

Garland Independent School District

Board of Trustees

Regular Meeting

Tuesday, February 25, 2025

Agenda

5:00 PM

- I. Call to Order and Determination of a Quorum
- II. Pledges of Allegiance - **Endre Mack, Shugart Elementary**
- III. Public Hearing
 - A. 2024-2025 Annual Performance Report - **Veronica Salgado** 4
Joyner, Dr. Pam Neblett
- IV. Public Forum: Members of the public who wish to make comments may complete a Public Comment Participation Request in person at Harris Hill Administration Building prior to the start of the meeting indicated in the posting notice. Complaints about student discipline, specific student issues or personnel must be addressed through appropriate administrative channels, in accordance with the Texas Open Meetings Act and Board policy. For more information about public comment procedures, please review the Board Policy for Public Comment accessible at the following link: <https://pol.tasb.org/Policy/Code/364?filter=BED>.
- V. Information Items
 - A. Special Recognition
 - 1. Recognize Leadership Garland Class 44 - **Jose Mata** 129
 - 2. Recognize CAPE Program First Cohort - **Angelyn Pham** 130
 - B. Going the Extra Mile (GEMs)
 - 1. Recognize Going the Extra Mile (GEM) Recipient Antonio Vazquez - **Jason Wheeler** 131
 - C. Introduction of District Administrators - **Dr. Gradyne Brown** 132
 - D. Receive Intruder Detection Audit Report - **Mark Quinn** 133
- VI. Discussion Items
 - A. Discuss TASB Legal Policy Update 124 - **Lisa Ray** 134
 - B. Discuss TASB Local Policy Update 124 (First Read) - **Lisa Ray** 658
 - C. Discuss Revisions to Board Policy CH (LOCAL) First Read - **Lisa Ray, Darrell Dodds** 685
 - D. Trustees' Report 690
 - 1. Trustee attendance at recent district and community events
 - 2. Announcement of upcoming district and community events
 - 3. Recognition of outstanding performance by district staff and students

4. Recognition of new programs and special activities	
5. Message from Board President	
E. Superintendent's Report	697
F. Future Agenda Items	698
VII. Consent Agenda - Consider approval of	
A. Human Resources Report	699
B. Consider Approval of Budget Transfers and Amendments to the 2024-25 General Fund and Debt Service Fund – Elisa Cordova-Long	704
C. Consider Approval of Resolution for GAABSE Scholarship Gala at the Curtis Culwell Center - Dr. Ramona Morin	709
D. Consider Approval of Resolution for Scholarship Awards for Students - Carmen Blakey	711
E. Consider Approval of Region 10 Multi-Region Purchasing Cooperative Agreement – Mark Booker and Jennifer Miller	713
F. New Bids	
1. Contract#141-26 - Consider Approval of Purchase of Commodity Processing for Student Nutrition Services – Mark Booker and Jennifer Miller	730
2. Contract#15-25 - Consider Approval of Purchase of Internet Service Provider – Mark Booker and Matthew Yeager	752
3. Contract#32-25-04 - Consider Approval of Purchase of CTE Large Equipment and Services – Mark Booker and Carmen Blakey	754
4. Contract#321-25-05 - Consider Approval of Purchase of Textbooks and Digital Learning Materials – Mark Booker and Charles Rose	756
5. Contract#394-25-10 - Consider Approval of Purchase of IEP Development and Strategies Software – Mark Booker and Dr. Tanya Ramos	757
G. Increase to Awarded Bids	
1. Contract# 156-19 - Consider Approval of Increase in Awarded Amount for Time and Attendance Equipment and Services – Mark Booker and Matthew Yeager	758
2. Contract#242-20-01 - Consider Approval of Increase in Awarded Amount for Oracle Planning and Budgeting Consulting Services – Mark Booker and Matthew Yeager	759
VIII. Action Item (Non Consent)	
A. New Bid	
1. Contract#432-25 - Proposition A: Funding School Safety, Programs, and Teachers Consultant Services – Mark Booker and Dr. Ida Perales	761
B. Increase in Award	
1. Contract #141-25 - Consider Approval of Increase in Awarded Amount for Commodity Processing for Student Nutrition Services – Mark Booker, Jennifer Miller	830

C. Consider Approval of Joint Elections Contract with Dallas County
Elections Department - **Mechelle Hogan**

832

IX. Executive Session: Executive session will be held for purposes permitted by Texas Open Meetings Act, Texas Government Code Section 551.001 et seq.

