (0.000%):	$0.00
Total:	**$28,974.00**

Thank you for the opportunity to provide this quote. This quote is valid for 30 days. Freight charges are estimates only. Returns are subject to approval and may include a restocking fee.

Leasing Only: The information provided is a proposal and is subject to credit approval. The proposal provides an approximate monthly payment for hardware, software and services based upon the contract type and term in months. Taxes, fees and insurance are not included. Any change in the amount financed will change this information. Pricing valid 30 days from the day quote is initiated.

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LEARNERS TODAY, LEADERS TOMORROW, MUSTANGS FOREVER!

Marble Falls ISD
Board of Trustees
Agenda Item Information

Meeting Date:
September 17, 2018

Meeting Type:
- (•) Regular Meeting
- ( ) Special Meeting/Workshop
- ( ) Hearing

Date Submitted: 9/11/18

Agenda Placement:
- ( ) Public Hearing
- ( ) Information Items
- (•) Presentation/Discussion Items
- ( ) Consideration Items
- ( ) Consent Agenda

Subject:
MFISD Transportation Facility Update

Executive Summary:

Marble Falls ISD began working last fall on plans to start transitioning the transportation facility from its current location to the corner of Colt Circle and Indian Trail.

This presentation will give the Board an update of the progress of Phase 1 (Fuel Island) and Phase 2 (parking lot and transportation maintenance facility).

Fiscal Impact:

Cost:
- ( ) Recurring
- ( ) One-Time
- (•) No Fiscal Impact

Funding Source:
- ( ) General Fund
- ( ) Grant Funds
- ( ) Bond Funds
- (•) Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ( ) Yes
- (•) No

Administration's Recommendation:

Presentation Only

Submitted By:

Jeff Gasaway

Board Approval Required: ( ) Yes (•) No

Marble Falls ISD

Transportation Facility Project - Update

September 17, 2018

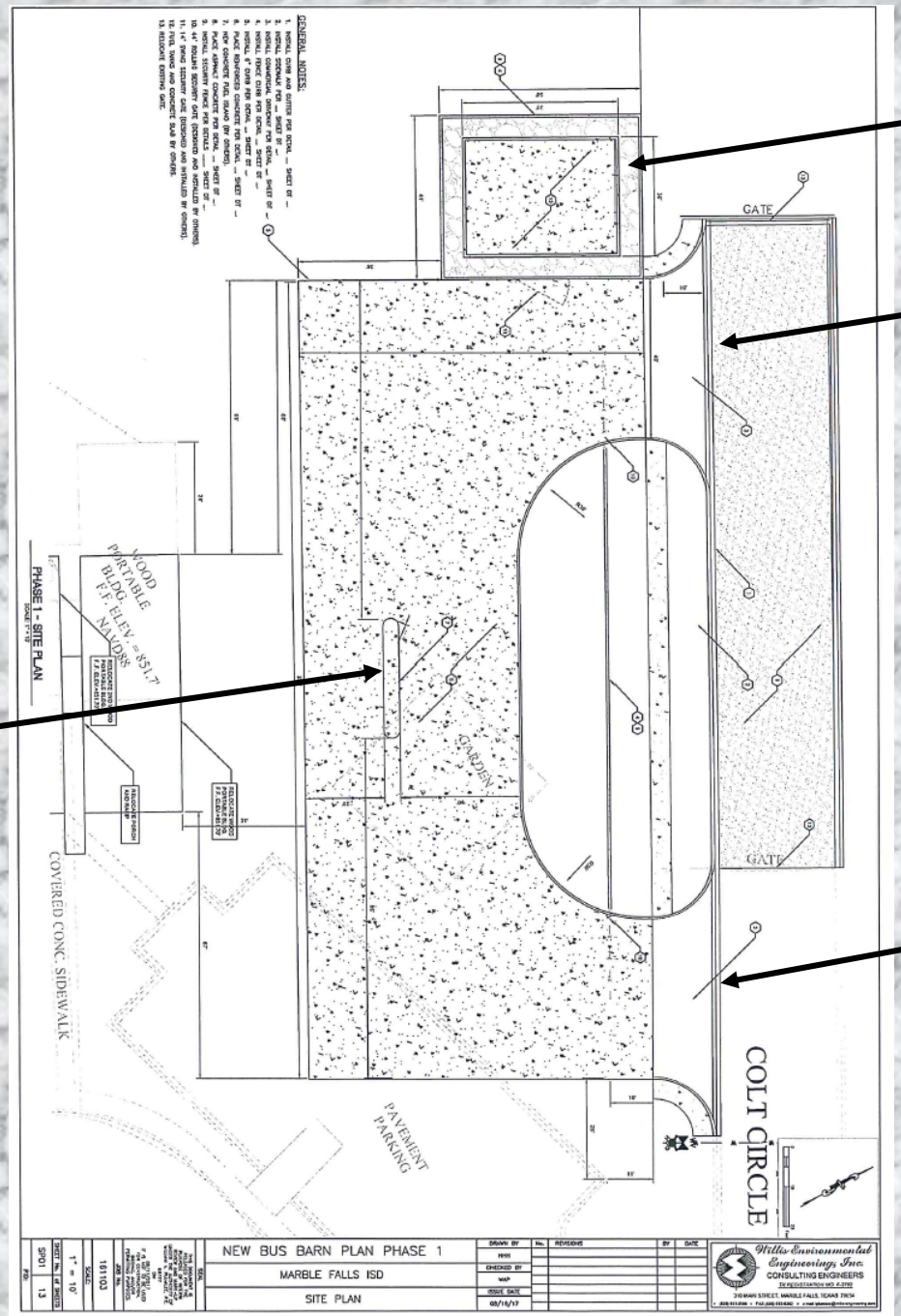
Transportation Facility Project

- **Scope**
  - **Move existing MFISD Transportation Facility from its current location to the corner of Colt Circle and Indian Trail**


Marble Falls ISD - 1800 Colt Circle

Phase 1

- Fuel Island
- Above Ground Fuel Tanks
- Remove Below Ground Fuel Tanks







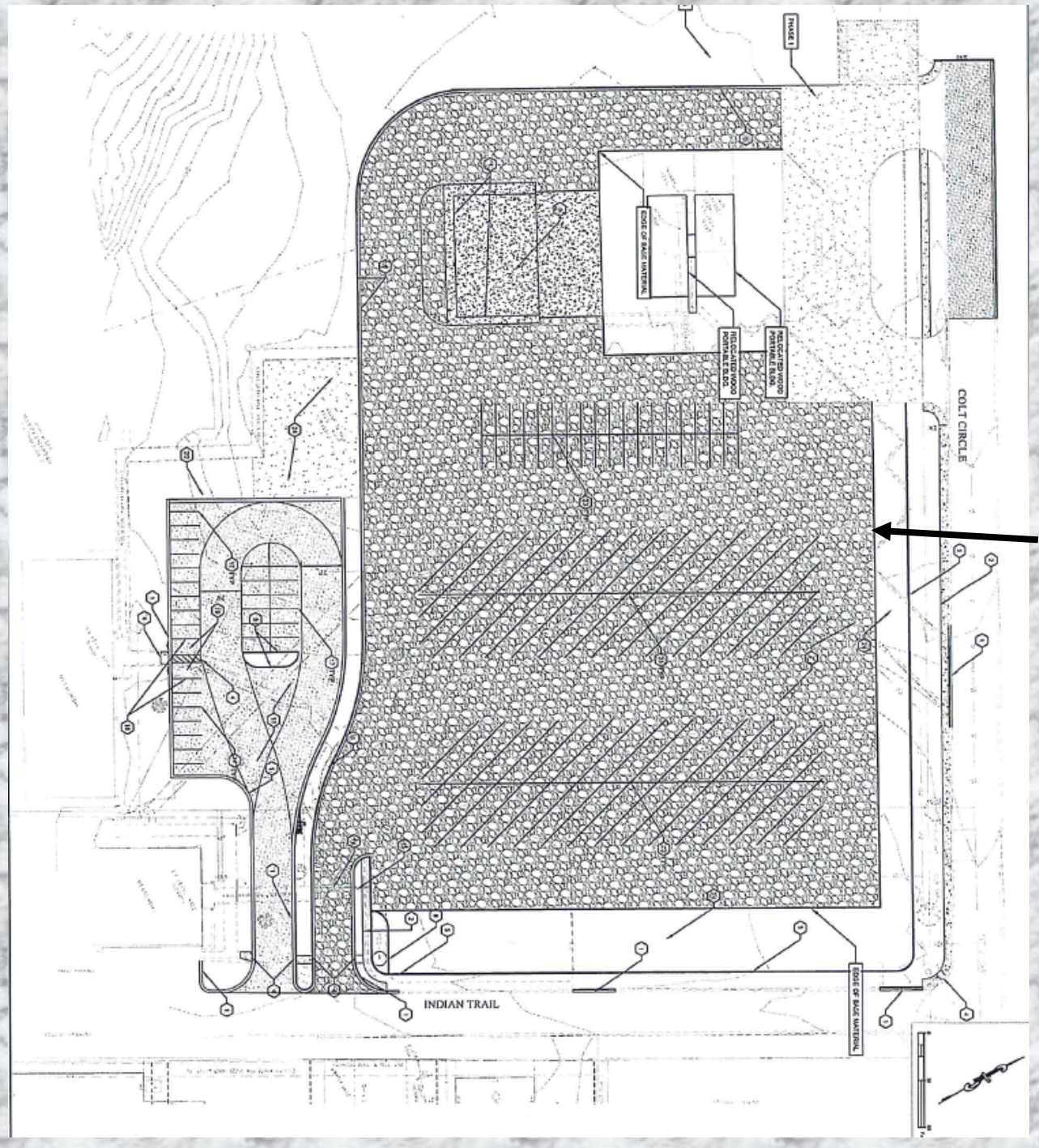
Fuel Storage Tanks



Emergency Shut Off

Phase 2

- **Renovate Gym to Bus Repair**
- **Bus Parking, White Fleet Parking, and Staff Parking**
- **Small Parking Lot for Professional Development**
- **Amendment**
  - **All surface would be concrete/asphalt**
  - **Would require Retention Pond**



Surface – Concrete or Asphalt

Transportation Facility Project – Bus Maintenance & Parking Lot(Phase 2)

- **Work Scope**
  - **Bus parking area paving**
  - **Paving of administration parking lot**
  - **Driveways**
  - **Concrete curb and gutter**
  - **Concrete sidewalk**
  - **Security fencing**
  - **Bus maintenance facility in existing metal building on-site**
  - **Storm drainage**

Bid Project Evaluation Rubric

Reviewer

Project: PHASE II MFISD TRANSPORTATION

	Vendor Name				
	Weighting				
Cost, with and without adds	30%				
Proposal Meeting Bid Specs	20%				
Ability, skill and organization	20%				
Quality of past projects (show examples)	10%				
Contractor Experience with District	15%				
Quality of past projects with TRU Grid	5%				
	Rating (1-4):	0	0	0	0

Cost Rating with and without adds:

4 = Proposal falls within budget estimate and/or is lowest bid

3 = Proposal falls within budget estimate and/or is next lowest bid

2 = Proposal is higher than budget estimate

1 = Proposal is higher than budget estimate and/or is highest bid

Proposal Meeting Bid Specs

4 = Proposal meets all proposed bid specs

3 = Proposal meets bid specs with exceptions

2 = Proposal does not meet bid specs with exceptions

1 = Proposal includes specs unreleated to planned project and is above budget estimate

Ability to manage and organize the project

4 = Contractor has all trades within organization

3 = Contractor has most of the trades with organization

2= Contractor will hire others to some complete project

1= Contractorwill hire all sub contractors for all phases of work

Quality of past Projects (with example)

4 = 4 or more past document projects

3 = 2 past document projects

2= 1 past document project

1 = presently working on a similar project documented

Contractor Experience with District

4= Contractor has worked with the Districtand is local

3= Contractor is a Local Marble Falls Contractor

2=Contractor has previous MFISD experience

1=Contractor has no previous MFISD experience and is not local Marble Falls area Contractor

Quality of past projects with TRU Grid

4= Contractor provided past project Quality examples

3= Contractor has done only a small number of similar projects

2= Contractor has very little experience with this type project

1= Contractor no experience with this type project

Redesign of the gym







Required Retention Pond

Fuel Storage Room



Office/Restroom/Storage Room



Two Bays – Roller Doors installed


Office Space


Restroom



Fuel Storage Room



Storage Room

Transportation Facility Project Update

- **Phase 1 is completed**
- **Phase 2 is scheduled to be finished by late October, which includes:**
  - **Finishing bus maintenance facility**
  - **Paving of bus lot and administrative parking**
  - **Security fencing**
  - **Redesign of portable to be transportation offices and break area**

Questions?





LEARNERS TODAY,
LEADERS TOMORROW,
MUSTANGS FOREVER!

Marble Falls ISD
Board of Trustees
Agenda Item Information

Meeting Date:
September 17, 2018

Meeting Type:
- (•) Regular Meeting
- ( ) Special Meeting/Workshop
- ( ) Hearing

Date Submitted: September 12, 2018

Agenda Placement:
- ( ) Public Hearing
- ( ) Information Items
- (•) Presentation/Discussion Items
- ( ) Consideration Items
- ( ) Consent Agenda

Subject:
Progress Monitoring Information Update

Executive Summary:

This presentation will provide an explanation of the types of data and the organization of the data that will be presented in the future related to the academic progress measures being utilized by MFISD Campus & District Personnel in the 2018-2019 school year.

Fiscal Impact:

Cost:
- ( ) Recurring
- ( ) One-Time
- (•) No Fiscal Impact

Funding Source:
- ( ) General Fund
- ( ) Grant Funds
- ( ) Bond Funds
- ( ) Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ( ) Yes
- (•) No

Administration's Recommendation:

This is for information purposes only.

Submitted By:

Wes Cunningham

Board Approval Required: ( ) Yes (•) No

MFISD
Academic Progress Monitoring 2018-2019

Purpose of Progress Monitoring

- **Provide consistent growth data to students, teachers and administration**
- **One piece of data, out of many, that our teachers will use to provide targeted intervention to meet the needs of students**

Progress Monitoring Data

- **Beginning of Year Data – baseline data; limited cohort growth data**
- **Middle of Year Data – growth data**
- **End of Year Data – growth data**
- **Summary Data – growth data; used in CAP**

Elementary Progress Monitoring Data

- **Elementary Reading (K-5)**
  - Renaissance Learning STAR Early Literacy / STAR Reading
  - Growth, Grade Level Proficiency
  - Bilingual Language Acquisition
- **Elementary Math (K-5)**
  - Aimsweb / Renaissance Learning STAR Math
  - Growth, Grade Level Proficiency
- **Elementary Writing (K-5)**
  - Common Rubrics
  - Progress in the Writing Process

Secondary Progress Monitoring Data

- **Secondary Reading (6-10)**
  - Renaissance Learning STAR Reading
  - Growth, Grade Level Proficiency
  - Bilingual Language Acquisition
- **Secondary Math (6-8; Algebra 1)**
  - Fuel Learning LearnBop
  - Growth, TEKS-Based Proficiency
- **Secondary Writing (6-12)**
  - Common Rubrics
  - Progress in the Writing Process

Reporting Progress Monitoring Data

- District
  - Elementary Reading
  - Elementary Math
  - Elementary Writing
  - Secondary Reading
  - Secondary Math
  - Secondary Writing
- Campus
  - Elementary Reading
  - Elementary Math
  - Elementary Writing
  - Secondary Reading
  - Secondary Math
  - Secondary Writing

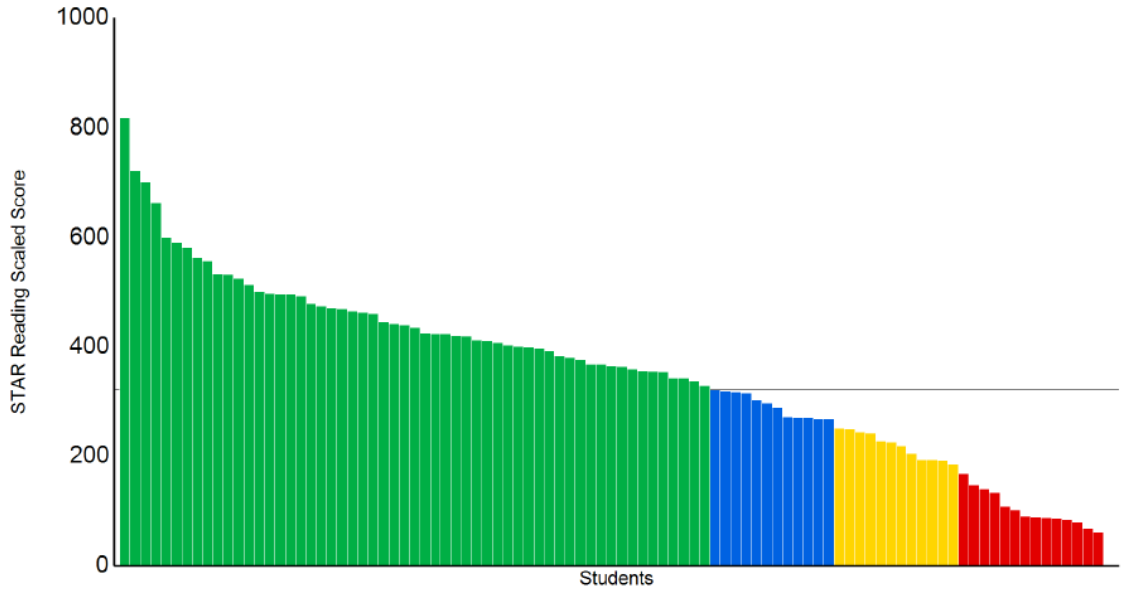
Reporting Progress Monitoring Data

- **District – Grade Level**
  - **Reading**
  - **Math**
  - **Writing**

Reporting Progress Monitoring Data

	End of Year Spring 2018	Beginning of Year Fall 2018	Growth	Middle of Year Winter 2018	Growth	End of Year Spring 2019	Growth
Math							
Reading							
Writing							
BE Language Acquisition							

Progress Monitoring Data



Categories / Levels	Benchmark Scaled Score	Benchmark Percentile Rank	Students Number	Students Percent
At/Above Benchmark				
At/Above Benchmark	At/Above 323 SS	At/Above 40 PR	57	60%
Category Total			57	60%
Below Benchmark				
On Watch	Below 323 SS	Below 40 PR	12	13%
Intervention	Below 261 SS	Below 25 PR	12	13%
Urgent Intervention	Below 176 SS	Below 10 PR	14	15%
Category Total			38	40%

Rank	GP	SS	GE	PR	NCE	IRL	Est. ORF [b]	ZPD
6	5.00	622	5.5	60	55.3	5.1		3.7-5.7
11	5.00	473	4.2	29	38.3	3.9		3.1-4.7
16	5.00	287	2.8	5	15.4	2.4		2.5-3.5
15	5.00	330	3.1	8	20.4	2.8		2.6-3.7
9	5.00	561	5.0	48	48.9	4.6		3.4-5.4
13	5.00	416	3.8	19	31.5	3.5		2.9-4.3
5	5.00	625	5.5	60	55.3	5.1		3.7-5.7
18	5.00	87	1.2	1	1.0	PP		1.2-2.2
2	5.00	756	6.4	77	65.6	6.2		4.2-6.4
3	5.00	712	6.1	73	62.9	6.0		4.0-6.2
10	5.00	485	4.3	32	40.1	4.0		3.1-4.8
1	5.00	893	7.5	88	74.7	6.8		4.4-7.5
7	5.00	584	5.1	52	51.1	4.8		3.5-5.5
7	5.00	584	5.1	52	51.1	4.8		3.5-5.5
17	5.00	145	1.7	1	1.0	P		1.7-2.7
4	5.00	639	5.6	63	57.0	5.3		3.8-5.8
14	5.00	393	3.6	16	29.1	3.3		2.8-4.1
12	5.00	462	4.1	27	37.1	3.8		3.0-4.6
	5.00	503	4.5	33	40.9	3.9		-

Questions & Comments

LEARNERS TODAY, LEADERS TOMORROW, MUSTANGS FOREVER!

Marble Falls ISD
Board of Trustees
Agenda Item Information

Meeting Date:
September 17, 2018

Meeting Type:
- (•) Regular Meeting
- ( ) Special Meeting/Workshop
- ( ) Hearing

Date Submitted: September 12, 2018

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- ( ) Public Hearing
- ( ) Information Items
- (•) Presentation/Discussion Items
- ( ) Consideration Items
- ( ) Consent Agenda

Subject:
District Improvement Plan & Campus Improvement Plans Presentation

Executive Summary:

Marble Falls ISD Central Administration and Campus Administration have worked with staff and community members in a collaborative effort to operationalize the vision of Marble Falls ISD in our District and Campus Improvement Plans. These plans were developed using a variety of data sources and aligned to the goals of the MFISD School Board. Next month we will be requesting acceptance of the District Improvement Plan as well as your review of the Campus Improvement Plans, for the 2018-2019 Instructional Calendar Year..

Fiscal Impact:

Cost:
- ( ) Recurring
- ( ) One-Time
- (•) No Fiscal Impact

Funding Source:
- ( ) General Fund
- ( ) Grant Funds
- ( ) Bond Funds
- ( ) Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ( ) Yes
- (•) No

Administration's Recommendation:

This is for information purposes only.

Submitted By:

Wes Cunningham

Board Approval Required: ( ) Yes (•) No

Revised 2.16.16

Marble Falls Independent School District
District Improvement Plan

2018-2019

MFISD Vision

Marble Falls ISD has an unyielding commitment to love every child and inspire them to achieve their fullest potential.

MFISD Mission

The mission of the Marble Falls ISD is to inspire and empower all students to lead extraordinary lives and embrace the possibilities of the 21st century through relevant, engaging learning experiences led by inspirational and nurturing educators.

MFISD School Board

Kevin Naumann - President
Lee Ann Johnson - Vice-President
Gary Boshears - Secretary
Alex Payson - Member
Kevin Virdell - Member
Rick Edwards - Member
Larry Berkman - Member



Love and Inspire

Marble Falls ISD
District Educational Improvement Committee 17-18

NAME	POSITION Parent, Business, Community, Teacher, etc	SIGNATURE
Wes Cunningham	Chair	
Melissa Fields	Ex-Officio	
Soor-el Puga	Ex-Officio	
Heather Metzgar	Ex-Officio	
Leslie Baty	Ex-Officio	
Nancy Herrington	Community Member	
Lenwood Nelson	Community Member	
Susie Baskin	Parent	
Tiffany Hamilton	Parent	
Cory Hanneman	Businessman	
Mickey Hughes	Administrator	
Clayton Patterson	At-Large Teacher	
Linda Angelosante	Non-Teaching Professional	
Lisa Persyn	Non-Teaching Professional	
Courtney Stevens	Non-Teaching Professional	
Johnny Mitchell	Teacher	
Jennifer Virdell	Teacher	
Lauren Berkman	Teacher	
Clayton Patterson	Teacher	

NAME	POSITION Parent, Business, Community, Teacher, etc	SIGNATURE
Logan Docherty	Teacher	
Roberta Werner	Teacher	
Gaynelle Mandel	Teacher	
Mary Pond	Teacher	
Christina Hartley	Teacher	
Charlie Ewing	Teacher	
Judith Large	Teacher	
Bobbie Green	Teacher	
Kelli Tate	Teacher	
Linda Angelosante	Teacher	
Marcela Jenks	Teacher	
Micki Bertino	Teacher	
Jodi Fruge	Teacher	

MFISD
COMPREHENSIVE NEEDS ASSESSMENT

A Comprehensive Needs Assessment was conducted with the District Educational Improvement Committee during the 2015-16 School Year

Participants in Attendance	Data Sources Examined
Wes Cunningham	☑ TAPR
Melissa Fields	☑ Disaggregated STAAR / TAKS Data
Soor-el Puga	☑ Campus PEIMS Reports
Heather Metzgar	☑ Student Attendance Data
Leslie Baty	☑ Truancy Data
Nancy Herrington	☑ Referral % for SPED Students
Lenwood Nelson	☑ Campus Parent Participation
Susie Baskin	☐ Failure Rates
Tiffany Hamilton	☑ Parent Survey
Cory Hanneman	☑ TELPAS Data
Mickey Hughes	☑ Achievement Test Data
Clayton Patterson	☐ TBA Data
Linda Angelosante	☑ DRA, BAS, or Other Reading
Lisa Persyn	☑ Pre AP / AP Scores
Courtney Stevens	☑ PSAT / SAT / ACT Scores
Johnny Mitchell	☑ Completion Rate
Jennifer Virdell	☑ Federal Accountability Data
Lauren Berkman	☐ Other
Clayton Patterson	
Logan Docherty	
Roberta Werner	
Gaynelle Mandel	
Mary Pond	
Christina Hartley	
Charlie Ewing	

Participants in Attendance	Data Sources Examined	
Judith Large		
Bobbie Green		
Kelli Tate		
Linda Angelosante		
Marcela Jenks		
Micki Bertino		
Jodi Fruge		
Jody Fruge		

MFISD
Comprehensive Needs Assessment Summary

Number of Students served in 2017-2018 - 4142; Number of Students Served in 2016-2017 - 4147 - Number of Students served in 2015-2016 - 4123

Classroom Organization (EE - 5; 6-8; 9-12); SPED Classrooms; ESL/BE Classrooms; DAEP

Our District Support for Schoolwide Title 1 programs consists of: parent and family involvement activities, intervention and enrichment, cooperative learning structures, focused professional development, Instructional Coaches, Instructional Technologists, math specialists, and reading specialists.

Our State Compensatory Education Program (SCE) provides intensive instructional support to identified at-risk students in a small group setting, as well as to build teacher capacity through job embedded professional learning in order to provide quality instruction for these students.

DEMOGRAPHICS

Strengths: Met standard for accountability rating at each campus. District received a "B" on the state accountability rating system.

Needs: MFISD STAAR data is lower than desired in some areas, see the Performance Objective Tab

FAMILY AND COMMUNITY INVOLVEMENT

Strengths: We are fortunate to have an active English Language Learner Advisory Council, several committees that involve parents, family members, and community members. Parents feel well informed, admin is accessible and they trust the classroom teachers. Major discipline referrals have continued to drop over the last three years. Parent nights coincide with activities to keep the students entertained. This allows for parents and students to both be involved and increases attendance.

Needs: MFISD will increase participation in parent surveys by opening up computer labs and providing translation when necessary during a night time event. Our goals is to design more hand on engaging parent nights and communicate this opportunity effectively to all parents.

STAFF QUALITY, RECRUITMENT AND RETENTION

Strengths: At MFISD, we are fortunate to have some of the best training and resources at hand. The MFISD Curriculum & Instruction Department supports teachers in all areas of the state-required curriculum. Our Title 1 funds help to secure support staff in the area of mathematics, English Language Arts, reader's workshop, writer's workshop, and guided reading. Teachers are collaboratively planning throughout the district. The workshop approach is providing vertical and horizontal alignment within our campus. Students are exposed to the same terminology and vocabulary when moving from grade level to grade level. Students are immersed in authentic reading and writing. This will increase scores on the state mandated assessments.

Needs: Reading and writing will continue to be a major focus for our district. A concentrated effort to increase the size of the classroom libraries will be made so that students have a wealth of books to choose from in various genres. Faculty meetings are used as continuing professional development within all curriculum areas, in which teachers learn more about Kagan Cooperative Learning Structures, Guided Reading, Conceptual Approach to Mathematics, Dyslexia and BE/ESL. A mentor program for new to MFISD teachers will enable us to retain high quality instructional staff.

SCHOOL CONTEXT, CULTURE, CLIMATE AND ORGANIZATION

Strengths: The school culture and climate is friendly and warm to our clientele. We provide multiple opportunities for parents and students to be a part of the school culture through involvement in parent ed. classes, community outreach, multicultural night, and PTA sponsored events. Parents are informed about academic and non-academic progress in multiple ways through phone calls, e-mails and paper notifications. Students are provided incentives to arrive to school on time and parents are notified if attendance becomes an area of concern. Teachers are committed to providing safe arrival procedures for students and knowing each student by their name and need.

Needs: Consistent enforcement of the student code of conduct is an area of focus needed in order to provide a safer environment for all students. Dismissal areas (bus line, after school program) are in need of more supervision so students arrive safely in their correct dismissal area and safely home. Teambuilding will remain a focus for us. Developing a sense of community within faculty & staff, as well as across grade levels, should remain a focus. Allowing staff recognition, teambuilding activities throughout the school day can increase the morale of our staff. We recognize the importance of maintaining rigor within curriculum, but also recognize the importance of establishing collegial and peer relationship with our students.

CURRICULUM, INSTRUCTION AND ASSESSMENT

Strengths: The PLC mindset with a focus on student learning and the standards has solidified who we are as a campus by implementing planning for learning in order to meet the needs of every student. We are structured to have collaborative conversations to impact student learning. Instructional designs, such as: Kagan structures, intervention and enrichment time, support within the classroom and flexible groupings for interventions have led to increased student engagement to maximize student achievement. A focus on the standards has aided teachers in pre-determining what is essential to improve teacher instruction.

Needs: MFISD students are experiencing difficulty in the areas of reading, writing and mathematics at every grade level. The campus will improve the use of student data through the use of consistent common formative assessments, a focus on Tier I, RTI, and SMART goals. There is a continued need for curricular support for the teacher tocollaborate effectively with a focus on standards. We need to continue learning walks and increase the opportunity to observe and reflect. Teachers will continue to integrate technology in all subject areas supporting students as 21st century learners. Positive behavior management will maximize student engagement.

STUDENT ACHIEVEMENT

Strengths: The DEIC and Instructional Cabinet have viewed several different and varied forms of data collection including but not limited to: previous STAAR scores, current DRA & BAS levels, iStation reports, TELPAS data, RTI and SST data, and other data. After reviewing this data, we found a few encouraging signs of growth for our students. The RTI process will be an essential component in student success, as will the increased support an communication between SPED and general education teachers and ESL/BE teachers and general education teachers. Most encouraging is that a students ethnicity or home language does not impact his or her's ability to be successful.

Needs: With regards to improvement for this school year, the committee recommends several and varied approaches to aid student achievement. Among our suggestions include: focus on the content standards, continued training on differentiation for all instructional staff, streamlined follow through with implementation of RTI and a continued focus on data and researched based interventions to support academic success.

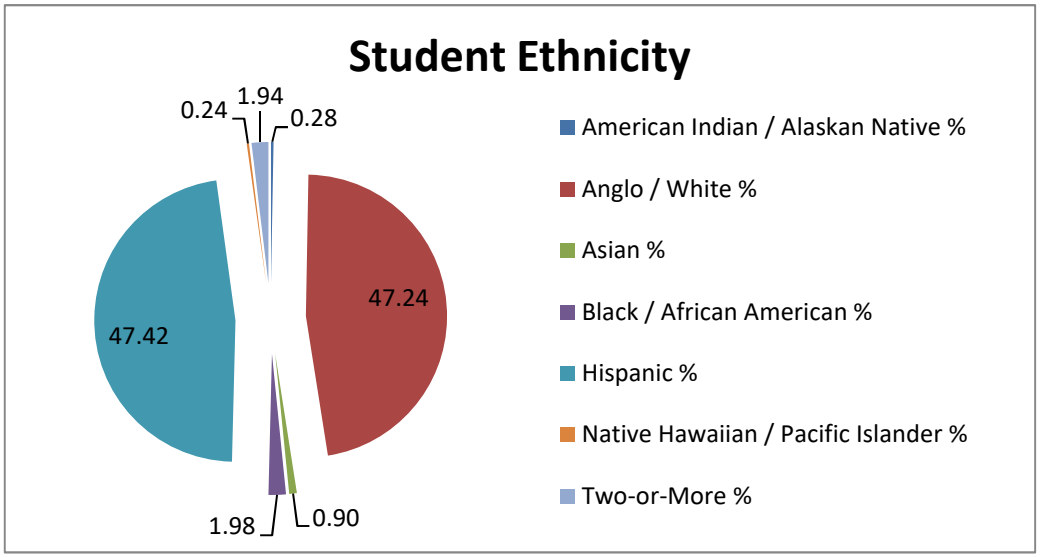
TECHNOLOGY

Strengths: This year will continue to see a plethora of instructional technology used in our classrooms, due to our district being a 1:1 district. Due to this technology, training will be held during collaborative planning. Campus based training will include introduction to the use of Chrome notebooks, iPads and content-specific implementation in the classroom.

Needs: A spotlight "tech challenge" of the month for iPads or Chrome notebooks will be implemented to familiarize staff with new apps and programs that can be integrated into content areas of curriculum. Technology needs to be incorporated into Curriculum Night and other parent nights to familiarize parents with the technology that their students are currently using in the classroom.

MFISD GENERAL INFO		2018-2019
Campus Name		MFISD
# of campuses in district	#	7
current enrollment	#	4222
grade level	text	EE-12
Previous Year Enrollment	#	4142
Growth	%	1.93

STUDENT DEMOGRAPHICS		
American Indian / Alaskan Native	%	0.28
Anglo / White	%	47.24
Asian	%	0.90
Black / African American	%	1.98
Hispanic	%	47.42
Native Hawaiian / Pacific Islander	%	0.24
Two-or-More	%	1.94
Male	%	52.79
Female	%	47.21
Low SES	%	67.00



CHARACTERISTICS		
Average daily attendance for students	%	96.00
# English Learners (EL)	#	693
# students in 504 program	#	420
# SPED students	#	503
Served through BE/ESL Services	%	16.41
Served through SPED services	%	11.91

District Performance Objectives - All Students

Marble Falls ISD

All Subjects	Approaches	Meets	Masters
	2018 Actual	2018 Actual	2018 Actual
All Students	71.00%	41.00%	17.00%
Black/African American	68.00%	41.00%	19.00%
Hispanic	62.00%	30.00%	11.00%
White	79.00%	52.00%	24.00%
American Indian	67.00%	43.00%	14.00%
Asian	81.00%	59.00%	29.00%
Hawaiian/Pacific Islander	97.00%	60.00%	34.00%
Two-or More	66.00%	40.00%	14.00%
Special Ed	41.00%	20.00%	6.00%
Economic Disadvantage	63.00%	31.00%	12.00%
EL (Current & Monitored)	57.00%	26.00%	10.00%

Reading	Approaches	Meets	Masters
	2018 Actual	2018 Actual	2018 Actual
All Students	69.00%	40.00%	17.00%
Black/African American	67.00%	44.00%	21.00%
Hispanic	58.00%	28.00%	9.00%
White	79.00%	52.00%	24.00%
American Indian	67.00%	33.00%	11.00%
Asian	78.00%	43.00%	22.00%
Hawaiian/Pacific Islander	100.00%	73.00%	45.00%
Two-or More	67.00%	46.00%	23.00%
Special Ed	34.00%	17.00%	5.00%
Economic Disadvantage	61.00%	30.00%	11.00%
EL (Current & Monitored)	51.00%	24.00%	9.00%

Mathematics	Approaches	Meets	Masters
	2018 Actual	2018 Actual	2018 Actual
All Students	75.00%	42.00%	18.00%
Black/African American	66.00%	41.00%	22.00%
Hispanic	67.00%	33.00%	12.00%
White	82.00%	50.00%	23.00%
American Indian	86.00%	57.00%	14.00%
Asian	82.00%	71.00%	47.00%
Hawaiian/Pacific Islander	100.00%	78.00%	44.00%
Two-or More	72.00%	41.00%	8.00%
Special Ed	47.00%	20.00%	7.00%
Economic Disadvantage	69.00%	33.00%	13.00%
EL (Current & Monitored)	65.00%	31.00%	12.00%

Writing	Approaches	Meets	Masters
	2018 Actual	2018 Actual	2018 Actual
All Students	53.00%	28.00%	7.00%
Black/African American	60.00%	40.00%	0.00%
Hispanic	45.00%	18.00%	4.00%
White	60.00%	37.00%	11.00%
American Indian	0.00%	0.00%	0.00%
Asian	57.00%	43.00%	0.00%
Hawaiian/Pacific Islander	100.00%	50.00%	0.00%
Two-or More	23.00%	23.00%	8.00%
Special Ed	20.00%	13.00%	1.00%
Economic Disadvantage	42.00%	18.00%	4.00%
EL (Current & Monitored)	42.00%	18.00%	2.00%

Science	Approaches	Meets	Masters
	2018 Actual	2018 Actual	2018 Actual
All Students	78.00%	50.00%	22.00%
Black/African American	71.00%	47.00%	18.00%
Hispanic	70.00%	38.00%	13.00%
White	87.00%	63.00%	31.00%
American Indian	67.00%	67.00%	33.00%
Asian	100.00%	71.00%	43.00%
Hawaiian/Pacific Islander	100.00%	22.00%	11.00%
Two-or More	69.00%	38.00%	12.00%
Special Ed	54.00%	29.00%	8.00%
Economic Disadvantage	70.00%	39.00%	14.00%
EL (Current & Monitored)	64.00%	28.00%	10.00%

Social Studies	Approaches	Meets	Masters
	2018 Actual	2018 Actual	2018 Actual
All Students	70.00%	41.00%	22.00%
Black/African American	83.00%	25.00%	25.00%
Hispanic	59.00%	29.00%	16.00%
White	81.00%	52.00%	29.00%
American Indian	100.00%	100.00%	25.00%
Asian	75.00%	75.00%	50.00%
Hawaiian/Pacific Islander	75.00%	75.00%	50.00%
Two-or More	91.00%	36.00%	9.00%
Special Ed	44.00%	24.00%	8.00%
Economic Disadvantage	60.00%	30.00%	16.00%
EL (Current & Monitored)	50.00%	23.00%	12.00%

MARBLE FALLS ISD PARENT INVOLVEMENT/ENGAGEMENT REGULATION

Statement of Purpose

Marble Falls ISD is dedicated to providing a quality education for every student in our district. To accomplish this objective, the district will develop and maintain partnerships with parents/caregivers in all aspects of the various local, state, and federal programs offered in Marble Falls schools. The district believes that establishing and maintaining open lines of communication will expand and enhance learning opportunities and create the best

Parent Involvement in Policy Development

Marble Falls District Education Improvement Committee (DEIC) is comprised of teachers, paraprofessionals, parents, members of the community, and central office staff. This committee will discuss the design and
The Marble Falls DEIC will actively recruit parent volunteers for the advisory committee through various avenues of publicity. Committee selections will produce a diverse parent population; parents of limited English speakers will be involved and the committee will arrange for a translator to help with communication if needed. Meetings

Annual Meeting for the Title I Parents/Caregivers

Marble Falls ISD uses Title I funds to provide supplemental services to students at Title I campuses. Title I campuses will hold at least one meeting annually to review Title I guidelines and services. Copies of the Title I Campus Parent Involvement/Engagement Policy and the Parent-Student Compact will be distributed at the
Notice of the meeting will be provided through written invitation to parents/caregivers and through public notices. Translators will be available to help with Non-English speaking parents/caregivers as needed.

Teacher-Parent-Student Compacts

In accordance with Title I regulations, each Title I campus will annually update a teacher-parent-student compact. This compact will provide an outline to enable the school and parents/caregivers to share responsibility for student performance and success. This compact explains how students, parents/caregivers,
The compacts are designed so that both the student and his/her parents can sign the compact. Students and parents are encouraged to discuss the contents of the compact; they are also encouraged to sign that they are in
NOTE: Parents and/or students are not required to return the compacts to the school.

Parent Involvement/Engagement Opportunities

Marble Falls ISD will support many varied ways of parental involvement as it strives to develop and maintain an optimum learning environment for all students:

* Translators will be provided for parents as needed.
* Information will be provided in an understandable language as needed.
* Parents may contribute through volunteer programs.
* Parents may contribute by creating a supportive home environment.
* Parents are invited to participate in parent-teacher conferences.
* Parents may participate by attending school meetings (Title I planning sessions, and student programs).
* Parents are invited to serve on committees.
* Parents are surveyed yearly to get their input about school.
* Parents are invited to eat meals with their children.
* Parents are invited to attend instructionally-based programs held on campus to promote engagement in learning between the parents and the students (i.e. Math Night, Science Night, etc…).
* School will provide parents with assistance in understanding topics including:
    - State's academic content standards
    - State's process standards
    - State and local assessments
    - How to monitor their child's progress
    - How to work with educators

Staff and Parent Communication

Parents/caregivers will be informed of school activities through various avenues of communication throughout the school year; they will be consulted in the design, development and implementation of the Title I Program. Parents will be invited to participate in workshops as appropriate to reflect the students and parental needs of Newsletters, teacher notes, the school marquee, conferences, personal contacts, phone calls, emails, tweets, websites, and written notices will be used to establish and maintain open lines of communication with
At the beginning of the school year, each teacher will distribute the learning goals and objectives to parents of their Title I students. All students will be expected to work toward mastering these goals and objectives. Marble Falls ISD recognizes that some students will need modifications, accommodations, and/or extra assistance to achieve their full potential; these will be provided to students through the Title I Program and/or other

Evaluation

The Marble Falls DEIC will review and evaluate all aspects of the parent involvement program. Parent surveys will include questions about the overall effectiveness of the program. Teacher surveys and teacher contact records will be used to determine the number and kind of interaction that have occurred between school and Involvement/Engagement Policy based on the results of this annual review.

State Compensatory Education (SCE)

Section 1: Program Overview

Program Purpose

In keeping with the intent and purpose of Section §29.081 of the Texas Education Code addressing Compensatory, Intensive, and Accelerated Instruction, Marble Falls ISD provides compensatory education services, hereafter referred to as State Compensatory Education (SCE) services, which are supplemental to the regular education program for students identified as at-risk of dropping out of school. The district ensures that these funds remain supplemental to those used to implement the regular education program and that the intent and purpose of the SCE Program are met-to increase the academic achievement and reduce the drop out rate of students meeting the State-defined eligibility criteria.

Program Goals

The goals of all MFISD SCE services provided to identified students are to reduce any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39 and to reduce and/or eliminate any disparity in the rates of high school completion between students identified in at-risk situations and all other district students (§29.081, Texas Education Code and 77 ® SB 702).

General Uses of Funds

Marble Falls ISD uses all SCE funds to supplement services beyond those offered through the regular education program. SCE funds do not supplant funds for the Regular Education Program, defined as those basic instructional services to which all eligible students are entitled and consists of the required curriculum for each school district that serves grades K-12 (e.g., English language arts, mathematics, science, social studies) and enrichment curriculum (e.g., languages other than English, health, physical education, fine arts, economics, career and technology education and technology applications).

Evaluation and Monitoring

Annual assessments on student progress are used to determine program needs and adjustments. Grades, local benchmarks and teacher input are considered for continuous monitoring. A comprehensive needs assessment to pinpoint areas of concern is included on the individual campus action plans.

State Compensatory Education (SCE)

Section 2: Student Eligibility

Marble Falls ISD has adopted the thirteen criteria delineated in Texas Education Code §29.081 and redefined by Senate Bill 702 as the sole criteria used in identifying students who are eligible to receive intensive, supplemental services. These criteria include the following:

A student at-risk of dropping out of school includes each student who is under 21 years of age and who…

1. Is in pre-kindergarten, kindergarten or grade 1, 2, or 3, and did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

2. Is in grade 7, 8, 9, 10, 11, or 12, and 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. Was not advanced from one grade level to the next for one or more school years;

4. Did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, 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;

5. Is pregnant or is a parent;

6. Has been placed in an alternative education program in accordance with §37.006 during the preceding or current school year;

7. Has been expelled in accordance with §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 §29.052;

11. Is in the custody or care of the Department of Protective and Regulatory 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, as defined by 42 U.S.C. §11302, and its subsequent amendments; or

13. Resided in the preceding school year or reside in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

State Compensatory Education (SCE)

Section 3: Identification Procedures

Responsibilities – Campus Contact

The school counselor is designated as the At-Risk Contact for each campus. Responsibilities of each contact with the assistance from campus assistant principal(s) will include the following:

- Oversee processes for identification of students
- Maintain a list of identified students with the qualifying criterion/criteria listed
- Advise campus staff, as appropriate, of the status of identified students
- Oversee processes for timely review of student progress to determine the need for continued services and/or continued eligibility
- Oversee, at a minimum, a semi-annual review in order to identify eligible students
- Oversee timely monitoring of at-risk student progress
- Collaborate with campus principal and staff to ensure appropriate services are available to identified students
- Plan and conduct, in coordination with the district contact, an annual evaluation of program effectiveness at the campus level

Procedures for Identifying Eligible Students

The district contact (directors of instruction) will establish uniform procedures for identifying students, utilizing the State thirteen criteria. Each campus contact will oversee identification process and will ensure that PEIMS data is updated and forwarded to the MFISD PEIMS District Clerk.

Periodic Updates and Eligibility Review

The campus contact, in consultation with the campus administrator will establish procedures to conduct periodic reviews semiannually, at a minimum, to identify additional eligible students utilizing the State thirteen criteria, as well as to review the status of previously identified students, ensuring that all students receive services as needed.

State Compensatory Education (SCE)

Section 4: Provision of Services

Services

Upon identification of student, the campus contact, in collaboration with campus assistant principal(s), will ensure that identified students are provided appropriate services that address the student's qualifying criteria. These services may include, but are not limited to, the following:

- Parent Involvement
- Tutorials
- Peer Tutoring
- Counseling
- Math, science, reading and language arts remediation programs
- ESL/Bilingual Programs
- Dyslexia Program
- SPED
- 504
- On Campus Credit Recovery
- Truancy Programs
- Special Programs
- Summer School
- Night School
- PEP
- Serenity

Monitoring

In addition to provision of services, the campus contact, in consultation with campus assistant principal(s) will establish measures for timely monitoring of the student's progress. Such measures may include the following:

- Periodic conference with the teacher
- Progress reports
- Review of subject area performance
- Periodic benchmark assessments
- Review of six-week failure lists

State Compensatory Education (SCE)

Section 5: Exit Procedures

Exit Review

Since some criteria may only temporarily qualify student for SCE services (e.g., performance in subject area curriculum, on readiness tests, on State assessments, pregnancy or parent status, expulsion timeframe, LEP status), the campus contact in consultation with the assistant principal(s) will determine through periodic review of student data the student's continued eligibility and need for continued services. All decisions for exiting a student from the SCE program will be based upon the review of student data and may include the following:

- 110% level of satisfactory performance on state assessments
- Maintenance of passing grades with a score of 70 or greater
- Condition of pregnancy or parent status
- Alternative education program placement timeframe
- LEP status

Continued Monitoring

To ensure that previously identified and served students receive timely and appropriate assistance, as needed, the campus contact and assistant principal(s) will establish periodic reviews of students' performance for those students who have been exited from the SCE Program services.