A. Pursuant to Texas Government Code 551.076 Considering the deployment, specific occasions for, or implementation of, security personnel or devices.

1. Discussion and deliberation regarding TEA's Intruder Detection Audits.

B. Pursuant to Texas Government Code Section 551.071, private consultation with the Board's attorney, in person or by phone, when the Board seeks the advice of its attorney about: 1) pending or contemplated litigation; 2) a settlement offer; or 3) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

1. Discuss participation in multi-district litigation involving youth social media usage and related litigation and entering into a contingency fee contract with Thompson & Horton, LLP, Eiland & Bonnin, PC and O'Hanlon, Demerath & Castillo, PC to represent the District.

2. Consultation and deliberation regarding attorney services and fees.

C. Pursuant to Texas Government Code Section 551.074, deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

1. Consultation and deliberation regarding the Superintendent's contract.

D. Pursuant to Texas Government Code Section 551.072, deliberations about Real Property: A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

1. Discussion and update regarding real estate purchases previously delegated to the Superintendent at the February 2024 Board Bond Special Meeting and other possible real estate acquisitions.

X. Reconvene from Executive Session for action relative to items considered during Executive Session

A. Consideration and Adoption of Resolution Approving Contingent Fee Legal Services Contract, including Findings Needed for Submission of Contingent Fee Legal Services Agreement and Request for Expedited Review by the Texas Attorney General.

B. Consideration and Adoption of Contingent Fee Legal Services Agreement with Thompson & Horton, LLP, Eiland & Bonnin, PC and O'Hanlon, Demerath & Castillo, PC.

C. Consideration and possible action regarding the Superintendent's contract.

XI. Adjournment



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Veronica Salgado Joyner and Dr. Pam Neblett

Subject: 2024-2025 Annual Performance Report

Public Hearing

Executive Summary:

The Texas Academic Performance Report (TAPR) is a state mandated performance report prepared by the Texas Education Agency.

District and Campus reports include:

- STAAR Performance, progress, and participation
- Attendance, graduation, and dropout rates
- College, Career, and Military Readiness (CCMR) and other Postsecondary Indicators
- Student information
- Staff information
- PEIMS Financial Standards Reports
- Comprehensive Glossary

Administrative Recommendations:

Recommended Motion for Action Items:

Financial Impact and Funding Source:

N/A



2024-2025
Annual Performance Report
as required by **Texas Education Code §39.306**
Board Policy: AIB (Legal)

Board of Trustee – Public Hearing: February 25, 2025

Components of the Annual Report



District Accreditation Status
2022-2023



Campus Performance Objectives
2024-2025



Texas Academic Performance Report (TAPR)
2023-2024



Report on Violent/Criminal Incidents
2023-2024



PEIMS Financial Standard Report
2022-2023 Actual Financial Report
For the District and each campus in the district



Postsecondary Performance
Class of 2022; provided for District and each campus

2023-2024 TAPR Glossary

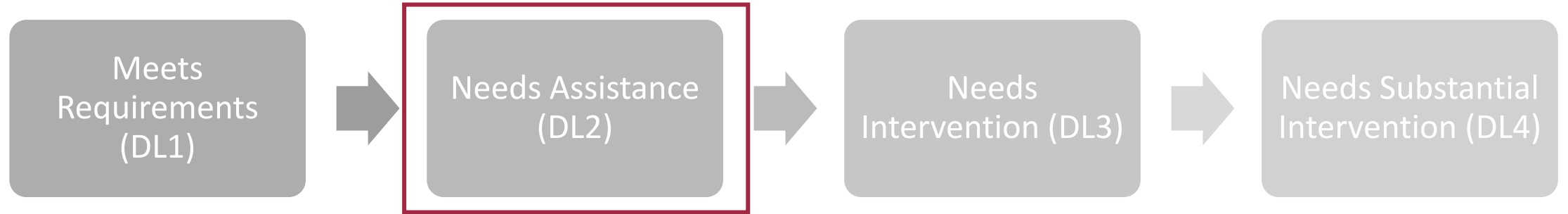
Accreditations and Ratings Summary



Accreditation Status	
2022-2023 Accreditation Status*	Accredited
2023-2024 FIRST Rating	A-Superior
2024 Accountability Rating	Delayed
2024 Special Education Determination Status	Needs Assistance

**District accreditation statuses for the 2023-24 and 2024-25 school years have not been issued as the issuance of the A–F ratings under the 2023 and 2024 rules are pending and subject to change. Each district’s annual report must instead include the 2022-23 accreditation status.*

Determination Status – Did you know?