Section 6: Program Evaluation

Required Overall Program Evaluation

The district contact will conduct an annual evaluation, with assistance from the campus-level contacts, to assess the impact of SCE services/programs on the level of disparity between identified students in at-risk situations in relation to all other student populations for the following:

- The disparity in performance on State assessments between students at-risk of dropping out of school and all other district students
- The disparity in the rates of high school completion between students at-risk of dropping out of school and all other district students

Title I Components

(for proposed Targeted Assistance and Schoolwide Plans)

1. Summary of the Comprehensive Needs Assessment of the entire school.
2. Reform strategies that address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student academic achievement standards who are members of target populations of any program that is included in the schoolwide program and that use effective methods and instructional strategies based on scientifically based research.
3. Instruction by highly qualified teachers (Show appropriate staff development, and strategies for staff recruitment and retention to meet the needs of students at-risk).
4. High quality and ongoing professional development for teachers, principals, paraprofessionals and others to enable all children in the school to meet the State's academic standards.
5. Strategies to attract high-quality highly qualified teachers to high-need schools.
6. Strategies to increase parental involvement.
7. Plans for assisting preschool children in the transition from early childhood programs, such as Head Start and Even Start, to local elementary school programs.
8. Measures to include teachers in the decisions regarding the use of assessments in order to provide information on, and to improve, the achievement of students and the overal program. (Teacher disaggregation and analysis of state data; teacher classroom assessment of students).
9. Activities to ensure that students who experience difficulty mastering any of the State's standards during the school year will be provided with effective, timely additional assistance.
10. Coordination and integration of Federal, State, and local services and programs, such as violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

Region 13 ESC Migrant SSA Member District PFS Action Plan
FY 2018-2019

District Improvement Plan (DIP) Attachment for Migrant Priority for Service (PFS) Students

GOAL: To assess the specific academic needs of Migrant PFS students and address each need with targeted instructional and support services.

OBJECTIVE: To monitor academic progress of PFS students and evaluate the effectiveness of the services provided.

ACTION	TIMELINE	RESPONSIBILITY	METHOD OF EVALUATION
(1) Provide PFS criteria and updates on New Generation System (NGS) PFS reports to appropriate Migrant SSA member district staff	At the beginning of every school year and as needed	Region 13 ESC Migrant Staff	• E-campus Files • SSA Meeting Agenda • PFS Action Plan • NGS Updates
(2) Update parents on the academic progress of their children	Ongoing, as needed	Teachers and appropriate District Staff Region 13 Migrant Staff	• District student progress reports and report cards • District Parent/Teacher communications • Home visits and Parent communications
(3) Generate, distribute and review PFS Reports for each SSA member district	Every month, beginning July 1st	Region 13 ESC Migrant Staff	• PFS Reports and e-mails • PFS Reporting Forms
(4) Make sure PFS students have access to all services for which they are eligible-instructional, community resources and supplemental services	Ongoing	Region 13 ESC Migrant Staff in collaboration with SSA Member District Staff	• PFS Reporting Forms • E-mail communications • Campus and Home visits • Service Delivery Plan
(5) Coordinate, as applicable, with appropriate staff from state foundation, federal and local district programs to access services for PFS students	Ongoing	Region 13 ESC Migrant Staff in collaboration with SSA Member District Staff	• PFS Reporting Forms • E-mail communication • Meeting agendas
(6) *Include Migrant PFS Plan as attachment in District Improvement Plan (DIP)	Follow DIP and CIP process and timeline	Region 13 ESC Migrant Staff in collaboration with SSA Member District Staff	• Migrant PFS Action Plan as separate attachment to DIP

District Goal 1		MFISD will ensure academic performance and acheivement levels reflect excellence in learning and attainment of both high expectations and high standards.					
1.1	Performance Objective 1	MFISD will provide targeted professional learning opportunities to enhance student learning.					
Strategy / Activity		Staff Responsible	Resources / Implementation Evidence	Formative and/or Summative Evaluation	Beginning of Year Status	Target Goal (If Applicable)	Title 1 Component
1.1.1	Continue to Implement the Curriculum Alignment Project.	Curriculum & Instruction, Instructional Coaches, Instructional Technologists, Principals, AP's	Forethought, Collaborative Planning, Walk-through data, Lesson plans	Collaborative Planning Documentation, Walk-through data, Lesson plans	Provided Intensive Training to 88 Teachers, Provided Training to all instructional staff	5% Increase in STAAR Data in each grade and content area	4,8
1.1.2	Provide responsive, targeted professional learning opportunities for staff, job-embedded professional learning, and instructional planning professional development.	Curriculum & Instruction, Instructional Coaches, Instructional Technologists, Principals, AP's	Forethought, Collaborative Planning, Walk-through data, Lesson plans	Staff Survey	Increase of 12% from Previous Year	90% Favorable Survey Results	1,3,4,8
1.1.3	Provide time to instructional staff to increase collaboration that is student-learning focused and standards-focused	Curriculum & Instruction, Human Resources, Principals	Forethought, Collaborative Planning, Walk-through data, Lesson plans	Master Schedule	Collaborative time provided to instructional staff distict-wide, during contract-time	90% of Teachers have regular collaborative time	4,5

District Goal 1		MFISD will ensure academic performance and acheivement levels reflect excellence in learning and attainment of both high expectations and high standards.					
1.2	**Performance Objective 2**	**Our students (by grade, by subject, and by all grades tested) will improve their progress in meeting the passing standard in the state assessment system (STAAR) - *Refer to Perf. Obj. Tab***					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
1.2.1	Instructional Planning Days will be used effectively by all instructional staff on at least three occasions during the school year.	Curriculum & Instruction, Instructional Coaches, Instructional Technologists, Principals, AP's	Agendas, Reflections, Collaborative Planning, STAAR Scores	STAAR Scores, Formative Assessment Data, TBA's	N/A	The overall district peformance objectives will reflect: 80% of all students will meet the passing standard on the Mathematics & Reading STAAR assessments; 85% of all students will meet the passing standard on the Science & Social Studies STAAR assessments; 75% of all students will meet the passing standard on the Writing STAAR assessments	1,2,3,9
1.2.2	Collaborative Meetings with the PLC mindset and focused on standards will be implemented regularly.	Curriculum & Instruction, Instructional Coaches, Instructional Technologists, Principals, AP's	Eduphoria Resources, TEKS Resource System, Monitoring by Administrators	STAAR Scores, Formative Assessment Data, TBA's	Each campus has a plan to provide collaborative time that is focused on the standards	The overall district peformance objectives will reflect: 80% of all students will meet the passing standard on the Mathematics & Reading STAAR assessments; 85% of all students will meet the passing standard on the Science & Social Studies STAAR assessments; 75% of all students will meet the passing standard on the Writing STAAR assessments	3,4,5,8
1.2.3	Special Services and our Dual Language Program / ESL Program will respond to student academic and whole-child needs; and will involve stakeholders and parent & family members	Curriculum & Instruction, Special Services, Principals, AP's	Gomez & Gomez Coaching, ARC Coaching, ELLAC, Latino Family Literacy Project	TELPAS Scores, STAAR Scores, Formative Assessment Data, TBA's	All ESL & BE staff have been trained and coaching sessions have been scheduled	100% of Title I, II, III & Title IV Compliance	1,2,3,4,5,6

District Goal 1		MFISD will ensure academic performance and acheivement levels reflect excellence in learning and attainment of both high expectations and high standards.					
1.3	**Performance Objective 3**	**MFISD will provide academic opportunities to students (EE-12) within our boundaries.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
1.3.1	Full-Day Pre-K will be provided by MFISD	Curriculum & Instruction, Teachers, Special Services	Region 13 Training, CLI Engage Training, Enrollment Figures	Enrollment Figures	25% Increase in Pre-K Enrollment	25% Increase in Pre-K Enrollment	6,7
1.3.2	Continued and Expanded Collaboration with Head-Start	Curriculum & Instruction, Head Start, Health & Wellness Committee	Head Start, FCHS, Nurses	Enrollment Figures	Expansion to Pre-K Program	10% Increase in Head Start Programming	6,7, 10
1.3.3	MFISD will provide co-curricular and extracurricular opportunities for extended learning	Curriculum & Instruction, Teachers	Tutorials, MFISD Curriculum Documents; Tutorial Logs	Tutorial Attendance Rates	In process	10% Increase in Tutorial Attendance	1,2,3,9

District Goal 2		MFISD will identify and invest in the continuous devlopment of leaders who will inspire and support others to improve student achievement.					
2.1	**Performance Objective 1**	**MFISD will develop a comprehensive professional learning program to increase the instructional leadership skills of central office administrators.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
2.1.1	Principals, Asst. Principals, and IC's will be proviced ongoing training on curriculum & instruction management and facilitation of PLC's based on Focus TEKS	Superintendent, Superintendents Cabinet	Agendas / Monthly Meetings	Book Study Reflections	In Process	25% increase on survey data	5,6,10
2.1.2	A-Team and other central office leaders will be provided Training on Leadership	Superintendent, Superintendents Cabinet	Monthly Meetings	Reflections	In Process	25% increase on survey data	1,5,6
2.1.3							
2.2	**Performance Objective 2**	**MFISD will develop a comprehensive professional learning program to increase the instructional leadership skills of building administrators and other campus based leaders.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
2.2.1	Principals, Asst. Principals, and other Leaders will be provided Training on Leadership	Superintendent, Superintendents Cabinet	Monthly Meetings	Reflections	In Process	25% increase on survey data	1,5,6
2.2.2	District Wide Focus on "Assessment Literacy" by James Popham	Superintendent, Central Office, Administrators	Increased leadership exhibited by campus staff	Reflections	In Process	25% increase on survey data	5,6,10
2.2.3							

District Goal 2		MFISD will identify and invest in the continuous devlopment of leaders who will inspire and support others to improve student achievement.					
2.3	**Performance Objective 3**	**MFISD will develop opportunities to increase leadership skills for students.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
2.3.1	A Consistent Character education program will continue in to the elementary schools (Tenets of Leader in Me and Character Counts)	SEL Coordinator, Counselors, Administrators, Curriculum & Instruction	Counselor-written curriculum and guidance lessons, SEL Curriculum	Implementation schedule	In Process	25% increase on survey data	2,10
2.3.2	There will be opportunities for students to increase their focus on leadership skills for all MS and HS students.	SEL Coordinator, Counselors, Administrators, Curriculum & Instruction	Curriculum, Master Schedule, Emergent Tree Data	Master Schedule, Enrollment Figures, Advisory Period at MFMS	In Process	25% increase on survey data	2,10
2.3.3	MFISD will provide opportunities for students to increase their leadership skills.	Curriculum & Instruction, Teachers	Superintendent's Advisory Committee	Student Reflections	In Process	25% increase on survey data	1,2

District Goal 3		MFISD will foster a culture of trust by providing accurate, timely, and interactive communication to all stakeholders and by encouraging parents, students, and the community at-large to be involved in our schools.					
3.1	**Performance Objective 1**	**MFISD will enhance ongoing methods of communication to share MFISD messages and invite feedback from all stakeholders.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
3.1.1	MFISD will host a variety of opportunities for stakeholders to be involved and to provide feedback	Central Office, Administrators	DEIC, CEIC, ELLAC, SHAC, Health & Wellness Committee, LEAD, SOS Update, Supt. Teacher Advisory, Supt. Student Advisory Council, Parent Engagement Meetings with Central Office Administrators	Reflections, Action Plans from opportunities	In Process		6,10
3.1.2	MFISD will operate a more customer-friendly website that is efficient to utilize and access.	Central Office	Website Redesign Committee	Feedback from Community Stakeholders	Implemented		6
3.1.3	MFISD will offer a survey to all staff and stakeholders	Central Office	TASB Survey, Stakeholder Survey, CaSE, and DEIC	Results from surveys	Planning	90% of stakeholder response rate	6, 10

District Goal 3		MFISD will foster a culture of trust by providing accurate, timely, and interactive communication to all stakeholders and by encouraging parents, students, and the community at-large to be involved in our schools.					
3.2	**Performance Objective 2**	**MFISD will enhance the use of various types of media, including social media to communicate MFISD messages.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
3.2.1	MFISD will post celebrations of students, staff, and community on a variety of media platforms	Central Office, Director of Communications, Admin. Asst. to Superintendent, Administrators	Facebook, Twitter, Local Media, Website, Twitter Chats with Superintendent	Number of postings, stories, website hits	In Process	25% Increase of Social Media "Hits"	6
3.2.2	MFISD will promote a consistent "brand" within the Marble Falls and Highland Lakes Community	Central Office, Director of Communications, Admin. Asst. to Superintendent, Administrators	Flags, Logo, Vision Statement, Colors, Newspaper Inserts	Stakeholder Surveys	In Process		6
3.2.3	MFISD will provide resources for parents to build capacity for strong parent and family member engagement	Central Office, Special Services, Administrators	Home & School Connections, Newsletters	Stakeholder Surveys	In Process	2 Parent Academy Meetings	6

District Goal 3		MFISD will foster a culture of trust by providing accurate, timely, and interactive communication to all stakeholders and by encouraging parents, students, and the community at-large to be involved in our schools.					
3.3	**Performance Objective 3**	**MFISD will foster informed parental and positive community support and involvement.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
3.3.1	MFISD will provide opportunities for parents, family members, and community members to be involved within MFISD and, as approprtiate, in decision making within MFISD	Central Office, Special Services, Administrators	Internal and External Communications; DEIC; CEIC's	TASB Survey, Parent Survey, Parent Feedback	In Process	Increased Parent, Family, and Community Satisfaction	6,2,10
3.3.2	MFISD will increase involvement and alignment with the SEL program, to provide enrichment to students academic and social well being	Central Office, Curriculum & Instruction, SEL Coordinator	Survey Results	Survey Results	In Process	Baseline Year	1,2,6,10
3.3.3	MFISD will utilize the Marble Falls ISD Education Foundation to increase community support.	Curriculum & Instruction, Teachers	Quarterly Reports	TASB Survey, Community Feedback, Account Figures	In Process	10% Increase in Donations	6, 2, 10

District Goal 4		MFISD will provide a safe and healthy environment conducive to student learning.					
4.1	**Performance Objective 1**	**MFISD will provide training for all staff to ensure a safe, secure, and healthy environment that will ensure student learning.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
4.1.1	MFISD will provide safety and security trainings to all staff	Director of Security, Adminstrators	Scheduled Trainings	Dates of Scheduled Trainings	100% of Campuses Completed	100% of Staff Trained	10
4.1.2	MFISD will provide National Incident Management System Training to all new staff.	Central Office, Director of Security	Scheduled Trainings	NIMS Certificates	In Process	100% of Administrative Staff Certified	10
4.1.3	Staff members will be trained on the consistent implementation of the MFISD Board Approved Student Code of Conduct, including Bullying Investigation and Reporting Processes	Central Office, Administrators, Principals, AP's	MFISD Board Approved Student Code of Conduct, Scheduled Trainings	Meeting Agendas	100% of Campus Trainings Completed	100% of Campus Staff Trained; Increase in Survey Results Related to SCOC	1,10
4.2	**Performance Objective 2**	**MFISD will provide opportunities for stakeholders to collaborate with MFISD to ensure a safe and healthy environment conducive to student learning.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
4.2.1	MFISD will maintain the Student Health Advisory Council	Curriculum & Instruction	Council Member Roster, Scheduled Meetings	Meeting Agendas, Reflections	In Process	5 Regular Meetings	6,10
4.2.2	MFISD will continue the Health & Wellness Committee as a sub-committee of SHAC	Superintendents Cabinet	Committee Member Roster, Scheduled Meetings	Meeting Agendas, Reflections	In Process	Regular Meetings; Action Plan	6,10
4.2.3	MFISD will enhance the effectiveness of District Committees and Advisory Groups	Central Office	CTE Advisory Committee, SHAC, DEIC, ELLAC	Meeting Agendas, Reflections	In Process	Participant Feedback is Positive	1,6,10

District Goal 4		MFISD will provide a safe and healthy environment conducive to student learning.					
4.3	**Performance Objective 3**	**MFISD will provide a safe and healthy environment for all stakeholders at all MFISD Facilities.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
4.3.1	MFISD will continue to utilize the master facilities plan.	Central Office, Director of Maintenance, FPC	Facilities Study Recommendations	Facilities Study Report	In Process	Community Support of the FPC Reccomendations	1, 10
4.3.2							
4.3.3		Curriculum & Instruction, Teachers					

District Goal 5		MFISD will recruit, hire, develop, and retain highly qualified and effective personnel.					
5.1	**Performance Objective 1**	**All MFISD instructional staff will be highly qualified.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
5.1.1	MFISD will improve the internal and external processes for hiring, onboarding, and retaining high quality personnel	Human Resources, Superintendent's Cabinet	Human Resources	Process Maps	In Process	10% Increase in Retention	5
5.1.2	MFISD will improve it's participation in job/career fairs	Human Resources, Superintendent's Cabinet	Scheduled Job/Career Fairs	Number of personnel interviewed or hired as a result of fairs	In Process	Partcipation in 3 job fairs	5
5.1.3	MFISD will review employee compensation plan in such a way that MFISD attracts and retains high quality staff.	Human Resources, Superintendent's Cabinet	TASB, Human Resources	Compensation Plan	In Process	10 % Increase in Survey Results	5
5.2	**Performance Objective 2**	**MFISD will provide appropriate, targeted, and research-based professional learning opportunities for staff.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
5.2.1	MFISD will ensure that required compliance trainings are completed by appropriate staff	Human Resources, Superintendent's Cabinet	Edu-Hero	Edu-Hero Reporting	In Process	100% of Staff Completion of all Required Trainings	4,5
5.2.2	Provide responsive, targeted professional learning opportunities for staff, job-embedded professional learning, and instructional planning professional development.	Curriculum & Instruction, Instructional Coaches, Instructional Technologists, Principals, AP's	Forethought, Collaborative Planning, Walk-through data, Lesson plans	Staff Survey	In Process	90% Favorable Results on PD Survey	1,3,4,8

District Goal 5		MFISD will recruit, hire, develop, and retain highly qualified and effective personnel.					
5.3	**Performance Objective 3**	**MFISD will retain highly qualified instructional staff.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
5.3.1	MFISD will increase it's recognition of excellence among staff members	Central Office, Administrators	Recognition Events	Staff Survey Data	In Process	10% Increase in Survey Data	5
5.3.2	MFISD will implement the district vision in such a way that employee work is connected to a deeper purpose.	All Staff	MFISD Vision	Staff Survey Data	In Process	10% Increase in Survey Data	5

District Goal 6		MFISD will exercise fiscal responsibility to maintain financial strength and provide financial resources for educational programs.					
6.1	**Performance Objective 1**	**MFISD will develop a budget that continues to focuse on district priorities.**					
Strategy / Activity		**Staff Responsible**	**Resources / Implementation Evidence**	**Formative and/or Summative Evaluation**	**Beginning of Year Status**	**Target Goal (If Applicable)**	**Title 1 Component**
6.1.1	MFISD will have an appropriate fund balance at the end of the budget cycle.	Central Office	Approved Budget	Federal Compliance Reports; Budget Amendments	In Process	1-2% Positive Variance	1
6.1.2	MFISD will ensure an efficient, effective budget process with input from appropriate stakeholders that complies with Title Fund Regulations	Central Office	Approved Budget, Grant Applications; Negotiations; Compliance Documentation	Federal Compliance Reports; Budget Amendments	In Process	90% Positive Feedback; 100% Compliance with Federal Gudelines	1
6.1.3	MFISD will enhance budget planning process in such a way that there is an overt explanation of the connection between budget allocations, District goals, mission, and vision	Central Office, Administration	Grant Applications; Negotiations; Compliance Documentation	Federal Compliance Reports; Budget Amendments	In Process	100% Alignment	1
6.1.4	MFISD will plan for enhancement of CIP process in such a way that there is an overt explanation of the connection between budget allocations, campus goals, District mission, and District vision	Central Office, Administration	Approved Budget	Federal Compliance Reports; Budget Amendments	In Process	100% Alignment	1

District Goal 6		MFISD will exercise fiscal responsibility to maintain financial strength and provide financial resources for educational programs.					
6.2	Objective 2	MFISD will enhance fiscal transparency.					
Strategy / Activity		Staff Responsible	Resources / Implementation Evidence	Formative and/or Summative Evaluation	Beginning of Year Status	Target Goal (If Applicable)	Title 1 Component
6.2.1	Financial Reporting will be Publicly Available	Finance Office	Website	Website	In Process	Top FIRST Rating	1
6.2.2	DEIC and CEIC's will be trained on compliance procedures as appropriate	Curriculum & Instruction	DEIC & CEIC Training - Trainer of Trainer	DEIC & CEIC Agendas	In Process	Meet All TEC, TAC, and Title 1 Requirements	1

Marble Falls Independent School District
Board Meeting Minutes
August 20, 2018

Kevin Naumann, President, called the regular meeting to order at 6:01 p.m. at the Marble Falls ISD Administration Building. A quorum was present; notice of this meeting was posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Board Members Present:	Kevin Naumann, Alex Payson, Gary Boshears, Rick Edwards, Larry Berkman, Lee Ann Johnson and Kevin Virdell
Board Members Absent:	None
Administrators Present:	Dr. Chris Allen, Jeff Gasaway, Dr. Wes Cunningham, Melissa Lafferty, Dr. Shana Fancher, Nathan Fink, Leslie Baty, Bethany Birdwell, Pam Parkman, Yarda Leflet, Roger Barr, Soor-el Puga, Damon Adams, Rick Hoover, Heather Metzgar, Erika O'Connor, Susan Cox, Michael Haley, Ashley Bernard and Dr. Melissa Fields.
Members of the Press:	Lew Kohn, The Highlander News

Citizens Comments
No one asked to speak.

Information Items
Financial Report
-General Fund Summary
-Expenditure Report

Presentation/Discussion Items and Possible Action
Order Calling School Building Bond Election
Dr. Chris Allen, Superintendent, gave an overview of the committees work since first meeting. The committee recommended that the Board call for a $55 million dollar Bond Election to occur in November 2018.

2018-19 Budget Update including 2018-2019 Marble Falls ISD Tax Rate Adoption
Melissa Lafferty, Executive Director of Finance, presented to the Board with an update of the 2018-19 Budget and discussed the tax rate adoption.

Upon a motion by Gary Boshears, second by Alex Payson, the Board approved that the property tax rate by the adoption of a tax rate of $1.0533 for Maintenance and Operations, and $0.2153 for Debt Service for a total tax rate of $1.2686.

For:	Kevin Virdell, Alex Payson, Gary Boshears, Larry Berkman, Lee Ann Johnson, Rick Edwards and Kevin Naumann
Against:	None
Absent:	None
Abstained:	None

Order Calling School Building Bond Election
Upon a motion by Gary Boshears, second by Lee Ann Johnson, the Board approved to adopt the order calling school building bond election.

For: 7 Against: 0 Absent: 0

Policy Update 111, affecting local policies BBD: Board Members- Training & Orientation; CCA: Fiscal Management Goals & Objectives- Financial Ethics; CJA: Contracts Services- Criminal History; DHE: Employee Standards of Conduct- Searches & Alcohol/Drug Testing; DI: Employee Welfare; FEA: Attendance- Compulsory Attendance
Dr. Chris Allen, Superintendent, gave review of the local policy changes along with Mr. Gasaway, Dr. Cunningham, Melissa Lafferty and Dr. Fancher and will seek approval in September.

Local Policy Update - CQ: Technology Resources; DH: Employee Standards of Conduct; DBD: Employment Requirements & Restrictions- Conflict of Interest; DEC: Compensation & Benefits- Leaves & Absences; FFAC: Wellness & Health Services- Medical Treatment
Jeff Gasaway, Assistant Superintendent, reviewed the local policy updates with the Board and will seek approval in September.

Consider and Possible Approval of Action
Consent Agenda
Upon a motion by Gary Boshears, second by Kevin Virdell, the Board approved the following as presented:

- Minutes from Regular Board Meeting held on July 16, 2018
- Minutes from Special Board Meeting held on August 8, 2018 – Team of 8 Training
- Budget Amendments
- Resolution Regarding Extracurricular Status of the 4-H Organization and Adjunct Faculty Agreement
- Certified Appraisers & Appraisal Calendar for the 2018-2019 School Year

For: 7 Against: 0 Absent: 0

Minutes from Special Board Meeting held on August 13, 2018
Upon a motion by Rick Edwards, second by Alex Payson, the Board approved the minutes from the Special Board Meeting held on August 13, 2018.

For: Lee Ann Johnson, Kevin Virdell, Larry Berkman, Rick Edwards, Kevin Naumann and Alex Payson
Against: None
Absent: None
Abstained: Gary Boshears

Upcoming Meetings
Monday, September 17, 2018 – Regular Board Meeting
Monday, October 15, 2018 - Regular Board Meeting
Monday, November 12, 2018 – Regular Board Meeting

Executive Session
At 7:02 p.m., the Board adjourned into executive session to discuss professional personnel (TX Govt. Code 551.074).

The Board reconvened from executive session at 7:09 p.m.

Discussion and Possible Approval of Action Arising from Executive Session
Professional Personnel
Upon a motion by Alex Payson, second by Lee Ann Johnson, the Board approved the professional personnel recommendations from Superintendent, Dr. Chris Allen, as presented.

For: 7 Against: 0 Absent: 0

Adjournment
Hearing no objection, the Board adjourned at 7:10 p.m.

Approved:

Kevin Naumann, President

Gary Boshears, Secretary

Marble Falls Independent School District

INTEROFFICE MEMORANDUM

Date: September 11, 2018

To: Board of Trustees and Dr. Allen

From: David Hemond, Accounting Supervisor

Subject: Consider Approval of Budget Amendments

Budget amendments included for approval (copies follow):

18-00020	Increase budget for employee travel - $2,000
18-00022	Increase budget for general supplies - $10
18-00023	Increase budget for literacy supplies - $2,856
18-00025	Increase budget for Pre-K supplies - $2,700
18-00026	Increase budget for reading materials - $3,950
18-00027	Increase budget for capital lease & transportation facility - $752,220

To BO - 8-20-18

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	18-00020	Reason for Amendment:	Transferring money from function 11 to function 13 to cover Employee Travel.
Fiscal Year:	2018-2019		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			**Increase**	**Decrease**
1	199E11641100923023000			2,000.00
2	199E13641100923023000		2,000.00	
3				
4				
5				
6				
7				
8				
9				
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31				
32				
33				
REVENUE			**Decrease**	**Increase**
34				
35				
36				
37				
38				
Totals			- 2,000.00	2,000.00

Board Approval Required	Prepared by:	Approved by:	Reviewed by:	Entered by:
☑ Yes ☐ No	Date: 8/15/18	Date: 8/17/18	Date: 8/24/18	Date: 8-20-18

Revised 10-05-17

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	18-00022	Reason for Amendment:	VISION SHIRT - C. WALKER PYMT
Fiscal Year:	2018-2019		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			**Increase**	**Decrease**
1	199E41.6399.00.701.0.99.000	SUPPLIES	10.00	
2				
3				
4				
5				
6				
7				
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33				
REVENUE			**Decrease**	**Increase**
34	199.00.5749.00.000.0.00.000	MISC REV		10.00
35				
36				
37				
38				
Totals			- 10.00	10.00

Board Approval Required	Prepared by:	Approved by:	Reviewed by:	Entered by:
☑ Yes ☐ No	Date: 9-5-18	Date: 9/7/18	Date: 9/6/18	Date: 9-7-18

Revised 10-05-17

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	18-00023	Reason for Amendment:	INCREASE BUDGET FOR LITERACY 2020 UNUSED FUNDS & DONATION
Fiscal Year:	2018-2019		

	Account Number	Account Description	Debit	Credit
	EXPENDITURES		**Increase**	**Decrease**
1	199-21-6399-02-913-0-99-0-00	GENERAL SUPPLIES	2,856.00	
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
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33				
	REVENUE		**Decrease**	**Increase**
34	199-00-5744-00-000-0-00-0-00			2,000.00
35				
36				
37				
38				
Totals			856.00	2,856.00	2,000.00

Board Approval Required	Prepared by:	Approved by:	Reviewed by:	Entered by:
☑Yes ☐No	Date: 9/2/18	Date: 9/3/18	Date: 9/3/18	Date: 9-7-18

Revised 10-05-17

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	18-00025	**Reason for Amendment:**	Reimburse C&I for additional Pre K Supplies for new classrooms
Fiscal Year:	2018-2019		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			**Increase**	**Decrease**
1	199-E-21-6399-00-913-0-99-000	GENERAL SUPPLIES	2,700.00	
2	199-E-41-6639-00-740-0-99-000	FURNITURE & EQUIPMENTQ		2,700.00
3				
4				
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33				
REVENUE			**Decrease**	**Increase**
34				
35				
36				
37				
38				
Totals			- 2,700.00	2,700.00

Board Approval Required	Prepared by:	Approved by:	Reviewed by:	Entered by:
☑Yes ☐No	ML	ML		
	Date: 09/10/18	Date: 09/10/18	Date: 9/10/18	Date: 9-10-18

Revised 10-05-17

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	18-00026	Reason for Amendment:	MOVING FUNDS FOR ETS PAYMENT FOR TESTING
Fiscal Year:	2018-2019		

	Account Number	Account Description	Debit	Credit
	EXPENDITURES		**Increase**	**Decrease**
1	199E.11.6329.00.102.0.11.000	Reading materials	3,950.00	
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
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	REVENUE		**Decrease**	**Increase**
34	199.00.5749.00.000.0.00.000			3,950.00
35				
36				
37				
38				
Totals			- 3,950.00	3,950.00

Board Approval Required	Prepared by:	Approved by:	Reviewed by:	Entered by:
☑Yes ☐No	Date: 9-10-18	Date: 9/10/18	Date: 9/10/18	Date: 9-11-18

Revised 10-05-17

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	18-0027	Reason for Amendment:	Dell 900 Chromebook Captial Lease 810-6740166-002
Fiscal Year:	2018-2019		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			**Increase**	**Decrease**
1	199-E-53-6659-00-953-0-99-000	CAPITAL LEASE EQUIPMENT	302,220.00	
2	199-E-00-8911-00-000-0-00-000	OPERATING TRANSFER OUT - Transportation Facility	450,000.00	
3				
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REVENUE			**Decrease**	**Increase**
34	199-R-00-7913-00-000-0-00-000	PROCEEDS FROM CAPITAL LEASES		302,220.00
35		FUND BALANCE - DECREASE $450,000		
36				
37				
38				
Totals			450,000.00	752,220.00	302,220.00

Board Approval Required	Prepared by: ML	Approved by: ML	Reviewed by: SA	Entered by:
☑ Yes ☐ No	Date: 09/11/18	Date: 09/11/18	Date: 9/11/18	Date: 9-11-18

Revised 10-05-17

LEARNERS TODAY, LEADERS TOMORROW, MUSTANGS FOREVER!

Marble Falls ISD
Board of Trustees
Agenda Item Information

Meeting Date:
September 17, 2018

Meeting Type:
- (•) Regular Meeting
- ( ) Special Meeting/Workshop
- ( ) Hearing

Date Submitted: 9.11.2018

Agenda Placement:
- ( ) Public Hearing
- ( ) Information Items
- (•) Presentation/Discussion Items
- ( ) Consideration Items
- ( ) Consent Agenda

Subject:
Policy Update 111 Affecting Local Policies: BBD, CCA, CJA, DHE, DI, FEA

Executive Summary:

Last month, we presented information related to TASB updates of legal and local Board policy reflective of changes initiated by state and federal legislation, case law, and Commissioner Rulings. Update 111 provides such amended legal and local policy.

We ask for approval to adopt policies as presented.

Fiscal Impact:

Cost:
- ( ) Recurring
- ( ) One-Time
- (•) No Fiscal Impact

Funding Source:
- ( ) General Fund
- ( ) Grant Funds
- ( ) Bond Funds
- ( ) Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ( ) Yes
- (•) No

Administration's Recommendation:

To be approved as presented.

Submitted By:

Chris Allen

Board Approval Required: (•) Yes ( ) No

Update 111 contains (LOCAL) policies that require board action before we can incorporate Update 111 into your district's Policy On Line manual.

Please notify Travis Damron of your policy adoption by completing the electronic Notify TASB of Policy Adoption form* in myTASB. As an alternative option, you may complete, scan, and submit this form via e-mail to pol-support@tasb.org.

027904 Marble Falls ISD

Your Name: _____

Your E-mail: _____

Previous Updates

☐ I confirm that all updates prior to Update 111 have been adopted. (Visit Local Manual Updates† to see updates pending adoption.)

Update 111 Adoption Date: _____

Status (please check one):

☐ Adopted as presented by TASB—place online immediately

☐ Adopted with further changes, described below

_____

_____

_____

_____

Policy Changes

If you wish to make changes to policies issued in Update 111, submit those changes with your adoption notification. If you wish to make changes to policies not issued in Update 111, please e-mail those changes directly to your policy consultant.

Changes will be processed as a Local District Update. Your policy consultant may contact you about policy changes if necessary.

If you have questions, please contact Travis Damron by phone at 800-580-7529.

* Notify TASB of Policy Adoption: https://www.tasb.org/apps/PolicyAdmin/
† Local Manual Updates: https://www.tasb.org/apps/policyUpdates/index.aspx*

Update 111

Adoption Notification Form

Policy On Line®

TASB Policy Service

Localized Policy Manual Update 111

Marble Falls ISD

Remember: You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more on my.tasb.org under *Policy Service Resource Library: Local Manual Updates*.

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

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(LEGAL) vs. (LOCAL) Policies: Remember the Difference 2
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How to Keep Your Administrative Regulations Current 4
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Overview

Update 111 focuses primarily on amendments to the Administrative Code resulting from legislation from the 85th Legislative Session. Recommended changes to local policies address the following topics:

- Board member continuing education;
- Reports of fraud or financial impropriety;
- Emergency access to district facilities of contractors and subcontractors subject to criminal history review;
- Employee compensation during emergency closings;
- Reasonable suspicion alcohol and drug testing of employees; and
- Student excused absences for pursuing armed services enlistment.

Your Localized Update 111 packet also contains:

- **Explanatory Notes** describing the changes to each policy. Please note that, where appropriate, the Explanatory Notes ask you to verify that a particular policy reflects current district practice and to advise us of any changes needed so that our records and the district's policy manual accurately track the district's practice. Explanatory notes may also provide important information about policies not included in the update packet.
- ***Vantage Points—A Board Member's Guide to Update 111***, which provides local officials a highly summarized first glance at the update. Please distribute the enclosed copies of *Vantage Points* to your board members with the review copies of the update.
- **Instructions** for incorporating this update into each of the district's Localized Policy Manuals after board adoption. Use the enclosed Instruction Sheet as a guide to which policies should be added, replaced, and removed from your manual.

Legal Services Update Memo

New with Update 111, TASB Legal Services' Legal Issues in Update 111 memo (available on myTASB at https://www.tasb.org/Services/Policy-Service/myTASB/Vantage-Points/documents/legal_issues_u111.aspx) describes common legal concerns specific to the local policies recommended in this update for your consideration prior to board adoption of any local policies. Local policies will not be sent for a separate review by Legal Services as part of the update process. If after reviewing the memo you have questions about any specific provisions in your local policies, please contact TASB Legal Services at 800-580-5345.

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

(LEGAL) policies:

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

(LOCAL) policies:

- Require close attention by both the administration and the board
- Must reflect the practices of the district and the intentions of the board

- May only be changed by board action (adopt, revise, or repeal)

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

How to Place Policy Changes on the Agenda for Board Action

Board action on Localized Update 111 must occur within a properly posted, open meeting of the board.

- Update 111 may be addressed on the agenda posting as "Policy Update 111, affecting (LOCAL) policies (see attached list of codes)."
- You may use the "Agenda Posting (LOCAL) Policy List" provided online in *Local Manual Updates* and attach that list to the posting, or you may compile a list of (LOCAL) policy codes, titles, and subtitles from the material provided below.
- **BoardBook** compilers should use "Policy Update 111, affecting (LOCAL) policies" as the agenda item and, as agenda sub-items, the policy code, title, and subtitle of each of the (LOCAL) policies affected by the update.
- Here is a suggested motion for board action on Localized Update 111:

  "I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 111 [with the following changes:]"

How to Notify Policy Service of Board Action

Notify Policy Service of the board's action on Update 111 using the Update 111 Adoption Notification Form, enclosed, so Policy Service records remain accurate.

How to Keep Minutes

The board's action on Localized Update 111 must be reflected in board minutes. Your minutes should include:

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

How to Maintain Your Historical Record

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

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

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

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

- *The Administrator's Guide to Policy Management*
- Tutorial videos on handling an update

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

How to Keep Your Administrative Regulations Current

Inspect your administrative procedures and documents—including EXHIBITs, REGULATIONs, handbooks, and guides—that may be affected by Update 111 policy changes.

If you must make changes to the REGULATIONS or EXHIBITS contained in your board policy manual, please notify your policy consultant.

Disclaimer and Copyright

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

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Instruction Sheet
TASB Localized Policy Manual Update 111

District Marble Falls ISD

Code		Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AF	(LEGAL)	Replace policy	Revised policy
AID	(LEGAL)	Replace policy	Revised policy
BBD	(LEGAL)	Replace policy	Revised policy
BBD	(LOCAL)	Replace policy	Revised policy
BJC	(LEGAL)	Replace policy	Revised policy
BJCE	(LEGAL)	Replace policy	Revised policy
BJCG	(LEGAL)	Replace policy	Revised policy
BR	(LEGAL)	Replace policy	Revised policy
CAA	(LOCAL)	Replace policy	Revised policy
CBB	(LEGAL)	Replace policy	Revised policy
CDA	(LEGAL)	Replace policy	Revised policy
CFA	(LEGAL)	Replace policy	Revised policy
CJA	(LEGAL)	Replace policy	Revised policy
CJA	(LOCAL)	ADD policy	See explanatory note
CKE	(LEGAL)	Replace policy	Revised policy
CLB	(LEGAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CNB	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CRD	(LEGAL)	Replace policy	Revised policy
CRG	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
DBA	(LEGAL)	Replace policy	Revised policy
DBAA	(LEGAL)	Replace policy	Revised policy
DC	(LEGAL)	Replace policy	Revised policy
DCE	(LEGAL)	Replace policy	Revised policy
DF	(LEGAL)	Replace policy	Revised policy
DFBA	(LEGAL)	Replace policy	Revised policy
DH	(LEGAL)	Replace policy	Revised policy
DH	(LOCAL)	No policy enclosed	See explanatory note

DHB	(LEGAL)	Replace policy	Revised policy
DHE	(LOCAL)	Replace policy	Revised policy
DI	(LOCAL)	DELETE policy	See explanatory note
DP	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EB	(LEGAL)	Replace policy	Revised policy
EC	(LEGAL)	Replace policy	Revised policy
EFB	(LEGAL)	Replace policy	Revised policy
EHAD	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBAD	(LEGAL)	Replace policy	Revised policy
EHBAE	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EHBD	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
EIC	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EJ	(LEGAL)	DELETE policy	See explanatory note
EKB	(LEGAL)	Replace policy	Revised policy
EKBA	(LEGAL)	Replace policy	Revised policy
EL	(LEGAL)	Replace policy	Revised policy
ELA	(LEGAL)	ADD policy	See explanatory note
FD	(LEGAL)	Replace policy	Revised policy
FEA	(LOCAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FFAA	(LEGAL)	Replace policy	Revised policy
FFAB	(LEGAL)	Replace policy	Revised policy
FFEA	(LEGAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FOCA	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy
GBA	(LEGAL)	Replace policy	Revised policy
GKA	(LOCAL)	No policy enclosed	See explanatory note

Explanatory Notes
TASB Localized Policy Manual Update 111

District: Marble Falls ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Legal Services Update Memo: New with this update, TASB Legal Services' Legal Issues in Update 111 memo (available on myTASB at https://www.tasb.org/Services/Policy-Service/myTASB/Vantage-Points/documents/legal_issues_u111.aspx) describes common legal concerns specific to the local policies recommended in this update for your consideration prior to board adoption of any local policies. Local policies will not be sent for a separate review by Legal Services as part of the update process. If after reviewing the memo you have questions about any specific provisions in your local policies, please contact TASB Legal Services at 800-580-5345.

References to Legislative Bills: Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 85th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

AF (LEGAL) INNOVATION DISTRICTS

This legally referenced policy on innovation districts has been updated to include revised Administrative Code provisions effective January 31, 2018. These provisions address the areas of law from which an innovation district may not be exempted (see Prohibited Exemptions) and clarify a district's obligation to post the innovation plan on the district's website and, within 15 days of adoption, amendment, or renewal, provide a copy of the plan to TEA. (See Notice to TEA.)

AID (LEGAL) ACCOUNTABILITY
FEDERAL ACCOUNTABILITY STANDARDS

This legally referenced policy on federal accountability standards has been revised to include additional provisions from the Every Student Succeeds Act, including the elements of the required district plan, the identification of schools for support and improvement, and the district's required actions when schools are identified for support and improvement.

BBD (LEGAL) BOARD MEMBERS
TRAINING AND ORIENTATION

Revisions to this legally referenced policy on board member training are from revised Administrative Code rules effective June 13, 2018, which incorporate changes from SB 1566. Significant changes are as follows.

- The State Board of Education (SBOE) shall commend board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool or any other tool approved by the commissioner.
- Reporting of continuing education must occur at the last regular board meeting before an election of trustees. The minutes for that meeting must reflect whether each board member met or is deficient in the continuing education requirements and, if a trustee is deficient in training as of the anniversary of his or her joining the board, must be posted online within ten business days and until the trustee meets the requirements.
- A board member must participate in a local district orientation within one year before or 120 days after the board member's election or appointment.
- The annual team-building session must be at least three hours in length.

- Each board member must complete a three-hour continuing education training every two years on evaluating student academic performance. This training may be completed up to one year before election and must be completed no later than 120 days after election or appointment. In the circumstances outlined in the policy, this training can also satisfy team-building training.

TASB Legal Services has published three documents that provide more detailed information about these changes:

- Texas School Board Member Continuing Education answers frequently asked questions about board member training as required by the SBOE.
- Transitioning to New Time for Board Training Credit Announcements describes new reporting requirements for board member continuing education credit.
- Board President Announcement on Continuing Education of Board Members offers board presidents instructions and a sample script for making the board's annual announcement of training credit.

BBD (LOCAL) BOARD MEMBERS
TRAINING AND ORIENTATION

As described above at BBD(LEGAL), revised Administrative Code rules incorporate board member continuing education requirements from SB 1566. The law requires the board president to announce board member continuing education status at the last regular board meeting before trustee elections. The revisions to this local policy are recommended as best practice to promote transparency and clarify that the board president will annually announce the status of each board member's continuing education at the last meeting before the district's regular uniform election date, even if an election is not scheduled or held, such as when a district does not conduct annual elections or when an election is canceled. Please contact your policy consultant for an adjustment to this policy if your district will have a different practice for announcing continuing education credit when an election is not held.

BJC (LEGAL) SUPERINTENDENT
CONTRACT

This legally referenced policy has been revised to add an existing statutory provision allowing the board to amend the terms of a superintendent's term contract on the basis of a declared financial exigency.

BJCE (LEGAL) SUPERINTENDENT
SUSPENSION/TERMINATION DURING CONTRACT

This legally referenced policy on suspension or termination of a superintendent's contract has been revised to add provisions from existing rule, better match statutory wording, and delete a reference to an outdated case.

BJCG (LEGAL) SUPERINTENDENT
RESIGNATION

This legally referenced policy on superintendent resignation has been revised to better match statutory wording and to add a cross-reference to BJC, on superintendent contracts.

BR (LEGAL) REPORTS

Based on revised administrative rules effective June 13, 2018, we have added a reference to the required report regarding board member continuing education. (See item 7 and BBD(LEGAL), above.)

A revision from SB 1664 clarifies that a district that does not participate in TRS ActiveCare is no longer required to file its compliance report with TRS. (See item 18 and CRD(LEGAL), below.)

CAA (LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

A revision to this policy on fraud and financial impropriety is recommended to clarify that reports of suspected impropriety may be made to a person who has authority to investigate the alleged activity, including the other individuals listed in the policy. This revision aligns the district's policy with Education Code 37.148, which prohibits a district from adopting a policy that requires an employee to report only to certain persons or peace officers a crime witnessed at the school. (See Reports.)

CBB (LEGAL) STATE AND FEDERAL REVENUE SOURCES
FEDERAL

This legally referenced policy addressing state and federal revenue sources has been significantly reworked to provide more complete coverage of the relevant laws on retirement and insurance contributions and EDGAR and to better match statutory wording. Other relevant purchasing policies within the policy manual have been updated with cross-references to this policy for additional legal requirements applicable to purchases with federal funds.

CDA (LEGAL) OTHER REVENUES
INVESTMENTS

We have moved the definition of "business organization" within this legally referenced policy to clarify that it only applies to the provisions at Sellers of Investments, requiring a district to provide a written copy of its investment policy to any business organization offering to engage in an investment transaction with the district.

CFA (LEGAL) ACCOUNTING
FINANCIAL REPORTS AND STATEMENTS

Revisions to this legally referenced policy on financial reports and statements are to incorporate new administrative rules effective January 3, 2018. The rules expand on statutory provisions addressing the annual local debt report, including what the report must address, the comptroller-developed form for the report, and submission and posting procedures.

CJA (LEGAL) CONTRACTED SERVICES
CRIMINAL HISTORY

Effective November 29, 2017, Administrative Code rules addressing criminal history of service contractors were repealed, prompting revisions throughout this legally referenced policy. Other changes were to reorganize the provisions for consistency with the criminal history requirements for certain public works contractors and to add an existing statutory provision about the district's authority to obtain DPS criminal history record information.

Additional information may be found in TASB Legal Services' Criminal History Reviews of Contractor Employees, which answers frequently asked questions about criminal background checks and contractor employees, including forms for contractors to certify compliance to the school district.

CJA (LOCAL) CONTRACTED SERVICES
CRIMINAL HISTORY

As permitted by law, text at Emergencies authorizes the district employee in charge of a facility to determine whether an employee of a contracting or subcontracting entity who does not have the required criminal history review, or who has a disqualifying conviction, will be permitted to enter the facility in an emergency.

Additional information on criminal history reviews of contractor employees may be found in TASB Legal Services' eSource.

CKE (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL

Revisions to this legally referenced policy on security personnel include:

- The addition of a court case that provides guidance on the Government Code Chapter 614 provisions addressing complaints against district peace officers; and
- Additional detail from existing administrative rules on the school marshal program, including the option for a district to pay for the required marshal training and information on required reports to the Texas Commission on Law Enforcement (TCOLE) by the district and school marshal.

CLB (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
MAINTENANCE

The integrated pest management program provisions have been updated as a result of new administrative rules effective January 9, 2018. The policy revisions include new definitions, more details on the required notification to parents regarding application of pesticides, and the addition of provisions addressing Texas Department of Agriculture inspections and emergency exceptions to notice requirements.

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

This legally referenced policy on instructional materials has been revised to better reflect statutory wording.

CNB (LEGAL) TRANSPORTATION MANAGEMENT
DISTRICT VEHICLES

This legally referenced policy on district vehicles has been revised to better reflect statutory wording.

CO (LEGAL) FOOD SERVICES MANAGEMENT

We have removed a state law provision addressing sanctions by the Texas Department of Agriculture that no longer aligns with federal law, and we have revised text to better match statutory wording.

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

We have deleted the requirement to post on the district's website locally determined performance ratings and compliance status, as the corresponding administrative rule was repealed effective December 5, 2017. Citations have also been adjusted.

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

This legally referenced policy on health and life insurance has been significantly reworked to provide more complete coverage of the relevant laws, to include revisions based on amended administrative rules effective November 14, 2017, and to better match statutory wording.

CRG (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

Existing statutory provisions have been added regarding deferred compensation plans to include the requirement to designate a plan administrator, the plan administrator’s duties, and the factors for an investment product to be classified as a qualified investment product. Changes to the Annuities—Section 403(b) definitions are a result of amended administrative rules effective December 12, 2017. Other revisions are to reorder provisions for better flow and to better match statutory wording.

CS (LEGAL) FACILITY STANDARDS

This legally referenced policy on facility standards has been significantly reworked to provide more complete coverage of the relevant laws, to include a recent attorney general opinion regarding application of the International Energy Conservation Code to public school buildings, and to better match statutory wording.

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

A change at Former Employees on page 18 is from amended administrative rules effective March 4, 2018, and allows an employee to "verify" rather than "sign" the original service record, which provides districts more flexibility in how the employee can confirm the service record.

DBAA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

Amended administrative rules effective March 8, 2018, specify that the State Board for Educator Certification may sanction an educator who does not refuse to hire an applicant if the educator knew, or should have known through a criminal history review, that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor. (See Refusal to Hire Convicted Applicants, Sanctions.)

DC (LEGAL) EMPLOYMENT PRACTICES

Revisions to this legally referenced policy addressing employment of retirees are from amended administrative rules effective November 14, 2017. The changes describe additional employment relationships with retirees that are considered employment for purposes of the limits on employment after retirement and that must be reported for the first 12 full consecutive months after retirement. (See Employment of Retirees.)

DCE (LEGAL) EMPLOYMENT PRACTICES
OTHER TYPES OF CONTRACTS

An outdated case has been deleted from this legally referenced policy.

DF (LEGAL) TERMINATION OF EMPLOYMENT

Amended administrative rules effective March 8, 2018, specify that the State Board for Educator Certification may sanction an educator who does not discharge an employee if the educator knew, or should have known through a criminal history review, that the employee had been adjudicated for or convicted of having an inappropriate relationship with a minor. (See Discharge of Convicted Employees, Sanctions.)

DFBA (LEGAL) TERM CONTRACTS
SUSPENSION/TERMINATION DURING CONTRACT

An outdated case has been deleted from this legally referenced policy and, based on revised administrative rules effective March 8, 2018, citations have been updated.

DH (LEGAL) EMPLOYEE STANDARDS OF CONDUCT

Additional provisions of the federal Drug-Free Workplace Act are included to provide a more complete explanation of the requirements.

DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT

Most districts' policies at DH(LOCAL) provide that the district's prohibition against firearms on district property is not violated when a district employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a district parking area, provided the handgun or other firearm is not loaded and is not in plain view. However, the interplay of state and federal law would permit a district to revise this policy to allow such an employee to have a loaded handgun or firearm under these circumstances. Please contact your policy consultant if you would like to revise the district's policy.

TASB Legal Services has detailed information about firearms on school property and at school activities and the circumstances under which a school district may authorize personnel to carry firearms.

DHB (LEGAL) EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

Changes to this legally referenced policy on reports to the State Board for Educator Certification are based on revised administrative rules effective March 8, 2018. The rules clarify reportable misconduct and require the report to address current employment status, including pending actions and whether law enforcement or another agency is involved.

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

Recommended text clarifies that the district may remove from duty and require testing of an employee if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of district policy. The text also addresses consequences for an employee's refusal to comply with testing and for violation of the district's drug and alcohol policy.

DI (LOCAL) EMPLOYEE WELFARE

This local policy addressing drug-free awareness programs is recommended for deletion, as the content is adequately covered through the district's DH(LEGAL) and (LOCAL) policies. See DH(LEGAL) for the district's requirements under the federal Drug-Free Workplace Act.

DP (LEGAL) PERSONNEL POSITIONS

Provisions on principal certification have been updated to provide a more complete explanation of the requirements.

E (LEGAL) INSTRUCTION

The E Section table of contents has been revised to add a code, ELA, to address partnership charters and to revise the title of EL to Campus or Program Charters. In addition, EJ is being deleted from the manual, and that code has been removed from the table of contents.

EB (LEGAL) SCHOOL YEAR

Effective with the 2018–19 school year, HB 2442 revised the Education Code provision addressing the length of a school year to clarify that the required 75,600 minutes are for operation, not just instruction. HB 2442 also included provisions allowing the commissioner to reduce funding if the district provides fewer than 75,600 minutes of operation and exemptions from the minimum minutes of operation for certain instructional programs.

EC (LEGAL) SCHOOL DAY

Effective with the 2018–19 school year, HB 2442 deleted the statutory provision requiring a school day to be at least seven hours long and a day of instruction to include 420 minutes of instruction. As a result, we have removed those provisions from this legally referenced policy.

EFB (LEGAL) INSTRUCTIONAL RESOURCES
LIBRARY MEDIA PROGRAMS

A citation has been added to the revised standards for school library programs, which were adopted by the Texas State Library and Archives Commission effective March 8, 2018. A district must consider the standards in developing, implementing, or expanding library services.

EHAD (LEGAL) BASIC INSTRUCTIONAL PROGRAM
ELECTIVE INSTRUCTION

Driver education provisions have been revised to include existing provisions about the requirements for a driver education course and to replace detailed information on student eligibility with reference to the appropriate subchapter of the Administrative Code.

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

At Individualized Education Program, a revision to item 11, based on changes to the Administrative Code effective February 15, 2018, requires the ARD committee to consider appropriate transition issues beginning no later than when a student reaches 14 years of age.

EHBAD (LEGAL) SPECIAL EDUCATION
TRANSITION SERVICES

A revision at Individual Transition Planning is based on changes to the Administrative Code effective February 15, 2018, which align the rules with the Education Code.

EHBAE (LEGAL) SPECIAL EDUCATION
PROCEDURAL REQUIREMENTS

Citations have been updated throughout this legally referenced policy based on changes to the Administrative Code effective February 15, 2018, and additional detail from existing law has been added to the notice required when a student reaches the age of 18. (See page 7.)

EHBC (LEGAL) SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES

At Compensatory Education Allotment, we have removed outdated provisions that capped the percentage of compensatory education funds that could be used for DAEP expenditures, that addressed the development of college preparatory courses for the 2014–15 school year, and that addressed partnerships with community colleges for dropout recovery programs.

EHBD (LEGAL) SPECIAL PROGRAMS
FEDERAL TITLE I

This legally referenced policy on federal Title I requirements has been revised to include additional provisions on fiscal requirements, including maintenance of effort, the use of funds to supplement state and local funds, and prohibited uses of funds.

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

Provisions at Dual Credit Programs have been revised as a result of amended administrative rules effective February 15, 2018. In addition to updating definitions, the amended rules require dual-credit partnership agreements to address defined sequences of courses where applicable.

An amendment to the Administrative Code effective February 28, 2018, provides that the Texas Success Initiative (TSI) is the only assessment instrument approved by the Texas Higher Education Coordinating Board for evaluating a student's enrollment in a developmental course offered by a community college. (See Remedial Programs.)

EI (LEGAL) ACADEMIC ACHIEVEMENT

Provisions at Notation on Transcript or Diploma, applicable to students who entered grade 9 before the 2014–15 school year, have been moved to this code without revision from EJ(LEGAL).

EIC (LEGAL) ACADEMIC ACHIEVEMENT
CLASS RANKING

Provisions regarding automatic admission have been updated to reflect current law. In addition, detailed notification requirements about automatic admission have been added from revised administrative rules effective February 14, 2018.

EIF (LEGAL) ACADEMIC ACHIEVEMENT
GRADUATION

Specific provisions addressing students who entered grade 9 prior to the 2012–13 school year have been replaced with a reference to the relevant Administrative Code provisions. Based on amendments to administrative rules effective February 15, 2018, references to prior school years have also been adjusted in the provisions addressing graduation of students receiving special education services.

New administrative rules effective May 3, 2018, implement SB 463 and permit a district to award a diploma to an individual who entered grade 9 before the 2011–12 school year and has completed the applicable curriculum requirements, but who has not successfully passed the relevant exit-level assessment required for graduation after at least three tries. To graduate, the student must meet the alternative requirements for graduation in 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board. Information to assist districts in developing graduation requirements for board approval was e-mailed to districts in April 2018.

EJ (LEGAL) ACADEMIC GUIDANCE PROGRAM

This code is being deleted. Provisions on academic counseling have been moved to FFEA(LEGAL) to house all counselor-related duties in the same code. Provisions regarding notations on transcripts or diplomas have been moved to EI(LEGAL).

EKB (LEGAL) TESTING PROGRAMS
STATE ASSESSMENT

Conduct that violates the security and confidentiality of a state assessment has been updated to match the 2018 Test Security Supplement. The list of penalties has also been updated to permit the imposition of additional conditions or restrictions upon a certificate to facilitate the rehabilitation and professional development of the educator or to protect students, parents, school officials, or personnel.

EKBA (LEGAL) STATE ASSESSMENT
ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

Several provisions have been deleted from this legally referenced policy based on the repeal of administrative rules effective March 27, 2018. The repeal aligned the commissioner rules with current law and removed inapplicable language related to the elimination of the Texas Assessment of Knowledge and Skills (TAKS).

EL (LEGAL) CAMPUS OR PROGRAM CHARTERS

In addition to the title change, provisions addressing partnership charters have been moved to ELA(LEGAL).

ELA (LEGAL) CAMPUS OR PROGRAM CHARTERS
PARTNERSHIP CHARTERS

This new legally referenced policy includes material on partnership charters, previously at EL(LEGAL), and has been updated to include several existing statutory provisions and new material from administrative rules adopted effective March 30, 2018. The administrative rules provide significant guidance for districts that choose to contract with a partner to operate a district campus to receive accountability benefits in accordance with Education Code 11.174 and financial benefits in accordance with Education Code 42.2511.

TEA has additional information about the partnership process on its website.

FD (LEGAL) ADMISSIONS

Provisions at Pest Control Information have been updated as a result of new administrative rules effective January 9, 2018. The revisions add more detail about the notification to parents regarding application of pesticides that is required upon a child's registration for school.

FEA (LOCAL) ATTENDANCE
COMPULSORY ATTENDANCE

A revision is recommended at Armed Services Enlistment to more accurately track the relevant statute, which requires a district to excuse a student 17 years of age or older for up to four days during the student's enrollment in high school to pursue military enlistment.

FEB (LEGAL) ATTENDANCE
ATTENDANCE ACCOUNTING

This legally referenced policy on attendance accounting has been revised to better match statutory wording and to add appropriate cross-references.

FFAA (LEGAL) WELLNESS AND HEALTH SERVICES
PHYSICAL EXAMINATIONS

Changes to the spinal screening provisions are from revised administrative rules effective January 1, 2018, and include new parent notification requirements, adjustments to the screening schedule, and guidance on the transfer of spinal screening records.

FFAB (LEGAL) WELLNESS AND HEALTH SERVICES
IMMUNIZATIONS

Provisions regarding immunization records have been updated to more closely track statutory wording.

FFEA (LEGAL) STUDENT ASSISTANCE PROGRAMS/COUNSELING
COMPREHENSIVE GUIDANCE PROGRAM

Provisions on academic counseling have been moved from EJ(LEGAL) to this code in order to house all counselor-related duties in the same code.

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

A note has been added to this policy to provide a reference to FB(LEGAL), which addresses discrimination on the basis of disability, sex, and other protected characteristics.

FOCA (LEGAL) PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

Effective with the 2018–19 school year, HB 2442 repealed the Education Code provision that required a school day for a DAEP to be between seven and ten hours long. That provision has now been removed from this legally referenced policy.

FOF (LEGAL) STUDENT DISCIPLINE
STUDENTS WITH DISABILITIES

Two existing provisions have been added to this legally referenced policy on students with disabilities to provide more complete coverage of the relevant laws. At Expulsion, the provision addresses the requirements to invite the administrator of the county JJAEP to an ARD committee meeting to discuss the discretionary expulsion of a student with a disability. On page 4 at Services During Removal, the provision requires the district to convene, for a student with a disability expelled under a discretionary expulsion, an ARD committee to reconsider placement in a JJAEP if the JJAEP notifies the district that the student's educational or behavioral needs cannot be met in the JJAEP.

GBA (LEGAL) PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

Based on changes from SB 256, we have updated the name of the Address Confidentiality Program for Victims of Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking of Persons. (See Crime Victims on page 7.)

GKA (LOCAL) COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

Most districts' policies at GKA(LOCAL) provide that the district's prohibition against firearms on district property is not violated when a Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a district parking area, provided the handgun or other firearm is not loaded and is not in plain view. However, the interplay of state and federal law would permit a district to revise this policy to allow such an individual to have a loaded handgun or firearm under these circumstances. Please contact your policy consultant if you would like to revise the district's policy.

TASB Legal Services has detailed information about firearms on school property and at school activities and the circumstances under which a school district may authorize personnel to carry firearms.

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.

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

Local Innovation Plan

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.

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. *Education Code 12A.0071(b); 19 TAC 102.1307(g)*
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. *Education Code 12A.006; 19 TAC 102.1311*
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. *Education Code 12A.007; 19 TAC 102.1313*
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. *Education Code 12A.0071(a); 19 TAC 102.1307(f)* The district's innovation plan must be clearly posted on the district's website for the term of the designation as an innovation district. *19 TAC 102.1307(f)*

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.

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

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)*

Note: The Every Student Succeeds Act (ESSA) amended federal accountability standards under the Elementary and Secondary Education Act (ESEA) of 1965. The ESSA requirements described in this policy do not represent a complete list of legal obligations. Districts and schools that receive Title I, Part A funds should carefully review federal and state requirements concerning use of those funds. [See EHBD and CBB]

District Plan

A district may receive a subgrant under Title I, Part A of the ESEA for any fiscal year only if the district has a plan approved by and on file with TEA that:

1. Is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a district that has charter schools), administrators (including administrators of programs described in other parts of this subchapter), other appropriate school personnel, and with parents of children in schools served under Title I, Part A; and

2. As appropriate, is coordinated with other programs described by 20 U.S.C. 6312(a).

20 U.S.C. 6312(a)(1)

Each district plan shall describe:

1. How the district will monitor students' progress in meeting the challenging state academic standards by developing and implementing a well-rounded program of instruction to meet the academic needs of all students, identifying students who may be at risk for academic failure, providing additional education assistance to individual students the district or school determines need help in meeting the challenging state academic standards, and identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;

2. How the district will identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers;

3. How the district will carry out its responsibilities in comprehensive support and improvement plans and targeted support and improvement plans;

4. Poverty criteria to select eligible school attendance areas;

5. The nature of the programs to be conducted by the district's schools under 20 U.S.C. 6314 and 6315;

6. The services the district will provide for homeless children and youths;

7. The strategy the district will use to implement effective parent and family engagement;

8. How the district will support, coordinate, and integrate services provided under Title I, Part A with early childhood education programs at the district or individual school level, including plans for the transition of participants in such programs to local elementary school programs, if applicable;

9. How teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under 20 U.S.C. 6315, will identify the children most in need of services;

10. How the district will implement strategies to facilitate effective transition for students from middle grades to high school and from high school to postsecondary education;

11. How the district will support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by each of the subgroups of students as defined in 20 U.S.C. 6311(c)(2);

12. How the district will support programs that coordinate and integrate academic and career and technical education and work-based learning opportunities, if appropriate; and

13. Any other information on how the district proposes to use funds to meet the purposes of Part A and that the district determines appropriate to provide, which may include how the district will assist schools in identifying and serving gifted and talented students and assist schools in developing effective school library programs.

20 U.S.C. 6312(b)

Each district plan shall provide assurances that the district will:

1. Ensure that migratory and formerly migratory children who are eligible to receive services under Part A are selected to re-

ceive such services on the same basis as other children who are selected to receive services under Part A;

2. Provide services to eligible children attending private elementary schools and secondary schools in accordance with 20 U.S.C. 6320, and timely and meaningful consultation with private school officials regarding such services [see EHBD];

3. Participate, if selected, in the National Assessment of Educational Progress (NAEP) in reading and mathematics in grades 4 and 8;

4. Coordinate and integrate services under Part A with other educational services at the district or school level, such as services for children with disabilities, migratory children, American Indian children, and homeless children and youth, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

5. Collaborate with the state or local child welfare agency to:

   a. 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 point of contact for the district [see FFC]; and

   b. Develop and implement clear written procedures governing how transportation to maintain foster care children in their schools of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care [see CNA and FD];

6. Ensure all teachers and paraprofessionals working in a program supported with funds under Part A meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification; and

7. Ensure that early childhood education services to low-income children comply with performance standards under the Head Start Act, in cases of districts that choose to use funds under Part A to provide early childhood education services to low income children below the age of compulsory school attendance.

20 U.S.C. 6312(c)

Annual Review

A district receiving federal funds under Title I, Part A shall periodically review and, as necessary, revise its plan. *20 U.S.C. 6312(a)(5)*

School Support and Improvement

Identification of Schools

At least once every three school years, based on a system of meaningful differentiation as described by 20 U.S.C. 6311 and agency determined methodology, TEA shall identify one statewide category of schools for comprehensive support and improvement. *20 U.S.C. 6311(c)(4)(D)(i)*

Comprehensive Support and Improvement

TEA shall notify each district of any school that is identified for comprehensive support and improvement.

Upon receiving notification, the district shall, for each identified school and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes that:

1. Is informed by all indicators described in the accountability system including student performance against state-determined long-term goals;
2. Includes evidence-based interventions;
3. Is based on a school-level needs assessment;
4. Identifies resource inequities, which may include a review of district- and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;
5. Is approved by the school, district, and TEA; and
6. Is monitored and periodically reviewed by TEA, upon approval and implementation.

20 U.S.C. 6311(d)(1)

Option to Transfer

A district may provide all students enrolled in a school identified by TEA for comprehensive support and improvement with the option to transfer to another public school served by the district. [See FDB] *20 U.S.C. 6311(d)(1)(D)*

Targeted Support and Improvement

TEA shall notify each district of any school served by the district in which any subgroup of students is consistently underperforming as described by the indicators in the state's accountability system. TEA will also ensure the district provides notification to such school with respect to which subgroup or subgroups of students are consistently underperforming in the state's accountability system.

Each school receiving notification described above, in partnership with stakeholders (including principals and other school leaders, teachers, and parents), shall develop and implement a school-level targeted support and improvement plan to improve student out-

comes based on the indicators in the statewide accountability system, for each subgroup of students that was the subject of the notification.

The plan shall be informed by all indicators described in the state accountability system, including student performance against long-term goals; include evidence-based interventions; be approved by TEA prior to implementation; be monitored, upon submission and implementation by TEA; and result in additional action following unsuccessful implementation of such plan after a number of years determined by TEA.

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

Additional Targeted Support

A targeted support and improvement plan, as described above, that is developed and implemented in any school receiving a notification under additional targeted support shall also identify resource inequities (which may include a review of district- and school-level budgeting), to be addressed through implementation of such plan. *20 U.S.C. 6311(d)(2)(C)*

Continued Support

TEA shall establish statewide exit criteria for schools identified for comprehensive support and improvement, which if not satisfied within a state-determined number of years, shall result in more rigorous state-determined action, such as the implementation of interventions. Schools that have been identified for additional targeted support that have not satisfied TEA exit criteria within a state-determined number of years shall be identified by TEA for comprehensive support and improvement, as described above. *20 U.S.C. 6311(d)(3)(A)*

Open Meetings Act Training

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its members under Government Code Chapter 551 (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(EXHIBIT)] shall be distributed annually by the board president to all current board members and the superintendent. *19 TAC 61.1(a)*

No continuing education shall take place during a board meeting unless that meeting is called for the delivery of board member continuing education. Continuing education may take place before or after a legally called board meeting in accordance with Government Code 551.001(4) (definition of "meeting"). *19 TAC 61.1(c)*

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

Annually, the SBOE shall commend those board-superintendent teams that effectively implement the commissioner of education's trustee improvement and evaluation tool developed under Education Code 11.182 or any other tool approved by the commissioner.

19 TAC 61.1(k), (l)

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. 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. The president shall cause the minutes to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's Internet website within ten business days of the meeting and maintain the posting until the trustee meets the requirements. *19 TAC 61.1(j); Education Code 11.159(b)*

Orientation

Local District Orientation

Each new board member shall participate in a local district orientation session within one year before or 120 days after the board member's election or appointment. The purpose of this 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.

Any sitting board member may attend or participate in the local district orientation.

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

Education Code Orientation

A sitting board member shall receive 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. The orientation shall be delivered by regional education service centers and shall be no less than three hours in length. Topics shall include Chapter 26 (Parental Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction).

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 be open to any sitting board member who chooses to attend.

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

Legislative Updates

After each session of the Texas Legislature, each board member shall receive an update to the basic orientation to the Education Code from a regional education service center or any registered provider. A board member who has attended a basic orientation session given by a service center that incorporates the most recent legislative changes is not required to attend an update. *19 TAC 61.1(b)(1)(C)*

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 include a review of the roles, rights, and responsibilities of the board as outlined in the framework for governance leadership. 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 governance leadership team for the year.

19 TAC 61.1(b)(2)

Annual Continuing Education

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

provided by a regional education service center or other registered provider. *19 TAC 61.1(b)(3)*

At least 50 percent of the continuing education shall be designed and delivered by persons not employed or affiliated with a 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)*

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 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)*

Board President

A board president shall receive continuing education related to leadership duties of the board president as some portion of the annual requirement. *19 TAC 61.1(b)(3)(C)*

Evaluating Student Academic Performance

Each board member shall complete continuing education every two years on evaluating student academic performance.

The purpose of the training 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

A trustee or candidate may complete the training at a regional education service center or through another authorized provider. *Education Code 11.159(d)*

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)*

Time for Completion

A candidate may complete the training up to one year before the candidate is elected.

If a newly elected or appointed board member did not complete this training in the year preceding the member's election, the member must complete the training within 120 days after election or appointment.

A returning board member shall complete the training by the second anniversary of the completion of the trustee's previous training.

Contents

The training on evaluating student academic performance shall be at least three hours in length and include, at a minimum, the following:

1. Instruction in school board behaviors correlated to improved student outcomes with emphasis on inputs, outcomes, and collaborative student outcome goal setting;
2. Instruction in progress monitoring to improve student outcomes with emphasis on progress monitoring practices, formative assessments, interim assessments, and summative assessments; and
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.

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 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)

Public Information Coordinator

The Superintendent shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012. [See GBAA]

Reporting Continuing Education Credit

The Board President shall announce the status of each Board member's continuing education credit. The announcement shall be made annually at the last regular Board meeting before the District's uniform election date, whether or not an election is held. The announcement shall be reflected in the meeting minutes and, when necessary, posted on the District's website in accordance with law.

Term of Contract A board may employ by contract a superintendent for a term not to exceed five years. *Education Code 11.201(b)*

Property Interest A contract of employment with a district creates a property interest in the position only for the period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract. *Perry v. Sindermann, 408 U.S. 593 (1972); Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972)*

Financial Exigency On the basis of a financial exigency declared under Education Code 44.011 [see CEA] that requires a reduction in personnel, the board may choose to amend the terms of the contract of a superintendent employed under a term contract. A superintendent whose contract is amended under this provision may resign without penalty by providing reasonable notice to the board and may continue employment for that notice period under the prior contract. *Education Code 21.212(f)*

Suspension Without Pay

A board may, for good cause as determined by the board, suspend a superintendent without pay pending discharge or in lieu of termination. The suspension may not extend beyond the end of the school year. *Education Code 21.201(1), .211(b)*

The procedures for hearings before a hearing examiner apply if a superintendent requests a hearing after receiving notice of a proposed decision to suspend the superintendent without pay. *Education Code 21.251(a)(3)*

Back Pay

A superintendent who is not discharged after being suspended without pay pending discharge is entitled to back pay for the period of suspension. *Education Code 21.211(c)*

Contract Termination

The board may terminate a term contract and discharge the superintendent at any time for good cause as determined by the board. *Education Code 21.211(a), .212(d)*

Due Process

Before dismissal for good cause, a superintendent shall be given notice of the charges against him or her, an explanation of the district's evidence, and an opportunity to respond. *Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 546 (1985)*

Hearing

If a superintendent desires a hearing before an independent hearing examiner on a proposed decision to terminate the superintendent's term contract, the superintendent must file a written request for such a hearing with the commissioner of education not later than the 15th day after the date the superintendent receives written notice of the proposed action. The superintendent must provide the district with a copy of the request. The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing. *Education Code 21.251, .253* [See DFD]

Severance Payments

A board that makes a severance payment to a superintendent shall report the terms of the payment to the commissioner.

Duty to Report

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

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

quirement is part of the district's compliance with required financial accounting practices under Education Code 39.057. Failure to comply may result in sanctions.

Required Documentation

A district must enclose with the submitted Superintendent Payment Disclosure Form a copy of the superintendent employment contract and a copy of the termination or severance agreement. A district must provide the commissioner with any information or documentation that the commissioner requests under 19 Administrative Code 105.1021(b)(4) in order to determine if a payment is a severance payment.

Reduction of State Funds

The commissioner shall reduce a district's Foundation School Program (FSP) funds by any amount that the severance payment exceeds one year's salary and benefits under the superintendent's terminated contract. The commissioner will reduce the district's FSP funding for the school year following the school year in which the first payment requiring an FSP reduction is made to the former superintendent. The commissioner also will reduce the district's FSP funds in the school year following each school year that any additional payment requiring an FSP reduction is made to the former superintendent. If a district's liability to the state exceeds the total of the district's estimated payments of FSP funding for the remainder of the school year, the district is subject to reductions in its FSP funding for subsequent school years until the liability has been fully liquidated.

A reduction in FSP funding under these provisions does not affect a district's obligation to comply with all provisions of Education Code Chapter 42, including its obligation to provide educational services to special populations.

Definition

"Severance payment" means any amount paid by a board to or in behalf of a superintendent on early termination of the superintendent's contract that exceeds the amount earned by the superintendent under the contract as of the date of termination, including any amount that exceeds the amount of earned standard salary and benefits that is paid as a condition of early termination of the contract. "Severance payment" includes any payment for actual or threatened litigation involving or related to the employment contract.

Payments to a former superintendent who remains employed by a district in another capacity or contracts with a district for services may be severance payments in whole or in part, if the payments are compensation for the early termination of a prior employment agreement.

Education Code 11.201(c); 19 TAC 105.1021

Year End

A superintendent may leave the employment of a district at the end of a school year without penalty by filing a written resignation with the board. The resignation must be addressed to the board and filed not later than the 45th day before the first day of instruction of the following school year.

Mid-year

A superintendent may resign, with the consent of a board, at any other time.

Financial Exigency

A superintendent whose contract is amended by the board on the basis of a financial exigency declared under Education Code 44.011 [see CEA] may resign without penalty by providing reasonable notice to the board and may continue employment for the notice period under the prior contract. [See BJC]

Education Code 21.212(e), (f)

Note: The following is an index of periodic reports that are addressed in the legally referenced material of the policy manual. The list is not exhaustive. This list does not address responsive reports (those that are required in response to a specific incident), reports required under special circumstances, or all reports required under administrative procedures of an agency.

Electronic Submission to TEA

Notwithstanding any other law, a district shall submit only in electronic format all reports required to be submitted to TEA under the Education Code. *Education Code 7.060(c)*

Report Requirements

District publication and distribution requirements follow:

1. A written report to each parent of student performance, under Education Code 39.303. [See AIB]
2. At the beginning of the school year, a report to each teacher of students who took a state assessment, indicating whether each student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement, under Education Code 39.304. [See AIB]
3. At the beginning of the school year, a report to each student who took a state assessment, indicating whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement, under Education Code 39.304. [See AIB]
4. Annually, a report describing the educational performance of the district and of each campus in the district, under Education Code 39.306. [See AIB]
5. Annually, information from a campus report card to the parent of each student at the campus, under Education Code 39.305. [See AIB]
6. An end-of year financial report, for distribution to the community under Education Code 11.1511(b)(11). [See BAA]
7. At the last regular board meeting before an election of trustees, the board president's announcement of 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. The minutes of this board meeting must reflect whether each trus-

tee 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 under 19 Administrative Code 61.1(j) and Education Code 11.159(b). [See BBD]

8. By September 1 of each year, a report to TEA regarding the number of requests submitted by a member of the board, during the preceding school year, for information, documents, and records and the total cost to the district of responding to such requests, under Education Code 11.1512(c)–(f). [See BBE]

9. The annual financial management report, under Education Code 39.083. [See CFA]

10. Annually, a proposed budget shall be submitted to TEA on or before the date established in the *Financial Accountability System Resource Guide*, under Education Code 44.005. [See CE]

11. On or before the date set by the State Board of Education, a report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA, under Education Code 44.007(c), (d). [See CFA]

12. Not later than the 150th day after the date the fiscal year ends, a board president shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the district, under Local Government Code 140.006. [See CFA]

13. Not later than the 150th day after the end of the fiscal year for which an audit was made, a copy of the annual audit report shall be filed with TEA, under Education Code 44.008(d). [See CFC]

14. At least once every three years, a district shall conduct a safety and security audit of the district's facilities and report the results of the safety and security audit to the Texas School Safety Center, under Education Code 37.108. [See CK]

15. Not later than March 1 of each year, each district police department shall submit a report containing information about motor vehicle stops during the previous calendar year to the Texas Commission on Law Enforcement (TCOLE) and the governing body of each county or municipality served by the department, under Code of Criminal Procedure 2.134. [See CKE]

16. By September 1, districts involved in a school bus advertising program shall provide to the Texas Department of Public Safety written notification of the number of school buses operated by or for the district that display exterior advertising or another paid announcement, under 37 Administrative Code 14.65(a)(1), (b). [See CNB]

17. Annually, a district shall report to TEA the number of accidents in which its buses were involved in the past year, under Education Code 34.015(b). [See CNC]

18. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall prepare a report addressing its compliance with Education Code 22.004. [See CRD]

19. At least every two years, before the beginning of the school year and in strict compliance with the time frames established by Railroad Commission rule, a district shall report to its natural gas supplier the results of a pressure test of natural gas piping systems in each district facility, under Utilities Code 121.502–.504. [See CS]

20. Each month, a district that employs any retirees shall file a certified statement with TRS, under Government Code 824.6022. [See DC]

21. Before November 1 of each year, a board shall report to TEA the number of limited English proficient (LEP) students on each campus, under Education Code 29.053(b). [See EHBE]

22. Annually, a district that operates a high school equivalency program shall submit a progress report to TEA, under 19 Administrative Code 89.1417(a). [See EHBL]

23. Annually, a district shall report to TEA the number of students who have participated in a program to earn college credit in high school and the courses in which participating students have earned credit, under Education Code 28.009. [See EHDD]

24. A superintendent shall report the results of reading instruments to the commissioner of education and the board; a student's results, in writing, to the student's parent or guardian; and each student's raw score electronically to TEA, under Education Code 28.006(d). [See EKC]

25. A district shall use the student attendance accounting standards established by the commissioner to make reports on

student attendance and student participation in special programs, under 19 Administrative Code 129.1025. [See FEB]

26. A district shall compile the results of the annual physical fitness assessment of students and provide summary results to TEA, under Education Code 38.103. [See FFAA]

27. On or before June 30 of each year, a district shall submit to the Texas Department of State Health Services (TDSHS) a report on the vision and hearing screening status of students who were screened during the reporting year, under Health and Safety Code 36.006 and 25 Administrative Code 37.26(b)(6). [See FFAA]

28. On or before June 30 of each year, a district shall submit to TDSHS a report of spinal screening performed during the school year, under 25 Administrative Code 37.145(b)(5). [See FFAA]

29. A district located in Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, or 20 shall submit to the University of Texas—Rio Grande Valley Border Health Office an annual report on its students' risk assessment status for Type 2 diabetes, under Health and Safety Code 95.004(e). [See FFAA]

30. Annually, a district shall submit a report of the immunization status of students to TDSHS, under Education Code 38.002(c) and 25 Administrative Code 97.71. [See FFAB]

31. Annually, a district shall report to the commissioner information regarding each placement in a disciplinary alternative education program (DAEP) and each expulsion, under Education Code 37.020. [See FO]

32. Not later than the 30th day after the contract is executed and again not later than the 30th day after the contract is terminated, a district shall report to the Office of Federal-State Relations any contract between the district and a federal-level government relations consultant, under Government Code 751.016. [See GR]

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
  - for Board members—BBF
  - for employees—DH
- Financial conflicts of interest:
  - for public officials—BBFA
  - for all employees—DBD
  - for vendors—CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

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Fraud and Financial Impropriety

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

Definition

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.

2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Any other dishonest act regarding the finances of the District.
13. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

The Superintendent or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the Superintendent or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Fraud Investigations

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

Federal Awards Disclosure

The District shall 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 a federal grant award. [See CBB]

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

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.

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

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 New EDGAR website[1] 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. *2 C.F.R. 200.300(b)*

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 (Remedies for Noncompliance), including suspension or debarment. *2 C.F.R. 200.113*

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]

2 C.F.R. 200.318

Financial Management

The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by 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).

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), .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 above at General Procurement Standards]

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*

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 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)*

“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*

Micro-purchase threshold means $3,500. *48 C.F.R. 2.101*

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*

Simplified acquisition threshold means $150,000. *48 C.F.R. 2.101*

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 (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

Districts and contractors 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 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

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 select-

ed 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)

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. *34 C.F.R. 76.1*
General Education Provision Act	The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the DOE and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

[1] TEA New EDGAR website:
https://tea.texas.gov/Finance_and_Grants/Grants/the_new_edgar/
[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

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All investments made by a district shall comply with the Public Funds Investment Act (Texas Government Code Chapter 2256, Subchapter A) and all federal, state, and local statutes, rules, or regulations. *Gov't Code 2256.026*

Definitions

Investment Pool — "Investment pool" means an entity created under the Texas Government Code to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield.

Pooled Fund Group — "Pooled fund group" means an internally created fund of a district in which one or more institutional accounts of a district are invested.

Separately Invested Asset — "Separately invested asset" means an account or fund of a district that is not invested in a pooled fund group.

Gov't Code 2256.002(6), (9), (12)

Repurchase Agreement — "Repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations, described at Obligations of Governmental Entities, below, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement. *Gov't Code 2256.011(b)*

Hedging — "Hedging" means acting to protect against economic loss due to price fluctuation of a commodity or related investment by entering into an offsetting position or using a financial agreement or producer price agreement in a correlated security, index, or other commodity.

Eligible Entity — "Eligible entity" means a political subdivision that has:

1. A principal amount of at least $250 million in outstanding long-term indebtedness, long-term indebtedness proposed to be issued, or a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued; and
2. Outstanding long-term indebtedness that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

Eligible Project — "Eligible project" has the meaning assigned by Government Code 1371.001 (regarding issuance of obligations for certain public improvements).

Gov't Code 2256.0206(a)

Corporate Bond — "Corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that, on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation, or is an unsecured debt obligation. *Gov't Code 2256.0204(a)*

Written Policies — The board shall adopt by resolution a written investment policy regarding the investment of its funds and funds under its control. The investment policies must primarily emphasize safety of principal and liquidity and must address investment diversification, yield, and maturity and the quality and capability of investment management. The policies must include:

1. A list of the types of authorized investments in which the district's funds may be invested;
2. The maximum allowable stated maturity of any individual investment owned by the district;
3. For pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date of the portfolio;
4. Methods to monitor the market price of investments acquired with public funds;
5. A requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and
6. Procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Government Code 2256.021 [see Loss of Required Rating, below].

Gov't Code 2256.005(a), (b)

Annual Review — The board shall review its investment policy and investment strategies not less than annually. The board shall adopt a written instrument by resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so

adopted shall record any changes made to either the investment policy or investment strategies. *Gov't Code 2256.005(e)*

Annual Audit

A district shall perform a compliance audit of management controls on investments and adherence to the district's established investment policies. The compliance audit shall be performed in conjunction with the annual financial audit. *Gov't Code 2256.005(m)*

Investment Strategies

As an integral part of the investment policy, the board shall adopt a separate written investment strategy for each of the funds or group of funds under the board's control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

1. Understanding of the suitability of the investment to the financial requirements of the district;
2. Preservation and safety of principal;
3. Liquidity;
4. Marketability of the investment if the need arises to liquidate the investment before maturity;
5. Diversification of the investment portfolio; and
6. Yield.

Gov't Code 2256.005(d)

Investment Officer

A district shall designate by resolution one or more officers or employees as investment officer(s) to be responsible for the investment of its funds consistent with the investment policy adopted by the board. If the board has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the contracting board's district. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the board retains the ultimate responsibility as fiduciaries of the assets of the district. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the district. Authority granted to a person to invest the district's funds is effective until rescinded by the district or until termination of the person's employment by a district, or for an investment management firm, until the expiration of the contract with the district. *Gov't Code 2256.005(f)*

A district or investment officer may use the district's employees or the services of a contractor of the district to aid the investment of-

ficer in the execution of the officer's duties under Government Code, Chapter 2256. *Gov't Code 2256.003(c)*

Investment Training

Initial

Within 12 months after taking office or assuming duties, the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a district shall attend at least one training session from an independent source approved by the board or a designated investment committee advising the investment officer. This initial training must contain at least ten hours of instruction relating to their respective responsibilities under the Public Funds Investment Act. *Gov't Code 2256.008(a)*

Ongoing

The treasurer, or the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a district shall attend an investment training session not less than once in a two-year period that begins on the first day of the district's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities under the Public Funds Investment Act from an independent source approved by the board or by a designated investment committee advising the investment officer. *Gov't Code 2256.008(a-1)*

Investment training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Public Funds Investment Act. *Gov't Code 2256.008(c)*

Standard of Care

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following objectives, in order of priority:

1. Preservation and safety of principal;
2. Liquidity; and
3. Yield.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the following shall be taken into consideration:

1. The investment of all funds, or funds under the district's control, over which the officer had responsibility rather than the prudence of a single investment; and

2. Whether the investment decision was consistent with the district's written investment policy.

Gov't Code 2256.006

Personal Interest A district investment officer who has a personal business relationship with a business organization offering to engage in an investment transaction with the district shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined by Government Code Chapter 573 (regarding nepotism prohibition), to an individual seeking to sell an investment to the investment officer's district shall file a statement disclosing that relationship. A required statement must be filed with the board and with the Texas Ethics Commission. For purposes of this policy, an investment officer has a personal business relationship with a business organization if:

1. The investment officer owns ten percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

2. Funds received by the investment officer from the business organization exceed ten percent of the investment officer's gross income for the previous year; or

3. The investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

Gov't Code 2256.005(i)

Quarterly Reports Not less than quarterly, the investment officer shall prepare and submit to the board a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. This report shall be presented not less than quarterly to the board and the superintendent within a reasonable time after the end of the period. The report must:

1. Describe in detail the investment position of the district on the date of the report;

2. Be prepared jointly and signed by all district investment officers;

3. Contain a summary statement of each pooled fund group that states the:

   a. Beginning market value for the reporting period;

b. Ending market value for the period; and

c. Fully accrued interest for the reporting period;

4. State the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

5. State the maturity date of each separately invested asset that has a maturity date;

6. State the account or fund or pooled group fund in the district for which each individual investment was acquired; and

7. State the compliance of the investment portfolio of the district as it relates to the investment strategy expressed in the district's investment policy and relevant provisions of the Public Funds Investment Act.

If a district invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the board by that auditor.

Gov't Code 2256.023

Selection of Broker

The board or the designated investment committee shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with a district. *Gov't Code 2256.025*

Authorized Investments

A board may purchase, sell, and invest its funds and funds under its control in investments described below, in compliance with its adopted investment policies and according to the standard of care set out in this policy. *Gov't Code 2256.003(a)*

In the exercise of these powers, the board may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under this authority may not be for a term longer than two years. A renewal or extension of the contract must be made by the board by resolution. *Gov't Code 2256.003(b)*

The board may specify in its investment policy that any authorized investment is not suitable. *Gov't Code 2256.005(j)*

Obligations of Governmental Entities

The following are authorized investments:

1. Obligations, including letters of credit, of the United States or its agencies and instrumentalities, including the Federal Home Loan Banks;

2. Direct obligations of this state or its agencies and instrumentalities;

3. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

4. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state, the United States, or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or by the explicit full faith and credit of the United States;

5. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;

6. Bonds issued, assumed, or guaranteed by the state of Israel;

7. Interest-bearing banking deposits that are guaranteed or insured by the FDIC or its successor, or the National Credit Union Share Insurance Fund or its successor; and

8. Interest-bearing banking deposits other than those described at item 7 above if:

    a. The funds are invested through a broker with a main office or a branch office in this state that the district selects from a list the board or designated investment committee of the district adopts as required at Selection of Broker above or a depository institution with a main office or a branch office in this state and that the district selects;

    b. The broker or depository institution selected as described above arranges for the deposit of the funds in the banking deposits in one or more federally insured depository institutions, regardless of where located, for the district's account;

c. The full amount of the principal and accrued interest of the banking deposits is insured by the United States or an instrumentality of the United States; and

d. The district appoints as the district's custodian of the banking deposits issued for the district's account the depository institution selected as described above, an entity described by Government Code 2257.041(d) (regarding a custodian with which to deposit securities), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating under Rule 15c3-3 (17 C.F.R. Section 240.15c3-3).

Gov't Code 2256.009(a)

Unauthorized Obligations

The following investments are not authorized:

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

3. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years; and

4. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Gov't Code 2256.009(b)

Certificates of Deposit and Share Certificates

A certificate of deposit or share certificate is an authorized investment if the certificate is issued by a depository institution that has its main office or a branch office in Texas and is:

1. Guaranteed or insured by the FDIC or its successor or the National Credit Union Share Insurance Fund or its successor;

2. Secured by obligations described at Obligations of Governmental Entities, above, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities described at Unauthorized Obligations, above; or

3. Secured in accordance with Government Code Chapter 2257 (Public Funds Collateral Act) or in any other manner and amount provided by law for the deposits of the district.

Gov't Code 2256.010(a)

In addition to the authority to invest funds in certificates of deposit under the previous section, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment:

1. The funds are invested by the district through a broker that has its main office or a branch office in this state and is selected from a list adopted by the district as required at Selection of Broker, above or a depository institution that has its main office or a branch office in this state and that is selected by the district;

2. The broker or depository institution selected by the district arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the district;

3. The full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

4. The district appoints the depository institution selected by the district, an entity described by Government Code 2257.041(d) (regarding a custodian with which to deposit securities), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the district with respect to the certificates of deposit issued for the account of the district.

Gov't Code 2256.010(b)

The district's investment policies may provide that bids for certificates of deposit be solicited orally, in writing, electronically, or in any combination of those methods. *Gov't Code 2256.005(c)*

Repurchase Agreements

A fully collateralized repurchase agreement is an authorized investment if it:

1. Has a defined termination date;

2. Is secured by a combination of cash and obligations described at Obligations of Governmental Entities, above;

3. Requires the securities being purchased by the district or cash held by the district to be pledged to the district, held in the district's name, and deposited at the time the investment is made with the district or a third party selected and approved by the district, and

4. Is placed through a primary government securities dealer, as defined by the Federal Reserve or a financial institution doing business in Texas.

The term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. Money received by a district under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Government Code 1371.059(c) (regarding validity and incontestability of obligations for certain public improvements) applies to the execution of a repurchase agreement by a district.