Special Education Determination Status is identified through the annual **Results Driven Accountability** system, an analysis of district-level performance in key programmatic areas.

2023-24 Texas Academic Performance Report (TAPR)

District Name: GARLAND ISD

District Number: 057909

2024 Special Education Determination Status:

Needs Assistance

Requirements:

- Establish a District Coordinator of School Improvement and District Leadership Team
- Engage in Continuous Improvement
- Submit a Strategic Support Plan to the TEA
- Complete a Self-Assessment and submit to TEA

Texas Academic Performance Report



The Texas Academic Performance Report (TAPR) is a state mandated performance report prepared by the Texas Education Agency.

District and Campus reports include:

- STAAR Performance, progress, and participation
- Attendance, graduation, and dropout rates
- College, Career, and Military Readiness (CCMR) and other Postsecondary Indicators
- Student information
- Staff information
- PEIMS Financial Standards Reports
- Comprehensive Glossary

TAPR: STAAR Performance (pp. 3-11)



- All 3 performance rates
 - Approaches Grade Level or Above
 - Meets Grade Level or Above
 - Masters Grade Level
- Reported for
 - Each Assessment
 - All Grades All Subjects
 - All Grades by Subject

ALL GRADES ALL SUBJECTS

73% Approaches Grade Level

46% Meets Grade Level

18% Masters Grade Level

- Performance data includes results from **2023 and 2024 Accountability Year**
- Only includes results for students in the **accountability subset** (students taking assessments who were enrolled in the district/campus on the preceding fall snapshot date)



School Progress Domain: Academic Growth Score by Grade and Subject

- Reported separately and collectively for

- Grade 4-8 ELA/Reading
- English I EOC
- English II EOC
- Grade 4-8 Mathematics
- Algebra I EOC

ALL GRADES ALL SUBJECTS

(2024)

**28% Met Reading Progress
37% Met Math Progress**

- Represents the percentage of students that earn Expected or Accelerated Progress on the STAAR assessments from one year to the next
- Academic Growth data includes results from **2023 and 2024**

TAPR: Bilingual Education/ESL (pp. 14-15)



- STAAR performance for students participating in Bilingual or ESL programs
- Disaggregated by BE/ESL instructional model
- Reports performance by content area and includes all three performance levels
 - Approaches Grade Level or Above
 - Meets Grade Level or Above
 - Masters Grade Level
- Reports School Progress Domain – Academic Growth Score performance
- Reports Student Success Initiative performance

37.5% of GISD
students participate
in BE/ESL programs

TAPR: Other Success Indicators (pp. 16-27)



- STAAR Participation
- Attendance, Graduation, and Dropout Rates
- Graduation Profile
- College, Career and Military Readiness (CCMR)
- CCMR-related indicators
 - e.g., TSIA results, college prep courses, AP/IB results, SAT/ACT results, etc.
- Other Postsecondary Indicators
 - e.g., dual-credit courses (9-12), college enrollment, and college development education courses



- **Student Enrollment Information**

- Including enrollment by grade level, ethnicity, and other student demographic indicators, including students with disabilities by primary eligibility category)

- **Staff Information**

- Including total staff, staff by classification, teachers by ethnicity and gender, teachers by highest degree held and years of experience, experience of campus leadership, staff salary, and teacher turnover rate information

- **Program Information**

- Student enrollment by program
- Teachers by program

PEIMS Financial Standards Reports

(2023-2024 Financial Actual Reports)



The Public Education Information Management System's (PEIMS) financial data and reporting services ensure that all public school funding is appropriately accounted for and publically available for review. The PEIMS financial report summarizes all revenue, expenditures, disbursements, tax rates and fund balances. These resources help districts manage budgets in a manner that maximizes fund allocations for direct instructional purposes.