Gov't Code 2256.011

Securities Lending Program

A securities lending program is an authorized investment if:

1. The value of securities loaned is not less than 100 percent collateralized, including accrued income;

2. A loan allows for termination at any time;

3. A loan is secured by:

   a. Pledged securities described at Obligations of Governmental Entities, above;

   b. Pledged irrevocable letters of credit issued by a bank that is organized and existing under the laws of the United States or any other state, and continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or

   c. Cash invested in accordance with Government Code 2256.009 (obligations of governmental entities), 2256.013 (commercial paper), 2256.014 (mutual funds), or 2256.01 (investment pools);

4. The terms of a loan require that the securities being held as collateral be pledged to the district, held in the district's name, and deposited at the time the investment is made with the district or with a third party selected by or approved by the district; and

5. A loan is placed through a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003, or a financial institution doing business in this state.

An agreement to lend securities under a securities lending program must have a term of one year or less.

Gov't Code 2256.0115

Banker's Acceptances

A banker's acceptance is an authorized investment if it:

1. Has a stated maturity of 270 days or fewer from the date of issuance;
2. Will be, in accordance with its terms, liquidated in full at maturity;
3. Is eligible for collateral for borrowing from a Federal Reserve Bank; and
4. Is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least on nationally recognized credit rating agency.

Gov't Code 2256.012

Commercial Paper

Commercial paper is an authorized investment if it has a stated maturity of 270 days or fewer from the date of issuance; and is rated not less than A-1 or P-1 or an equivalent rating by at least:

1. Two nationally recognized credit rating agencies; or
2. One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States law or any state.

Gov't Code 2256.013

Mutual Funds

A no-load money market mutual fund is an authorized investment if the mutual fund:

1. Is registered with and regulated by the Securities and Exchange Commission;
2. Provides the district with a prospectus and other information required by the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and
3. Complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under

the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.).

Gov't Code 2256.014(a)

In addition to the no-load money market mutual fund authorized above, a no-load mutual fund is an authorized investment if it:

1. Is registered with the Securities and Exchange Commission;
2. Has an average weighted maturity of less than two years; and
3. Either has a duration of less than one year or more and is invested exclusively in obligations approved by the Public Funds Investment Act, or has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities.

Gov't Code 2256.014(b)

Limitations

A district is not authorized to:

1. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Government Code 2256.014(b);
2. Invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Government Code 2256.014(b); or
3. Invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Government Code 2256.014(a) or (b) in an amount that exceeds ten percent of the total assets of the mutual fund.

Gov't Code 2256.014(c)

Guaranteed Investment Contracts

A guaranteed investment contract is an authorized investment for bond proceeds if the guaranteed investment contract:

1. Has a defined termination date;
2. Is secured by obligations described at Obligations of Governmental Entities, above, excluding those obligations described at Unauthorized Obligations, in an amount at least equal to the amount of bond proceeds invested under the contract; and
3. Is pledged to the district and deposited with the district or with a third party selected and approved by the district.

Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested in a guaranteed investment contract with a term longer than five years from the date of issuance of the bonds.

To be eligible as an authorized investment:

1. The board must specifically authorize guaranteed investment contracts as eligible investments in the resolution authorizing the issuance of bonds;
2. The district must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;
3. The district must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;
4. The price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and
5. The provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Government Code 1371.059(c) (regarding validity and incontestability of obligations for certain public improvements) applies to the execution of a guaranteed investment contract by a district.

Gov't Code 2256.015

Investment Pools

A district may invest its funds or funds under its control through an eligible investment pool if the board by resolution authorizes the investment in the particular pool. *Gov't Code 2256.016, .019*

To be eligible to receive funds from and invest funds on behalf of a district, an investment pool must furnish to the investment officer or other authorized representative of the district an offering circular or other similar disclosure instrument that contains the information specified in Government Code 2256.016(b). To maintain eligibility, an investment pool must furnish to the investment officer or other authorized representative investment transaction confirmations and a monthly report that contains the information specified in Government Code 2256.016(c). A district by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds. *Gov't Code 2256.016(b)-(d)*

Corporate Bonds

A district that qualifies as an issuer as defined by Government Code 1371.001 [see CCF], may purchase, sell, and invest its funds

and funds under its control in corporate bonds (as defined above) that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

A district is not authorized to:

1. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

2. Invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

A district subject to these provisions may purchase, sell, and invest its funds and funds under its control in corporate bonds if the board:

1. Amends its investment policy to authorize corporate bonds as an eligible investment;

2. Adopts procedures to provide for monitoring rating changes in corporate bonds acquired with public funds and liquidating the investment in corporate bonds; and

3. Identifies the funds eligible to be invested in corporate bonds.

The district investment officer, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

1. Issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

2. Changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

Corporate bonds are not an eligible investment for a public funds investment pool.

Gov't Code 2256.0204

Hedging Transactions

The board of an eligible entity (as defined above) shall establish the entity's policy regarding hedging transactions. An eligible entity may enter into hedging transactions, including hedging contracts,

and related security, credit, and insurance agreements in connection with commodities used by an eligible entity in the entity's general operations, with the acquisition or construction of a capital project, or with an eligible project. A hedging transaction must comply with the regulations of the federal Commodity Futures Trading Commission and the federal Securities and Exchange Commission.

Government Code 1371.059(c) (regarding validity and incontestability of obligations for certain public improvements) applies to the execution by an eligible entity of a hedging contract and any related security, credit, or insurance agreement.

An eligible entity may:

1. Pledge as security for and to the payment of a hedging contract or a security, credit, or insurance agreement any general or special revenues or funds the entity is authorized by law to pledge to the payment of any other obligation.

2. Credit any amount the entity receives under a hedging contract against expenses associated with a commodity purchase.

An eligible entity's cost of or payment under a hedging contract or agreement may be considered an operation and maintenance expense, an acquisition expense, or construction expense of the eligible entity; or a project cost of an eligible project.

Gov't Code 2256.0206

Prohibited Investments

Except as provided by Government Code 2270 (regarding prohibited investments), a district is not required to liquidate investments that were authorized investments at the time of purchase. *Gov't Code 2256.017*

Note: As an "investing entity" under Government Code 2270.0001(7)(A), a district must comply with Chapter 2270, including reporting requirements, regarding prohibited investments in scrutinized companies listed by the comptroller in accordance with Government Code 2270.0201.

Loss of Required Rating

An investment that requires a minimum rating does not qualify as an authorized investment during the period the investment does not have the minimum rating. A district shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating. *Gov't Code 2256.021*

Sellers of Investments

A written copy of the investment policy shall be presented to any business organization (as defined below) offering to engage in an investment transaction with a district. The qualified representative of the business organization offering to engage in an investment transaction with a district shall execute a written instrument in a form acceptable to the district and the business organization substantially to the effect that the business organization has:

1. Received and reviewed the district investment policy; and
2. Acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the district and the organization that are not authorized by the district's investment policy, except to the extent that this authorization:
    a. Is dependent on an analysis of the makeup of the district's entire portfolio;
    b. Requires an interpretation of subjective investment standards; or
    c. Relates to investment transactions of the entity that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

The investment officer of a district may not acquire or otherwise obtain any authorized investment described in the district's investment policy from a business organization that has not delivered to the district the instrument required above.

Gov't Code 2256.005(k)–(l)

Nothing in this section relieves the district of the responsibility for monitoring investments made by the district to determine that they are in compliance with the investment policy.

Business Organization

For purposes of the provisions at Sellers of Investments above, "business organization" means an investment pool or investment management firm under contract with a district to invest or manage the district's investment portfolio that has accepted authority granted by the district under the contract to exercise investment discretion in regard to the district's funds.

Gov't Code 2256.005(k)

Donations

A gift, devise, or bequest made to a district to provide college scholarships for district graduates may be invested by the board as provided in Property Code 117.004 (Uniform Prudent Investor Act),

unless otherwise specifically provided by the terms of the gift, devise, or bequest. *Education Code 45.107*

Investments donated to a district for a particular purpose or under terms of use specified by the donor are not subject to the requirements of the Public Funds Investment Act. *Gov't Code 2256.004(b)*

Electronic Funds Transfer

A district may use electronic means to transfer or invest all funds collected or controlled by the district. *Gov't Code 2256.051*

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 the minimum requirements prescribed by the commissioner of education, subject to review and comment of the state auditor. *Education Code 44.007(a), (b)*

The rules for financial accounting are described in the official TEA publication, *Financial Accountability System Resource Guide*. *19 TAC 109.1, .41*

Report of Revenues and Expenditures

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 for each fund subject to its 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. 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)*

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

The comptroller shall provide an Annual Local Debt Report Form for use by a district. *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 either:

1. Submit via upload to the comptroller's Internet website the completed Annual Local Debt Report Form provided by the comptroller and, if the district maintains an Internet website, continually maintain a link from its website to the location on the comptroller's website where the district's financial information may be viewed; or

2. Post the information required in an Annual Local Debt Report on the district's own Internet website.

The board of a district that elects to post its annual debt information on its own Internet website as described above shall take action to ensure that:

1. This information is made available for inspection by any person and posted continuously on the district's website until the district posts the next year's annual debt information; and

2. The main office is posted continuously on the website and such information includes a physical address, mailing address, main telephone number, and an e-mail address.

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 and distribute an annual financial management report. 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. [See CFC]

Each district must provide the public with an opportunity to comment on the report at a hearing.

Report Requirements

The report shall contain information that discloses state-established standards and a district's financial management performance under each indicator for the current and previous year's financial accountability ratings, and any descriptive information required by the commissioner, including:

1. 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 website instead of publishing it in the annual financial management report;

2. 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 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;

3. 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;

4. 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.

    a. This reporting requirement applies only to:

(1) 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

(2) Gifts from competing vendors that were not awarded contracts in the prior fiscal year.

b. 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. 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;

5. 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

6. Any other information the board of a district determines to be useful.

Public Hearing

The board shall 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 board must give notice of the hearing to property owners 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 to a newspaper of general circulation in the geographic boundaries of the district once a week for two weeks prior to holding the public meeting, providing the time and place of the hearing. The first notice in the newspaper may not be more than 30 days prior to the public meeting or less than 14 days prior to the public meeting. If no newspaper is published in the county in

which a 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.

The board must also provide notice of the hearing through electronic mail to mass communication media serving a district, including, but not limited to, radio and television.

At the hearing, the district must provide the annual financial management report to the attending parents and taxpayers. 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.

Dissemination

After the hearing, the report shall be disseminated in the district in the manner prescribed by the commissioner.

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 a district's public hearing.

Education Code 39.083; 19 TAC 109.1001(o)

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

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Notification of Criminal History

A person or business entity that enters into a contract with a district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. A district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give such notice or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract. *Education Code 44.034*

Criminal History—Certain Contractor Employees

Contractor Responsibilities

Employed Before January 1, 2008

An entity that contracts with a district to provide services and any subcontractor of the entity shall obtain from any law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information that relates to an employee of the entity who is employed before January 1, 2008, and who is not subject to a national criminal history record information review under Education Code 22.0834(b) if:

1. The employee has continuing duties related to the contracted services; and
2. The employee has direct contact with students.

Education Code 22.0834(g), (k)

Employment Offered on or After January 1, 2008

A person who is not an applicant for or holder of a certificate under Education Code Chapter 21, Subchapter B, and who on or after January 1, 2008, is offered employment by an entity that contracts with a school district or any subcontractor of the entity must submit to a national criminal history record information review if:

1. The employee or applicant has or will have continuing duties related to the contracted services; and
2. The employee or applicant has or will have direct contact with students.

The person must submit to the review before being employed or serving in a capacity described above.

Before or immediately after employing or securing the services of a person described above, the entity contracting with a district shall send or ensure that the person sends to the Department of Public Safety (DPS) information that is required by DPS for obtaining national criminal history record information, which may include fingerprints and photographs.

An entity contracting with a school district and any subcontractor of the entity shall obtain all criminal history record information that

relates to a person described above through the criminal history clearinghouse as provided by Government Code 411.0845.

Education Code 22.0834(a), (b), (c), (d), (k)

A contracting entity shall require that a subcontracting entity obtain all criminal history record information that relates to an employee described above. If a contracting or subcontracting entity determines that the conditions above do not apply to an employee, the entity shall make a reasonable effort to ensure that the conditions or precautions that resulted in that determination continue to exist throughout the time that the contracted services are provided. *Education Code 22.0834(l)*

Education Code 22.0834 does not apply to a contracting entity, subcontracting entity, or other person subject to Education Code 22.08341. [See Criminal History—Certain Public Works Contractors, below] *Education Code 22.0834(a-1)*

Certification to District

The entity shall certify to the district that it received all of the criminal history record information relating to a person described above at Employment Offered On or After January 1, 2008. *Education Code 22.0834(d)*

A subcontracting entity must certify to the district and the contracting entity that the subcontracting entity has obtained all criminal history record information that relates to an employee described above at Employment Offered On or After January 1, 2008, and has obtained similar written certifications from the subcontracting entity's subcontractors. *Education Code 22.0834(n)*

An entity and any subcontractor of the entity shall certify to the district that it received all of the criminal history record information relating to a person described above at Employed Before January 1, 2008. *Education Code 22.0834(i)*

A contracting entity complies with the requirements of Education Code 22.0834 if the contracting entity obtains a written statement from each subcontracting entity certifying that the subcontracting entity has obtained the required criminal history record information for employees of the subcontracting entity and the subcontracting entity has obtained certification from each of the subcontracting entity's subcontractors. *Education Code 22.0834(m)*

District Responsibilities

A district may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person described above at Employment Offered On or After January 1, 2008. *Education Code 22.0834(h)*

A district may obtain the criminal history record information of a person described above at Employed Before January 1, 2008, through the criminal history clearinghouse as provided by Government Code 411.0845. *Education Code 22.0834(e)*

Disqualifying Conviction

A contracting or subcontracting entity may not permit a person described above at Employment Offered On or After January 1, 2008, to provide services at a school if the employee has been convicted of a felony or misdemeanor offense that would prevent a person from being employed under Education Code 22.085(a). *Education Code 22.0834(o)*

A district may not allow a person who is an employee of or applicant for employment by an entity that contracts with the district to serve at the district if the district obtains information described by Education Code 22.085(a) through a criminal history record information review concerning the employee or applicant. A district must ensure that an entity that the district contracts with for services has obtained all criminal history record information as required by Section 22.0834. *Education Code 22.085(c)*

Emergency

In the event of an emergency, a district may allow a person to whom these requirements apply to enter district property if the person is accompanied by a district employee. A district may adopt rules regarding an emergency situation under this provision. *Education Code 22.0834(f)*

Definitions

"Contracting Entity"

"Contracting entity" means an entity that contracts directly with a district to provide services to the district. *Education Code 22.0834(p)(1)*

"Subcontracting Entity"

"Subcontracting entity" means an entity that contracts with another entity that is not a district to provide services to a district. *Education Code 22.0834(p)(2)*

"Continuing Duties Related to Contracted Services"

"Continuing duties related to contracted services" are work duties that are performed pursuant to a contract to provide services to a district on a regular, repeated basis rather than infrequently or one-time only. *19 TAC 153.1101(2)*

"Direct Contact with Students"

"Direct contact with students" is the contact that results from activities that provide substantial opportunity for verbal or physical interaction with students that is not supervised by a certified educator or other professional district employee. Contact with students that results from services that do not provide substantial opportunity for unsupervised interaction with a student or students, such as addressing an assembly, officiating a sports contest, or judging an extracurricular event, is not, by itself, direct contact with students. However, direct contact with students does result from any activity

that provides substantial opportunity for unsupervised contact with students, which might include, without limitation, the provision of coaching, tutoring, or other services to students. *19 TAC 153.1101(7)*

Note: See DBAA for definitions and provisions regarding confidentiality, consumer credit reports, records retention, and criminal history record checks of employees.

Criminal History—Certain Public Works Contractors

Applicability

The following provisions apply to a person who is not an applicant for or holder of a certificate under Education Code Chapter 21, Subchapter B, and who is employed by a contracting or subcontracting entity on a project to design, construct, alter, or repair a public work if the person has or will have:

1. Continuing duties related to the contracted services; and
2. The opportunity for direct contact with students in connection with the person's continuing duties.

Education Code 22.08341(b)

If a contracting or subcontracting entity determines that the conditions above do not apply to an employee, the entity shall make a reasonable effort to ensure that the conditions or precautions that resulted in that determination continue to exist throughout the time the contracted services are provided. *Education Code 22.08341(i)*

Contractor Responsibilities

The contracting entity or subcontracting entity that employs a person described at Applicability, above, shall:

1. Send or ensure that the person sends to DPS information that is required for obtaining national criminal history record information, which may include fingerprints and photographs; and
2. Obtain all criminal history record information that relates to the person through the criminal history clearinghouse as provided by Government Code 411.0845.

Education Code 22.08341(e)(1), (2)

Certification to District

The contracting entity or subcontracting entity that employs a person described at Applicability, above, shall certify to the district or contracting entity, as applicable, that the contracting entity or subcontracting entity that employs the person has received all criminal history record information relating to the person.

A contracting entity shall certify to the district that it has obtained written certification from any subcontracting entity that the subcon-

tracting entity has complied with the above as it relates to the subcontracting entity's employees.

Education Code 22.08341(e)(3), (f)

District Responsibilities

A district may directly obtain the criminal history record information of a person described at Applicability, above, through the criminal history clearinghouse as provided by Government Code 411.0845. *Education Code 22.08341(h)*

Disqualifying Conviction

A contracting or subcontracting entity may not permit an employee described at Applicability, above, to provide services at an instructional facility if the employee, during the preceding 30 years, was convicted of any of the following offenses and the victim was under 18 years of age or was enrolled in a public school:

1. A felony offense under Penal Code Title 5;
2. An offense on conviction of which a defendant is required to register as a sex offender; or
3. An offense under the laws of another state or federal law that is equivalent to 1 or 2.

Education Code 22.08341(d)

A district may not allow a person who is an employee of or applicant for employment by an entity that contracts with the district to serve at the district if the district obtains information described by Education Code 22.085(a) through a criminal history record information review concerning the employee or applicant. A district must ensure that an entity that the district contracts with for services has obtained all criminal history record information as required by Section 22.08341. *Education Code 22.085(c)*

Emergency

In the event of an emergency, a district may allow a person described at Applicability, above, to enter an instructional facility if the person is accompanied by a district employee. A district may adopt a policy regarding an emergency for purposes of this provision. *Education Code 22.08341(j)*

Definitions

"Contracting Entity"

"Contracting entity" means an entity that contracts directly with a district to provide engineering, architectural, or construction services to the district.

"Instructional Facility"

"Instructional facility" has the meaning assigned by Education Code 46.001.

"Subcontracting Entity"

"Subcontracting entity" means an entity that contracts with another entity that is not a district to provide engineering, architectural, or construction services to a district.

Education Code 22.08341(a)

Direct Contact with Students

For purposes of the applicability of these provisions, a person does not have the opportunity for direct contact with students if:

1. The public work does not involve the construction, alteration, or repair of an instructional facility;

2. For a public work that involves construction of a new instructional facility, the person's duties related to the contracted services will be completed not later than the seventh day before the first date the facility will be used for instructional purposes; or

3. For a public work that involves an existing instructional facility,

   a. The public work area contains sanitary facilities and is separated from all areas used by students by a secure barrier fence that is not less than six feet in height; and

   b. The contracting entity adopts a policy prohibiting employees, including subcontracting entity employees, from interacting with students or entering areas used by students, informs employees of the policy, and enforces the policy at the public work area.

Education Code 22.08341(c)

Contractors Providing Transportation Services

Except as provided below at Commercial Transportation Company, a district that contracts with a person for transportation services shall obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person employed by the person as a bus driver or a person the person intends to employ as a bus driver. A person who contracts with a district to provide transportation services shall submit to the district the name and other identification data required to obtain the criminal history record information of such persons. If a district obtains information that such a person has been convicted of a felony or a misdemeanor involving moral turpitude, the district shall inform the chief personnel officer of the person with whom the district has contracted, and the person may not employ that person to drive a bus on which students are transported without the permission of the board of the district. *Education Code 22.084(a)–(b)*

Commercial Transportation Company

A commercial transportation company that contracts with a district to provide transportation services may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person employed by the company as a bus driver, bus monitor, or bus aide, or a person the company intends to employ in one of these positions. If the company obtains

information that a person employed or to be employed has been convicted of a felony or a misdemeanor involving moral turpitude, the company may not employ that person to drive or to serve as a bus monitor or bus aide on a bus on which students are transported without the permission of the board of the district. If a commercial transportation company obtains criminal history record information, a district is not required to do the same. *Education Code 22.084(c)–(d)*

District Authority

A district is entitled to obtain from DPS criminal history record information maintained by DPS that the district is required or authorized to obtain under Education Code Chapter 22, Subchapter C, that relates to a person who is:

1. An employee of or an applicant for employment with a public or commercial transportation company that contracts with the district to provide transportation services if the employee drives or the applicant will drive a bus in which students are transported or is employed or is seeking employment as a bus monitor or bus aide on a bus in which students are transported; or

2. An employee of or applicant for employment by an entity that contracts to provide services to a district, charter school, or shared services arrangement as provided by Education Code 22.0834 or 22.08341.

Gov't Code 411.097(a)

Emergencies

In an emergency due to a health or safety concern, a reasonably unforeseeable situation, or other exigent circumstance, the District employee who is in charge of the facility shall be authorized to determine whether an employee of a contracting or subcontracting entity who does not have the required criminal history record information (CHRI) review or who has a disqualifying conviction will be permitted to enter a District facility.

If allowed to enter the facility, the employee of the contracting or subcontracting entity shall be accompanied by a District employee at all times.

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School District Peace Officers and Security Personnel

A board may employ security personnel and commission peace officers to carry out the provisions of Education Code Chapter 37, Subchapter C, relating to law and order.

Jurisdiction

A board shall determine the jurisdiction of a peace officer or security personnel, which 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.

Commissioned Peace Officers

If a board authorizes security personnel to carry weapons, they must be commissioned peace officers. 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(a), (h)

Powers and Duties

Code of Criminal Procedure

Officers commissioned by the board are subject to the general duties of officers set out in Chapter 2 of the Code of Criminal Procedure. *Code of Criminal Procedure 2.12(8)*

A peace officer has the duty to preserve the peace within the officer's jurisdiction by using all lawful means.

The peace officer shall:

1. In every case authorized by the Code of Criminal Procedure, interfere without warrant to prevent or suppress crime;
2. Execute all lawful process issued to the officer by any magistrate or court;
3. Give notice to some magistrate of all offenses committed within the officer's jurisdiction, where the officer has good reason to believe there has been a violation of the penal law; and
4. Arrest offenders without warrant in every case where the officer is authorized by law, in order that they may be taken before the proper magistrate or court and be tried.

It is the duty of every officer to take possession of a missing child under Code of Criminal Procedure 63.009(g).

On a request made by the Texas Civil Commitment Office, a peace officer shall execute an emergency detention order issued by that office under Health and Safety Code 841.0837.

In the course of investigating an alleged criminal offense, a peace officer may inquire as to the nationality or immigration status of a

victim or witness to the offense only if the officer determines that the inquiry is necessary to:

1. Investigate the offense; or

2. Provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

This does not prevent a peace officer from conducting a separate investigation of any other alleged criminal offense, or inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense.

Code of Criminal Procedure 2.13

Determined by the Board

A district peace officer shall also perform law enforcement duties as determined by the board, which shall include protecting the safety and welfare of any person in the officer's jurisdiction and protecting property of the district. *Education Code 37.081(d)*

Within the 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 Chapter 52 of the Family Code [see GRA] or Article 45.058 of the Code of Criminal Procedure; 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)

A board shall determine the scope of the on-duty and off-duty law enforcement activities of its peace officers, and a district must authorize in writing any off-duty law enforcement activities performed by a district peace officer. *Education Code 37.081(e)*

A district peace officer may provide assistance to another law enforcement agency, and a district may contract with a political subdivision for the jurisdiction of district peace officers to include all territory in the jurisdiction of the political subdivision. *Education Code 37.081(c)*

Refusal or Removal by Peace Officer	A 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)* [See GKA]
Chief of Police	A district police department's chief of police is accountable to the superintendent and shall report to the superintendent. District police officers shall be licensed by TCOLE and be supervised by the district chief of police or the chief's designee. *Education Code 37.081(f)*
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 among the department and the agencies. *Education Code 37.081(g)*
Training	A district with an enrollment of 30,000 or more students that commissions a school district peace officer shall adopt a policy requiring the officer to complete the education and training program developed by TCOLE as required by Occupations Code 1701.263 before or within 120 days of the officer's commission by or placement in the district or a campus of the district. *Education Code 37.0812; Occupations Code 1701.262, .263*
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. A policy must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence. 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. Peace officers equipped with a body-worn camera must act consistent with policy and Occupations Code Chapter 1701, Subchapter N. *Occupations Code 1701.655, .656, .657*

Motor Vehicle Stops

Reports Required

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:

1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
    a. The person's gender; and
    b. The person's race or ethnicity, as stated by the person or, if the person does not state his or her race or ethnicity, as determined by the officer to the best of the officer's ability;
2. The initial reason for the stop;
3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
4. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
5. The reason for the search, including whether:
    a. Any contraband or other evidence was in plain view;
    b. Any probable cause or reasonable suspicion existed to perform the search; or
    c. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
6. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
7. The street address or approximate location of the stop;
8. Whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
9. Whether the officer used physical force that resulted in bodily injury, as defined under Penal Code 1.07, during the stop.

The district chief of police 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 district police department shall compile and analyze the incident-based data contained in each report received by the department. Not later than March 1 of each year, each district police department shall submit a report containing the information compiled during the previous calendar year, in accordance with Code of Criminal Procedure 2.134, to TCOLE and to the governing body of each county or municipality served by the department. *Code of Criminal Procedure 2.134*

Civil Penalty

If a district's chief of police 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

Prohibition

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2.131*

Departmental Policy Required

Each district police department 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. The policy must:

1. Clearly define acts constituting racial profiling;
2. Strictly prohibit peace officers employed by the department from engaging in racial profiling;
3. Implement a process by which an individual may file a complaint with the department if the individual believes that a peace officer employed by the department has engaged in racial profiling with respect to the individual;
4. Provide public education relating to the department's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
5. Require appropriate corrective action to be taken against a peace officer employed by the department who, after an investigation, is shown to have engaged in racial profiling in violation of the department's policy adopted under this article;
6. Require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

a. The race or ethnicity of the individual detained;

b. Whether a search was conducted and, if so, whether the individual detained consented to the search;

c. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

d. Whether the peace officer used physical force that resulted in body injury, as defined in Penal Code 1.07, during the stop;

e. The location of the stop; and

f. The reason for the stop; and

7. Require the district's chief of police to submit an annual report of the information collected under item 6 to:

a. TCOLE; and

b. The governing body of each county or municipality served by the agency.

On adoption of a racial profiling policy, the department shall examine the feasibility of installing video camera and transmitter-activated equipment in each department law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each department law enforcement motorcycle regularly used to make motor vehicle stops. The department also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body-worn camera. [See Body-Worn Cameras, above] If the department installs video or audio equipment or equips peace officers with body-worn cameras as provided by this provision, the policy adopted by the department must include standards for reviewing video and audio documentation.

A department shall review the data collected under item 6 above to identify any improvements the department could make in its practices and policies regarding motor vehicle stops.

A report required under item 7 above may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.

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;
4. The mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense; and
5. The person is not accused of specified offenses involving intoxication.

Code of Criminal Procedure 16.23

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 of receiving 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 preceding five-year period, 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)*

Bonding

A commissioned and assigned peace officer shall take and file the oath required of peace officers and execute and file the required $1,000 bond, payable to the board, conditioned on the officer's performance of his or her duties. *Education Code 37.081(h)*

Continuing Education

If a district employs peace officers, it shall provide each officer with a continuing education program as required by Occupations Code Title 10, Chapter 1701, Subchapter H. *Occupations Code 1701, Subch. H*

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 Ch. 614, Subch. B; 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 district police department of a complaint that alleges that a peace officer employed by the department has engaged in racial profiling with respect to an individual and in which a video or audio recording of the occurrence on which the complaint is based was made, the department 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(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 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)

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 in the form specified by administrative rule, 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*

School Marshals

A school marshal is a person who is appointed to serve as a school marshal by the board under Education Code 37.0811, is licensed under Occupations Code 1701.260, and has powers and duties described by Code of Criminal Procedure Article 2.127. *Occupations Code 1701.001(8)*

Eligibility

The board may appoint a person as a school marshal if the person is an employee of the district and certified by TCOLE as eligible for appointment. TCOLE shall license an eligible person who:

1. Completes required training; and
2. Is psychologically fit to carry out the duties of a school marshal as indicated by the results of a required psychological examination.

The TCOLE training program is open to any employee of a school district who holds a license to carry a handgun issued under Government Code Chapter 411, Subchapter H.

A person may not serve as a school marshal unless the person is licensed by TCOLE and appointed by the board. A school district shall not appoint or employ an ineligible person as a school marshal.

Reimbursement for Training

The board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under Occupations Code 1701.260.

Education Code 37.0811(b); Occupations Code 1701.260, .301; Code of Criminal Procedure 2.127(d); 37 TAC 227.1(b), .3(a), .5(a)

District Responsibilities

A district shall:

1. Submit and receive approval for an application to appoint a person as a school marshal;
2. Upon authorization, notify TCOLE using approved format prior to appointment;
3. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the district;
4. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the district, TCOLE standards, another state agency, or under other law; and
5. Immediately report to the commission a school marshal's violation of any commission standard, including the discharge of a firearm carried under the authorization of these provisions outside of a training environment.

For five years, the district must retain documentation that the district has met all requirements under law in a format readily accessible to TCOLE. This requirement does not relieve a district from retaining all other relevant records not otherwise listed.

37 TAC 227.1

Limitation on Number

The board may appoint not more than the greater of one school marshal per 200 students in average daily attendance per campus; or for each campus, one school marshal per building of the campus at which students regularly receive classroom instruction. *Education Code 37.0811(a)*

Powers and Duties

A school marshal may make arrests and exercise all authority given to peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the board.

A school marshal may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of the Transportation Code.

Code of Criminal Procedure 2.127

Reporting Requirements

Once appointed, a school marshal shall:

1. Immediately report to TCOLE and the district any circumstance which would render them unauthorized to act as a

school marshal by virtue of their employment with the district, failure to meet the standards of TCOLE, another state agency, or under law;

2. Immediately report to TCOLE any violation of applicable TCOLE standards, including any discharge of a firearm carried under the authorization of these provisions outside of training environment; and

3. Comply with all requirements under law, including Education Code 37.0811.

37 TAC 227.3(b)

Handgun Possession

A school marshal may carry or possess a handgun on the physical premises of a school, but only:

1. In the manner provided by written regulations adopted by the board; and

2. At a specific school as specified by the board.

Accessing Handgun

A school marshal may access a handgun only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33.

Board Regulations

Locked Gun Safe

A board's written regulations must provide that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty.

Frangible Ammunition

The written regulations must also require that a handgun carried by or within access of a school marshal may be loaded only with frangible duty ammunition approved for that purpose by TCOLE.

Inactive Status

A school district employee's status as a school marshal becomes inactive on:

1. Expiration of the employee's school marshal license under Occupations Code 1701.260;

2. Suspension or revocation of the employee's handgun license;

3. Termination of the employee's employment with the district; or

4. Notice from the board that the employee's services as school marshal are no longer required.

Education Code 37.0811(c)–(f)

Identity Confidential

The identity of a school marshal is confidential and is not subject to a request under the Public Information Act, except that the person's name, date of birth, and handgun license number, and the address of the person's place of employment must be provided by TCOLE to:

1. The director of the Department of Public Safety;
2. The district;
3. The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a district located within a municipality;
4. The sheriff of the county if the person is employed at a campus of a district that is not located within a municipality; and
5. The chief administrator of any school district-commissioned peace officer, if the person is employed at a district that has commissioned peace officers.

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed as a school marshal. The notice may not disclose information that is confidential.

Education Code 37.0811(g), (h); Occupations Code 1701.260(j)

No State Benefits

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2.127(c)*

Handgun Licensees

Written Permission

By written regulations or written authorization, a district may permit a person to possess a firearm on the physical premises of a school, any grounds or building on which a school-sponsored activity is being conducted, or a passenger transportation vehicle of a school. *Penal Code 46.03(a)(1); Education Code 11.151(b)*

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 any meeting of the board when the person is lawfully carrying a handgun pursuant to a board's written regulations and authorization.

A board may appoint a school marshal and authorize another person to serve under the district's regulations and authorization under Penal Code 46.03(a)(1).

Att'y Gen. Op. GA-1051 (2014)

School Resource Officers

A school resource officer is a peace officer who is assigned by the officer's employing political subdivision to provide:

Definition

1. A police presence at a public school;
2. Safety or drug education to students of a public school; or
3. Other similar services.

Occupations Code 1701.601

Refusal or Removal by School Resource Officer

A school resource 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)* [See GKA]

License Required

A peace officer who is a visiting school resource officer in a public school must be licensed as provided by Occupations Code Chapter 1701. *Occupations Code 1701.602*

Firearms Accident Prevention Program

A peace officer who is a visiting school resource officer in a public elementary school shall at least once each school year offer to provide instruction to students in a firearms accident prevention program, as determined by the district.

A firearms accident prevention program must include the safety message, "Stop! Don't Touch. Leave the Area. Tell an Adult.", and may include instructional materials from the National Rifle Association Eddie Eagle Gun Safe Program, including animated videos and activity books.

Occupations Code 1701.603

Training

A district with an enrollment of 30,000 or more students at which a school resource officer provides law enforcement shall require the officer to complete the education and training program developed by TCOLE. [See Training, above] *Education Code 37.0812; Occupations Code 1701.262, .263*

Buildings

A school building must be located on grounds that are well-drained and maintained in a sanitary condition. A school building must be properly ventilated and provided with an adequate supply of drinking water, an approved sewage disposal system, handwashing facilities, a heating system, and lighting facilities that conform to established standards of good public health engineering practices.

Lunchrooms

A school lunchroom must comply with state food and drug regulations.

Custodial Services

A school building and its appurtenances shall be maintained in a sanitary manner. A full-time building custodian or janitor shall know the fundamentals of safety and school sanitation.

Health and Safety Code 341.065

Structural Pest Control

A district may obtain pest control services for school buildings only by:

1. Contracting with a person who holds a license to perform the services; or
2. Requiring a district employee who is licensed as a certified noncommercial applicator or technician to perform the services.

Occupations Code 1951.459

Integrated Pest Management Program

Each district shall establish, implement, and maintain an integrated pest management (IPM) program. An IPM program is a regular set of procedures for preventing and managing pest problems using an integrated pest management strategy. The school district is responsible for each IPM coordinator's compliance with the regulations in 4 Administrative Code 7.201–.205 (Division 7). *Occupations Code 1951.212; 4 TAC 7.201*

Definitions

"Integrated pest management" means a pest management strategy that relies on multiple pest control tactics, including the judicious use of pesticides, informed by accurate identification and scientific knowledge of pests, reliable monitoring methods to assess pest presence, preventative measures to avoid pest infestations, and thresholds to determine when corrective control measures are needed. *4 TAC 7.114(13)*

"Area of common access" means an area that an individual is likely to be present in or at on a regular basis, such as a building entranceway, mailboxes, laundry rooms, beverage machines, building bulletin boards, hallways, etc. *4 TAC 7.114(3)*

IPM Program Requirements

The IPM program shall contain these essential elements:

1. A board-approved IPM policy, stating the district's commitment to follow integrated pest management guidelines in all pest control activities that take place on district property. The IPM policy statement shall include:
    a. A definition of IPM consistent with this section;
    b. A reference to Texas laws and rules governing pesticide use and IPM in public schools;
    c. Information about who can apply pesticides on school district property; and
    d. Information about designating, registering, and required training for the district's IPM coordinator. The superintendent and IPM coordinator shall maintain a copy of the policy.
2. A monitoring program to determine when pests are present and when pest problems are severe enough to justify corrective action;
3. The preferential use of lower risk pesticides and the use of non-chemical management strategies to control pests, rodents, insects, and weeds;
4. A system for keeping records of facility inspection reports, pest-related work orders, pest control service reports, pesticide applications, and pesticide complaints;
5. A plan for educating and informing district employees about their roles in the IPM program; and
6. Written guidelines that identify thresholds for when pest control actions are justified.

4 TAC 7.201(1)

IPM Coordinator

The superintendent shall appoint an IPM coordinator to implement the district's IPM program. Not later than 90 days after the superintendent designates or replaces an IPM coordinator, the district must report to the Texas Department of Agriculture (TDA) the newly appointed coordinator's name, address, telephone number, e-mail address and the effective date of the appointment. A district that appoints more than one IPM coordinator shall designate a responsible IPM coordinator who will have overall responsibility for the IPM program and provide oversight of subordinate IPM coordinators regarding IPM program decisions. *Occupations Code 1951.212(e); 4 TAC 7.201(2)*

Training

The IPM coordinator shall:

1. Successfully complete a TDA-approved IPM coordinator training course within six months of appointment; and
2. Obtain at least six hours of TDA-approved IPM continuing education units at least every three years in accordance with the requirements of 4 Administrative Code 7.202.

Occupations Code 1951.212(f); 4 TAC 7.202

Duties

The IPM coordinator shall be responsible for implementation of the school district IPM program. The IPM coordinator shall oversee and be responsible for:

1. Coordination of pest management personnel, ensuring that all school employees who perform pest control, including those employees authorized to perform incidental use applications, have the necessary training, are equipped with the appropriate personal protective equipment, and have the necessary licenses for their pest management responsibilities;
2. Ensuring that all IPM program records, including incidental use training records, pest-related work orders, pest control service reports, pesticide applications, and pesticide complaints are maintained for a period of two years and are made available to a TDA inspector upon request;
3. Working with district administrators to ensure that all pest control proposal specifications for outside contractors are compatible with IPM principles, and that contractors work under the guidelines of the district's IPM policy;
4. Ensuring that all pesticides used on district property are in compliance with the district's IPM program and that current pesticide labels and safety data sheets (SDS) are available for interested individuals upon request;
5. Overseeing and implementing that portion of the plan that ensures that district administrators and relevant district personnel are provided opportunities to be informed and educated about their roles in the IPM program, reporting, and notification procedures;
6. Pesticide applications, including the approval of emergency applications at buildings and on district grounds, are conducted in accordance with Division 7; and
7. Maintaining a current copy of the school district's IPM policy and making it available to a TDA inspector upon request.

4 TAC 7.202(5)

Licensed Applicator

A district that engages in pest control activities must employ or contract with a licensed applicator, who may, if an employee, also serve as the IPM coordinator. *4 TAC 7.201(3)*

The commercial or noncommercial certified applicator or licensed technician shall:

1. Apply only United States Environmental Protection Agency (EPA) labeled pesticides, appropriate for the target pest, except as provided in Division 7;
2. Provide the structural pest management needs of the district by following the district's IPM program and these regulations;
3. Obtain written approval from the IPM coordinator for the use of pesticides in accordance with Division 7;
4. Handle and forward to the IPM coordinator records of IPM activities, any complaints relating to pest problems, and pesticide use;
5. Ensure that pesticide use records are forwarded to the IPM coordinator within two business days or in a time frame as agreed to by the IPM coordinator;
6. Consult with the IPM coordinator concerning the use of control measures in buildings and grounds; and
7. Ensure that all pest control activities are consistent with the district's IPM program and IPM policy.

4 TAC 7.203

Notice

A district shall prior to or by the first week of school attendance, ensure that a procedure is in place to provide prior notification of pesticide applications in accordance with 4 Administrative Code Chapter 7. Individuals who request in writing to be notified of pesticide applications may be notified by telephonic, written, or electronic methods. *4 TAC 7.201(4)*

The chief administrator, IPM coordinator, or building manager must notify individuals who work in a district building of an indoor pest control treatment by:

1. Posting the sign made available by the certified applicator or technician in an area of common access that the individuals are likely to check on a regular basis at least 48 hours before each planned treatment; and

2. Making available, on request, the consumer information sheet made available by the certified applicator or technician.

Occupations Code 1951.455(a); 4 TAC 7.146(c), .147(e), .148(b)

Chief administrators or the IPM coordinators of schools must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of planned applications will meet the notification requirements. *4 TAC 7.148(c); Occupations Code 1951.455(b)* [See FD]

Emergency Exception

The pre-notification requirements of 4 Administrative Code 7.146–.148 are waived if the customer and certified applicator sign a statement attesting to the fact that an emergency exists which requires immediate treatment. If such an emergency exists, the consumer information sheet must be made available by the licensee. The statement must be kept on file with the pest control use records. If the customer is not available to sign a statement at the time of treatment, that shall be recorded in the use records along with the customer's name and telephone number. An emergency is defined as an imminent hazard to health. An emergency treatment is limited to the localized area of the emergency. *4 TAC 7.147(g), .148(d)*

Pesticide Use

All pesticides used by districts must be registered with the EPA and the TDA, with the exception of those pesticides that have been exempted from registration by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Section 25(b). All pesticides used by districts must also bear a label as required by FIFRA and Chapter 76 of the Texas Agriculture Code. Pesticide use must also meet the following requirements:

1. Pest control signs shall be posted at least 48 hours prior to a pesticide application inside district buildings as provided for under 4 Administrative Code 7.148.

2. For outdoor applications made on district grounds, the treated area must be identified at all entry points with a sign, or must be secured using a locking device, a fence or other practical barrier such as commercially available barrier caution tape, or periodically monitored to keep students out of the treated area until the allowed reentry time.

3. Pesticides used on district property shall be mixed outside of student occupied areas of buildings and grounds.

4. The use of non-pesticide control measures, non-pesticide monitoring tools and mechanical devices, such as glue boards and traps as permitted in accordance with Division 7, are exempt from posting requirements. The use of non-pesticide tools and devices by unlicensed district personnel, for monitoring purposes, shall be permitted. Monitoring by unlicensed district personnel shall be done only as directed, under the supervision of the IPM coordinator.

5. Pesticide applications shall not be made to outdoor school grounds if such an application will expose students to physical drift of pesticide spray particles. Reasonable preventative measures shall be taken to avoid the potential of drift to occur.

6. Districts are allowed to apply the pesticides to control pests, rodents, insects, and weeds at school buildings, grounds, or other facilities in accordance with the approval for use and restrictions listed for each category detailed in 4 Administrative Code 7.204(6).

4 TAC 7.204

Incidental Use

The Incidental Use For Schools Fact Sheet must contain the text specified in 4 Administrative Code 7.205, and must be provided during pesticide instruction and training by the IPM coordinator to each district employee whose primary duty is not pest control, and whose work may include tasks subject to the exception. The IPM coordinator must keep records of all the training conducted annually. Pest control use records for all incidental pesticide use application, including the reason for application and justification for emergency, must be maintained by the IPM coordinator for two years. *4 TAC 7.205*

Inspections

School districts will be inspected at least once every five years. TDA may waive these requirements due to TDA staff availability, budgetary constraints, inspection trends, or operational efficiencies. School districts demonstrating a lack of compliance with TDA rules may be inspected more frequently based on risk using the following elements of consideration: prior violations, prior inspection results, and prior complaints. *4 TAC 7.149*

Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Technology and Instructional Materials

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 technology and instructional materials 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 technology and instructional materials fund to fund the allotment. The allotment shall be transferred from the state technology and instructional materials fund to the credit of the district's technology and instructional materials 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, 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 technology and instructional materials 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 pay for:

1. Instructional materials on the list adopted by the commissioner under Education Code 31.0231;
2. Instructional materials on the list adopted by the State Board of Education (SBOE) under Education Code 31.024;
3. Non-adopted instructional materials;
4. Consumable instructional materials, including workbooks;
5. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
6. Versions of non-adopted instructional materials that are fully accessible to students with disabilities;
7. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
8. Supplemental instructional materials, as provided by Education Code 31.035;
9. State-developed open education resource instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
10. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
11. Activities related to the local review and adoption of instructional materials;
12. Technological equipment that contributes to student learning, including equipment that supports the use of instructional materials.
13. Training educational personnel directly involved in student learning in the appropriate use of instructional materials;
14. Providing access to technological equipment for instructional use; and

15. 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, 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)

Technology and Instructional Materials Account

The commissioner shall maintain a technology and instructional materials 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 technology and instructional materials 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 technology and instructional materials 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. *Education Code 31.106*
Requisitions, Use, and Distribution	A district shall make a requisition for instructional materials using the online requisition program (EMAT) maintained by the commissioner not later than June 1 of each year. A district may requisition instructional materials on the SBOE instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)–(c)*
Distribution	The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*
Supplemental Instructional Materials	A district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list adopted under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Education Code 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*
Availability of Open Education Resource Instructional Materials	A district that selects open education resource instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student: 1. Electronic access to the instructional material at no cost to the student; or 2. Printed copies of the portion of the instructional material that will be used in the course. *Education Code 31.103(d)*
Employee Training	The board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the allotment and the use of the instructional materials ordering system (EMAT). Training shall be completed prior to ordering instructional materials for the first time and again each time the district is notified by TEA that the training has been updated. The district shall maintain documentation of the completion of the required training. *19 TAC 66.107(d)*
Special Instructional Materials	All laws and rules applying to instructional materials provided to students with no disabilities that are not in conflict with Education Code 31.028 or 19 Administrative Code 66.1311 shall apply to the

distribution and control of special instructional materials. Special instructional materials include braille, large-print, and audio books and any other formats designed specifically to provide equal access to students with disabilities.

Requisitions for special instructional materials shall be based on actual student enrollment but may include up to two copies per student if necessary to meet individual need.

Special instructional materials are the property of the state. A district is responsible for replacing or reimbursing the state for lost, stolen, or damaged special instructional materials.

For Teachers

Adopted instructional materials needed by a teacher with a print disability to carry out his or her instructional duties shall be furnished in the required format without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed.

For Parents

Adopted instructional materials in a specialized format that are requested by a parent with a print disability shall be furnished without cost by the state. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws, including those that forbid reproduction of the files and their transfer to other parties. All specialized instructional material formats and electronic files that have been provided must be returned to the local school district at the end of the school year.

19 TAC 66.1311

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)*

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)*

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

Authorization to Purchase or Lease Vehicles

A district may purchase school motor vehicles through the comptroller or through competitive bidding under Education Code Chapter 44, Subchapter B. *Education Code 34.001(a)* [See CH]

Each contract proposed to be made by a district for the purchase or lease of one or more school buses, including a lease with an option to purchase, must be submitted to competitive bidding when the contract is valued at $20,000 or more. *Education Code 44.031(l)*

When a contract for the purchase of school buses is valued at $20,000 or more, the contract must be made either through competitive bidding or by purchasing the buses through the comptroller. *Atty. Gen. Op. LO-98-063 (1998)*

Payment

A district financially unable to pay for a vehicle the district purchases may, as prescribed by Education Code 34.005, issue interest-bearing time warrants in amounts sufficient to make the purchase. *Education Code 34.005(a)*

A board may issue bonds to purchase new school buses. *Education Code 45.001(a)(1)(D)* [See CCA]

New Van Purchases or Leases

A school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multi-function school activity buses under United States Code Title 49. This provision does not apply in some limited circumstances, including the purchase or lease of a 15-passenger van under a contract executed before August 10, 2005, the date of enactment of this provision. *49 U.S.C. 30112*

Contracts for School Bus Use, Acquisition, or Lease

A board may contract with any person for use, acquisition, or lease with option to purchase a school bus if the board determines the contract to be economically advantageous to the district. Such a contract may have any lawful term of not less than two or more than ten years. The competitive bidding requirements of Education Code Chapter 44, Subchapter B apply to a contract under this provision. A school bus that is leased or leased with an option to purchase must meet or exceed safety standards set out in Education Code 34.002. *Education Code 34.009* [See CH]

Registration District-owned vehicles used exclusively in the service of a district are exempt from the state registration fee. The Department of Motor Vehicles (DMV) must approve an application for registration before exempt license plates are issued. *Transp. Code 502.451, .453*

Identification The DMV may not issue exempt license plates unless the applicant for registration certifies in writing that the name of a district is printed on each side of the vehicle, in letters that are at least two inches high or in an emblem that is at least 100 square inches in size. The letters or emblem must be of a color sufficiently different from the body of the vehicle to be clearly legible from a distance of 100 feet. *Transp. Code 502.452(a)*

Maintenance District vehicles are subject to inspection pursuant to Transportation Code Chapter 548.

School Bus Advertising The exterior of a school bus may not bear advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety-warning equipment. A school bus that violates this provision or rules adopted under this provision shall be placed out of service until it complies. *Transp. Code 547.701(d)*

Advertising Rules A district may allow advertisements on school buses in accordance with rules. The rules adopted by the Texas Department of Public Safety (DPS) at 37 Administrative Code 14.61–14.65 apply to all school buses used to transport preprimary, primary, and secondary public school students. *37 TAC 14.61*

"Advertisement" For purposes of this policy, "advertisement" means any communication brought to the attention of the public by paid announcement or in return for public recognition in connection with an event or offer or sale of a product or service, except for a single-line listing of a district name and/or school or manufacturer logo approved by DPS. *37 TAC 14.1(1)*

Material and Location Advertisements must be of a material and in a location specified in the rules. *37 TAC 14.62–.64*

Annual Notice By September 1 of each year, districts involved in an advertising program shall provide the School Bus Transportation Program at DPS written notification of the number of buses operated by or for the district that display exterior advertising or another paid announcement. *37 TAC 14.65(a)(1), (b)*

Delivery of Notice Notices to DPS shall be delivered by facsimile at (512) 424-2238, electronic mail at sbt@txdps.state.tx.us, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

Nonschool Use A board may contract with nonschool organizations for use of school buses. The board may provide services relating to the maintenance and operation of the buses in accordance with the contract. *Education Code 34.010*

Sale of Buses At the request of a district, the comptroller shall dispose of a school bus. A district is not required to dispose of a bus through the comptroller. *Education Code 34.006*

Minimum Standards for School Nutrition Program Directors

Each district 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 the Code of Federal Regulations. *7 C.F.R. 210.30*

Texas Department of Agriculture School Nutrition Policies

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*

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

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*

Insufficient Meal Card Balance

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

Lauren's Law

A district may not adopt any rule, policy, or program under Education Code 28.002 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

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.

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 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. A district shall notify stakeholders of their ability to review the completed campus turnaround 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(d)(1). [See AIC]

9. A district shall post an election notice required under Election Code 85.007. [See BBBA]

10. 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]

11. 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]

12. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

13. A district shall post the statements regarding activities to support student health under Education Code 28.004. [See BDF]

14. 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]

15. 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]

16. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

17. 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]

18. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

19. 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]

20. A district shall continuously post its annual financial report under Local Government Code 140.008 on its website until the district posts the next annual report, or, as an alternative, the district may post a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

21. 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 e-mail address, under Local Government Code 140.008(f)(2). [See CFA]

22. A district shall report its energy usage information on a publicly accessible Internet website with an interface designed for ease of navigation, if available, under Government Code 2265.001. [See CL]

23. 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]

24. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

25. 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]

26. 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]

27. 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]

28. 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]

29. 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]

30. A district shall post information regarding local programs and services, including charitable programs and services, available to assist homeless students, under Education Code 33.906. [See FDC]

31. 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]

32. 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]

33. 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, including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an Internet website may post the following:

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. A board may broadcast an open meeting over the Internet, under Government Code 551.128. [See BE]

3. 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(o). [See CFA]

4. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's Internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]

5. A district may place on its Internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]

6. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]

"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

Coverage Requirements

Districts with 500 or Fewer Employees

A district with 500 or fewer employees is required to participate in the uniform group coverage program established under Insurance Code 1579 (TRS-ActiveCare). *Insurance Code 1579.151; Education Code 22.004(a)*

Self-Funded Districts

Notwithstanding the above, a district that was individually self-funded on January 1, 2001, may elect not to participate in TRS-ActiveCare. *Insurance Code 1579.151(b)*

Districts with More Than 500 Employees

A district with more than 500 employees may elect to participate in TRS-ActiveCare. The district shall apply for participation in the manner prescribed by TRS rule. *Insurance Code 1579.152; 34 TAC 41.30*

TRS-ActiveCare

The Teacher Retirement System (TRS) shall implement and administer TRS-ActiveCare. TRS shall establish plans of group coverages for employees participating in the program and their dependents*. Insurance Code 1579.051, .101*

Eligibility

Full-Time Employees

Participation in TRS-ActiveCare is limited to employees of participating districts who are full-time employees and to part-time employees who are participating members in TRS. A “full-time employee” is a participating TRS member who is currently employed by a district in a position that is eligible for membership in TRS and who is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under Insurance Code Chapters 1551, 1601, or 1575 (TRS-Care). *Insurance Code 1579.202; 34 TAC 41.33(2)*

Certain Part-Time Employees

A part-time employee who is not a participating member in TRS is eligible to participate in TRS-ActiveCare only if the employee pays all of the premiums and other costs associated with the health coverage plan selected by the employee. A “part-time employee” is an individual who:

1. Is currently employed by a district for ten hours or more each week;
2. Is employed in a position that is not eligible for membership in TRS or is not eligible for membership in TRS because of a service or disability retirement; and
3. Is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under Insurance Code Chapters 1551, 1601, or 1575 (TRS-Care).

Insurance Code 1579.204; 34 TAC 41.33(6)

Optional Coverages — A district that participates in TRS-ActiveCare may enter contracts to provide optional insurance coverages for district employees. *Education Code 22.004(j)*

Other Health Coverage Programs — A district that does not participate in TRS-ActiveCare shall make available to its employees group health coverage provided by a risk pool established under Local Government Code Chapter 172 ("authorized risk pool"), or under a policy of insurance or group contract issued by an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization under Insurance Code Chapter 843. *Education Code 22.004(b)*

Financial Statement — A district that does not participate in TRS-ActiveCare may not contract with an insurer, company, or health maintenance organization to issue a policy or contract for group health insurance, or with any person to assist the district in obtaining or managing the policy or contract unless, before the contract is entered, the insurer, company, organization, or person provides the district with an audited financial statement showing the financial condition of the insurer, company, organization, or person. *Education Code 22.004(f)*

Small Employer Market Election — A district that does not participate in TRS-ActiveCare may elect to participate in the small employer market without regard to the number of eligible employees in the district. A district that makes this election will be treated as a small employer for all purposes under Insurance Code Chapter 1501.

A district that is participating in TRS-ActiveCare may not participate in the small employer market and may not renew a health insurance contract obtained in accordance with Insurance Code 1501.009 after the date on which the program of coverages provided under TRS-ActiveCare is implemented. This provision does not affect a contract for the provision of optional coverages.

Insurance Code 1501.009

Employee Election — Spouses — A district employee who is eligible for coverage under a large or small employer health benefit plan providing coverage to the district's employees and who is the spouse of another district employee covered under the plan may elect whether to be treated under the plan as an employee or as the dependent of the other employee. *Insurance Code 1501.0095*

Self-Funded Health-Care Plan — The board may establish a health-care plan for district employees and their dependents. In implementing the plan, the board shall establish a fund to pay, as authorized under the plan, all or part of the actual costs for health care incurred by employees and any dependent whose participation in the program is being supported by deductions from an employee's salary. The fund consists of money

contributed by the district and money deducted from salaries of employees for dependent or employee coverage. Money for the fund may not be deducted from an employee's salary unless the employee authorizes the deduction in writing. The plan shall attempt to protect the district against unanticipated catastrophic individual loss, or unexpectedly large aggregate loss, by securing individual stop-loss coverage, or aggregate stop-loss coverage, or both, from a commercial insurer.

The board may amend or cancel the district's health-care plan at any regular or special board meeting. If the plan is canceled, any valid claim against the fund for payment of health-care costs resulting from illness or injury occurring during the time the plan was in effect shall be paid out of the fund. If the fund is insufficient to pay the claim, the costs shall be paid out of other available school district funds.

Education Code 22.005

Comparability

The coverage provided by a district that does not participate in TRS-ActiveCare must meet the substantive coverage requirements of Insurance Code Chapters 1251, Subchapter A, Chapter 1364, and Chapter 1366, Subchapter A, and any other law applicable to group health insurance policies or contracts issued in this state. The coverage must include major medical treatment but may exclude experimental procedures. "Major medical treatment" means a medical, surgical, or diagnostic procedure for illness or injury. The coverage may include managed care or preventive care and must be comparable to the basic health coverage provided under Insurance Code Chapter 1551 (Texas Employees Group Benefits Act).

The following factors shall be considered in determining whether the district's coverage is comparable to the basic health coverage specified above:

1. The deductible amount for service provided inside and outside of the network;
2. The coinsurance percentages for service provided inside and outside of the network;
3. The maximum amount of coinsurance payments a covered person is required to pay;
4. The amount of the copayment for an office visit;
5. The schedule of benefits and the scope of coverage;
6. The lifetime maximum benefit amount; and

7. Verification that the coverage is issued by a provider licensed to do business in this state by the Texas Department of Insurance (TDI) or is provided by an authorized risk pool or that a district is capable of covering the assumed liabilities in the case of coverage provided through district self-insurance.

Education Code 22.004(b)

Compliance Report

A district that does not participate in TRS ActiveCare shall prepare a report addressing its compliance with Education Code 22.004. The report must be available for review, together with the policy or contract for the group health coverage plan, at the central administrative office of each campus in the district and be posted on the district's Internet website if the district maintains a website, must be based on the district group health coverage plan in effect during the current plan year, and must include:

1. Appropriate documentation of:
   a. The district's contract for group health coverage with a provider licensed to do business in this state by TDI or an authorized risk pool; or
   b. A resolution of the board authorizing a self-insurance plan for district employees and of the district's review of district ability to cover the liability assumed;
2. The schedule of benefits;
3. The premium rate sheet, including the amount paid by the district and employee;
4. The number of employees covered by the health coverage plan offered by the district; and
5. Information concerning the ease of completing the report.

Education Code 22.004(d)

Cost of Coverage

TRS-ActiveCare

The cost of coverage under TRS-ActiveCare shall be shared by the state, the district, and the employees, as set forth below. *Education Code 22.004(c)*

State Contribution

The state shall provide for each covered employee the amount of $900 each state fiscal year or a greater amount as provided by the General Appropriations Act. The state contribution shall be distributed through the school finance formulas under Education Code Chapters 41 and 42 and used by districts as provided by Education Code 42.260*. Insurance Code 1579.251(a)*

Employee Contribution

An employee covered by the program shall pay that portion of the cost of coverage selected by the employee that exceeds the amount of the state contribution and a district's contribution.

A district may pay any portion of what otherwise would be the employee share of premiums and other costs associated with the coverage selected by the employee.

Insurance Code 1579.253

Other Health Coverage Programs

The cost of coverage provided by a district that does not participate in TRS-ActiveCare shall be shared by the employees and the district, using the contributions by the state described at Insurance Code Chapter 1579, Subchapter F. [See State Contribution, above] *Education Code 22.004(c)*

District Required Minimum Effort

A district shall, for each fiscal year, use to provide health coverage an amount equal to the number of participating employees of the district multiplied by $1,800. *Insurance Code 1581.052(a)*

Designation of Compensation for Benefits

An employee who is covered by a cafeteria plan or who is eligible to pay health-care premiums through a premium conversion plan may elect to designate a portion of the employee's compensation to be used as health-care supplementation. [See DEA] *Education Code 22.103(a), (c)*

Use

An employee may use compensation designated for health-care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the employee is enrolled or using the designated amount for health-care premiums through a premium conversion plan. *Education Code 22.106*

Written Election

Each year, an active employee must elect in writing whether to designate a portion of the employee's compensation to be used as health-care supplementation. An election must be made at the same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 22.105*

Continuation Coverage

Notwithstanding any other law, an employee whose resignation is effective after the last day of an instructional year is entitled to participate or be enrolled in TRS ActiveCare or the district's group health coverage through the earlier of:

After Resignation

1. The first anniversary of the date participation in or coverage under TRS ActiveCare or the district's group health coverage was first made available to district employees for the last instructional year in which the employee was employed by the district; or

2. The last calendar day before the first day of the instructional year immediately following the last instructional year in which the employee was employed by the district.

A district may not diminish or eliminate its contribution [see District Required Minimum Effort, above] before the last date on which the employee is entitled to participation or enrollment.

Education Code 22.004(k), (l); 34 TAC 41.38

During Military Leave

An employee who is absent from a position of employment by reason of service in the uniformed services may elect to continue coverage under a health plan. The maximum period of coverage of such a person and the person's dependents shall be the lesser of:

1. The 24-month period beginning on the date on which the person's absence begins; or

2. The day after the date on which the person fails to apply for or return to a position of employment. [See DECB]

38 U.S.C. 4317(a)

During FMLA Leave

During any period of leave under the Family and Medical Leave Act (FMLA), a district shall maintain coverage under any group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. *29 U.S.C. 2614(c); 29 C.F.R. 825.209, .210, .213* [See also DECA]

Upon Termination or Other Qualifying Event (COBRA)

In accordance with regulations that the Secretary of Health and Human Services shall prescribe, each group health plan that is maintained by any state that receives funds under 42 U.S.C. Chapter 6A, by any political subdivision of such a state, or by any agency or instrumentality of such a state or political subdivision, shall provide, in accordance with 42 U.S.C. Chapter 6A, Subchapter XX, that each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event is entitled, under the plan, to elect, within the election period, continuation coverage under the plan.

The coverage must consist of coverage which, as of the time the coverage is being provided, is identical to the coverage provided under the plan to similarly situated beneficiaries under the plan with respect to whom a qualifying event has not occurred. If coverage is modified under the plan for any group of similarly situated beneficiaries, such coverage shall also be modified in the same manner for all individuals who are qualified beneficiaries under the plan in connection with such group.

42 U.S.C. 300bb-1(a), 300bb-2(1)

"Qualifying Event"

"Qualifying event" means, with respect to any covered employee, any of the following events which, but for the continuation coverage required under 42 U.S.C. Chapter 6A, Subchapter XX, would result in the loss of coverage of a qualified beneficiary:

1. The death of the covered employee.
2. The termination, other than by reason of such employee's gross misconduct, or reduction of hours, of the covered employee's employment.
3. The divorce or legal separation of the covered employee from the employee's spouse.
4. The covered employee becoming entitled to benefits under Medicare, 42 U.S.C. 1395 et seq.
5. A dependent child ceasing to be a dependent child under the generally applicable requirements of the plan

42 U.S.C. 300bb-3

Period of Coverage

The coverage must extend for at least the period beginning on the date of the qualifying event and ending not earlier than the earliest of the following:

1. In the case of the termination or reduction of hours of a covered employee as described at item 2 at "Qualifying Event" above, the date which is 18 months after the date of the termination or reduction of hours.
2. If a qualifying event occurs during the 18 months after the date of the termination or reduction of hours, the date which is 36 months after the date of the termination or reduction of hours.
3. In the case of a qualifying event other than termination or reduction of hours, the date which is 36 months after the date of the qualifying event.
4. In the case of the termination or reduction of hours of a covered employee as described at item 2 at "Qualifying Event" that occurs less than 18 months after the date the covered employee became entitled to benefits under Medicare, 42 U.S.C. 1395 et seq., the period of coverage for qualified beneficiaries other than the covered employee shall not terminate under this provision before the close of the 36-month period beginning on the date the covered employee became so entitled.

5. In the case of a qualified beneficiary who is determined, under Title II or XVI of the Social Security Act, 42 U.S.C. 401 et seq., 1381 et seq. (the Social Security Act), to have been disabled at any time during the first 60 days of continuation coverage, any reference in paragraph 1 or 2 to 18 months is deemed a reference to 29 months with respect to all qualified beneficiaries, but only if the qualified beneficiary has provided notice of such determination under 42 U.S.C. 300bb–6(3) before the end of such 18 months.

6. The date on which the employer ceases to provide any group health plan to any employee.

7. The date on which coverage ceases under the plan by reason of a failure to make timely payment of any premium required under the plan with respect to the qualified beneficiary.

8. The date on which the qualified beneficiary first becomes, after the date of the election, covered under any other group health plan that satisfies 42 U.S.C. 300bb-2(2)(D)(i), or entitled to benefits under Title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.].

9. In the case of a qualified beneficiary who is disabled at any time during the first 60 days of continuation coverage under this subchapter, the month that begins more than 30 days after the date of the final determination under the Social Security Act that the qualified beneficiary is no longer disabled.

42 U.S.C. 300bb-2(2)

Premium The plan may require payments of a premium for any period of continuation coverage, except that such premium shall not exceed 102 percent applicable premium for such period, and may, at the election of the payor, be made in monthly installments. Individuals entitled to 29 months of continuation coverage may be required to pay premiums not to exceed 150 percent of the usual cost for any month after the 18th month. In no event may the plan require payment of any premium before the day that is 45 days after the day on which the qualified beneficiary made the initial election for continuation coverage. *42 U.S.C. 300bb-2(3)*

Notice The employer of an employee under a group health plan must notify the plan administrator of an employee's death, termination, reduction of hours, or eligibility for Medicare payments within 30 days of the date of the qualifying event. *42 U.S.C. 300bb-6(2)–(3)*

Note: See also DEB for continuation benefits that are available to survivors of district peace officers under certain conditions.

Coverage of Preexisting Conditions

Notwithstanding any other law, group health benefit coverage provided by or offered through a district to its employees under any law other than the uniform group coverage program is subject to the requirements of Insurance Code Sections 1501.102–.105, which limit exclusion for preexisting conditions. This provision applies to all group health benefit coverage provided by or offered through a district to its employees, including a standard health benefit plan issued under Insurance Code Chapter 1507 and health and accident coverage provided through a risk pool established under Local Government Code Chapter 172. *Education Code 22.004(m)*

TRS-ActiveCare

Coverage provided under the uniform group coverage program may not be made subject to a preexisting condition limitation during the initial period of eligibility*. Insurance Code 1579.105*

Federal Law

A group health plan may not impose a preexisting condition exclusion. *42 U.S.C. 300gg-3(a); 45 C.F.R. 146.111, 147.108*

Health Insurance Portability and Accountability Act (HIPAA)

The Public Health Service Act (PHS Act) requirements are the following:

1. Limitations on preexisting condition exclusion periods in accordance with section 2701 of the PHS Act as codified before enactment of the Affordable Care Act;
2. Special enrollment periods for individuals and dependents described under section 2704(f) of the PHS Act;
3. Prohibitions against discriminating against individual participants and beneficiaries based on health status under section 2705 of the PHS Act, except that the sponsor of a self-funded non-federal governmental plan cannot elect to exempt its plan from requirements under section 2705(a)(6) and 2705(c) through (f) that prohibit discrimination with respect to genetic information;
4. Standards relating to benefits for mothers and newborns under section 2725 of the PHS Act;
5. Parity in mental health and substance use disorder benefits under section 2726 of the PHS Act;
6. Required coverage for reconstructive surgery following mastectomies under section 2727 of the PHS Act; and

7. Coverage of dependent students on a medically necessary leave of absence under section 2728 of the PHS Act.

Exemption Election

A sponsor of a non-federal governmental plan may elect to exempt its plan, to the extent the plan is not provided through health insurance coverage (that is, it is self-funded), from one or more of the requirements described in items 4 through 7, above.

42 U.S.C. 300gg-21(a)(2); 45 C.F.R. 146.180(a)

Form of Election

The election must meet the following requirements:

1. Be made in an electronic format in a form and manner as described by the U.S. Secretary of Health and Human Services in guidance.
2. Be made in conformance with all of the plan sponsor's rules, including any public hearing requirements.
3. Specify the beginning and ending dates of the period to which the election is to apply. This period is a single specified plan year, as defined in 45 C.F.R. 144.103.
4. Specify the name of the plan and the name and address of the plan administrator, and include the name and telephone number of a person the Centers for Medicare and Medicaid Services (CMS) may contact regarding the election.
5. State that the plan does not include health insurance coverage, or identify which portion of the plan is not funded through health insurance coverage.
6. Specify each requirement described in 45 C.F.R. 146.180(a)(1) of this section from which the plan sponsor elects to exempt the plan.
7. Certify that the person signing the election document, including, if applicable, a third party plan administrator, is legally authorized to do so by the plan sponsor.
8. Include, as an attachment, a copy of the notice described in 45 C.F.R. 146.180(f).

42 U.S.C. 300gg-21(a)(2); 45 C.F.R. 146.180(b)

Timing of Election

Absent an extension by the U.S. Department of Health and Human Services CMS for good cause, a plan sponsor or entity acting on behalf of a plan sponsor must file an election with CMS before the first day of the plan year.

A plan sponsor may renew an election through subsequent elections.

42 U.S.C. 300gg-21(a)(2); 45 C.F.R. 146.180(c), (f)

Contents of Notice

A plan that makes the election described in these provisions must notify each affected enrollee of the election, and explain the consequences of the election. The notice must be in writing and must be provided to each enrollee at the time of enrollment under the plan, and on an annual basis no later than the last day of each plan year for which there is an election. A plan may meet the notification requirements by prominently printing the notice in a summary plan description, or equivalent description, that it provides to each enrollee at the time of enrollment, and annually. Also, when a plan provides a notice to an enrollee at the time of enrollment, that notice may serve as the initial annual notice for that enrollee. *42 U.S.C. 300gg-21(a)(2)(C); 45 C.F.R. 146.180(e)(1)*

Privacy of Health Information

To the extent a district is a covered entity under the Administrative Simplification provisions of HIPAA, the district must maintain the privacy of protected health information in accordance with the Privacy Rule, 45 C.F.R. Part 164, Subpart E. *42 U.S.C. Chapter 7, Subchapter XI, Part C*.

Definitions

"Covered entity" means:

"Covered Entity"

1. A health plan;
2. A health-care clearinghouse; or
3. A health-care provider who transmits any health information in electronic form in connection with a transaction covered by 45 C. F. R. Chapter A, Subchapter C.

45 C.F.R. 160.103

"Protected Health Information"

"Protected health information" means individually identifiable health information that is transmitted by electronic media, maintained by electronic media, or transmitted or maintained in any form or medium. "Protected health information" excludes individually identifiable health information in:

1. Education records covered by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.
2. Medical treatment records, as described at 20 U.S.C. 1232g(a)(4)(B)(iv), on a student who is at least 18 years of age.
3. Employment records held by a covered entity in its role as employer.

20 U.S.C. 1232g; 45 C.F.R. 160.103 [See FL]

"Plan Sponsor" The term "plan sponsor" includes the employer in the case of an employee benefit plan established or maintained by a single employer. *29 U.S.C. 1002(16)(B)*

Sponsors of Group Health Plans

A group health plan, to disclose protected health information to the plan sponsor or to provide for or permit the disclosure of protected health information to the plan sponsor by a health insurance issuer or health maintenance organization (HMO) with respect to the group health plan, must ensure that the plan documents restrict uses and disclosures of such information by the plan sponsor consistent with the requirements of the Privacy Rule.

The group health plan, or a health insurance issuer or HMO with respect to the group health plan, may disclose summary health information to the plan sponsor, if the plan sponsor requests the summary health information for the purpose of:

1. Obtaining premium bids from health plans for providing health insurance coverage under the group health plan; or

2. Modifying, amending, or terminating the group health plan.

The group health plan, or a health insurance issuer or HMO with respect to the group health plan, may disclose to the plan sponsor information on whether the individual is participating in the group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

45 C.F.R. 164.504(f)

Deferred Compensation—Section 457

A district, either alone or by contract with other political subdivisions, may create and administer for its employees a deferred compensation plan, the federal income tax treatment of which is governed by Section 457 of the Internal Revenue Code of 1986, and its subsequent amendments, and may assess a fee on each participating employee for administering the plan. *Gov't Code 609.001(11), .102, .112*

Such a deferred compensation plan shall be established and administered in accordance with Government Code Chapter 609, Subchapter B. *Gov't Code Ch. 609*

A district may contract with an employee for the deferment of any part of the employee's compensation.

Except as provided by Government Code 609.5025, to participate in a deferred compensation plan, an employee must consent in the contract to automatic payroll deductions in an amount equal to the deferred amount.

Gov't Code 609.007(a), (c)

Plan Administrator

A district that creates a deferred compensation plan shall designate a plan administrator for the plan. Districts that create a single plan shall designate jointly a plan administrator for the plan. A plan administrator may be an employee, a nonprofit corporation, an individual, a trustee, a private entity, another political subdivision, or an association of political subdivisions. *Gov't Code 609.103*

"Plan administrator" means the person responsible for administering a deferred compensation plan. *Gov't Code 609.001(5)*

Duties Regarding Qualified Vendors

A plan administrator shall:

1. Develop and implement criteria and procedures for evaluating a vendor's application to become a qualified vendor. *Gov't Code 609.113(a)*
2. Determine the minimum and maximum number of vendors that may be qualified vendors at any given time. *Gov't Code 609.114*
3. Develop and implement requirements for qualified vendors and their employees concerning disclosure, reporting, standards of conduct, solicitation, advertising, relationships with participating employees, the nature and quality of services provided to those employees, and other matters. *Gov't Code 609.116*

Qualified Investment Product

To be classified as a qualified investment product for a deferred compensation plan, an investment product must be approved by the plan administrator to receive investments under the plan. The approval of an investment product for a 457 plan must be in writing. A qualified investment product may be offered only by a qualified vendor of the deferred compensation plan. *Gov't Code 609.003*

Roth Contribution Programs

A district may, if authorized by federal law, establish a program in accordance with the applicable federal law under which an employee may designate all or a portion of the employee's contribution under a 457 plan as a Roth contribution at the time the contribution is made or convert all or a portion of the employee's previous contribution under the plan to a Roth contribution. *Gov't Code 609.1025*

Annuities—Section 403(b)

A district may enter into a salary reduction agreement only if the qualified investment product is an eligible qualified investment and is registered with the Teacher Retirement System (TRS) under V.A.T.S. Article 6228a-5, Section 8A. *Art. 6228a-5, Sec. 5(a), V.A.T.S.*

Definitions

"Eligible qualified investment product" means a qualified investment product offered by a company that is certified with TRS and offers:

1. Qualified investment products that are annuity contracts; or
2. Qualified investment products other than annuity contracts.

34 TAC 53.1(10); Art. 6228a-5, Sec. 4(3), V.A.T.S.

A "certified company" is a company that meets all certification requirements that has certified to TRS and been placed on the TRS list of certified companies, and whose certification is not expired, suspended, surrendered, denied, or revoked. *34 TAC 53.1(4)*

"Qualified investment product" means a product that:

1. Meets the requirements of Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments;
2. Complies with applicable federal insurance and securities laws and regulations; and
3. Complies with applicable state insurance and securities laws and rules.

34 TAC 53.1(17); Art. 6228a-5, Sec. 4(5), V.A.T.S.

"Salary reduction agreement" means an agreement between a district and an employee to reduce the employee's salary for the pur-

pose of making direct contributions to or purchases of a qualified investment product. *34 TAC 53.1(23); Art. 6228a-5, Sec. 4(7), V.A.T.S.*

Employee Designation

An employee is entitled to designate any agent, broker, or company through which a qualified investment product may be purchased or contributions may be made.

Payroll Deduction

To the greatest degree possible, a district shall require that contributions to eligible qualified investments be made by automatic payroll deduction and deposited directly in the investment accounts.

Art. 6228a-5, Sec. 5(e), (f), V.A.T.S.

Prohibitions

A district may not:

1. Refuse to enter into a salary reduction agreement with an employee if the qualified investment product that is the subject of the salary reduction is an eligible qualified investment and is registered with TRS under V.A.T.S. Article 6228-5, Section 8A, except as provided below at item 8 and Exceptions;
2. Require or coerce an employee's attendance at any meeting at which qualified investment products are marketed;
3. Limit the ability of an employee to initiate, change, or terminate a qualified investment product at any time the employee chooses;
4. Grant exclusive access to an employee by discriminating against or imposing barriers to any agent, broker, or company that provides qualified investment products;
5. Grant exclusive access to information about an employee's financial information, including information about an employee's qualified investment products, to a company or agent or affiliate of a company offering qualified investment products unless the employee consents in writing to the access;
6. Accept any benefit from a company or from an agent or affiliate of a company that offers qualified investment products;
7. Use public funds to recommend a qualified investment product offered by a company or an agent or affiliate of a company that offers a qualified investment product; or
8. Enter into or continue a salary reduction agreement with an employee if the qualified investment product that is the subject of the salary reduction agreement is not an eligible qualified investment, including the investment product of a company whose certification has been denied, suspended, or

revoked without first providing the employee with notice in writing that:

a. Indicates the reason the subject of the salary reduction agreement is no longer an eligible qualified investment or why certification has been denied, suspended, or revoked; and

b. Clearly states that by signing the notice the employee is agreeing to enter into or continue the salary reduction agreement.

Exceptions

A district may refuse to enter into a salary reduction agreement with an employee if:

1. The eligible qualified investment product that is the subject of the salary reduction agreement is offered by a company that does not comply with the district's administrative requirements;

2. The district imposes the administrative requirements uniformly on all companies that offer eligible qualified investment products; and

3. The administrative requirements are necessary to comply with employer responsibilities imposed by:

   a. Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments;

   b. Any other provision of the Internal Revenue Code of 1986 that applies to Section 403(b);

   c. Any regulation adopted in relation to a law described by item (a) or (b) that is effective after December 31, 2007; or

   d. Any change to V.A.T.S. Article 6228a-5 that becomes effective after January 1, 2007.

Art. 6228a-5, Sec. 9, V.A.T.S.

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. *Education Code 46.008*

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. *19 TAC 61.1036(b)*

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). *19 TAC 61.1036(a)(10)*

"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.

19 TAC 61.1036(a)(2)

"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. *34 C.F.R. 104.22(f)*

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.

Occupations Code 1202.004

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. *19 TAC 61.1036(a)(11), (f)(3)*

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.

Health and Safety Code 756.061

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 conduct-

ed 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)

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)(1)*

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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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.

Education Code 21.003(b)

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. *Education Code 21.055(a)–(b)*

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.

Education Code 21.055(c)–(d)

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 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 e-mail 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. *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. *19TAC 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 Texas Education Agency 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 e-mail. *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

The following records on professional personnel must be readily available for review by the commissioner:

Professional Employees

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 Law. *Gov't Code Ch. 552* [See GBA]

Information in a personnel file is excepted from the requirements of the Public Information Law 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 Law. An employee or an employee's authorized rep-

resentative 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 Law. A district may assert as grounds for denial of access other provisions of the Public Information Law 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

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 pre-

vent 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

Applicability

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:

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 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)

Substitute Teachers

This section applies to a person who is a substitute teacher for a district or shared services arrangement.

Applicability

For purposes of the CHRI review requirements, a "substitute teacher" is a teacher who is on call or on a list of approved substi-

tutes to replace a regular teacher and has no regular or guaranteed hours. A substitute teacher may be certified or noncertified.

Information to DPS and TEA

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.

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 to whom this section applies through the Clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0836; 19 TAC 153.1101(5), .1111(d)

Student Teachers

This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate.

Applicability

Criminal History

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 au-

thorized 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 refuse to hire an applicant for employment if the district obtains information through a CHRI review that:

1. The employee or applicant has been convicted of:

   a. A felony under Penal Code Title 5;

   b. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or

   c. An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs a or b; and

2. At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

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 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 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), (13) [See DF for Discharge of Convicted Employees]

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 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

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. *Education Code 11.1513(e)*

Grievances — A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of a district, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

Education Code 11.1513(i)–(j) [See DGBA]

Transfers — A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)* [See DK]

Contract Employees — A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. *Education Code 21.002*

"Classroom Teacher" — "Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. *Education Code 5.001(2)*

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. The commissioner of education may reduce the number of days of service, but such a reduction by the commissioner does not reduce an educator's salary. *Education Code 21.401*

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.

Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)

Employment Assistance Prohibited 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

Federal Law

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.

20 U.S.C 7926 [See also CJ]

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district 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

Note: This policy applies only to employees whose contracts are not governed by Chapter 21 of the Education Code.

Non-Chapter 21 Contract

A contract of employment with a district creates a property interest in the position only for the period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract. *Perry v. Sindermann, 408 U.S. 593 (1972); Bd. of Regents of State Colleges v. Roth, 408 U.S. 564 (1972)*

Termination

End of Contract

A board may decide by vote or inaction not to offer any employee on a contract not governed by Chapter 21 of the Education Code further employment with the district beyond the term of the contract for any reason or no reason. *Perry v. Sindermann, 408 U.S. 593 (1972); Bd. of Regents of State Colleges v. Roth, 408 U.S. 564 (1972)*

Midcontract

An employee may be dismissed for good cause before the completion of the term fixed in his or her contract.

Procedure

Before any employee on a contract not governed by Chapter 21 of the Education Code is dismissed, the employee shall be given reasonable notice of the cause or causes for the termination, set out in sufficient detail to fairly enable him or her to show any error that may exist and the names and the nature of the testimony of the witnesses against him.

Ferguson v. Thomas, 430 F.2d 852 (5th Cir. 1970)

Hearing

A board may conduct the hearing in open session or in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public. *Gov't Code 551.074*

Suspension

The employee may be suspended without pay, so long as the suspension is temporary, and the employee receives a due process hearing. *Gilbert v. Homar, 524 U.S. 924 (1997)*

Note: For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), and DFBA and DFBB (Term Contracts).

Withholding Information

An attempt by any district employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts) and 21.211 (term contracts). *Education Code 26.008(b)*

Discharge of Convicted Employees

A district shall discharge an employee if the district obtains information through a criminal history record information (CHRI) review that:

1. The employee has been convicted of:
    a. A felony under Penal Code Title 5;
    b. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
    c. An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs a or b; and
2. At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

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 June 15, 2007; 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 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 knew or should have known, through a CHRI review, that the employee has been convicted of 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), (13) [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 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 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 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 or term contract is void if the employee:

1. Does not hold a valid certificate or permit issued by SBEC;
2. Fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Education Code Chapter 21, Subchapter B; or
3. Fails to comply with any requirement under Education Code Chapter 22, Subchapter C [criminal history review, see DBAA], if the failure results in suspension or revocation of the employee's certificate.

Education Code 21.0031(a)

A certificate or permit is not considered to have expired if:

1. The employee has completed the requirements for renewal of the certificate or permit;
2. The employee submitted the request for renewal before the expiration date; and
3. The date the certificate or permit would have expired is before the date SBEC takes action to approve the renewal of the certificate or permit.

Education Code 21.0031(f)

District's Options — If a district has knowledge that an employee's contract is void under Education Code 21.0031(a), the district may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or

3. Retain the employee for the remainder of the school year on an at-will employment basis in a position that does not require a contract under Education Code 21.002, at the employee's existing rate of pay or at a reduced rate.

The employee is not entitled to the minimum salary prescribed by Education Code 21.402.

Education Code 21.0031(b)

Exception

A district may not terminate or suspend an employee under 21.0031(b) because of the employee's lack of a valid certificate or permit, or failure to renew or extend a certificate or permit, if:

1. The employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate or permit; and

2. Not later than the 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

Suspension Without Pay

A board may, for good cause as determined by the board, suspend an employee without pay:

1. Pending discharge, or
2. In lieu of termination.

The suspension may not extend beyond the end of the school year.

Education Code 21.211(b)

Back Pay

If an employee is not discharged after being suspended without pay pending discharge, the employee is entitled to back pay for the period of suspension. *Education Code 21.211(c)*

Grounds for Dismissal

A board may terminate a term contract and discharge a term contract employee at any time for:

1. Good cause as determined by the board; or
2. A financial exigency that requires a reduction in personnel.

Education Code 21.211(a)

Notice

Before any term contract employee is dismissed for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of a district's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. *Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985)*

Hearing

If a term contract employee desires a hearing before an independent hearing examiner, the employee must file a written request with the commissioner of education not later than the 15th day after the date the employee receives notice of the proposed termination or suspension without pay. The employee must provide a district with a copy of the request and must provide the commissioner with a copy of the notice.

The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing.

Education Code 21.251(a), .253 [See DFD]

Financial Exigency

An employee who is protesting proposed action to terminate a term contract at any time on the basis of a financial exigency declared under Education Code 44.011 [see CEA] that requires a reduction in personnel must notify the board in writing not later than the tenth day after the date the employee receives notice of the proposed action. The employee is entitled to a hearing in the manner provided under Education Code 21.207 for nonrenewal of a term contract

[see DFBB] or a hearing under Education Code Chapter 21, Subchapter F, as determined by the board. *Education Code 21.159*

Report by Principal

The principal of a district, including a district of innovation, must notify the superintendent not later than the seventh business day after the date of an educator's termination of employment following an alleged incident of misconduct described by Education Code 21.006(b) [see DP]. *Education Code 21.006(b-2); 19 TAC 249.14(e)*

Educator Ethics

Educators 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 State Board for Educator Certification (SBEC) shall provide for the adoption, amendment, and enforcement of an educator's code of ethics [see DH(EXHIBIT)]. SBEC is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.

Education Code 21.041(b)(8); 19 TAC 247.1(b), (c)

Public Servants

All district employees are "public servants" and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including restrictions on the acceptance of illegal gifts, honoraria and expenses, and abuse of office. *Penal Code 1.07(a)(41), Title VIII* [See DBD and BBFA]

Electronic Communication Policy

"Electronic communication" means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes e-mails, text messages, instant messages, and any communications made through a website, including a social media website or a social networking website.

A school district shall adopt a written policy concerning electronic communications between a school employee and a student enrolled in the district.

The policy adopted under this section must:

1. Include provisions designed to prevent improper electronic communications between a school employee and a student;
2. Allow a school employee to elect to not disclose to students the employee's personal telephone number or e-mail address; and
3. Include provisions instructing a school employee about the proper method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.

Education Code 38.027

Ineligible for Retirement Annuity

A person is not eligible to receive a service retirement annuity from the Teacher Retirement System (TRS) if the person is convicted of a qualifying felony and the victim is a student.

"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or children);
2. Section 21.12 (improper relationship between educator and student); or
3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault).

The term includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described above.

Not later than the 30th day after the date of a person's conviction for a qualifying felony, the school at which the person was employed shall provide written notice of the conviction to TRS. The notice must comply with rules adopted by TRS.

Gov't Code 824.009

Transportation or Storage of Firearm in School Parking Area

A district may not prohibit a school employee who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, 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. [See GKA]

Education Code 37.0815

Tobacco and E-Cigarettes

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property.

Enforcement

A board shall ensure that district personnel enforce the policies on school property.

Education Code 38.006(b) [See also FNCD and GKA]

Drug and Alcohol Abuse Program

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)*

Federal Drug-Free Workplace Act

A district that receives a direct federal grant must agree to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the district's workplace and specifying the actions that will be taken against employees for violations of the prohibition;

2. Establishing a drug-free awareness program to inform employees about:

   a. The dangers of drug abuse in the workplace;

   b. The district's policy of maintaining a drug-free workplace;

   c. Available drug counseling, rehabilitation, and employee assistance programs; and

   d. The penalties that may be imposed on employees for drug abuse violations;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the required statement;

4. Notifying the employee in the required statement that as a condition of employment in the grant the employee will:

   a. Abide by the terms of the statement; and

   b. Notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction;

5. Notifying the granting agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of a conviction;

6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. section 8104; and

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirements.

41 U.S.C. 8103(a)(1)

Dietary Supplements

Except as provided at Education Code 38.011(b), a district employee may not:

1. Knowingly sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to a primary or

secondary education student with whom the employee has contact as part of the employee's duties; or

2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

Education Code 38.011

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487. *Health and Safety Code 487.201*

Note: This policy applies to a district of innovation under Education Code, Chapter 12A. [See AF]

Permissive Reports

The superintendent may notify the State Board for Educator Certification (SBEC) of any educator misconduct that he or she believes in good faith may be subject to sanctions under 19 Administrative Code, Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, and/or Chapter 247, Educators' Code of Ethics. *19 TAC 249.14(d)*

Required Reports

A superintendent shall notify SBEC if:

1. An educator employed by or seeking employment with the district, or an applicant or holder of an SBEC certificate, has a criminal record and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety under Government Code 411.0845;
2. An educator's employment at the district was terminated and there is evidence that the educator engaged in misconduct listed below [see Reportable Misconduct, below];
3. The educator submitted a notice of resignation and there is evidence that the educator engaged in misconduct listed below [see Reportable Misconduct, below]; or
4. The educator engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.

Education Code 21.006, 22.087; 19 TAC 249.14(d)

Reportable Misconduct

A superintendent shall make a report to SBEC under items 2 and 3, above, if an educator was terminated or resigned and there is evidence that the educator:

1. Sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor;
2. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. 801 et seq.;
3. Illegally transferred, appropriated, or expended school property or funds;
4. Attempted by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to be employed in a position requiring such certificate or per-

mit or to receive additional compensation associated with a position;

5. Committed a crime, any part of such crime having occurred on school property or at a school-sponsored event; or

6. Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

Education Code 21.006(b); 19 TAC 249.14(d)

Investigation

A superintendent shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described above at Reportable Misconduct, items 1 and 2, despite the educator's resignation from employment before completion of the investigation. *Education Code 21.006(b-1); 19 TAC 249.14(d)(3)(C)*

Deadline to Report

The superintendent shall promptly notify SBEC in writing by filing a report within seven business days after the date the superintendent receives a report from a principal [see DP(LEGAL)] or knew of the circumstances described above. *Education Code 21.006(c); 19 TAC 249.14(d)* [See Required Reports, above]

Contents of Report

The report must be in writing and in a form prescribed by SBEC. The report shall include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator and the factual circumstances requiring the report and the subject of the report by providing the following available information:

1. Name and any aliases;

2. Certificate number, if any, or social security number;

3. Last known mailing address and home and daytime phone numbers;

4. All available contact information for any alleged victim or victims;

5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;

6. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and

7. Involvement by a law enforcement or other agency, including the name of the agency.

Education Code 21.006(c-1); 19 TAC 249.14(f)

The name of the student or minor is not public information under the Public Information Act. [See GBAA] *Education Code 21.006(h)*

Notice

To the Board and Educator

A superintendent shall notify the board and the educator of the filing of a written report with SBEC. The superintendent shall notify the board before filing the report. *Education Code 21.006(d); 19 TAC 249.14(d)(3)(B)*

Before Accepting Resignation

Before accepting an employee's resignation that requires filing a report, the superintendent shall inform the educator in writing that a report will be filed and that sanctions against his or her certificate may result as a consequence. *19 TAC 249.14(d)(3)(A)*

Policy to Notify Parents

The board shall adopt a policy under which notice is provided to the parent or guardian of a student with whom an educator is alleged to have abused or otherwise committed an unlawful act with a student or minor. [See FFF] *Education Code 21.0061*

Sanctions for Failure to Report

SBEC shall determine whether to impose sanctions, including an administrative penalty against a superintendent who fails to file a report. *Education Code 21.006(f); 19 TAC 249.14(d), (h), .15(b)(4)*

Administrative Penalty

If a superintendent is required to file a report and fails to file the report by the required date, SBEC may impose an administrative penalty of not less than $500 and not more than $10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006(i)*

Criminal Offense

A superintendent required to file a report commits a state jail felony if the superintendent fails to file the report by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j)*

Immunity

A superintendent or principal who, in good faith and while acting in an official capacity, files a report with SBEC or communicates with another superintendent or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 21.006(e)*

Definitions

"Abuse"

"Abuse" includes the following acts or omissions:

1. Mental or emotional injury to a student or minor that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
2. Causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in

the student's or minor's development, learning, or psychological functioning;

3. Physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or

4. Sexual conduct harmful to a student's or minor's mental, emotional, or physical welfare.

19 TAC 249.3(1)

"Reported Criminal History"

"Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal informations, convictions, deferred adjudications, and probations in any state or federal jurisdiction. *19 TAC 249.3(44)*

"Solicitation of a Romantic Relationship"

"Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature. A romantic relationship is often characterized by a strong emotional or sexual attachment and/or patterns of exclusivity, but does not include appropriate educator-student relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an educator of a romantic relationship with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the educator's job duties and evidence a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:

   a. The nature of the communications;

   b. The timing of the communications;

   c. The extent of the communications;

   d. Whether the communications were made openly or secretly;

   e. The extent that the educator attempts to conceal the communications;

f. If the educator claims to be counseling a student, SBEC may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate authorities; and

g. Any other evidence tending to show the context of the communications between educator and student.