DISTRICT REPORT

- Revenues
- Program Expenditures
- Disbursements
- Tax Rates
- Fund Balances

CAMPUS REPORTS

- Expenditures by Object
- Expenditures by Function
- Program Expenditures by Program

Campus Performance Objectives



The TEA requires that each campus identify board approved campus performance objectives as part of the campus improvement plan. Districts must monitor and publically report each campuses progress towards meeting the identified objectives.

- Each campus has developed and is implementing a CIP, as required by TEC §11.253
- Each campus **periodically measures progress** toward its performance objectives
- Updated CIPs (which show each campus's **progress toward meeting its performance objectives**) are posted on the district's website and are available for review at the district's central office or at the applicable campus

Report on Violent or Criminal Incidents



TEC §39.306 requires each district to publish, as part of its Annual Report, a report on violent and criminal incidents at each campus in the district

The report must include:

- Number, rate and type of violent or criminal incidents that occurred
- Information concerning school violence prevention and violence intervention policies and procedures the district is using to protect students
- Findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act

POSTSECONDARY PERFORMANCE



- TEC §39.306 requires each district to publish, as part of its Annual Report, a report on **student performance in postsecondary institutions** during the **first year enrolled after graduation from high school**
- Data are compiled by the Texas Higher Education Coordinating Board (THECB)
- Most current report is for **2021-2022 high school graduates**:
 - Student performance is measured by the Grade Point Average (GPA) earned by **2022** high school graduates who attended public four-year and two-year institutions of higher education in fiscal year **2023**.
 - For each student, the grade points and college-level semester credit hours earned by the student in **Fall 2022**, **Spring 2023**, and **Summer 2023** are added together and averaged to determine the GPA

QUESTIONS?

2023-24 Texas Academic Performance Report (TAPR)

District Name: GARLAND ISD

District Number: 057909

2024 Special Education Determination Status:

Needs Assistance

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Texas Education Agency
2023-24 STAAR Performance (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB/EL (Current & Monitored)
STAAR Performance Rates by Tested Grade, Subject, and Performance Level																	
Grade 3 Reading																	
At Approaches Grade Level or Above	2024	74%	74%	70%	65%	64%	85%	64%	87%	*	78%	41%	77%	70%	69%	64%	63%
	2023	76%	76%	75%	69%	71%	86%	89%	85%	*	80%	48%	66%	75%	72%	70%	71%
At Meets Grade Level or Above	2024	48%	49%	44%	38%	36%	64%	29%	70%	*	58%	20%	46%	45%	40%	37%	35%
	2023	50%	52%	50%	45%	44%	68%	44%	68%	*	57%	31%	42%	51%	47%	44%	44%
At Masters Grade Level	2024	21%	22%	20%	13%	15%	32%	0%	40%	*	26%	5%	19%	22%	13%	15%	16%
	2023	20%	22%	23%	19%	18%	34%	33%	36%	*	21%	8%	16%	23%	21%	18%	21%
Grade 3 Mathematics																	
At Approaches Grade Level or Above	2024	70%	71%	70%	60%	68%	83%	57%	86%	*	76%	44%	79%	72%	65%	66%	70%
	2023	73%	74%	75%	62%	73%	83%	78%	88%	*	79%	54%	56%	76%	69%	71%	76%
At Meets Grade Level or Above	2024	42%	45%	42%	28%	38%	58%	21%	67%	*	47%	21%	51%	44%	36%	36%	40%
	2023	45%	48%	47%	32%	43%	61%	33%	70%	*	53%	31%	30%	49%	40%	41%	48%
At Masters Grade Level	2024	15%	18%	16%	9%	11%	28%	0%	36%	*	19%	6%	19%	17%	12%	12%	14%
	2023	19%	22%	21%	13%	17%	32%	33%	39%	*	19%	9%	13%	21%	19%	16%	20%
Grade 4 Reading																	
At Approaches Grade Level or Above	2024	81%	80%	78%	75%	74%	87%	88%	89%	*	79%	47%	83%	79%	75%	74%	74%
	2023	77%	78%	76%	70%	73%	86%	71%	89%	*	80%	49%	73%	77%	73%	71%	73%
At Meets Grade Level or Above	2024	51%	53%	52%	44%	46%	67%	50%	71%	*	54%	22%	55%	54%	46%	46%	49%
	2023	48%	50%	49%	40%	45%	64%	36%	67%	*	55%	27%	42%	51%	43%	43%	47%
At Masters Grade Level	2024	23%	26%	24%	20%	19%	37%	50%	40%	*	29%	6%	13%	25%	22%	19%	21%
	2023	22%	24%	22%	16%	18%	35%	21%	40%	*	26%	8%	14%	24%	19%	17%	20%
Grade 4 Mathematics																	
At Approaches Grade Level or Above	2024	69%	70%	70%	59%	68%	79%	88%	87%	*	71%	42%	66%	72%	66%	67%	73%
	2023	71%	73%	71%	59%	70%	80%	57%	85%	*	77%	45%	68%	74%	64%	67%	73%
At Meets Grade Level or Above	2024	46%	49%	49%	37%	44%	62%	63%	73%	*	51%	26%	44%	51%	42%	44%	49%
	2023	48%	51%	49%	36%	46%	62%	36%	72%	*	59%	32%	50%	52%	41%	43%	50%
At Masters Grade Level	2024	21%	23%	23%	14%	18%	35%	38%	43%	*	24%	7%	24%	24%	18%	18%	22%
	2023	22%	25%	24%	14%	20%	36%	21%	46%	*	22%	12%	23%	26%	18%	19%	24%
Grade 5 Reading																	