2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images.

3. Making sexually demeaning comments to a student.

4. Making comments about a student's potential sexual performance.

5. Requesting details of a student's sexual history.

6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the educator.

7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.

8. Inappropriate hugging, kissing, or excessive touching.

9. Providing the student with drugs or alcohol.

10. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.

11. Any other acts tending to show that the educator solicited a romantic relationship with the student.

19 TAC 249.3(51)

Reasonable Suspicion Searches

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]

Reasonable Suspicion Alcohol and Drug Testing

The District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol testing shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

A District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.

A District employee confirmed to have violated the District's policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DF series and DH]

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

Federally Required DOT Testing Program

In accordance with DOT rules, the District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

Drug-Related Violations

The following constitute drug-related violations under the DOT rules:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
8. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible for reinstatement as a driver.

Alcohol Results Between 0.02 and 0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at District-Imposed Consequences, below.]

Reasonable Suspicion DOT Testing

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

District-Imposed Consequences

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, shall be subject to District-imposed discipline, as determined by his or her supervisor and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.

Note: The following provisions address the District's drug- and alcohol-testing program.

District Drug- and Alcohol-Testing Program

Under its own authority, the District shall conduct random drug and alcohol testing for employees who drive a District vehicle, transport students in a District or personal vehicle, or handle hazardous chemicals or dangerous machinery.

Principal

Qualifications

A board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

Certification

To be eligible to receive a Standard Principal Certificate, an individual must:

1. Successfully complete the appropriate examinations required under 19 Administrative Code Chapter 230, Subchapter B (Assessment of Educators);
2. Hold a master's degree from an accredited institution of higher education recognized by the Texas Higher Education Coordinating Board;
3. Hold a valid classroom teaching certificate;
4. Have two years of creditable teaching experience as a classroom teacher, as defined by 19 Administrative Code Chapter 153, Subchapter CC (Commissioner's Rules on Creditable Years of Service) and Education Code 5.001(2); and
5. Successfully complete a principal preparation program that meets the requirements of 19 Administrative Code 241.10 (Preparation Program Requirements), 19 Administrative Code 241.15 (Standards Required for the Principal Certificate), 19 Administrative Code Chapter 227 (Provisions for Educator Preparation Candidates), and 19 Administrative Code Chapter 228 (Requirements for Educator Preparation Programs).

19 TAC 241.20

Duties

The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

A principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.

6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.

7. Perform any other duties assigned by the superintendent pursuant to board policy.

8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]

9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]

10. (For high school principals only) Serve, or appoint someone to serve, as deputy registrar for the county in which the school is located. *Election Code 13.046*

Education Code 11.202(b), .253(c), (h) [See also DMA]

Principal's Report to Superintendent

A principal must notify the superintendent not later than the seventh business day after the date:

1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 26.001(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]

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); 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 educator'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)*

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 E: INSTRUCTION

EA	INSTRUCTIONAL GOALS AND OBJECTIVES
EB	SCHOOL YEAR
EC	SCHOOL DAY
ED	ORGANIZATION OF INSTRUCTION
EE	INSTRUCTIONAL ARRANGEMENTS
EEA	Grouping for Instruction
EEB	Class Size
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EED	Student Schedules
EEH	Homebound Instruction
EEJ	Individualized Learning
EEL	Contracts with Outside Agencies
EEM	Juvenile Residential Facilities
EEP	Lesson Plans
EF	INSTRUCTIONAL RESOURCES
EFA	Instructional Materials
EFB	Library Media Programs
EFC	Community Instructional Resources
EFD	Field Trips
EH	CURRICULUM DESIGN
EHA	Basic Instructional Program
EHAA	Required Instruction (All Levels)
EHAB	Required Instruction (Elementary)
EHAC	Required Instruction (Secondary)
EHAD	Elective Instruction
EHB	Special Programs
EHBA	Special Education
EHBAA	Identification, Evaluation, and Eligibility
EHBAB	ARD Committee and Individualized Education Program
EHBAC	Students in Non-District Placement
EHBAD	Transition Services
EHBAE	Procedural Requirements
EHBAF	Video/Audio Monitoring
EHBB	Gifted and Talented Students
EHBC	Compensatory/Accelerated Services
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education

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SECTION E: INSTRUCTION

EHBG Prekindergarten
EHBH Other Special Populations
EHBI Adult and Community Education
EHBJ Innovative and Magnet Programs
EHBK Other Instructional Initiatives
EHBL High School Equivalency
EHBM Travel Study
EHBN Honors
EHD Alternative Methods for Earning Credit
EHDA Summer School
EHDB Credit by Examination with Prior Instruction
EHDC Credit by Examination without Prior Instruction
EHDD College Course Work/Dual Credit
EHDE Distance Learning

EI ACADEMIC ACHIEVEMENT
EIA Grading/Progress Reports to Parents
EIAA Examinations
EIAB Makeup Work
EIB Homework
EIC Class Ranking
EID Honor Rolls
EIE Retention and Promotion
EIF Graduation

EK TESTING PROGRAMS
EKB State Assessment
EKBA English Language Learners/LEP Students
EKC Reading Assessment
EKD Mathematics Assessment

EL CAMPUS OR PROGRAM CHARTERS
ELA Partnership Charters

EM MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA Academic Freedom
EMB Teaching About Controversial Issues
EMD Ceremonies and Observances
EMG Non-Service Animals
EMI Study of Religion

School Start Date

A district may not begin instruction for students for a school year before the fourth Monday in August unless the district operates a year-round system (see below). A district may not receive a waiver of this requirement.

Exceptions

A district that does not offer each grade level from kindergarten through grade 12 and whose prospective or former students generally attend school in another state for the grade levels the district does not offer may instead start school on any date permitted under the law of the other state.

A district with a student enrollment of 190,000 or more may begin instruction for students for a school year on or after the first Monday in August at a campus or at not more than 20 percent of the campuses in the district if:

1. The district at the beginning of the school year provides, financed with local funds, days of instruction for students at the campus or at each of the multiple campuses, in addition to the minimum number of days of instruction required under Education Code 25.081;
2. The campus or each of the multiple campuses are undergoing comprehensive reform, as determined by the board; and
3. A majority of the students at the campus or at each of the multiple campuses are educationally disadvantaged.

Education Code 25.0811

Length of School Year

Each school year, a district shall operate for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses for students.

Exceptions

The commissioner may approve the operation of schools for fewer than the number of minutes specified above when disaster, flood, extreme weather conditions, fuel curtailments, or other calamities have caused the closing of schools.

If the commissioner does not approve reduced operation time, a district may add additional minutes to the end of the district's normal school hours as necessary to compensate for minutes lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.

Education Code 25.081

Last Day of School

A district may not schedule the last day of school for students for a school year before May 15. However, a district that does not offer each grade level from kindergarten through grade 12 and whose prospective or former students generally attend school in another

state for the grade levels the district does not offer may schedule the last day of school on any date permitted under Texas law or the law of the other state. *Education Code 25.0812*

Optional Flexible Year Program

To enable a school district to provide additional instructional days for an optional extended year program [see EHBC], the school district may, with the approval of the commissioner, provide a number of days of instruction during the regular school year that is not more than ten days fewer than 180 days. *Education Code 29.0821(b)(1)*

No Instruction on Memorial Day

A district may not provide student instruction on Memorial Day. If a district would be required to provide student instruction on Memorial Day to compensate for minutes of instruction lost because of school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity, the commissioner shall approve the instruction of students for fewer than the required number of minutes. *Education Code 25.081(f)*

Reduction of Funding

The commissioner may proportionally reduce the amount of funding a district receives under Education Code, Chapters 41, 42, or 46 and the average daily attendance calculation for the district if the district operates on a calendar that provides fewer minutes of operation than required. *Education Code 25.081(f)*

Exemption

A school district is exempt from the minimum minutes of operation requirement if the district's or program's average daily attendance is calculated in the manner provided below. *Education Code 25.081(e)*

A district or charter school is eligible to earn full average daily attendance if the district provides at least 43,200 minutes of instructional time to students enrolled in:

1. A dropout recovery school or program operating under Education Code 12.1141(c) or Education Code 39.0548;
2. An alternative education program operating under Education Code 37.008;
3. A school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital;
4. A school program offered at a correctional facility; or
5. A school operating under Education Code 29.259.

Education Code 42.005(j)

Year-Round Schools

A district may operate its schools year-round on a single or a multitrack system. If it adopts a year-round system, it may modify:

1. The number of contract days of employees and the number of days of operation, including any time required for staff development, planning and preparation, and continuing education, otherwise required by law.
2. Testing dates, data reporting, and related matters.
3. The date of the first day of instruction of the school year under Education Code 25.0811 for a school that was operating year-round for the 2000–01 school year.
4. Students' eligibility to participate in extracurricular activities when their calendar track is not in session.

Education Code 25.084

Pledges of Allegiance

A board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags.

On written request from a student's parent or guardian, a district shall excuse the student from reciting a pledge of allegiance.

Minute of Silence

A board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.

Education Code 25.082

Kindergarten Program

A public school kindergarten may be operated on a half-day or full-day basis as determined by the board. *Education Code 29.152*

Grant Programs

A district may use funds from grants administered by the commissioner to operate an existing half-day kindergarten on a full-day basis. *Education Code 29.155(a)*

Prekindergarten Grant Programs

A district is eligible for half-day funding for each eligible student participating in a high-quality prekindergarten grant program. *Education Code 29.166* [See EHBG]

Interruptions

A board shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.

Loss of Class Time

A board shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than ten percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose. [See EHBC for provisions on tutorial services.]

Education Code 25.083

Standards

The *School Library Programs: Standards and Guidelines for Texas* are adopted by the Texas State Library and Archives Commission. The standards and guidelines are applicable to local Texas school districts. *13 TAC 4.1*

A school district shall consider the standards in developing, implementing, or expanding library services. *Education Code 33.021*

Joint Facilities

A district may enter into contracts with a county or municipality in which the district is located to provide joint library facilities. The board and the commissioner's court of the county or governing body of the municipality must conduct public hearings before entering into such a contract. The hearings may be held jointly. *Education Code 33.022*

Driver Education

A school district shall consider offering a driver education and traffic safety course during each school year. If the district offers the course, the district may:

1. Conduct the course and charge a fee for the course in the amount determined by TEA to be comparable to the fee charged by a driver education school that holds a license under Education Code Chapter 1001; or
2. Contract with a driver education school that holds a license under Education Code Chapter 1001 to conduct the course.

Education Code 29.902

A driver education course must require the student to complete:

1. Seven hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license [see 19 Administrative Code 75.1002];
2. Seven hours of observation instruction in the presence of a person who holds a driver education instructor license; and
3. Thirty hours of behind-the-wheel instruction, including at least ten hours of instruction that takes place at night, in the presence of an adult who meets the requirements of Transportation Code 521.222(d)(2).

Education Code 1001.101; 19 TAC 75.1002–.1003, 16 TAC Ch. 84, Subch. N

Life Skills Programs

A district may provide an integrated program of educational and support services for students who are pregnant or who are parents. If a district provides such a program, the program shall include all of the following:

1. Individual counseling, peer counseling, and self-help programs.
2. Career counseling and job readiness training.
3. Day care for the students' children on the campus or at a day care facility in close proximity to the campus.
4. Transportation for children of students to and from the campus or day care facility.
5. Transportation for students, as appropriate, to and from the campus or day care facility.
6. Instruction related to knowledge and skills in child development, parenting, and home and family living.

7. Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs.

A district shall solicit recommendations for obtaining community support for the students and their children in the life skills programs.

A district may operate a shared services arrangement program to operate a life skills program for student parents.

Education Code 29.085 [See EHBC and FNE]

School-Based Savings Program

A district may establish a school-based savings program to facilitate increased awareness of the importance of saving for higher education and facilitate personal financial literacy instruction. A district may offer the program in conjunction with a personal financial literacy course under Education Code 28.0021 [see EHAC].

A school-based savings program may, through partnerships with appropriate institutions, promote:

1. General savings, by offering savings accounts or certificates of deposit through partner financial institutions; or
2. Savings dedicated for higher education, by offering through partner institutions the following accounts or bonds the primary purpose of which must be to pay expenses associated with higher education:
    a. An account authorized under Section 529, Internal Revenue Code of 1986;
    b. A Coverdell education savings account established under 26 U.S.C. Section 530;
    c. A certificate of deposit;
    d. A savings account; and
    e. A Series I savings bond.

A district establishing a program:

1. Shall seek to establish partnerships with appropriate institutions that are able to offer an account or bond above; and
2. May seek to establish partnerships with public sector partners, private businesses, nonprofit organizations, and philanthropic organizations in the community.

A partnership established between a district and:

1. An appropriate institution may allow a student in the program or the student and an adult in the student's family jointly to have an opportunity to establish an account or purchase a bond; and

2. An appropriate institution, public sector partner, private business, or nonprofit or philanthropic organization may provide:

   a. A structure for the management of the program; and

   b. Incentives that encourage contribution to a school-based account or purchase of a bond, including incentives that provide matching funds or seed funding.

Education Code 28.0024

Local Credit Courses

A district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:

1. Be flexible in approving a course for credit for high school graduation; and

2. Approve courses in cybersecurity for credit for high school graduation.

Education Code 28.002(f) [See EIF]

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.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

Meeting at Parent's Request

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Transfer Students

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The 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)*
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)

Transition Services Defined

"Transition services" means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

20 U.S.C. 1401(34); 34 C.F.R. 300.43

Individual Transition Planning

Not later than when a student reaches 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the individualized education program (IEP):

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate involvement in the student's transition by the student's parents and other persons invited to participate by the student's parents or the school district in which the student is enrolled;
3. If the student is at least 18 years of age, involvement in the student's transition and future by the student's parents and other persons, if the parent or other person is invited to participate by the student or the school district in which the student is enrolled or has the student's consent to participate pursuant to a supported decision-making agreement under Estates Code, Chapter 1357;
4. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
5. An appropriate functional vocational evaluation;
6. Appropriate employment goals and objectives;
7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments, including com-

munity settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;

8. Appropriate independent living goals and objectives;

9. Appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act [42 U.S.C. Section 1396n(c)]; and

10. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Estates Code Chapter 1357.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under item 1.

A student's ARD committee shall annually review the issues described above and, if necessary, update the portions of the student's IEP that address those issues.

[See EHBAB regarding membership of ARD committee for transition services meetings]

20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.011, .0111; 19 TAC 89.1055(j)–(l)

Transition and Employment Guide

TEA is required to develop a transition and employment guide for students enrolled in special education programs and their parents to provide information on statewide services and programs that as-

sist in the transition to life outside the public school system. A school district shall:

1. Post the transition and employment guide on the district's website if the district maintains a website;

2. Provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:

    a. The first meeting of the student's ARD committee at which transition is discussed; and

    b. The first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and

3. On request, provide a printed copy of the guide to a student or parent.

Education Code 29.0112(a), (e)

Graduation

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (b)(2)(D), (g)(1), (g)(2), (g)(3) or (g)(4)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 Administrative Code 89.1070(b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C), the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

A district is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2); 19 TAC 89.1070(a), (k)

Procedural Safeguards

A district shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). *20 U.S.C. 1415(a)*

These procedures shall include the following:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 C.F.R. 300.501*
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 C.F.R. 300.502*
3. Protecting the rights of a child when no parent can be identified, a district cannot locate the parents, or the child is a ward of the state, which may include the assignment of an individual to act as a surrogate parent. *34 C.F.R. 300.519*
4. Prior written notice to the parents when a district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 C.F.R. 300.503* [See Prior Notice and Consent, below]
5. Procedures to allow parties to resolve disputes through a mediation process. *34 C.F.R. 300.506*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. [See Dispute Resolution, below] *34 C.F.R. 300.507*
7. Procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which shall remain confidential). *34 C.F.R. 300.508*

Consent

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

   If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, the district is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 C.F.R. 300.9

Language of Notices The procedural safeguards and prior notices described below must be written in language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 C.F.R. 300.503(c), .504(d)*

Electronic Delivery of Notices A parent may elect to receive the procedural safeguards notice, prior notice, or notice of due process complaint by electronic mail if a district makes that option available. *34 C.F.R. 300.505*

Procedural Safeguards Notice A district shall provide a copy of the procedural safeguards to parents only one time a year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

A district may place a current copy of the procedural safeguards notice on its website, if it has one.

Contents of Notice The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;

5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:

    a. The time period in which to file a complaint;

    b. The opportunity for the district to resolve the complaint; and

    c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional time lines, and relevant procedures.

6. The availability of mediation;

7. The child's placement during pendency of any due process proceedings;

8. Procedures for children who are subject to placement in an interim alternative educational setting;

9. Requirements for unilateral placement by parents of children in private schools at public expense;

10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;

11. Civil actions, including the time period in which to file such actions; and

12. Attorneys' fees.

20 U.S.C. 1415(a)–(b), (d); 34 C.F.R. 300.504

Prior Notice and Consent

A district shall provide prior written notice to the parents a reasonable time before the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of FAPE to the child. *34 C.F.R. 300.503(a)*

Notice must be provided to the parent in the parent's native language or other mode of communication at least five school days before the school district proposes or refuses the action unless the parent agrees to a shorter time frame. *19 TAC 89.1050(h)*

Contents of Notice

The notice must include:

1. A description of the action proposed or refused by the district;

2. An explanation of why the district proposes or refuses to take the action;

3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;

4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;

5. Sources for parents to contact to obtain assistance in understanding the IDEA rules;

6. A description of other options the ARD committee [see EHBAB] considered and the reasons why those options were rejected; and

7. A description of other factors that are relevant to the district's proposal or refusal.

34 C.F.R. 300.503(b)

Consent to Initial Evaluation

Before a district conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation the district proposes to conduct, and obtain informed consent for the evaluation from the parents. *20 U.S.C. 1414(a)(1)(D), (E); 34 C.F.R. 300.304(a)*

Consent to Services

A district shall seek informed consent from the parent before providing special education and related services to a child. *20 U.S.C. 1414(a)(1)(D)* [See EHBAA]

Consent to Reevaluation

A district shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the district can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. *20 U.S.C. 1414(c)(3)*

Psychological Examinations and Tests

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, a district shall provide to the child's parent:

1. The name and type of the examination or test; and

2. An explanation of how the examination or test will be used to develop an appropriate individualized education program (IEP) for the child.

If a district determines that an additional examination or test is required for the evaluation of a child's need for special education, the district shall provide the information above to the parent regarding

the additional examination or test and shall obtain additional consent for the examination of test.

Education Code 29.0041(a), (b)

Dispute Resolution

The possible options for resolving disputes that arise between a parent and a school district relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by the district, under 19 Administrative Code 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to the district's policies, with the campus principal, special education director, superintendent, or board;
4. Requesting state IEP facilitation in accordance with 19 Administrative Code 89.1197;
5. Requesting mediation through TEA in accordance with 19 Administrative Code 89.1193;
6. Filing a complaint with TEA in accordance with 19 Administrative Code 89.1195; or
7. Requesting a due process hearing through TEA in accordance with 19 Administrative Code 89.1151–.1191.

19 TAC 89.1150

Due Process Complaint

Whenever a due process complaint has been received by a district, the parent shall have an opportunity for an impartial due process hearing, which shall be conducted by an impartial hearing officer selected by TEA. [For TEA rules on due process hearings, see 19 Administrative Code 89.1151–.1191.]

Timeline

Such due process complaint must set forth an alleged violation that occurred not more than one year before the date the parent knew or should have known about the alleged action that forms the basis of the complaint.

20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(c), .1170(a)

Exception

This time line shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by a district that it had resolved the problem forming the basis of the complaint; or

2. A district's withholding of information from the parent that the district was required by the IDEA to provide.

20 U.S.C. 1415(f)(3)(D); 34 C.F.R. 300.511(f), 19 TAC 89.1151(d)

"Stay Put"

During the pendency of any proceeding conducted under IDEA part B (except proceedings to challenge a disciplinary change of placement or manifestation determination), the child shall remain in the then-current educational placement unless the district and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 C.F.R. 300.518, .533*

Exception

When a due process hearing has been requested by a parent or district concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day time line, if applicable, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 C.F.R. 300.533* [See FOF]

Resolution Process

Within 15 calendar days of receiving notice of a parent's due process complaint, and before initiating a due process hearing, a district shall convene a meeting with the parent and the relevant member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute.

The meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use the mediation process.

If the district has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's request for a hearing.

34 C.F.R. 300.510, 19 TAC 89.1183

Transfer of Rights to Adult Students

Not later than one year before the 18th birthday of a student with a disability, the district at which the student is enrolled shall:

1. Provide to the student and the student's parents:

a. Written notice regarding the transfer of rights; and

b. Information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently; and

2. Ensure that the student's IEP includes a statement that the district provided the required notice, information, and resources.

If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the district, the district shall provide to the student or parent information and resources on supported decision-making agreements under Estates Code, Chapter 1357.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student.

34 C.F.R. 300.520; Education Code 29.017(a), (c), (c-1), (c-2); 19 TAC 89.1049(a)

Notice

When a student reaches the age of 18, a district shall provide written notice to the student and the student's parents of the transfer of parental rights. This notice is separate and distinct from the requirement that, beginning at least one year before the student reaches the age of 18, the student's IEP include a statement regarding transfer of parental rights.

The notice must include information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement, and other supports and services that enable the student to live independently. The notice must also provide contact information for the parties to use in obtaining additional information.

34 C.F.R. 300.520(a)(3); Education Code 29.017(c); 19 TAC 89.1049(c)

Special Education Decision-Making for Children in Foster Care

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. Section 1415(b) and its subsequent amendments, if:

1. The Department of Family and Protective Services (DFPS) is appointed as the temporary or permanent managing conservator of the child;
2. The rights and duties of the department to make decisions regarding education provided to the child under Family Code 153.371 have not been limited by court order; and
3. The foster parent agrees to:
    a. Participate in making special education decisions on the child's behalf; and
    b. Complete a training program that complies with minimum standards established by agency rule.

Training

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled ARD committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

A district may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. DFPS;
2. A school district;
3. An education service center; or
4. Any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent by a school district may file a complaint with TEA in accordance with federal law and regulations.

Not later than the fifth day after the date a child with a disability is enrolled in a school, DFPS must inform the appropriate school district if the child's foster parent is unwilling or unable to serve as a parent.

Education Code 29.015; 19 TAC 89.1047

Appointment of Surrogate Parent for Certain Children

These provisions apply to a child with a disability for whom:

1. DFPS is appointed as the temporary or permanent managing conservator of the child; and

2. The rights and duties of the department to make decisions regarding the child's education under Family Code 153.371 have not been limited by court order.

A school district must appoint an individual to serve as the surrogate parent for a child if the district is unable to identify or locate a parent for a child with a disability or the foster parent of a child is unwilling or unable to serve as a parent for the purposes of this subchapter.

A surrogate parent appointed by a school district may not be an employee of the state, the school district, or any other agency involved in the education or care of the child; or have any interest that conflicts with the interests of the child.

A surrogate parent appointed by a district must:

1. Be willing to serve in that capacity;
2. Exercise independent judgment in pursuing the child's interests;
3. Ensure that the child's due process rights under applicable state and federal laws are not violated;
4. Complete a training program that complies with minimum standards established by agency rule within the time specified in Education Code 29.015(b);
5. Visit the child and the school where the child is enrolled;
6. Review the child's educational records;
7. Consult with any person involved in the child's education, including the child's:
    a. Teachers;
    b. Caseworkers;
    c. Court-appointed volunteers;
    d. Guardian ad litem;
    e. Attorney ad litem;
    f. Foster parent; and
    g. Caregiver; and
8. Attend meetings of the child's ARD committee.

The district may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer

advocate, as provided under Section 107.031(c), Family Code, as the child's surrogate parent.

If a court appoints a surrogate parent for a child with a disability under Family Code 263.0025, and the school district determines that the surrogate parent is failing to perform or is not properly performing the duties, the district shall consult with the DFPS and appoint another person to serve as the surrogate parent for the child.

On receiving notice from a school district, the DFPS must promptly notify the court of the failure of the appointed surrogate parent to properly perform the duties required under this section.

Education Code 29.0151; 19 TAC 89.1047

Compensatory Education Allotment

A district is entitled to an annual compensatory education allotment for each student:

1. Who is educationally disadvantaged; or
2. Who does not have a disability and resides in a residential placement facility in a district in which the student's parent or legal guardian does not reside.

The number of educationally disadvantaged students is determined by averaging the best six months' numbers of students eligible for enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year; or in the manner provided by commissioner rule.

A student receiving a full-time virtual education through the state virtual school network (TXVSN) [see EHDE] may be included in determining the number of educationally disadvantaged students if the school district submits to the commissioner a plan detailing the enhanced services that will be provided to the student and the commissioner approves the plan.

Education Code 42.152(a)–(b-1)

Use

A district shall use its compensatory education allotment to fund supplemental programs and services designed to eliminate 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, as defined below, and all other students.

Specifically, a district may use the funds, other than an indirect cost allotment established by State Board rule, to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Education Code 29.081, a disciplinary alternative education program (DAEP) under Education Code 37.008, or to support a Title I program, at a campus at which at least 40 percent of the students are educationally disadvantaged.

A district may also use allocated funds for:

1. A mentoring services program under Education Code 29.089;
2. An accelerated reading instruction program under Education Code 28.006(g) for students at risk of dropping out of school as defined by Education Code 29.081(d) and (g);
3. A program for treatment of students who have dyslexia or a related disorder, as required by Education Code 38.003, for students at risk of dropping out of school as defined by Education Code 29.081(d) and (g); and

4. A program under Education Code 29.081 specifically designed to serve students at risk of dropping out of school.

Education Code 42.152(c), (c-1), (c-2)

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 and high school allotments for developing and implementing research-based strategies for dropout prevention.

If a district is required to submit both a dropout prevention strategy plan and a plan to increase college enrollment [see GNC], the district must describe in its dropout prevention strategy plan how the activities identified in both plans will be coordinated. If a district is required to submit both a school improvement plan, due to failure to meet the required performance standard regarding dropout rates or completion rates, as well as a dropout prevention strategy plan, the district may request that its school improvement plan be used to satisfy both requirements.

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 or high school allotment to which the plan applies. The plan must meet the requirements at 19 Administrative Code 89.1701(e).

A district may not spend or obligate more than 25 percent of the district's compensatory or high school 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 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; 19 TAC 89.1701

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 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, as defined by 42 U.S.C. 11302 and its subsequent amendments [see FD]; or

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.

Education Code 29.081(d)–(d-1)

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 its compensatory education allotment or may apply to TEA for funding of an extended-year program, for a period not to exceed 30 instructional days for students:

1. In kindergarten through grade 11, who are identified as not likely to be promoted to the next grade level for the succeeding school year; or
2. In grade 12, who are identified as not likely to graduate from high school before the beginning of the succeeding school year.

A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services.

An optional extended year program (OEYP) may extend the day, the week, or the year to provide additional support and instruction for eligible students. The program shall be conducted beyond the required instructional year, which may include intercessions for year round programs.

Policy

If a district provides an OEYP, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Program Criteria

An OEYP must meet the requirements set forth at Education Code 29.082 and 19 Administrative Code 105.1001.

Promotion of Student

A student who attends at least 90 percent of the program days and who satisfies the requirements for promotion at Education Code 28.021 shall be promoted or retained in accordance with Education Code 29.082(e).

Transportation

A district shall provide transportation to each student who is required to attend a program under this section and who is eligible for regular transportation services.

Education Code 29.082; 19 TAC 105.1001 [See EIE and FDC]

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.

Program Criteria

An OFYP must meet the requirements set forth at Education Code 29.0821 and 19 Administrative Code 129.1029.

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, in accordance with 19 Administrative Code 129.1027.

Program Criteria

A district that meets application requirements may:

1. Provide flexibility in the number of hours each day a student attends;
2. Provide flexibility in the number of days each week a student attends;
3. Allow a student to enroll in less than or more than a full course load; or
4. Allow a student to enroll in a dropout recovery program in which courses are conducted online.

Except in the case of a course designed for a student who will be denied credit as a result of attendance requirements or enrolled in an online dropout recovery program, a course offered in a program under this section must provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of minutes of operation under Education Code 25.081.

Student Eligibility

A district may provide an OFSDP for students who:

1. Have dropped out of school or are at risk of dropping out of school, as defined above at Definition of At-Risk Student;
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.

A student who will be denied credit for one or more classes as a result of attendance requirements may enroll in a course in a OFSDP offered during the school year or during the period in which school is recessed for the summer to enable the student to earn class credit that the student would not otherwise be able to receive without retaking the class.

Extracurricular Participation

A student enrolled in an OFSDP may participate in a competition or activity sanctioned by the University Interscholastic League (UIL) only if the student meets all UIL eligibility criteria.

Funding

Funding for an OFSDP shall be based on the number of instructional days in a district calendar and a seven-hour school day, but attendance may be cumulated over a school year, including any summer or vacation session. The attendance of students who accumulate less than the number of attendance hours required shall be proportionately reduced for funding purposes. The commissioner may limit funding for the attendance of a student who will be denied credit as a result of attendance requirements to funding only for the attendance necessary for the student to earn class credit that the student would not otherwise be able to receive without retaking the class.

In calculating average daily attendance for students served, the commissioner shall ensure that funding for attendance in a course in an OFSDP is based on the same instructional hour requirements of the regular program rather than a full-time equivalent student basis that requires six hours of student contact time to qualify for a full day of attendance.

Annual Performance Review

Annually, each school district shall review its progress in relation to the performance indicators required by 19 Administrative Code 129.1027(h). Progress should be assessed based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status.

Education Code 29.0822; 19 TAC 129.1027

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

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 defi-

ciencies 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.

Limitation

A district may implement an accelerated reading instruction program only if the commissioner certifies that funds have been appropriated during a school year for administering the program.

Education Code 28.006(f), (g), (g-1), (k)

Intensive Program of Instruction

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.

State Assessments

The program shall be designed to:

1. Enable the student to:
    a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
    b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Students Receiving Special Education Services

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Graduation Requirements

A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

No Cause of Action

A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.

Education Code 28.0213

Maximum Allowable Indirect Cost

A district may expend no more than the following percentages of the district's Foundation School Program (FSP) special allotments under Education Code Chapter 42, Subchapter C, for indirect costs related to the following programs:

1. No more than 48 percent for indirect costs related to:
    a. Compensatory education,
    b. Bilingual education and special language programs, and
    c. Special education.
2. No more than 45 percent for indirect costs related to gifted and talented education programs.
3. No more than 42 percent for indirect costs related to career and technical education programs.

Beginning with the 2012–13 school year, a district may choose to use a greater indirect cost allotment under Education Code 42.151, .153, .154, and .156, to the extent the district receives less funding per weighted student in state and local maintenance and operations revenue than in the 2011–12 school year. The commissioner shall develop a methodology for a school district to make this determination and may require any information necessary to implement this rule.

19 TAC 105.11

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 twelfth grade level whose performance on:
    a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
    b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and

2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.

Faculty — Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice — Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

Credit Earned — A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

Dual Credit — A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

Instructional Materials — Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

End-of-Course Exam — A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c), even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the

assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. *Education Code 39.025(a-1)*

Note: The following contains basic requirements for districts and schools receiving Title I, Part A funds, but does not represent a complete list of legal obligations of such districts and schools. Those districts and schools that receive Title I, Part A funds should carefully review federal and state requirements concerning use of those funds. [For federal accountability standards, see AID. For requirements regarding federal funding, see CBB.]

Parent and Family Engagement Plan

A district may receive funds under Title I, Part A only if the district conducts outreach to all parents and family members and implements programs, activities, and procedures for the involvement of parents and family members in programs assisted under Title I, Part A, consistent with 20 U.S.C. 6318. The programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. *20 U.S.C. 6318(a)(1)*

District Policy

A district that receives Title I, Part A funds shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall be incorporated into a district plan developed under 20 U.S.C. 6312 [TEA-approved plan to receive Title I funds], establish the district's expectations and objectives for meaningful parent and family involvement, and describe how the district will:

1. Involve parents and family members in jointly developing the district plan, and the development of support and improvement plans under paragraphs (1) and (2) of section 6311(d);

2. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the district in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

3. Coordinate and integrate parent and family engagement strategies under Title I, Part A with parent and family engagement strategies to the extent feasible and appropriate, with other relevant federal, state, and local laws and programs;

4. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effec-

tiveness of the parent and family engagement policy in improving the academic quality of all schools served under Title I, Part A, including identifying:

a. Barriers to greater participation by parents in activities authorized by section 6318 (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);

b. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

c. Strategies to support successful school and family interactions;

5. Use the findings of the above evaluation to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in section 6318; and

6. Involve parents in the activities of the schools served under Title I, Part A, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy.

20 U.S.C. 6318(a)(2) [See BQ(LOCAL)]

School Policy

Each school served under Title I, Part A shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of 20 U.S.C. 6318(c)–(f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. *20 U.S.C. 6318(b)*

Fiscal Requirements

A district may receive funds under this part for any fiscal year only if TEA finds that the district has maintained their fiscal effort in accordance with 20 U.S.C. 7901. *20 U.S.C. 6321(a)*

Maintenance of Effort

Supplement, Not Supplant

A district shall use federal funds received under Title I, Part A only to supplement, not supplant, the funds that would, in the absence

of such federal funds, be made available from state and local sources for the education of students participating in programs assisted under Part A. *20 U.S.C. 6321(b)*

Comparability

A district may receive funds under Title I, Part A only if state and local funds will be used in Title I, Part A schools to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I, Part A funds. A district may meet this requirement on a grade-span by grade-span basis or a school-by-school basis.

For purposes of determining comparability, a district may exclude state and local funds expended for language instruction educational programs and the excess costs of providing services to children with disabilities as determined by the district.

A district shall be considered to have met the comparability requirements if the district has filed with TEA a written assurance that the district has established and implemented:

1. A district-wide salary schedule;
2. A policy to ensure equivalence among schools in teachers, administrators, and other staff; and
3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

20 U.S.C. 6321(c)

Prohibited Use of Funds

No funds under the Elementary and Secondary Education Act (ESEA) may be used:

1. For construction, renovation, or repair of any school facility, except as authorized under ESEA;
2. For transportation unless otherwise authorized under ESEA;
3. To develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
4. To distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;
5. To provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
6. To operate a program of contraceptive distribution in schools.

20 U.S.C. 7906

Private Schools

After timely and meaningful consultation [as described at 20 U.S.C. 6320(b)] with appropriate private school officials, a district shall provide eligible children [as that term is defined at 20 U.S.C. 6315(c)] enrolled in private elementary and secondary schools, on an equitable basis and individually or in combination, with special educational services, instructional services (including evaluations to determine the progress being made in meeting such students' academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under Title I, Part A that address their needs.

The educational services and other benefits may include dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment. The services and benefits, including materials and equipment, shall be secular, neutral, and non-ideological, shall be equitable in comparison to services and other benefits for public school children participating in Title I, Part A programs, and shall be provided in a timely manner. A district may provide services directly or through contracts with public and private agencies, organizations, and institutions.

A district shall also ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to 20 U.S.C. 6318 (parent and family engagement).

20 U.S.C. 6320

Note: See DBA for qualifications of teachers in Title I programs.

Homeless Children

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act, a district shall serve homeless children according to their best interests. *McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11432(g)(3)* [See FD, FDC, and FFC]

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 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.

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, 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;

3. Describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;

4. 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;

5. 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; and

6. Be posted each year on the district's and the institution's respective websites.

Education Code 28.009

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
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)

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)

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 42.005* [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 42.0052(a)*

Reporting Off-Campus Programs

A district 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 (relating to 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 42.0052(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 42.005(h)*

Partnership Agreement

The board of a district and the governing board of a college must approve any dual credit partnership between the schools before offering such courses.

The partnership agreement must 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. Transcripting 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. Transcripting of credit.
8. Funding provisions.

19 TAC 9.144

High School Credit-Only Courses

A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125, .143(a)*

Tech-Prep Programs

A district may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. *19 TAC 9.143(c)*

Remedial Programs

A board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college.

Community colleges may provide instruction to high school students for either remedial course work to prepare students to pass the required State of Texas Assessments of Academic Readiness End-of-Course (STAAR EOC) assessments or developmental course work to prepare the students to pass an assessment instrument approved by the board under 19 Administrative Code 4.56 (relating to Assessment Instruments).

High school students who have passed all of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a community college at the college's discretion if a need for such

course work is indicated by student performance on an assessment instrument approved by the board under 19 Administrative Code 4.56 (see below).

The district and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit.

Education Code 130.090; 19 TAC 9.125, .143(d), .146

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. *19 TAC 4.56*

College Preparatory Courses

College preparatory courses are locally developed through a memorandum of understanding created between school districts and community colleges. *19 TAC 9.147*

Certain Academies

A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University—Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas—Brownsville or University of North Texas—Denton), or the Texas Academy of International Studies (at Texas A&M University—Laredo). *Education Code 28.024*

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[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 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 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*

Graduation Requirements

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. *19 TAC 74.26(a)(1), (c)*

Academic Achievement Record

Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)–(d)

Transcript Seals

Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*

Endorsement

Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).

Performance Acknowledgment

Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).

Distinguished Level of Achievement

Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).

Education Code 28.025(e-1); 19 TAC 74.5(f)–(h), .11(b)

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(i)*

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)*

Automatic Admission to Institution of Higher Education

All applicants from Texas schools accredited by a generally recognized accrediting agency and who graduate in the top ten percent of their high school class or who graduate in the top 25 percent of their high school class, to the extent the governing board of a general academic teaching institution has adopted such an admission policy, shall be admitted to a general academic teaching institution [see Education Code 61.003(3)] if the student meets the following conditions:

1. The student has met one of the following:
    a. Successfully completed the distinguished level of achievement under the Foundation, Recommended, or Advanced High School Program from a Texas public high school as outlined under Education Code 28.025 [see EIF];
    b. Satisfied ACT's College Readiness Benchmarks on the ACT assessment; or
    c. Earned a score on the SAT that meets the minimum requirements described by 19 Administrative Code 5.5(b)(1)(D).
2. The student submitted an official high school transcript or diploma that must, not later than the end of the student's junior year, indicate whether the student has satisfied the above requirements.

19 TAC 5.5(b); Education Code 51.803(a)

Exception

Beginning with admissions for the 2011–12 academic year, the University of Texas at Austin (UT) is not required to offer admission to applicants who qualify for automatic admission in excess of the number required to fill 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students in an academic year.

If the number of applicants who apply to UT for admission in the next academic year and who qualify for automatic admission exceeds 75 percent of UT's enrollment capacity, UT shall, not later than September 15, provide to each district, for dissemination to high school juniors and their parents, notice of which percentile ranks of high school seniors who qualify for automatic admission are anticipated to be offered admission during the next school year.

Education Code 51.803(a-1)–(a-2)

Curriculum Requirements

An applicant who does not satisfy the curriculum requirements for the distinguished level of achievement under the foundation

program, the Recommended High School Program, or the Advanced/Distinguished Achievement High School Program is considered to have satisfied those requirements if the student completed the portion of the applicable curriculum that was available to the student but was unable to complete the remainder solely because the necessary courses were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control. *Education Code 51.803(b)*

To qualify for admission under this section, an applicant must submit an application before the expiration of any application filing deadlines and provide a transcript that satisfies the requirements listed in Education Code 51.803(d). A student's transcript or diploma must, not later than the student's junior year, indicate the student's progress toward satisfying the curriculum requirements [see EI]. *Education Code 51.803(c)-(d)*

Signs to Be Posted

A board shall require each high school in the district to post appropriate signs in each school counselor's office, in each principal's office, and in each administrative building indicating the substance of the automatic admission provisions above. *Education Code 28.026*

Dissemination

A district shall provide each student, at the time the student first registers for one or more classes required for high school graduation, with a written notification concerning automatic college admission, the curriculum requirements for financial aid under Education Code, Title 3, and the benefits of completing the requirements for automatic admission and financial aid. A school district shall obtain written acknowledgement of receipt of the notification from each eligible student and student's parent or guardian. The notification must be signed by the student's school counselor in addition to being signed by the student and the student's parent or guardian. *19 TAC 61.1201*

To assist in dissemination of information regarding the automatic admissions program, a district shall:

1. Require that each school counselor and class advisor at a high school be provided a detailed explanation of the substance of the program;

2. Provide each student, at the time the student first registers for one or more classes required for high school graduation, with a written notification, using the appropriate form adopted by the Commissioner, of the substance of the program;

3. Require that each school counselor and senior class advisor at a high school explain to eligible students the substance of the program;

4. Require that, at the beginning of grades 10 and 11, a certified counselor 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 FFEA]; and

5. Not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system, provide each eligible senior student and each junior student who has a grade point average in the top ten percent of the student's high school class, and the student's parent or guardian, with a written notification, using the appropriate form adopted by the Commissioner, of the student's eligibility with a detailed explanation in plain language of the substance of the program. The district shall obtain written acknowledgment of receipt of the notification from each eligible student and the student's parent or guardian.

Education Code 28.026, 33.007(c)

Note: The Notification of Eligibility for Automatic College Admission,[1] intended to satisfy the requirement at item 5 above, is available on the TEA website.

Class Rank

High school rank for students seeking automatic admission to a general teaching institution on the basis of their class rank is determined and reported as follows:

1. Most recent available class rank, based on a point in time no earlier than the end of the 11th grade, shall be used for admission decision-making.

2. The top ten percent and top 25 percent of a high school class shall not contain more than ten percent and top 25 percent, respectively, of the total class size.

3. The student's rank shall be reported by the applicant's high school or school district as a specific number out of a specific number total class size.

4. Class rank shall be determined by the Texas school or district from which the student graduated or is expected to graduate.

19 TAC 5.5(f)

Certain Programs

If the program meets the requirements of Education Code 51.8045, a board may treat a high school magnet program, academy, or other special program conducted by the district at a high school attended by high school students who are not in the special program as an independent high school with its own graduating class for purposes of Education Code 51.803 and 51.804 only (top ten and top 25 percent rule). *Education Code 51.8045*

End-of-Course Assessments

A student's performance on an end-of-course assessment instrument may not be used in determining the student's class ranking for any purpose, including entitlement to automatic college admission. *Education Code 39.0232(b)(1)*

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[1] Notification of Eligibility for Automatic College Admission: http://tea.texas.gov/index2.aspx?id=2147485632

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High School Diploma

A student may graduate and receive a diploma only if the student successfully completes:

1. 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]; or
2. An individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

Note: Education Code 28.0258 and 19 Adminstrative Code 74.1025 related to individual graduation committees expire September 1, 2019.

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)*

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 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

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 e-mail; 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-1);
4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and
5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

District Determination

The 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. *19 TAC 74.1027(b)*

Alternative Requirements

The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).

Local Alternative Requirements

With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. *19 TAC 74.1027(d)*

Appeals

A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. *19 TAC 74.1027(e); Education Code 28.02541*

Documentation

The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. *19 TAC 74.1027(f)*

Special Education

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's 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. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma

Beginning with students enrolled in grade 12 during the 2005–06 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to a student who died while enrolled in the district at grade level 12, provided that the student was academically on track at the time of death to receive a diploma at the end of the school year in which the student died. "School year" includes any summer session following the spring semester.

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 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)*

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(j), (k)

College Courses

Courses offered for dual credit at or in conjunction with an institution of higher education that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(i)*

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 pro-

grams, 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;
    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:

1. 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
2. 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

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements

A student must earn at least 22 credits to complete the Minimum High School Program.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F.

Education Code 28.025; 19 TAC 74.62, .72

Recommended High School Program	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*
Advanced / Distinguished Achievement High School Program	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*
Substitutions	No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*
AP or IB Courses	College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*
Reading	A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district: 1. Adopts policies to identify students in need of additional reading instruction; 2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and 3. Monitors instructional activities to ensure that student needs are addressed. Reading credits may be selected from Reading I, II, or III. *19 TAC 74.61(h), .71(f)*
College Courses	A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an institution of higher education. *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 assess-

ments, 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 receiving special education services may earn an endorsement if the student:

1. Satisfactorily completes the requirements for graduation under the foundation high school program as well as the additional credit requirements in mathematics, science, and elective courses with or without modified curriculum;

2. Satisfactorily completes the courses required for the endorsement without any modified curriculum; and

3. Performs satisfactorily on the required state assessments.

19 TAC 89.1070(c)

A student in grade 11 or 12 receiving special education services who has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (relating to Commissioner's Rules Concerning Implementation of the Academic

Content Areas Testing Program) or Subchapter DD (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments is eligible to receive an endorsement if the student has met the requirements of items 1 and 2 above. *19 TAC 89.1070(d)*

In order for a student receiving special education services to use a course to satisfy both a requirement under the foundation high school program and a requirement for an endorsement, the student must satisfactorily complete the course without any modified curriculum. *19 TAC 89.1070(e)*

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 (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (relating to Commission-

er'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. "Student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a. *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's rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

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 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 a commissioner's substitute passing standard 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 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, §§ B–C* [See FDD]

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)(1) and (2), 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 cam-

pus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

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 3–7 without the aid of technology and in grade 8 with the aid of technology on any assessment instrument that includes algebra;
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

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)*

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

A student may use certain assessments as substitute assessments in place of an EOC assessment, to meet the student's assessment graduation requirements in accordance with the commissioner's chart at 19 Administrative Code 101.4002(b). An approved substitute assessment may be used in place of only one specific EOC assessment.

A student is eligible to use a substitute assessment if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;

2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and

3. Using a Texas Success Initiative (TSI) assessment also meets the following criteria:

    a. 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.

        (1) A student under this provision who meets all 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.

        (2) 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.

    b. In accordance with Education Code 39.025(a-3), a student who did not meet satisfactory performance 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.

(1) 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 Administrative Code 101.3022(b) (relating to 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.

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart at 19 Administrative Code 101.4002(b) must take the appropriate EOC assessment to meet the assessment graduation requirements for that subject.

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 101.4002, .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-2)*

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 (relating to Graduation Require-

ments) and 19 Administrative Code 101.3023 (relating to 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 retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

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).

A student who is receiving special education services and who is first enrolled in grade 9 or below in the 2011–12 school year shall be administered an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP.

19 TAC 101.3023

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, 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 school 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 twelfth grade level whose performance on:
    a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
    b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

Faculty

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice

Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

Credit Earned

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

Dual Credit

A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

Instructional Materials

Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

Security

To ensure that each assessment instrument is reliable and valid and meets applicable federal requirements for measurement of student progress, districts must comply with all of the applicable requirements specified in the test administration materials, which include general testing program information, requirements for ensuring test security and confidentiality described in the annual Test Security Supplement, procedures for test administration, responsibilities of personnel involved in test administration, and procedures for materials control.

Test coordinators and administrators must receive all applicable training as required in the test administration materials and districts must maintain records related to the security of assessment instruments for a minimum of five years.

19 TAC 101.3031

Confidentiality

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]

Penalties

Violation of security or confidentiality of any test is prohibited. A person who engages in conduct prohibited by the Test Security Supplement may be subject to sanction of credentials.

Procedures for maintaining the security and confidentiality of state assessments are specified in the Test Security Supplement and in the appropriate test administration materials. Conduct that violates the security and confidentiality of a test is defined as any departure from the test administration procedures established in the Test Security Supplement and other test administration materials. Conduct of this nature may include the following acts and omissions:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying TELPAS holistic ratings or STAAR Alternate 2 student responses;

4. Viewing a test before, during, or after an assessment unless specifically authorized to do so;

5. Discussing or disclosing the contents of any portion of a secure test;

6. Scoring student tests, either formally or informally;

7. Solving secure test questions;

8. Duplicating, recording, or electronically capturing secure test content unless authorized to do so;

9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;

10. Receiving or providing unallowable assistance during the TELPAS calibration activities;

11. Encouraging or assisting an individual to engage in the conduct described in the items listed above or any other serious violation of security and confidentiality; or

12. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in the items listed above or any other serious violation of security and confidentiality.

The State Board for Educator Certification (SBEC) may take any of the following actions against any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidentiality, as well as any person who fails to report such a violation:

1. Place restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;

2. Issue an inscribed or non-inscribed reprimand;

3. Suspend a Texas teacher certificate for a set term;

4. Revoke or cancel a Texas teacher certificate without opportunity for reapplication either for a set term or permanently; or

5. Impose any additional conditions or restrictions upon a certificate that SBEC deems necessary to facilitate the rehabilitation and professional development of the educator or to protect students, parents of students, school personnel, or school officials.

Release or disclosure of confidential test content could result in criminal prosecution under Education Code 39.0303, Government Code 552.352, and Penal Code 37.10. SBEC may take any of the

above actions based on satisfactory evidence that an educator has failed to cooperate with TEA in an investigation.

Any irregularities in test security or confidentiality may also result in the invalidation of student results.

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 101.3031(b)(2), 249.15

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)*

Note: The terms English language 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 unschooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

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 English language proficiency assessment required above [see English Language Proficiency Tests, above] for reasons associated with the student's particular disability. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*

	In the case of an English 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. *19 TAC 101.1003(c)*
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. *19 TAC 101.1005(b)*
	An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*
Testing Accommodations	The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*
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. *19 TAC 101.2003(e)* [See EIE]

Definition

For the purpose of this policy, “parent” is the person who is indicated on the student registration form at the campus. The signature of only one parent of a student is required for a charter created by petition or a cooperative program charter. *Education Code 12.051(1), .052(b), .053(b)*

Policy

A district shall adopt a campus charter and program charter policy, which shall specify the:

1. Process for approval of a campus charter or program charter;
2. Statutory requirements with which a campus charter or program charter must comply; and
3. Items that must be included in a charter application.

Education Code 12.058

Campus or Program Charter

A board may grant a charter to parents and teachers for a campus or a program on a campus.

A board shall grant or deny the charter, through a public vote, if the board is presented with a petition signed by:

1. The parents of a majority of the students at that campus; and
2. A majority of the classroom teachers at that campus.

A board may not arbitrarily deny a charter.

Education Code 12.052

New Campus or Contract Charter

A board may grant a charter for:

1. A new district campus; or
2. A program that is operated:
    a. By an entity that has entered into a contract with the district under Education Code 11.157 [see EEL] to provide educational services to the district through the campus or program; and
    b. At a facility located in the boundaries of the district.

Voluntary Enrollment

A student’s parent or guardian may choose to enroll the student at a campus or in a program charter. A district may not assign a student to the campus or program unless the student’s parent or guardian has voluntarily enrolled the student.

Parental Removal

A student’s parent or guardian may, at any time, remove the student from the campus or program and enroll the student at the campus to which the student would ordinarily be assigned.

Teacher Assignment	A district may not assign to the campus or program a teacher who has signed a written statement that the teacher does not agree to that assignment. *Education Code 12.0521*
District Charter	A board may grant a district charter to a campus.
Enrollment Limit	A district charter may be granted only to one or more campuses serving in total a percentage of the district's student enrollment equal to not more than 15 percent of the district's student enrollment for the preceding school year.
Exception	The percentage limit may not prevent a district from granting a district charter to at least one feeder pattern of schools, including an elementary, middle or junior high, and high school. A district charter may be granted to any campus that has received the lowest performance rating under Subchapter C, Chapter 39, Education Code.
Open-Enrollment Charter School	Subchapter D, Chapter 39, Education Code (related to open-enrollment charter schools) applies to a campus granted a district charter as though the campus were granted a charter under that subchapter, and the campus is considered an open-enrollment charter school. A district charter is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by Education Code 12.101. *Education Code 12.0522*
Cooperative Campus Charter	A board may grant a charter to parents and teachers at two or more campuses in the district for a cooperative charter program if the board is presented with a petition signed by: 1. The parents of a majority of the students at each school; and 2. A majority of the classroom teachers at each school. *Education Code 12.053*
Performance Contract	A board that grants a charter shall enter into a performance contract with the principal or equivalent chief operating officer of the campus or program. The performance contract must specify enhanced authority granted to the principal or equivalent officer in order to achieve the academic goals that must be met by campus or program students.

Duration of Charter

A charter granted by the board expires ten years from the date the charter is granted unless the specified goals are substantially met, as determined by the board.

Education Code 12.0531

Neighborhood School

A board may determine that a campus granted a charter will be a neighborhood school.

The principal or equivalent chief operating officer of a neighborhood school shall manage the funding provided for the school under the Education Code and any other funding provided for the school in the manner the principal or other officer determines best meets the needs of the school's students. The district in which the school is located may retain that portion of funding that the district generally withholds from a campus for costs associated with the salary of the superintendent or other district governance.

The principal or equivalent chief operating officer of a neighborhood school may use school funding to purchase from the school district in which the school is located services for the school, including bus service, facilities maintenance services, and other services generally provided by a school district to district campuses. The school shall pay for each service an amount that reflects the actual cost to the district of providing the service for the number of the school's students for which the service is provided.

Education Code 12.0532

Student Eligibility

Eligibility criteria for admission of students to the charter campus or program must give priority on the basis of geographic and residency considerations. After priority is given on those bases, secondary consideration may be given to a student's age, grade level, or academic credentials, in general or in a specific area, as necessary for the type of program offered.

The campus or program may require an applicant to submit an application not later than a reasonable deadline the campus or program establishes.

Education Code 12.065

Exemption

A campus or program for which a charter is granted is exempt from the instructional and academic rules and policies of the board from which the campus or program is specifically exempted in the charter and retains the authority to operate under the charter only if students at the campus or in the program perform satisfactorily as provided by the charter. *Education Code 12.054*

Charter Contract

A charter shall be in the form and substance of a written contract signed by a board president and the chief operating officer of the campus or program for which the charter is granted. *Education Code 12.060*

Each charter shall:

1. Satisfy the requirements governing charter campuses and programs; and
2. Include all information required to be in the content of the charter consistent with the information provided in the application and any modification a board requires.

Education Code 12.061

Content of Charter

Each charter granted must:

1. Describe the educational program to be offered, which may be a general or specialized program;
2. Provide that continuation of the charter is contingent on satisfactory student performance on state-required assessment instruments, satisfactory financial performance under state financial accountability provisions, and on compliance with other applicable accountability provisions;
3. Specify any basis, in addition to a basis specified in Education Code Chapter 12, Subchapter C, on which the charter may be revoked;
4. Prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;
5. Describe the governing structure of the campus or program;
6. Specify any procedure or requirement, in addition to those under Education Code Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and
7. Describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the district in which it is located to participate in PEIMS.

Education Code 12.059

Revision

A charter created by petition or a cooperative charter program may be revised with board approval and on a petition signed by a majority of the parents and a majority of the classroom teachers at the campus or in the program, as applicable.

A charter created without a petition may be revised with the approval of the board of trustees that granted the charter. The charter may be revised only before the first day of instruction or after the final day of instruction of a school year.

Education Code 12.062

Applicability of Laws

A charter campus or program is subject to federal and state laws and rules governing public schools, except that the charter campus or program is subject to the Education Code and rules adopted thereunder only to the extent that the code or rule specifically provides. *Education Code 12.055(a)*

Education Code

A charter campus or program has the powers granted to schools under the Education Code.

A charter campus or program is subject to:

1. Provisions of the Education Code establishing criminal offenses;
2. Prohibitions, restrictions, or requirements of the Education Code, or a rule adopted under the Education Code, relating to:
    a. PEIMS, to the extent necessary to monitor compliance, as determined by the commissioner;
    b. Criminal history records under Subchapter C, Chapter 22;
    c. High school graduation under Section 28.025;
    d. Special education programs under Subchapter A, Chapter 29;
    e. Bilingual education under Subchapter B, Chapter 29;
    f. Prekindergarten programs under Subchapter E, Chapter 29;
    g. Extracurricular activities under Section 33.081 (i.e., “no pass-no play”);
    h. Health and safety under Chapter 38 (including immunizations, dyslexia and related disorders, child abuse reporting, protective eye devices, tobacco and alcohol use,

steroid use, access to medical records, and referrals to outside counselors); and

i. Public school accountability under Subchapter B, C, D, F, and J, Chapter 39, and Chapter 39A.

Education Code 12.056

Open Meetings and Public Information Acts

With respect to the operation of a campus or program charter, the governing body of the charter campus or program is considered a governmental body for purposes of Government Code Chapters 551 (Open Meetings Act) and 552 (Public Information Act). *Education Code 12.057(a)*

Teacher Retirement System

A district may contract with another district or an open-enrollment charter holder for services at a campus charter. An employee of the district or open-enrollment charter holder providing contracted services to a campus charter is eligible for membership in and benefits from the Teacher Retirement System of Texas (TRS) if the employee would be eligible for membership and benefits if holding the same position at the employing district or open-enrollment charter school operated by the charter holder. *Education Code 12.055(b)*

An employee of an independent school district who is employed on a charter campus or program who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of the independent school district who is employed on a regularly operating campus or in a regularly operating program.

An employee of a charter holder who is employed on a campus or in a program granted a charter and who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of an independent school district who is employed on a regularly operating campus or in a regularly operating program.

Education Code 12.057(b), (b-1)

Liability

A charter campus or program, and its employees and volunteers, are immune from liability to the same extent as a district, its employees, and volunteers, respectively. *Education Code 12.057(c)*

Placement on Probation or Revocation

A board may place on probation or revoke a charter it grants if the board determines that the campus or program:

1. Committed a material violation of the charter;

2. Failed to satisfy generally accepted accounting standards of fiscal management; or

3. Failed to comply with law governing a charter campus or program, another law, or a state agency rule.

The action a board takes under any item above shall be based on the best interest of campus or program students, the severity of the violation, and any previous violation the campus or program has committed.

Education Code 12.063

Procedure

Each board that grants a charter shall adopt a procedure to be used for placing on probation or revoking a charter it grants.

This procedure must provide an opportunity for a hearing to the campus or program for which the charter is granted and to parents and guardians of students at the campus or in the program. A hearing must be held on the campus or on one of the campuses in the case of a cooperative charter program.

Education Code 12.064

Note: The following provisions address requirements for a charter partnership to receive the benefits of Education Code 11.174 and 42.2511. For the general campus charter requirements applicable to partnership charters, see EL(LEGAL).

Contract Regarding Operation of District Campus

The board may contract with a partner to operate a campus. The partner may be an open-enrollment charter school or, on approval by the commissioner of education, an entity granted a charter by the district under Chapter 12, Subchapter C that is eligible to be awarded a charter under Education Code 12.101(a). The campus must be granted a charter under Chapter 12, Subchapter C. *Education Code 11.174(a), (d)*

A campus operated under a contract qualifies for an exemption from intervention as provided below [see Exemption from Intervention] and qualifies for funding as provided by Education Code 42.2511 [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)

Exemption from Intervention

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

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 42. This section applies only to a district that does not appoint a majority of the governing body of the charter holder. *Education Code 42.2511*

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 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 directly manage the instructional staff described above who provide services to at least a majority of the students.

19 TAC 97.1075(c)(1)

Other Authorities

The operating partner must have:

1. Initial and final authority to approve all curriculum decisions beyond the minimum requirements under regulation, lesson plans, instructional strategies, and instructional materials as defined by law;

2. Initial and final 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 and final authority to set the school calendar and daily schedule, which may differ from those in other district campuses;

4. Initial and final authority to approve all assessments that are not required by the state of Texas; and

5. Initial and final authority to adopt and implement the campus budget. 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.

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 description of enhanced authorities as outlined above;

2. Academic performance expectations and goals, which shall include;

   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:

a. The completion of an annual financial report of the operating partner meeting the expectation outlined in 19 Administrative Code 109.23;

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 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;

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. Service-level agreements that describe and allocate shared resources and services the district provides to the operating partner, which 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 that provides a student level allocation of local, state, and federal funds received by the district;

9. A description of the educational plan for the campus;

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); and

11. A description of the consequences 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

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(g)*

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 campus with, on approval by the commissioner, an entity granted a charter by the district under Education Code Subchapter C, Chapter 12.

Definitions

1. “Eligible entity” means an institution of higher education, a nonprofit organization, or a governmental entity. For applicants seeking approval of an institution of higher education, which has been granted a charter in accordance with Education Code Chapter 12, Subchapter E, the commissioner will treat the institution of higher education as an open-enrollment charter.

2. “Campus” means an organization 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.

3. "Applicant" means a district seeking approval to receive benefits under Education Code 11.174.

4. "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, .1051(3); Education Code 12.101(a)

Eligibility Approval Process

TEA shall review eligibility approval requests. If TEA determines that an eligibility approval request 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.

19 TAC 97.1079(d)

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)*

Public Information

All parts of the district's eligibility approval request are releasable under the Texas Public Information Act [see GBA] and will be posted to the TEA website. Information described in 19 Administrative Code 97.1079(d)(6) must be excluded or redacted from an eligibility approval request. *19 TAC 97.1079(d)(6)*

Criteria for Approval

The commissioner shall consider the criteria described in 19 TAC 97.1079(d)(8) 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(d)*

Appeals

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(e)*

General Eligibility

A board or its designee shall admit into the public schools of a district free of tuition all persons who are over five and younger than 21 years of age on September 1 of any school year in which admission is sought, and may admit a person who is at least 21 and under 26 for the purpose of completing the requirements for a high school diploma, if any of the following conditions exist:

Student and Parent

1. The person and either parent reside in the district.

Conservator

2. The person does not reside in the district, but one of the parents resides in the district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.

Guardian or Person Having Lawful Control

3. The person and his or her guardian or other person having lawful control under an order of a court reside in the district.

Students Living Separate and Apart

4. The person is under the age of 18 and has established a separate residence in the district apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person's presence in the district is not for the primary purpose of participation in extracurricular activities. A board is not required to admit such person, however, if the person has:

    a. Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;

    b. Engaged in delinquent conduct or "conduct in need of supervision" and is on probation or other conditional release for that conduct; or

    c. Been convicted of a criminal offense and is on probation or other conditional release.

Education Code 25.001(a)–(b), (d)

Homeless Students

5. The person is homeless. [See also FDC]

    a. "Homeless children" under the McKinney-Vento Homeless Assistance Act, means children or youths who lack a fixed, regular, and adequate nighttime residence; and includes:

        (1) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in

emergency or transitional shelters; or are abandoned in hospitals;

(2) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Migratory children living in circumstances described above.

"Migratory child'' means a child who made a qualifying move in the preceding 36 months:

(a) As a migratory agricultural worker or a migratory fisher; or

(b) With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher. [See EEB]

b. A person is homeless, for purposes of Education Code 25.001(b)(5), regardless of the residence of the person, of either parent, or of the person's guardian or other person having lawful control, if:

(1) The person lacks a fixed, regular, and adequate nighttime residence; or

(2) The person has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(3) The person lives in a supervised publicly or privately operated shelter designated to provide temporary living accommodations (including hotels and motels paid for by government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

(4) The person resided in a shelter or place not meant for human habitation and is exiting an institution where he or she temporarily resided;

(5) The person will imminently lose their housing, has no subsequent residence identified, and lacks the resources or support networks needed to obtain other housing; and

(6) The person is an unaccompanied youth or part of a homeless family with children and youth defined as homeless under other federal statutes who:

(a) Has experienced a long-term period without living independently in permanent housing;

(b) Has experienced persistent instability as measured by frequent moves over such period; and

(c) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

Education Code 25.001(b)(5); 20 U.S.C. 6399; 42 U.S.C. 11434a(2); 42 U.S.C. 11302

Foreign Exchange Students

6. The person is a foreign exchange student placed with a host family that resides in the district by a nationally recognized foreign exchange program, unless the district has applied for and been granted a waiver by the commissioner of education because:

a. This requirement would impose a financial or staffing hardship on the district;

b. The admission would diminish the district's ability to provide high-quality education services for the district's domestic students; or

c. The admission would require domestic students to compete with foreign exchange students for educational resources.

Education Code 25.001(b)(6), (e)

Students in Residential Facility

7. The person resides at a residential facility, as defined in Education Code 5.001, located in the district. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the district in which the facility is located. *Education Code 25.001(b)(7), 29.012(c)*

Students Over 18

8. The person resides in the district and is 18 or older or the person's disabilities of minority have been removed. *Education Code 25.001(b)(8)*

Resident Grandparent

9. The person does not reside in the district but the grandparent of the person:

   a. Resides in the district; and

   b. Provides a substantial amount of after-school care for the person as determined by the board.

Education Code 25.001(b)(9)

Proof of Eligibility

A district may require evidence that a person is eligible to attend the public schools of the district at the time it considers an application for admission of the person. A board or its designee shall establish minimum proof of residency acceptable to a district. A board or its designee may make reasonable inquiries to verify a person's eligibility for admission. When admission is sought under item 4 above, a board shall determine whether an applicant qualifies as a resident of a district and may adopt reasonable guidelines for making that determination as necessary to protect the best interest of students. *Education Code 25.001(c), (d)*

"Residence" Defined

"Residence" requires living in the district and having the present intention to remain there. *Martinez v. Bynum, 461 U.S. 321 (1983*)

A district may withdraw any student who ceases to be a resident. *Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)*

Immigration Status

Denying enrollment based upon immigration status to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. *Plyler v. Doe, 457 U.S. 202 (1982)*

High School Equivalency Certificate

A student who has received a high school equivalency certificate is entitled to enroll in a public school in the same manner as any other student who has not received a high school diploma. *Education Code 29.087(h)*

Substitute for Parent or Guardian

A board by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. *Education Code 25.001(j)*

Authorization Agreement

"Adult caregiver" means an adult person whom a parent has authorized to provide temporary care for a child under Family Code Chapter 34. *Family Code 34.0015(1)*

A parent, as defined in Family Code 101.024, or both parents of a child may enter into an authorization agreement with an adult caregiver to authorize the adult caregiver to perform acts described in Family Code 34.002 in regard to the child, such as:

1. Authorizing medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;

2. Enrolling the child in the district; and

3. Authorizing the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

Family Code 34.002

A parent may enter into an authorization agreement with an adult caregiver with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services (DFPS) to allow the person to perform the acts described above with regard to the child during an investigation of abuse or neglect or while the department is providing services to the parent. *Family Code 34.0021*

The authorization agreement must conform to the requirements of Family Code Chapter 34.

A child who is the subject of an authorization agreement is not considered to be placed in foster care and the parties to the agreement are not subject to any law or rule governing foster care providers. *Family Code 34.0022(b)*

An authorization agreement does not affect the rights of the child's parent or legal guardian regarding the care, custody, and control of the child, and does not mean that the adult caregiver has legal custody of the child. *Family Code 34.007(b)*

Only one authorization agreement may be in effect for a child at any time. Execution of a subsequent authorization agreement does not by itself supersede, invalidate, or terminate a prior authorization agreement. An authorization agreement is void if it is executed while a prior authorization agreement remains in effect. *Family Code 34.002(d), .008(f)*

An authorization agreement is for a term of six months and renews automatically for six-month terms unless an earlier expiration date is stated in the agreement, the agreement is terminated under

Family Code 34.008, or a court authorizes continuation. *Family Code 34.0075*

Immunity

A person who is not a party to the authorization agreement who relies in good faith on the authorization agreement, without actual knowledge that the authorization agreement is void, revoked, or invalid, is not subject to civil or criminal liability to any person, and is not subject to professional disciplinary action, for that reliance if the agreement is completed as required by Family Code Chapter 34. *Family Code 34.007(a)*

Note: The Authorization Agreement for Nonparent Relative (PDF)[1] is available on the DFPS website.

Temporary Authorization for Care

A person eligible to consent to treatment of a child under Family Code 32.001 or a person eligible to enter an authorization agreement [see Authorization Agreement, above] may seek a court order for temporary authorization for care of a child by filing a petition in the district court in the county in which the person resides if:

1. The child has resided with the person for at least the 30 days preceding the date the petition was filed; and
2. The person does not have an authorization agreement or other signed, written documentation from a parent, conservator, or guardian that enables the person to provide necessary care for the child.

Family Code 35.001–.002

The order may authorize the petitioner to, among other things:

1. Consent to medical, dental, psychological, and surgical treatment and immunization of the child;
2. Enroll the child in the district; and
3. Authorize the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

A temporary authorization order does not affect the rights of the child's parent, conservator, or guardian regarding the care, custody, and control of the child, and does not establish legal custody of the child. *Family Code 35.007(b)*

Immunity

A person who relies in good faith on a temporary authorization order is not subject to civil or criminal liability to any person, or to professional disciplinary action. *Family Code 35.007(a)*

Students in Foster Care

A child placed in foster care by an agency of the state or a political subdivision shall be permitted to attend schools in the district in which the foster parents reside free of any charge to the foster parents or to the agency. A durational residence requirement may not be used to prohibit that child from fully participating in any activity sponsored by a district. *Education Code 25.001(f)*

A student who was enrolled in a primary or secondary public school before the student entered the conservatorship of DFPS and who is placed at a residence outside the attendance area for a school or outside a district is entitled to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g)*

If a student who is in the conservatorship of DFPS is enrolled in a primary or secondary public school, other than the school in which the student was enrolled at the time the student was placed in the conservatorship of DFPS, the student is entitled to continue to attend that school without payment of tuition until the student successfully completes the highest grade level offered by the school at the time of enrollment in the school, even if the child's placement is changed to a residence outside the attendance area for that school or outside the district. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g-1)*

A written case plan for any child in foster care under the responsibility of the state must include a plan for ensuring the educational stability of the child while in foster care, including:

1. Assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child in enrolled at the time of placement; and

2. An assurance that the appropriate state agency has coordinated with a district to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or if remaining in that school is not in the best interests of the child, assurances by the state agency and the district to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

42 U.S.C. 675(1)(G), 675a [See CNA]

Transfers from Other States

A district shall charge tuition for a student who resides in a residential facility and whose maintenance or expenses are paid in whole or in part by another state or the United States. Any such tuition charge must be submitted to the commissioner for approval. The attendance of students admitted under this provision shall not be counted for purposes of allocating state funds to a district. *Education Code 25.003*

Students Holding F-1 Student Visas

If a student is required, as a condition of obtaining or holding the appropriate U.S. student visa, to pay tuition to the district that the student attends to cover the cost of the student's education provided by the district, the district shall accept tuition for the student in an amount equal to the full unsubsidized per capita cost of providing the student's education for the period of the student's attendance at school in the district.

The commissioner shall develop guidelines for determining the amount of the full unsubsidized per capita cost of providing a student's education. A district may not accept tuition in an amount greater than the amount computed under the commissioner's guidelines unless the commissioner approves a greater amount as a more accurate reflection of the cost of education to be provided by the district.

The attendance of a student for whom a school district accepts tuition is not counted for purposes of allocating state funds to the district.

Education Code 25.0031

Note: Enrolling students with F-1 visas is optional. If the district is interested in enrolling students with F-1 visas, it must comply with the federal Student and Exchange Visitor Program[2] (SEVP) under the Department of Homeland Security.

Texas Juvenile Justice Department

A school-age child of an employee of the Texas Juvenile Justice Department (TJJD) residing in an adjacent district may attend school in a district free of charge to his or her parents or guardian. Any tuition required by the admitting district shall be paid by the district from which the student transfers out of any funds appropriated to the TJJD facility. *Education Code 25.042*

Enrollment

A child must be enrolled by the child's parent, guardian, or other person with legal control under a court order. A district shall record

the name, address, and date of birth of the person enrolling the child. *Education Code 25.002(f)*

Legal Surname

A student must be identified by the student's legal surname as it appears on the student's birth certificate or other document suitable as proof of the student's identity, or in a court order changing the student's name. *Education Code 25.0021*

Required Documentation

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.

   Students shall not be denied enrollment or be removed solely because they fail to provide the documentation required in items 1 and 2, above.
3. A record showing that the child has the immunizations required by Education Code 38.001, proof that the child is not required to be immunized, or proof that the child is entitled to provisional admission. [See FFAB]

Education Code 25.002(a); 19 TAC 129.1(a)–(b)

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.

A parent or other person with legal control of a child under a court order must furnish information under items 1 and 2 not later than the 30th day after the date a child is enrolled in a public school.

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)

Residential Facility

Except for a juvenile pre-adjudication secure detention facility or a juvenile post-adjudication secure correctional facility, a residential

facility shall provide to a district that provides educational services to a student placed in the facility any information retained by the facility relating to:

1. The student's school records, including records regarding special education eligibility or services, behavioral intervention plans, school-related disciplinary actions, and other documents related to the student's educational needs;

2. Any other behavioral history information regarding the student that is not confidential under another law; and

3. The student's record of convictions or the student's probation, community supervision or parole status, as provided to the facility, if necessary to provide education services to the student.

Education Code 29.012(f), (g)

Summer School Enrollment

A district shall permit a person who is eligible under Education Code 25.001 [see General Eligibility, above] to attend school in the district but who is not enrolled in school in the district to enroll in a district summer school course on the same basis as a district student, including satisfaction of any course eligibility requirement and payment of any fee authorized under Education Code 11.158 [see FP] that is charged in connection with the course.

This requirement does not apply to enrollment in a Summer Intensive Mathematics Instruction Program under Education Code 29.088, a Summer Intensive Science Instruction Program under Education Code 29.090, or an Intensive Summer Program under Education Code 29.098 or in a similar intensive program.

Education Code 25.008

Food Allergy Information

On enrollment, a district shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under a court order disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the district to enable the district to take any necessary precautions regarding the child's safety [see FB and FFAF]; and specify the food to which the child is allergic and the nature of the allergic reaction.

The district shall maintain the confidentiality of the provided information, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with district policy under Education Code 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g. [See FL]

"Severe food allergy" means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

Education Code 25.0022(a)–(c)

Child in DFPS Possession

A district shall enroll a child without the required documentation if DFPS has taken possession of the child. DFPS shall ensure that the required documentation is furnished to a district not later than the 30th day after the date the child is enrolled. *Education Code 25.002(g)*

Inconsistent Documentation

If a child is enrolled under a name other than the name that appears in the identifying documents or records, a district shall notify the missing children and missing persons information clearinghouse of the child's name as shown on the identifying records and the name under which the child is enrolled.

Missing Documentation

If the required documents and other records are not furnished to a district within 30 days after enrollment, the district shall notify the police department of the city or the sheriff's department of the county in which the district is located and request a determination of whether the child has been reported as missing.

Education Code 25.002(b)–(c)

Students Under 11

On enrollment of a child under 11 years of age in a school for the first time at the school, the school shall:

1. Request from the person enrolling the child the name of each previous school attended by the child;
2. Request from each school identified in item 1 the school records for the child and, if the person enrolling the child provides copies of previous school records, request verification from the school of the child's name, address, date, and grades and dates attended; and
3. Notify the person enrolling the student that not later than the 30th day after enrollment, or the 90th day if the child was not born in the United States, the person must provide:
    a. A certified copy of the child's birth certificate; or
    b. Other reliable proof of the child's identity and age and a signed statement explaining the person's inability to produce a copy of the child's birth certificate.

If a person enrolls a child under 11 years of age in school and does not provide the valid prior school information or documentation re-

quired, the school shall notify the appropriate law enforcement agency before the 31st day after the person fails to comply.

Code of Criminal Procedure 63.019

False Information

When accepting a child for enrollment, a district shall inform the parent or other person enrolling the child that presenting a false document or false records in connection with enrollment is a criminal offense under Penal Code 37.10 (Tampering with Governmental Records) and that enrolling the child under false documents makes the person liable for tuition or other costs as provided below. *Education Code 25.002(d)*

In addition to the penalty under Penal Code 37.10, a person who knowingly falsifies information on a form required for a student's enrollment in a district is liable to the district if the student is not eligible for enrollment, but is enrolled on the basis of false information. For the period during which the ineligible student is enrolled, the person is liable for the maximum tuition fee a district may charge [see FDA] or the amount a district has budgeted per student as maintenance and operating expense, whichever is greater. *Education Code 25.001(h)*

A district may include on its enrollment form notice of the legal penalties and liability for falsifying information on the form. *Education Code 25.001(i)*

Placement of Transfers

Credits and Records

A district shall accept all credits earned toward state graduation requirements by students in accredited Texas school districts, including credits earned in accredited summer school programs. Credits earned in local credit courses may be transferred at a district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

A district shall grant a student credit toward the academic course requirements for high school graduation for courses the student successfully completes in TJJD educational programs. *Education Code 30.104(a)*

Each district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. *Education Code 37.011(d)*

Nonpublic Schools

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of

methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

Foundation School Program

A person is entitled to the benefits of the available school fund for a school year if:

1. On September 1 of the year, the person:
    a. Is at least five years of age and under 21 years of age, and has not graduated from high school;
    b. Is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma; or
    c. Is at least 19 years of age and under 26 years of age and is enrolled in an adult high school diploma and industry certification charter school pilot program under Education Code 29.259.
2. The person is enrolled in prekindergarten under Education Code 29.153 or Subchapter E-1, Chapter 29 [see EHBG].
3. The person is younger than five years of age and performs satisfactorily on the state assessment instrument administered to third graders and a district has adopted a policy to admit students younger than five years of age.
4. The person is enrolled in the first grade and is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or has completed kindergarten, in the public schools of another state before transferring to a Texas public school.

Education Code 25.001(a), 42.003

Screening

The principal of each district school shall ensure that each student admitted to that school has complied with requirements for screening of special senses and communication disorders, spinal screening, and a risk assessment for Type 2 diabetes, or has submitted an affidavit of exemption. *Health and Safety Code 36.005, 37.002, 95.003(c)* [See FFAA]

Pest Control Information

Chief administrators or the integrated pest management (IPM) coordinators of schools must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of

planned applications will meet the notification requirements. *4 TAC 7.148(c); Occupations Code 1951.455(b)* [See CLB]

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[1] Authorization Agreement for Nonparent Relative (PDF): http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf

[2] Student and Exchange Visitor Program: https://www.ice.gov/sevis

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

Excused Absences

In addition to excused absences required by law, the District shall excuse absences for the following purposes.

Higher Education Visits

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. A student shall be required to submit verification of such visits in accordance with administrative regulations.

Armed Services Enlistment

The District shall excuse a student 17 years of age or older for up to four days during his or her enrollment in high school for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard. A student shall be required to submit verification of such activities in accordance with administrative regulations.

Early Voting or Election Clerk

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. A student shall be required to submit verification of service in accordance with administrative regulations.

[For extracurricular activity absences, see FM.]

Withdrawal for Nonattendance

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

Students Attending Homeschools

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

Enforcing Compulsory Attendance

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

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 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 the second or fifth 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)*

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 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 shall 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 shall make the adjustment required by 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 42.0051(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)*

Physical Fitness Assessment

Annually, a district shall assess the physical fitness of students in grade 3 or higher in a course that satisfies the curriculum requirements for physical education under Education Code 28.002(a)(2)(C), using an assessment instrument adopted by the commissioner of education (currently FitnessGram®). *Education Code 38.101(a), .102(a)*

A district is not required to assess a student for whom, as a result of disability or other condition identified by commissioner rule, the assessment instrument is inappropriate. *Education Code 38.101(b)*

The assessment instrument must be based on factors related to student health, including aerobic capacity; body composition; and muscular strength, endurance, and flexibility, unless a particular factor is inappropriate for that student because of a health classification defined in 19 Administrative Code 74.31 [see EHAA]. *Education Code 38.102(b)(1); 19 TAC 103.1001(b)*

Report

A district shall provide the results of individual student performance on the physical fitness assessment to TEA. The results may not contain the names of individual students or teachers or a student's social security number or date of birth.

Confidentiality

The results of individual student performance on the physical fitness assessment instrument are confidential and may be released only in accordance with state and federal law.

Education Code 38.103

A district may accept donations made to facilitate implementation of this subchapter. *Education Code 38.105*

Vision and Hearing Screening

As soon as possible after admission and within a period set by rule, a student required to be screened shall undergo approved screening for vision and hearing disorders and any other special senses and communication disorders specified by the Texas Department of State Health Services (TDSHS). *Health and Safety Code 36.005(a)*

District Responsibility

A superintendent shall ensure that each student admitted to a district complies with the screening requirements set by TDSHS or submits an affidavit of exemption (see below). *Health and Safety Code 36.005(c)*

Screening Schedule

Routine Screening

Children enrolled in prekindergarten and kindergarten must be screened each year within 120 days of enrollment. Children enrolled in the first, third, fifth, and seventh grades must receive vision and hearing screening in each of those grade years (can be done at any time during each of those years). Upon written request approved by TDSHS, the screening of vision and hearing may in-

	stead occur in prekindergarten; kindergarten; and first, second, fourth, and sixth grades. *25 TAC 37.25(a)(2), (3), (6)*
Screening on Enrollment	Students four years of age and older, who are enrolled in a district for the first time, must be screened for possible vision and hearing problems within 120 calendar days of enrollment. If the student is enrolled within 60 days of the date school closes for the summer, the student must be tested within 120 days of the beginning of the following school year. Students enrolled who turn four years of age after September 1 of that year are exempt from screening until the following September. *25 TAC 37.25(a)(1), (5)*
Outside Screening	Except for students enrolled in prekindergarten, kindergarten, or first grade, a district shall exempt a student from screening if the student's parent, managing conservator, or legal guardian, or the student under Family Code 32.003 submits a record showing that a professional examination was properly conducted during the grade year in question or during the previous year. The record must be submitted during the grade year in which the screening would otherwise be required. *25 TAC 37.25(a)(4)*
Provisional Admission	A parent, managing conservator, or legal guardian, or the student under Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by a district, shall conduct the screening (or that a licensed professional shall conduct an examination) as soon as is feasible. The district may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening record(s) are provided to the district. *25 TAC 37.25(b)*
Exemption — Religious Beliefs	A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit on or before the day of admission an affidavit stating the objections to screening. *Health and Safety Code 36.005(b); 25 TAC 37.25(c)*
Records	A superintendent shall maintain on a form prescribed by TDSHS in accordance with TDSHS rules, screening records for each student in attendance, and the records are open for inspection by TDSHS or the local health department. *Health and Safety Code 36.006; 25 TAC 37.26*
Transfer of Records	A student's screening records may be transferred among districts without the consent of the student or minor student's parent, managing conservator, or guardian. *Health and Safety Code 36.006(c); 25 TAC 37.26(b)(4)*

Annual Report	On or before June 30 of each year, a district shall submit to TDSHS a report on the vision and hearing screening status of its aggregate population screened during the reporting year. The district shall report in the manner specified by TDSHS. *Health and Safety Code 36.006(d); 25 TAC 37.26(b)(6)*
Risk Assessment for Type 2 Diabetes	As soon as possible after admission and as required by rule, each student required to be assessed shall undergo approved risk assessment for type 2 diabetes. The risk assessment should: 1. Identify students with acanthosis nigricans; and 2. Further assess students identified under paragraph 1 to determine the students': a. Body mass index; and b. Blood pressure. The risk assessment shall be performed at the same time hearing and vision screening or spinal screening is performed. *Health and Safety Code 95.002(d), .003(a)*
District Responsibility	A superintendent shall ensure that each student admitted to a district complies with the risk assessment requirements or submits an affidavit of exemption. *Health and Safety Code 95.003(c)*
Applicability	Students who attend public schools located in TEA Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and 20 shall be subject to risk assessment. *Health and Safety Code 95.002(b)*
Outside Screening	The student or minor student's parent, managing conservator, or guardian may substitute a professional examination for the risk assessment. *Health and Safety Code 95.003(a)*
Exemption — Religious Beliefs	A student is exempt from risk assessment if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit to the superintendent on or before the day of the risk assessment process an affidavit stating the objections to the risk assessment. *Health and Safety Code 95.003(b)*
Records	A superintendent shall maintain the risk assessment records for each student in attendance and enter the risk assessment information for each student on the surveillance software selected by the University of Texas—Rio Grande Valley Border Health Office (the Office). The risk assessment records are open for inspection

by the Office or the local health department. *Health and Safety Code 95.004(a)*

Transfer of Records — A student's risk assessment records may be transferred among schools without the consent of the student, or, if the student is a minor, the student's parent, managing conservator, or guardian. *Health and Safety Code 95.004(c)*

Annual Report — A district shall submit to the Office an annual report on the risk assessment status of the students in attendance during the reporting year and shall include in the report any other required information. *Health and Safety Code 95.004(e)*

Spinal Screening — Each student required by TDSHS rule to be screened shall undergo approved screening for abnormal spinal curvature. *Health and Safety Code 37.002(a)*

Notification — The superintendent is responsible for notifying a parent, managing conservator, or guardian of the requirement to conduct spinal screening, the purpose and the reasons for spinal screening and potential risk to the child if declined, the method used to perform the screening, and the method to decline spinal screening based on a religious belief exemption. *25 TAC 37.144(a)*

District Responsibility — A superintendent shall ensure that each student admitted to a district complies with the screening requirements or submits an affidavit of exemption (see below). *Health and Safety Code 37.002(c), 25 TAC 37.144(c)*

Screening Schedule — Students who meet the criteria outlined in TDSHS policy shall be screened for abnormal spinal curvature before the end of the school year. *25 TAC 37.144(c)(1)*

Routine Screening

Screening on Enrollment — If a student is enrolled within 60 days of the date a school closes for the summer, the student's screening must be conducted within 120 days of the beginning of the following school year. Districts may offer a student the opportunity for spinal screening if the student has no record of having been screened previously. *25 TAC 37.144(c)(2), (3)*

Outside Screening — The screening requirements may also be met by a professional examination as defined in 25 Administrative Code 37.142(6). *25 TAC 37.144(c)(1)*

Provisional Admission — A parent, managing conservator, or legal guardian, or the student under Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by a district, shall conduct the screening as soon as is feasible. The district may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening record(s) are provided to the district.

The 60-day time period is from November 30 to January 30 of each school year. *25 TAC 37.144(d)*

Exemption — Religious Beliefs

A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student's parent, managing conservator, or guardian must submit to the superintendent on or before the day of the screening procedure an affidavit stating the objections to screening. *Health and Safety Code 37.002(b); 25 TAC 37.144(e)*

Records

A district must comply with recordkeeping and reporting requirements set out in 25 Administrative Code 37.145(b). [See FL]

Transfer of Records

Spinal screening records are transferrable between districts without the consent of the student or, if the student is a minor, the minor student's parent, managing conservator, or legal guardian.

25 TAC 37.145(b)(3)

Report of Abnormality

If the spinal screening indicates that a student may have abnormal spinal curvature, the individual performing the screening shall fill out a report on a form prescribed by TDSHS.

The superintendent shall retain one copy of the report and shall mail one copy to the parent, managing conservator, or guardian of the individual screened.

Health and Safety Code 37.003

Annual Report

On or before June 30 of each year, a district shall submit to TDSHS a report on the spinal screening status of its aggregate population screened during the reporting year. The district shall report in the manner specified by TDSHS. *25 TAC 37.145(b)(5)*

Policy

As a condition of receiving funds under a program funded in whole or in part by the U.S. Department of Education (DOE), a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the administration of physical examinations or screenings that a district may administer to the student. *20 U.S.C. 1232h(c)(1)(D)*

A district shall provide notice of the policies at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies. *20 U.S.C. 1232h(c)(2)(A)(i)*

A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). *20 U.S.C. 1232h(c)(3)*

Notification and Opt-Out

At least annually at the beginning of the school year, a district shall directly notify the parent of a student of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening, described below, is scheduled or expected to be scheduled. The required notification applies to nonemergency, invasive physical examinations or screenings that are:

1. Required as a condition of attendance;
2. Administered and scheduled by the school in advance; and
3. Not necessary to protect the immediate health and safety of the student or of other students.

At a minimum, a district shall offer an opportunity for the parent to opt the student out of participation in the examination or screening. *20 U.S.C. 1232h(c)(2)(A)(ii), (C)(iii)*

Exception

These provisions do not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification. *20 U.S.C. 1232h(c)(4)(B)(ii)*

[See EF]

Lice

The board shall adopt a policy requiring an elementary school nurse who determines or otherwise becomes aware that a child enrolled in the school has lice shall provide written or electronic notice of that fact to:

1. The parent of the child with lice as soon as practicable but not later than 48 hours after the administrator or nurse, as applicable, determines or become aware of that fact; and
2. The parent of each child assigned to the same classroom as the child with lice not later than the fifth school day after the date on which the administrator or nurse, as applicable, determines or become aware of that fact.

The notice:

1. Must include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice; and
2. May not identify the child with lice if the notice is to the parent of each child in the same classroom.

Education Code 38.031

Immunization Requirements

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis. The Texas Department of State Health Services (TDSHS) may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. *Education Code 38.001(a), (b)*

Students in kindergarten through twelfth grade shall have the following additional vaccines, according to the immunization schedules set forth in TDSHS regulations: pertussis, hepatitis B, hepatitis A (as applicable to the grade levels specified in state rule), and varicella (chickenpox). TDSHS requires students enrolling in seventh through twelfth grades to have one dose of meningococcal vaccine on or after the student's 11th birthday. *25 TAC 97.63*

Note: Immunization requirements[1] and the recommended immunization schedule[2] are on the TDSHS website.

Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by TDSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures. *25 TAC 97.72*

Immunization Awareness Program

A district that maintains an Internet website shall post prominently on the website:

1. A list, in English and Spanish, of:
    a. The immunizations required by TDSHS for admission to public school;
    b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to public school; and
    c. Health clinics in the district that offer the influenza vaccine, to the extent those clinics are known to the district; and
2. A link to the TDSHS Internet website where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements. The link must be presented in the same manner as the information provided under paragraph 1.

Education Code 38.019

Applicability

The vaccine requirements apply to all students entering, attending, enrolling in, and/or transferring to a district. *25 TAC 97.61(a)*

Exceptions

Immunization is not required for admission to a district:

1. If the student submits to the admitting official:

   a. An affidavit or a certificate signed by a physician (M.D. or D.O.) who is duly registered and licensed to practice medicine in the United States and who has examined the student.

      The affidavit or certificate must state that, in the physician's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or any member of the student's household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.

      or

   b. An affidavit signed by the student or, if a minor, the student's parent or guardian stating that the student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period.

      The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized.

      A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of state health services.

      or

2. If the student can prove that he or she is a member of the armed forces of the United States and is on active duty.

Education Code 38.001(c), (c-1), (f); Health and Safety Code 161.004(a), (d)(2), .0041; 25 TAC 97.62

Provisional Admission

A student may be provisionally admitted or enrolled if the student has begun the required immunizations. The student must have an immunization record that indicates the student has received at least one dose of each age-appropriate vaccine specified in the regulations.

Completion of Vaccinations	To remain enrolled, the student must continue to receive the necessary immunizations as rapidly as medically feasible. The student must complete the required subsequent doses in each vaccine series on schedule and as rapidly as is medically feasible and provide acceptable evidence of vaccination to a district.
Review of Status	A school nurse or school administrator shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and a district shall exclude the student from school attendance until the required dose is administered. *Education Code 38.001(e); 25 TAC 97.66(a); Atty. Gen. Op. GA-178 (2004)*
Homeless Student	A student who is homeless, as defined in the McKinney-Vento Homeless Assistance Act, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. [See FD and FDC] *25 TAC 97.66(b); 42 U.S.C. 11302*
Child in Foster Care	A student who is a “child in foster care” as defined by 45 C.F.R. 1355.20(a) shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. [See FD] *25 TAC 97.66(c)*
Transfer Students	A student can be enrolled provisionally for no more than 30 days if the student transfers from one Texas school to another, and is awaiting the transfer of the immunization record. *25 TAC 97.69(a)*
Military Dependents	A military dependent can be enrolled provisionally for no more than 30 days if the student transfers from one school to another and is awaiting the transfer of the immunization record. [See FDD] The collection and exchange of information pertaining to immunizations shall be subject to confidentiality provisions prescribed by federal law. *Education Code 162.002 art. IV, C; 25 TAC 97.69(b)*
Evidence of Immunization	A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to a district. *25 TAC 97.63(2)* Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered. The following documentation is acceptable:

1. Documentation of vaccines administered that includes the signature or stamp of the physician or his or her designee, or public health personnel; immunization records generated from electronic health record systems must include clinic contact information and the provider's signature/stamp;

2. An official immunization record generated from a state or local health authority; or

3. A record received from school officials including a record from another state.

25 TAC 97.68

Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella are acceptable. Evidence of measles, rubella, mumps, hepatitis A, hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates either confirmation of immunity or infection.

A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a child's positive history of varicella disease (chickenpox) or varicella immunity is acceptable in lieu of a vaccine record for that disease. [The form to document the history of varicella illness (PDF)[3] is on the TDSHS website.]

25 TAC 97.65

Immunization Records

If a parent or other person with legal control of a child under a court order enrolls the child in a public school, the parent or other person or the district in which the child most recently attended school shall furnish to the district a record showing that the child has:

1. The immunizations as required by law;

2. Proof as required by law that the child is not required to be immunized; or

3. Proof that the child is entitled to provisional admission under law.

Education Code 25.002(a)(3), 38.001; 25 TAC Chapter 97, Subchapter B

Each district shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be sufficient for a valid audit or other assessment to be completed. The records shall be open for inspection at all reasonable times by TEA, local health departments, or the TDSHS. Immuniza-

tion records may be maintained in paper and/or electronic form. *Education Code 38.002(a); 25 TAC 97.67*

Transfer of Records

Each district shall cooperate in transferring students' immunization records to other schools. Specific approval from students, parents, or guardians is not required before transferring those records. *Education Code 38.002(b)*

Annual Report

Districts shall submit annual reports of the immunization status of students, in a format prescribed by TDSHS, to monitor compliance with immunization requirements. All districts shall submit the report at the time and in the manner indicated in the instructions printed on the form. *Education Code 38.002(c); 25 TAC 97.71*

Consent to Immunization

In addition to persons authorized to consent to immunization under Family Code Chapters 151 (parents) and 153 (conservators), the following persons may consent to the immunization of a child:

1. A guardian of the child; and
2. A person authorized under the law of another state or a court order to consent for the child.

Family Code 32.101(a)

The district in which the child is enrolled may give consent to the immunization if:

1. The persons listed above are not available; and
2. The district has written authorization to consent from a person listed above.

Family Code 32.101(b)(5)

A district may not consent for the child if it has actual knowledge that a person listed above has:

1. Expressly refused to give consent to the immunization;
2. Been told not to consent for the child; or
3. Withdrawn a prior written authorization for the district to consent.

Family Code 32.101(c)

Consent by Child

A child may consent to the child's own immunization for a disease if the child is pregnant or is the parent of a child and has actual custody of that child, and the Centers for Disease Control and Prevention recommend or authorize the initial dose of an immunization for that disease to be administered before seven years of age.

Consent by a child to immunization is not subject to disaffirmance because of minority. A health-care provider or facility may rely on the written statement of the child containing the grounds on which the child has capacity to consent to the child's immunization.

Family Code 32.1011

Duty to Provide Information

A district that consents to immunization of a child shall provide the health-care provider with sufficient and accurate health history and other information as set forth in Family Code 32.101(e).

Form of Consent

Consent to immunization must meet the requirements of Family Code 32.002(a). [See FFAC] A district has the responsibility to ensure that the consent, if given, is an informed consent. A district is not required to be present when the immunization is requested if a consent form has been given to the health-care provider.

Family Code 32.101(f), .102

Liability

A district consenting to immunization of a child is not liable for damages arising from an immunization administered to a child authorized under Family Code Subchapter B except for injuries resulting from the district's own acts of negligence. *Family Code 32.103*

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[1] Immunization requirements:
http://www.dshs.texas.gov/immunize/school/default.shtm#requirements
[2] Immunization schedule:
http://www.dshs.texas.gov/immunize/Schedule/schedule_child.shtm
[3] Documenting History of Illness: Varicella (PDF):
http://www.dshs.texas.gov/immunize/docs/c-9.pdf

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:

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 37.083.

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. 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

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 developmental guidance and 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

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 pro-

grams, 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.

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.

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: The following legal provisions address sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

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)*

Sexual harassment of students may constitute discrimination on the basis of sex in violation of Title IX. *20 U.S.C. 1681; 34 C.F.R. 106.11; Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)* [See FB regarding Title IX]

Definition of Sexual Harassment

Sexual harassment of students is conduct that is so severe, pervasive, and objectively offensive that it can be said to deprive the victim of 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 U.S. 629 (1999)*

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)*

A disciplinary alternative education program (DAEP) is an educational and self-discipline alternative instruction program for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP. *19 TAC 103.1201(a)*

Joint / Contracted DAEP

A district may provide a DAEP jointly with one or more other districts, or may contract with third parties for DAEP services. The district must require and ensure compliance with district responsibilities that are transferred to the third-party provider. *Education Code 37.008(d); 19 TAC 103.1201(d)*

A DAEP may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school. *Education Code 37.008(b)*

Community Organizations

A district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a DAEP. *Education Code 37.008(e)*

Funding

A student removed to a DAEP is counted in computing a district's average daily attendance for the student's time in actual attendance in the program. *Education Code 37.008(f)*

A district shall allocate to a DAEP the same expenditure per student attending the DAEP that would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program. *Education Code 37.008(g)* [See also EHBC(LEGAL), Limit on DAEP Expenditures]

Location

A DAEP shall be provided in a setting other than the student's regular classroom and may be located on or off a regular school campus. *Education Code 37.008(a)(1)–(2)*

An off-campus DAEP is not subject to a requirement imposed by the Education Code, other than a limitation on liability, a reporting requirement, or a requirement imposed by Education Code Chapter 37 or Chapter 39 or 39A. *Education Code 37.008(c)*

An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. The designation of elementary and secondary is determined by adopted local policy. *Education Code 37.006(f); 19 TAC 103.1201(h)(1)*

Students who are assigned to the DAEP shall be separated from students who are not assigned to the program. Notwithstanding this requirement, summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.

Students in the DAEP shall be separated from students in a juvenile justice alternative education program (JJAEP).

Education Code 37.008(a)(3), (c); 19 TAC 103.1201(f)(3), (h)(3)

Safety

A district is responsible for the safety and supervision of the students assigned to the DAEP; however, the immunity from the liability established in Education Code 22.0511 [see DG], shall not be impacted. The DAEP staff shall be prepared and trained to respond to health issues and emergencies.

Each district shall establish a board-approved policy for discipline and intervention measures to prevent and intervene against unsafe behavior and include disciplinary actions that do not jeopardize students' physical health and safety, harm emotional well-being, or discourage physical activity.

19 TAC 103.1201(h)

Staffing

A DAEP shall employ only teachers who meet certification requirements under Education Code Chapter 21, Subchapter B. The certified teacher-to-student ratio in a DAEP shall be one teacher for each 15 students in elementary through high school grades. *Education Code 37.008(a)(7); 19 TAC 103.1201(h)(1)*

Staff at each DAEP shall participate in training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:

1. Training on the education and discipline of students with disabilities who receive special education services;
2. Instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, and conflict resolution to teach students how to interact with teachers, family, peers, authority figures, and the general public; and
3. Annual training on established procedures for reporting abuse, neglect, or exploitation of students.

19 TAC 103.1201(i)

Entrance Procedures

Procedures for each DAEP shall be developed and implemented for newly-entering students and their parents or guardians on the expectations of the DAEP. These procedures shall include written contracts between students, parents or guardians, and the DAEP that formalize expectations and establish the students' individual plans for success. *19 TAC 103.1201(j)*

Academics

The academic mission of DAEPs shall be to enable students to perform at grade level. A DAEP shall focuses on English language arts, mathematics, science, history, and self-discipline. *Education Code 37.008(a)(4), (m)*

A district shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education services. A student's four-year graduation plan (Minimum, Recommended, or Advanced/Distinguished Achievement) may not be altered when the student is assigned to a DAEP.

Opportunity to Complete Course

A district shall offer a student removed to a DAEP an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal, before the beginning of the next school year, through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this provision.

Education Code 37.008(l); 19 TAC 103.1201(f)

A district shall provide the parents of a student removed to a DAEP with written notice of the district's obligation to provide the student with an opportunity to complete coursework required for graduation. The notice must include information regarding all methods available for completing the coursework and state that the methods are available at no cost to the student. *Education Code 37.008(l-1)*

Accountability

The campus of accountability for student performance must be the student's locally assigned campus, including when the district or shared services arrangement contracts with a third party for DAEP services. *19 TAC 103.1201(e)*

Academic Assessments

A district shall administer to a student placed in a DAEP program for a period of 90 school days or longer an assessment instrument:

1. Initially on placement of the student in the program; and
2. Subsequently on the date of the student's departure from the program, or as near that date as possible.

Released state assessments for reading and mathematics for the appropriate grade may be used. A district may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills (TEKS) for reading and mathematics for the student's assigned grade. The commissioner will publish on the TEA website a list of assessments approved for use in each school year.

The grade level of an assessment shall be based upon the academic grade completed prior to the student being assigned to a DAEP if placement occurs in the fall or first semester of the academic school year. If placement occurs in the spring or second semester of the academic school year, the student shall be administered an assessment based on the current grade level.

Each district shall provide an academic report to the student's locally assigned campus, which shall include the pre- and post-assessment results of the student's basic skills in reading and mathematics, within ten days of the student completing the post-assessment.

Procedures for administering the pre- and post-assessment shall be developed and implemented in accordance with local school district policy.

A student in the district's DAEP must also be assessed under the requirements of the Education Code Chapter 39. [See EKB]

Education Code 37.0082; 19 TAC 103.1203

Special Populations

Special Education

A DAEP serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the individualized education program (IEP) established by a duly-constituted admission, review, and dismissal (ARD) committee, in accordance with Education Code 37.004 and federal requirements. *19 TAC 103.1201(g)*

Drug and Alcohol Treatment

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Education Code 37.006 and 37.007. A DAEP that provides chemical dependency treatment services must be licensed under Health and Safety Code Chapter 464. *Education Code 37.008(k)*

Transition Services

The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented and updated annually as needed. The transition procedures shall include:

1. An established time line for the student's transition from the DAEP to the student's locally assigned campus; and
2. Written and oral communication from the DAEP staff to the locally assigned campus during the student's assignment to the DAEP, including the student's educational performance and tasks completed.

19 TAC 103.1201(k)

Students with Disabilities Under Section 504

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

Note: The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

Students Receiving Special Education Services

All disciplinary actions regarding students with disabilities must be determined in accordance with 34 C.F.R. 300.101(a) and 300.530–300.536; Education Code Chapter 37, Subchapter A; and 19 Administrative Code 89.1053 (relating to Procedures for Use of Restraint and Time-Out). *19 TAC 89.1050(k)*

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

DAEP Placement Not Solely for Educational Purposes

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)–(d)*

Removal for Ten Days or Less

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement

to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent those alternatives are applied to children without disabilities. *20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)*

Services During Removal — A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. *34 C.F.R. 300.530(d)*

Subsequent Removals of Ten Days or Less — School personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). *34 C.F.R. 300.530(b)(1)*

Services During Removal — After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent removal of ten consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program (IEP). *20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)*

Notice of Procedural Safeguards — Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. *20 U.S.C. 1415(k)(1)(H)*

Removals That Are a Change in Placement — Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review [see Manifestation Determination, below]. *Education Code 37.004*

"Change in Placement" — For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than ten consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because:
    a. The series of removals total more than ten school days in a school year;

b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and

c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

34 C.F.R. 300.536

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. *20 U.S.C. 1415(k)(1)(A)*

Manifestation Determination

Within ten school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or

2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

Expulsion

In a county with a juvenile justice alternative education program (JJAEP) [see FODA], a district must invite the administrator of the JJAEP or the administrator's designee to an ARD committee meeting convened to discuss the discretionary expulsion under Education Code 37.007 of a student with a disability. The district must

provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. A copy of the student's current IEP must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP. *19 TAC 89.1052*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.

2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)–(2)

For a student with a disability who was expelled under a discretionary expulsion under Education Code 37.007, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the district of specific concerns that the student's education or behavioral needs cannot be met in JJAEP.

The district must invite the JJAEP administrator or the administrator's designee to the meeting and must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP may participate in the meeting to the extent that the meeting relates to the student's continued placement in JJAEP.

19 TAC 89.1052

Manifestation

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or

2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)

Special Circumstances

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or a school district;

2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.

2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that

are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)

Appeals

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. *20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151*

Placement During Appeals

When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533*

Reporting Crimes

Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). *20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535* [See FL]

Students Not Yet Identified

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. *20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)*

District Knowledge

A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;

2. The parent requested an evaluation of the student for special education and related services; or

3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.

20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)

Exception

A district shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;

2. The parent has refused services; or

3. The student has been evaluated and it was determined that the student did not have a disability.

20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)

Behavior Management Techniques

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

School Peace Officers

This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a school district; or

2. Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h); 19 TAC 89.1053(l)

Exceptions

Education Code 37.0021 (regarding use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by Education Code 37.0021(i) [see Restraint, Documentation, below];

2. Juvenile probation, detention, or corrections personnel; or

3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

"Law Enforcement Duties"

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and

2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

Education Code 37.0021(f)

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a)*

Seclusion

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

"Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

Restraint

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

19 TAC 89.1053(c)

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

"Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

19 TAC 89.1053(b)(1)–(2)

Training

Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).

Documentation

In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation requirements set forth at 19 Administrative Code 89.1053(e).

A district shall report electronically to TEA, in accordance with standards provided by Commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the require-

ments adopted by Commissioner rule for reporting the use of restraint involving students with disabilities.

Education Code 37.0021(i)

Time-Out

A school employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out.
2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

19 TAC 89.1053(g)

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

19 TAC 89.1053(b)(3)

Training

Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

Documentation

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

19 TAC 89.1053(i)

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Right of Access to Public Information

Public information is available, at a minimum, to the public during a district's normal business hours. *Gov't Code 552.021*

Availability

Information That Must Be Disclosed

The following categories of information are public information and not excepted from required disclosure unless made confidential under Government Code Chapter 552 or other law:

1. A completed report, audit, evaluation, or investigation made of, for, or by a board, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a district.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public funds.
4. The name of each official and the final record of voting on all proceedings of a board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a board, on completion of the estimate.
6. A description of a district's organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.
7. A statement of the general course and method by which a district's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
8. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by a board and a statement of general policy or interpretation of general applicability formulated and adopted by the board.
10. Any amendment, revision, or repeal of the information described in items 6–9.
11. Final opinions and orders issued in adjudication of cases.
12. A policy statement or interpretation adopted or issued by a board.
13. Administrative manuals and instructions to staff that affect a member of the public.

14. Information regarded as open to the public under a district's policies.

15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.

16. Information that is also contained in a public court record.

17. A settlement agreement to which a board is a party.

Gov't Code 552.022

Investment Information

Certain district investment information, as specified by Government Code 552.0225, is public information and not excepted from disclosure. *Gov't Code 552.0225*

Security System Information

Financial information in the possession of a district that relates to the expenditure of funds by a district for a security system is public information that is not excepted from required disclosure under the Texas Public Information Act (PIA). *Gov't Code 418.182(b)*

Body-Worn Camera

Except as set forth at Occupations Code Chapter 1701, Subchapter N, a recording from a body-worn camera that is or could be used as evidence in a criminal prosecution is subject to the requirements of the PIA.

However, a law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

Occupations Code 1701.661

Personal Information

Employee / Board Member

Each district employee, other than a peace officer or security officer, and board member and each former employee and board member shall choose whether to allow public access to district-held information relating to the person's home address, home telephone number, emergency contact information, or social security number, or any other information that reveals whether the person has family members. However, 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.

Employees and board members shall state their choice to a district's main personnel officer in a signed writing not later than the 14th day after employment begins, election or appointment to the board occurs, or service with the district ends. If an employee or

board member fails to state his or her choice within 14 days, the information is available to the public. However, an employee or board member may make a written request at any time to the personnel officer to open or close the information. A written request made after the 14 days does not apply to an open records request made before the option was exercised.

Gov't Code 552.024; Tex. Atty. Gen. ORD 530 (1989)

Notice to Requestor

If an employee or board member has opted to restrict public access to his or her personal information, the district may redact the personal information from any information the district discloses without the necessity of requesting a decision from the attorney general. *Gov't Code 552.024(c)*

If a district redacts information under this provision, the district shall provide the information required by Government Code 552.024(c-2) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.024(c-2)*

Special Rights of Access

Employees

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 the district that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests. [See DBA] *Gov't Code 552.023*

Board Members

When acting in the member's official capacity, a board member has an inherent right of access to information, documents, and records maintained by the district. "Official capacity" means all duties of office and includes administrative decisions or actions. [See BBE] *Education Code 11.1512; Atty. Gen. Op. JM-119 (1983)*

Information District Is Not Required to Release

Commercial Information

A district is not required to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the district for research purposes, if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as resource material, such as a library book, a district is not required to make a copy of the information in response to a request for public information. The district shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the district. *Gov't Code 552.027*

Request for Information from Incarcerated Individual

A district is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility or an agent of that individual, other than the individual's attorney when the attorney is requesting information that is

subject to disclosure under the PIA. This section does not prohibit a district from disclosing to an incarcerated individual or the individual's agent information that pertains to the individual. *Gov't Code 552.028*

Voluntary Disclosure

A board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

Confidential Information Under the Public Information Act or Other Law

A person commits a misdemeanor offense if the person distributes information considered confidential under the terms of the PIA. A violation of this section also constitutes official misconduct. *Gov't Code 552.352*

Information That May Not Be Disclosed

Student Records

Information is confidential and excepted from required disclosure if it is information in a student record at a district.

"Student record" means information that constitutes education records as that term is defined by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g(a)(4)) [see FL] and information in a record of an applicant for admission to an educational institution, including a transfer applicant.

A district may disclose or provide information included in an education record as authorized by 20 U.S.C. Section 1232g or other federal law. [See FL] In addition, a student record shall be made available upon request to district personnel, the student, the student's parents, guardian, or spouse, or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

Except as set forth in federal law (the Family Educational Rights and Privacy Act), a district shall not release personally identifiable information in education records without the written consent of the student's parents.

A district may redact information that constitutes a student record from information disclosed under the PIA without requesting a decision from the attorney general.

If an applicant for admission to an educational institution funded wholly or partly by state revenue, or a parent or legal guardian of a minor applicant to such an educational institution, requests information in the record of the applicant, the district shall disclose any

information that is related to the application for admission and was provided to the district by the applicant.

Gov't Code 552.026, .114 [See FL]

Employee Social Security Numbers

The social security number of an employee of a district in the custody of the district is confidential. *Gov't Code 552.147(a-1)*

Evaluations

A document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under the Public Information Act. *Education Code 21.355*

Educator Certification Exam

The results of an educator certification examination are confidential and are not subject to disclosure, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057. *Education Code 21.048(c-1)*

Credit Card, Debit Card, Charge Card, and Access Device Numbers

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a district is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

A district may redact credit card, debit card, charge card, or access device numbers from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information required by Government Code 552.136 to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.136

E-Mail Addresses

Confidential

An e-mail address of a member of the public that is provided for the purpose of communicating electronically with a district is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

Exceptions

This confidentiality does not apply to an e-mail address:

1. Provided to a district by a person who has a contractual relationship with the district or by the contractor's agent;
2. Provided to a district by a vendor who seeks to contract with the district or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a district in the course of negotiating the terms of a contract or potential contract;
4. Provided to a district on a letterhead, coversheet, printed document, or other document made available to the public; or
5. Provided to a district for the purpose of receiving orders or decisions from the district, or for the purpose of providing public comment on or receiving notices related to an application for a license. A "license" under this section includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

A district may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137, 2001.003(2)

Victim of Abuse or Improper Relationship

The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Penal Code 21.12(a) may not be released to the public and is not public information subject to disclosure. *Penal Code 21.12(d)*

The name of a student or minor who is the victim of abuse or unlawful conduct by an educator is not public information subject to disclosure. *Education Code 21.006(h)*

Crime Victims

Information relating to a participant in the Address Confidentiality Program for Victims of Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking of Persons under Code of Criminal Procedure Chapter 56, Subchapter C is confidential, except as provided by Code of Criminal Procedure 56.90, and may not be disclosed. *Code of Criminal Procedure 56.88*

A district employee who is a victim under the Crime Victim Compensation Act may elect whether to allow public access to information held by the district that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the district, signed by the employee, and filed with the district

before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132

Criminal History Records

Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, is confidential and may not be released except to comply with Subchapter C, by court order, or with the consent of the person who is the subject of the information. *Education Code 22.08391*

Criminal history record information obtained by the district from the Texas Department of Public Safety may not be disclosed to any person except:

1. The person who is the subject of the information;
2. The Texas Education Agency;
3. The State Board for Educator Certification;
4. The chief personnel officer of the transportation company if the information was obtained under Government Code 411.097(a)(2) with respect to a transportation company that contracts with the district to provide student transportation; or
5. By court order.

Gov't Code 411.097(d)(1) [See CJA, DBAA, and DHB]

Sensitive Crime Scene Image

A sensitive crime scene image in the custody of a district is confidential and excepted from the requirements of the PIA, regardless of the date that the image was taken or recorded.

"Sensitive crime scene image" means a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of

dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia. A district may not permit a person to view or copy the image except as provided by Government Code 552.1085.

Gov't Code 552.1085(a)(6), (c)

School Marshal Identity

The identity of a school marshal appointed under Education Code 37.0811 is confidential except as provided by Occupations Code 1701.260(j).

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed a school marshal. The notice may not disclose the identity of the school marshal.

Education Code 37.0811(g), (h)

Closed Meeting Recording / Certified Agenda

The certified agenda or tape recording of a closed meeting is available for public inspection only under a court order issued in litigation in a district court involving an alleged violation of the Open Meetings Act. *Gov't Code 551.104(c); Atty. Gen. ORD 684 (2009)*

Security Information

Except as provided by the Texas Homeland Security Act, Government Code 418.182, information, including access codes and passwords, in the possession of a district that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential. *Gov't Code 418.182(a)*

The following information is confidential under Subchapter C of the PIA:

1. A computer network vulnerability report;
2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a district or of a contractor of a district is vulnerable to unauthorized access or harm, including an assessment of the extent to which a district's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use;
3. A photocopy or other copy of an identification badge issued to an official or employee of a district; and
4. Information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or

derived from an information security log. This does not affect the notification requirements related to a breach of system security as defined by Business and Commerce Code 521.053. [See CQ]

A district may disclose the information to a bidder if the district determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007.

Gov't Code 552.139(b), (c)

Military Discharge Records

A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of a district on or after September 1, 2003, is confidential for the 75 years following the date it comes into the possession of a district. A district that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140; Atty. Gen. ORD 684 (2009)*

Retirement Eligibility Records

Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement system, are confidential and not subject to public disclosure. This provision applies to records in the custody of the district acting in cooperation with or on behalf of the retirement system. A district acting in cooperation with or on behalf of the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general.

For purposes of Government Code 825.507, "participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system, or an employee or contractor of an employer covered by the retirement system for whom records were received by the retirement system for the purpose of administering the terms of the plan, including for audit or investigative purposes.

Gov't Code 552.0038, 825.507(g)

Peace / Security Officer Information

District information related to the home address, home telephone number, emergency contact information, date of birth, or social security number of a peace officer or commissioned security officer, or information that reveals whether the officer has family members, is confidential and may not be released if the officer chooses to

restrict public access to the information by notifying the district on a form provided by the district with evidence of the individual's status.

In accordance with Government Code 552.1175(h), a district may redact information that must be withheld under this section from any information the district discloses under the PIA without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.024(c-2) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.1175

Election Judges and Clerks

An e-mail address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of Government Code Chapter 552.

Exception

An e-mail address or phone number of an election judge or clerk shall be made available on request to:

1. Any entity eligible to submit lists of election judges or clerks for that election; or
2. The state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election.

Election Code 32.076

Cybersecurity Information

A cyber threat indicator or defensive measure shared by or with a state, tribal, or local government under 6 U.S.C. 1503 shall be deemed voluntarily shared information and exempt from disclosure under any state or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records. *6 U.S.C. 1503(d)(4)(B)*

A cyber threat indicator or defensive measure shared with the federal government under Title 6, United States Code, shall be:

1. Deemed voluntarily shared information and exempt from disclosure under federal public information law and any state or local provision of law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under federal public information law and any state or local provision of law requiring disclosure of information or records.

6 U.S.C. 1504(d)(3) [See CQ]

Information Excepted from Disclosure

Except for social security numbers or as otherwise provided by law, information that is not confidential, but is excepted from required disclosure under Government Code sections 552.101–.151, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by a district. This paragraph does not limit the authority of a district to establish retention periods for records under applicable law. *Gov't Code 552.0215*

Confidential by Law

Information is excepted from public disclosure if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

Certain Personnel File Information

Information is excepted from public disclosure if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure. *Gov't Code 552.102*

Disclosure of employee birth dates would constitute a clearly unwarranted invasion of personal privacy, and such dates are excepted from disclosure under Government Code 552.102(a), if the employees' privacy interests substantially outweigh the public interest in the information. *Texas Comptroller of Public Accts. v. Atty. Gen'l of Texas, 354 S.W.3d 336 (Tex. 2010) (holding that a newspaper's stated reason for requesting state employees' dates of birth did not outweigh employees' privacy rights)*

Information is excepted from public disclosure if it is information in the custody of the district that relates to an employee or officer of the district if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

Information Relating to Litigation

Information is excepted from public disclosure if it is information relating to litigation of a civil or criminal nature to which a district is, or may be, a party or to which an officer or employee of the district, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time the district's public information officer receives the request. *Gov't Code 552.103*

Information That Advantages Competitors or Bidders	Information is excepted from public disclosure if it is information that, if released, would give advantage to competitors or bidders. The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to information that is excepted from required disclosure under this paragraph. *Gov't Code 552.104*
Certain Information on Real or Personal Property	Information is excepted from public disclosure if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*
Drafts Involving Legislation	A draft or working paper involved in the preparation of proposed legislation is excepted from public disclosure. *Gov't Code 552.106*
Attorney–Client Information	Information is excepted from public disclosure if it is information a district's attorney is prohibited from disclosing because of a duty to the district under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. *Gov't Code 552.107*
Certain Information from Law Enforcement	Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor is excepted from public disclosure if it is: 1. Information that deals with detection, investigation, or prosecution of crime; and 2. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution. *Gov't Code 552.108*
Private Correspondence of Elected Official	Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from public disclosure. *Gov't Code 552.109*
Trade Secrets	A trade secret obtained from a person and privileged or confidential by statute or judicial decision is excepted from public disclosure. *Gov't Code 552.110(a)*
Certain Commercial and Financial Information	Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the infor-

mation was obtained is excepted from public disclosure. *Gov't Code 552.110(b)*

Certain Memoranda

An interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with a district is excepted from public disclosure. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency's policymaking)*

Audit Working Paper

An audit working paper of an audit performed by the district auditor, including any audit relating to the criminal history background check of a public school employee, is excepted from public disclosure. If information in an audit working paper is also maintained in another record, that other record is not excepted. *Gov't Code 552.116*

Certain Personal Information

Information is excepted from public disclosure if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following persons, or that reveals whether the person has family members:

1. A current or former district employee or board member, except as provided by Government Code 552.024; or
2. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Government Code 552.1175.

Gov't Code 552.117

Photograph of Peace Officer

A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, is excepted from public disclosure unless:

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
3. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

Gov't Code 552.119

Testing Items

A test item developed by a state-funded educational institution is excepted from public disclosure. *Gov't Code 552.122*

Certain Library Records

A record of a library or library system that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from public disclosure, unless the record is disclosed:

1. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
2. To a person with a special right of access under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or subpoena.

Gov't Code 552.124

Superintendent Applicants

The name of an applicant for superintendent is excepted from public disclosure, except a board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126*

Certain Motor Vehicle and Personal Identification Information

Information is excepted from public disclosure if the information relates to:

1. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
2. A motor vehicle title or registration issued by an agency of this state or another state or country; or
3. A personal identification document issued by an agency of this state, another state or country, or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

Subject to Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act), a district may redact motor vehicle or driver license information under this provision from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information specified at Government Code 552.130 to the requestor on a form

prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.130; Atty. Gen. ORD 684 (2009)

Individuals Who Inform of Violations of Law

An informer's name or information that would substantially reveal the identity of an informer is excepted from public disclosure, unless:

1. The informer consents. If the informer is a student or former student, consent may also be given by the informer's legal guardian or spouse; or
2. The informer planned, initiated, or participated in the possible violation.

"Informer" means a student or former student or an employee or former employee of a district who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the district or the proper regulatory enforcement authority.

The informer's name may be made available to a law enforcement agency or prosecutor for official purposes upon proper request, made in compliance with applicable law and procedure. However, this exception does not impair the confidentiality of information considered to be confidential by law, including information excepted from disclosure under the PIA.

Gov't Code 552.135

Economic Development Negotiations

Information is excepted from public disclosure if it is information that relates to economic development negotiations involving a board and a business prospect that the board seeks to have locate, stay, or expand in or near a district and the information relates to:

1. A trade secret of the business prospect; or
2. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Gov't Code 552.131(a)

Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by a board or by another person is excepted from public disclosure.

After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclo-

sure if the information is about a financial or other incentive being offered to the business prospect:

1. By a board; or

2. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by a district or a reduction in revenue received by the district from any source.

Gov't Code 552.131(b), (c)

Computer Network Security	Information is excepted from public disclosure if it is information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network. [See Security Information, above] *Gov't Code 552.139(a)*
Social Security Numbers	The social security number of a living person is excepted from public disclosure. The social security number of a living person other than a district employee is not confidential, however. A district may redact the social security number of a living person from any information the district discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147*
Crime Victim	Information that would identify or tend to identify a district employee who is also a crime victim under Code of Criminal Procedure, Chapter 56, Subchapter B, regardless of whether the employee chooses to restrict public access to the information, is excepted from public disclosure until the third anniversary of the date the crime was committed. *Gov't Code 552.132*

LEARNERS TODAY,
LEADERS TOMORROW,
MUSTANGS FOREVER!

Marble Falls ISD
Board of Trustees
Agenda Item Information

Meeting Date:
September 17, 2018

Meeting Type:
- (•) Regular Meeting
- ( ) Special Meeting/Workshop
- ( ) Hearing

Date Submitted: 9.11.2018

Agenda Placement:
- ( ) Public Hearing
- ( ) Information Items
- (•) Presentation/Discussion Items
- ( ) Consideration Items
- ( ) Consent Agenda

Subject:
Policy Update - CQ, DH, DBD, DEC, FFAC (LOCAL) and EHDC (EXHIBIT)

Executive Summary:

Last month, we presented information related to when Marble Falls ISD had a committee made up of teachers, administrators, and paraprofessional/auxiliary staff that met during the spring of 2018. That group reviewed a number of policies to provide direction and input to MFISD administration. These changes are a reflection of their work with the exception of one word in policy DEC (LOCAL) and a change in FFAC (LOCAL) that are being recommended by TASB.

Finally, an adjustment was made on EHDC (EXHIBIT) related to Credit by Exam Audit Process.

We ask for approval to adopt policies as presented.

Fiscal Impact:

Cost:
- ( ) Recurring
- ( ) One-Time
- (•) No Fiscal Impact

Funding Source:
- ( ) General Fund
- ( ) Grant Funds
- ( ) Bond Funds
- ( ) Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ( ) Yes
- (•) No

Administration's Recommendation:

Approval Policy CQ, DH, DBD, DEC, FFAC (LOCAL) and EHDC (EXHIBIT) as presented.

Submitted By:

Jeff Gasaway

Board Approval Required: (•) Yes ( ) No

Revised 2.16.16

Note: For Board member use of District technology resources, see BBI. For student use of personal electronic devices, see FNCE.

For purposes of this policy, "technology resources" means electronic communication systems and electronic equipment.

Availability of Access

Access to the District's technology resources, including the Internet, shall be made available to students and employees primarily for instructional and administrative purposes and in accordance with administrative regulations.

Limited Personal Use

Limited personal use of the District's technology resources shall be permitted if the use:

1. Imposes no tangible cost on the District;
2. Does not unduly burden the District's technology resources; and
3. Has no adverse effect on an employee's job performance or on a student's academic performance.

Use by Members of the Public

Access to the District's technology resources, including the Internet, shall be made available to members of the public, in accordance with administrative regulations. Such use shall be permitted so long as the use:

1. Imposes no tangible cost on the District; and
2. Does not unduly burden the District's technology resources.

Acceptable Use

The Superintendent or designee shall develop and implement administrative regulations, guidelines, and user agreements consistent with the purposes and mission of the District and with law and policy.

Access to the District's technology resources is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the District's technology resources and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. [See DH, FN series, FO series, and the Student Code of Conduct] Violations of law may result in criminal prosecution as well as disciplinary action by the District.

Internet Safety

The Superintendent or designee shall develop and implement an Internet safety plan to:

1. Control students' access to inappropriate materials, as well as to materials that are harmful to minors;
2. Ensure student safety and security when using electronic communications;
3. Prevent unauthorized access, including hacking and other unlawful activities;
4. Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; and
5. Educate students about cyberbullying awareness and response and about appropriate online behavior, including interacting with other individuals on social networking Web sites and in chat rooms.

Filtering

Each District computer with Internet access and the District's network systems shall have filtering devices or software that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors, as defined by the federal Children's Internet Protection Act and as determined by the Superintendent or designee.

The Superintendent or designee shall enforce the use of such filtering devices. Upon approval from the Superintendent or designee, an administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose.

Monitored Use

Electronic mail transmissions and other use of the District's technology resources by students, employees, and members of the public shall not be considered private. Designated District staff shall be authorized to monitor the District's technology resources at any time to ensure appropriate use.

Disclaimer of Liability

The District shall not be liable for users' inappropriate use of the District's technology resources, violations of copyright restrictions or other laws, users' mistakes or negligence, and costs incurred by users. The District shall not be responsible for ensuring the availability of the District's technology resources or the accuracy, age appropriateness, or usability of any information found on the Internet.

Record Retention

A District employee shall retain electronic records, whether created or maintained using the District's technology resources or using personal technology resources, in accordance with the District's record management program. [See CPC]

Digital Signature

The District shall comply with rules adopted by the Department of Information Resources, to the extent practicable, to authenticate a digital signature for a written electronic communication sent to the District.

Security Breach Notification

Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law.

The District shall give notice by using one or more of the following methods:

1. Written notice.
2. Electronic mail, if the District has electronic mail addresses for the affected persons.
3. Conspicuous posting on the District's Web site.
4. Publication through broadcast media.

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not loaded and not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent or designee.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal e-mail address or personal phone number to a student.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and E-Cigarettes

An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.

4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;

- Deliberate violence;
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
- Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct;
- Felony driving while intoxicated (DWI); or
- Acts constituting abuse or neglect under the Texas Family Code.

Dress and Grooming An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Note: For conflicts of interest and gifts and gratuities related to federal grants and awards, see CB and CBB.

Disclosure—General Standard

An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

Specific Disclosures

Substantial Interest

The Superintendent shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Superintendent or any of his or her relatives in the first degree may have.

Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest, as defined by Local Government Code 171.002, shall file an affidavit with the Superintendent; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.

Interest in Property

The Superintendent shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.

Annual Financial Management Report

The Superintendent, as the executive officer of the District, shall provide to the District in a timely manner information necessary for the District's annual financial management report.

[See BBFA]

Gifts

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA, CB, and CBB]

Endorsements

An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during nonschool hours. No employee shall require students to purchase a specific brand of school supplies if other brands are equal and suitable for the intended instructional purpose.

Sales

An employee shall not use his or her position with the District to attempt to sell products or services.

Nonschool Employment

An employee shall disclose in writing to his or her immediate supervisor any outside employment that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

Private Tutoring

An employee shall disclose in writing to his or her immediate supervisor any private tutoring of District students for pay.

Definitions

Family

The term “immediate family” is defined as:

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

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

Family Emergency

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

Leave Day

A “leave day” for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.

Catastrophic Illness or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.

Availability

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

Earning Local Leave

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

Deductions

Leave Without Pay

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

Leave Proration

Employed for Less Than Full Year

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

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for:

1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and
2. Local leave the employee used but had not earned as of the date of separation.

Employed for Full Year

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

Recording

Leave shall be recorded as follows:

1. Leave shall be recorded in half-day increments for all employees, except for auxiliary employees.
2. Leave shall be recorded in one-hour increments for auxiliary employees.
3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

Order of Use

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

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

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

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

Concurrent Use of Leave

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

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

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

Medical Certification

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

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

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

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

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used:

Non-Discretionary Use

1. Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

   Non-discretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

Discretionary Use

2. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

Limitations

Request for Leave

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal

leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

Duration of Leave

Discretionary use of state personal leave shall not exceed five consecutive workdays, with a maximum of five days in a semester and ten days in a school year.

Local Leave

All employees shall earn five paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state personal leave. [See STATE PERSONAL LEAVE, above]

Extended Sick Leave

After all available state and local leave days have been exhausted, a professional or paraprofessional employee shall be granted in a school year a maximum of ten leave days of extended sick leave for an FMLA-qualified absence, provided all required FMLA documentation has been received and approved by the human resources department.

A written request for extended sick leave must be accompanied by medical certification of the illness or injury.

The daily rate of pay of a substitute shall be deducted for each day of extended sick leave taken. If no substitute is employed, the lowest daily rate of pay of a substitute shall be deducted for each day of extended sick leave taken.

Sick Leave Bank

The District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

The Superintendent or designee shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member;

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

Appeal — All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

Family and Medical Leave — For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first duty day of the school year.

Twelve-Month Period

Combined Leave for Spouses — If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

Intermittent or Reduced Schedule Leave — The District shall not permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

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Certification of Leave — If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

Fitness-for-Duty Certification — If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.

End of Semester Leave — If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. [See DECA(LEGAL), LEAVE AT THE END OF A SEMESTER]

Failure to Return

If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST]

Temporary Disability Leave

Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave.

Workers' Compensation

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

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

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.

Court Appearances

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

Absences for court appearances related to an employee's personal business, regardless of whether the employee is complying with a subpoena, shall be deducted from the employee's leave or, at the option of the employee, shall be taken as leave without pay.

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Reimbursement for Leave Upon Retirement

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

An employee who separates from employment with the District shall be eligible for reimbursement for local leave under the following conditions:

6. 1. The employee's separation from employment is voluntary, i.e., the employee is retiring and is not being discharged or nonrenewed..

7. 2. The employee provides advance written notice of intent to retire and separate from employment. Contract employees must provide written notice at least 90 days before the last day of employment. Non-contract employees must provide written notice at least two weeks before the last day of employment.

8. 3. The employee has at least 5 years of service with the District.

A budget shall be established annually to pay for retirement compensation. This budget amount shall not be exceeded. In the event that the number of retirees in a single year does result in the District exceeding the budgeted compensation, a pro rata amount shall be distributed to each retiree.

~~Upon retirement as certified by the Teacher Retirement System (TRS), an employee with accumulated local leave shall be compensated for each unused local leave day at the highest daily substitute rate per job classification.~~

~~A budget shall be established annually to pay for retirement compensation. This budget amount shall not be exceeded. In the event that the number of retirees in a single year does result in the District exceeding the budgeted compensation, a pro rata amount shall be distributed to each retiree.~~

ALTERNATIVE METHODS FOR EARNING CREDIT EHDC CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION (EXHIBIT)

Resolution of Board-Approved Credit-by-Examination Audit Process

Kindergarten–Grade 5

WHEREAS, 19 Texas Administrative Code 74.24(b)(1) provides that a board of trustees must approve an audit process for credit-by-examination assessments used for kindergarten– grade 5 accelerations;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Marble Falls Independent School District by adoption of this resolution approves the following audit process for credit- by-examination assessments used for kindergarten–grade 5 accelerations:

• The district will utilize a campus-based audit team to validate and approve any credit-by-examination instruments prior to use of the instruments.

•Final approval of the TEKS alignment and validation will be conducted by a team from the Curriculum & Instruction Department or Superintendent's Designee.

Grades 6–12

WHEREAS, 19 Texas Administrative Code 74.24(a)(4) and 74.24(c)(1)(B) authorize a board of trustees to approve of the district's development and use of its own examinations that thoroughly test the essential knowledge and skills in the applicable grade level or subject area;

WHEREAS, 19 Texas Administrative Code 74.24(c)(2) and 74.24(c)(4) provide that, prior to the first administration of an examination for credit, a district must certify that the examination for credit in grades 6–12 meets certain validation criteria;

WHEREAS, 19 Texas Administrative Code 74.24(c)(1) requires a board to approve an audit process for examinations for credit that are developed by the district;

NOW, THEREFORE, BE IT RESOLVED that for each District-developed examination for credit in grades 6–12, the Board of the Marble Falls Independent School District approves the following audit process to be used to ensure that the required validation elements in 19 Texas Administrative 74.24(c)(2) are met.

• To ensure that the examination is aligned to all assessable TEKS for the course, the District will assign a team from the Curriculum & Instruction Department to validate that the TEKS on the instrument are equitable to the TEKS in the Marble Falls ISD Teacher Written Curriculum Documents;

• To ensure that the examination is not published and is not publically available, the District will store the instruments in an electronically secure location and in a physically secure location, accessible only by the Curriculum & Instruction Department until the instrument is utilized for students;

• To ensure that the examination is administered in a secure environment under standardized conditions by the District, the District will follow the procedures detailed by the District Testing Coordinator and aligned to the standards of test security as delineated by the Texas Education Agency; and

• To certify that the examination is evaluated to ensure test scores can be interpreted as indicators of what the test is intended to measure and for consistency of test results across testing conditions, the District will utilize a pilot study prior to use of the instrument across the district.

ALTERNATIVE METHODS FOR EARNING CREDIT EHDC CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION (EXHIBIT)

BE IT FURTHER RESOLVED that if the examination for credit is for a course that has a state end-of-course assessment instrument, the Board approves the following audit process to be used to ensure that the additional required validation elements in 19 Texas Administrative Code 74.24(c)(4) are met.

This audit process will ensure that the examination is externally validated as follows:

• To ensure that the examination is aligned with and appropriately addresses all assessable TEKS for the course, the District will submit the instrument for validation by the appropriate content department at the Region 13 ESC;

• To ensure that the examination assesses the appropriate level of rigor for each student expectation, the District will submit the instrument for validation by the appropriate content department at the Region 13 ESC; and

• To ensure that the examination yields comparable distribution of results across tested subgroups, the District will submit the instrument into the district's assessment system for analysis; and the Curriculum and Instruction Department will analyze the data for distribution.

The authority granted by this resolution is effective until the Board revokes such authority by further action.

Adopted this _____ (date) day of _____ (month), _____ (year), by the Board of Trustees.

Presiding officer:

Secretary:

Student Illness

Procedures shall be established by the administration to ensure that proper attention is given to any student who becomes ill during the course of a school day.

Accidents Involving Students

Emergency procedures shall be established by the administration to ensure proper attention for any student injured at school. Records shall be maintained on all accidents that require the attention of a medical doctor.

Emergency Treatment Forms

Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.

Purchasing Medication

Except as provided below at Provided by District and Administration of Medication to Athletes, the District shall not purchase nonprescription medication to administer to a student.

Administering Medication

No employee shall give any student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as provided below.

Exceptions

Employees authorized by the Superintendent or designee may administer to students:

Provided by Parent

1. Prescription medication in accordance with legal requirements, for a period of up to 30 days. [See FFAC(LEGAL)] A written request by a physician or other health-care professional with authority to write prescriptions shall be required when the medication must be administered for a longer period. Any changes in the dosage or frequency of administration of long-term medication shall require an updated physician's order.

2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container, for a period of up to 30 days. A written request by a physician or other health-care professional with authority to write prescriptions shall be required when the medication must be administered for a longer period. Any changes in the dosage or frequency of administration of long-term medication shall require an updated physician's order.

3. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan of a student with disabilities.

Provided by District

4. Nonprescription medication provided on an emergency basis by the District and consistent with:

a. Protocols established by the District's medical adviser who must be licensed to practice medicine in the state of Texas; and

b. Parental consent given on the emergency treatment form.

Epinephrine

The District authorizes school personnel who have been adequately trained to administer an epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.

On Campus

Authorized and trained individuals may administer an epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.

The District shall ensure that at each campus a sufficient number of personnel are trained to administer epinephrine so that at least one trained individual is present on campus during all hours the campus is open. For purposes of this policy, the campus shall be considered open beginning with the first hour of instruction through the last hour of instruction.

Maintenance, Availability, and Training

The Superintendent shall develop administrative regulations addressing annual training of school personnel in accordance with law; procedures for auto-injector use; and maintenance, disposal, and availability of epinephrine auto-injectors at each campus.

Administration of Medication to Athletes

The District shall purchase nonprescription medication that may be used to prevent or treat illness or injury in the District's athletic program. Only a licensed athletic trainer or a physician licensed to practice medicine in the state of Texas may administer this medication and may do so only if:

1. The student's parent has given prior written consent for medication to be administered; and

2. The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by a physician licensed to practice medicine in the state of Texas.

Psychotropics

Except as permitted by Education Code 38.016, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;

2. Suggest a particular diagnosis; or

3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.