Texas Education Agency
2023-24 STAAR Performance (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB / EL (Current & Monitored)
At Approaches Grade Level or Above	2024	79%	80%	79%	68%	79%	87%	67%	92%	*	81%	42%	88%	80%	76%	76%	80%
	2023	81%	82%	81%	75%	78%	89%	82%	92%	86%	85%	50%	69%	82%	75%	77%	80%
At Meets Grade Level or Above	2024	55%	57%	55%	44%	51%	72%	33%	73%	*	60%	21%	60%	56%	53%	49%	53%
	2023	57%	58%	57%	50%	51%	71%	55%	76%	43%	66%	29%	42%	59%	49%	51%	55%
At Masters Grade Level	2024	29%	32%	29%	21%	24%	44%	20%	52%	*	29%	8%	30%	30%	26%	23%	27%
	2023	28%	31%	29%	21%	23%	42%	9%	54%	43%	31%	11%	23%	31%	23%	23%	28%
Grade 5 Mathematics																	
At Approaches Grade Level or Above	2024	77%	78%	78%	64%	78%	85%	73%	94%	*	80%	47%	88%	80%	72%	74%	81%
	2023	80%	82%	81%	71%	80%	86%	100%	95%	86%	81%	57%	78%	83%	75%	78%	84%
At Meets Grade Level or Above	2024	50%	54%	53%	38%	50%	66%	53%	77%	*	54%	26%	69%	56%	44%	47%	56%
	2023	51%	55%	52%	35%	50%	60%	40%	77%	43%	55%	30%	38%	55%	40%	47%	57%
At Masters Grade Level	2024	19%	23%	22%	12%	18%	33%	27%	45%	*	29%	6%	28%	24%	16%	17%	23%
	2023	21%	25%	23%	13%	17%	32%	20%	53%	29%	26%	11%	21%	24%	17%	18%	24%
Grade 5 Science																	
At Approaches Grade Level or Above	2024	58%	58%	52%	40%	47%	72%	40%	73%	*	63%	26%	62%	54%	48%	46%	50%
	2023	65%	66%	58%	47%	53%	73%	73%	80%	43%	72%	38%	48%	60%	52%	52%	57%
At Meets Grade Level or Above	2024	28%	28%	21%	14%	16%	38%	13%	42%	*	28%	12%	27%	23%	17%	16%	18%
	2023	36%	37%	28%	17%	21%	46%	9%	53%	29%	42%	25%	19%	30%	21%	21%	25%
At Masters Grade Level	2024	11%	12%	8%	4%	5%	17%	7%	20%	*	11%	3%	11%	8%	6%	5%	6%
	2023	16%	17%	11%	5%	6%	23%	9%	30%	14%	15%	8%	7%	12%	8%	7%	9%
Grade 6 Reading																	
At Approaches Grade Level or Above	2024	77%	78%	73%	68%	67%	86%	70%	91%	67%	84%	36%	76%	76%	64%	69%	69%
	2023	77%	78%	73%	68%	69%	83%	75%	89%	*	79%	40%	64%	76%	66%	70%	70%
At Meets Grade Level or Above	2024	57%	59%	51%	44%	43%	68%	50%	77%	56%	66%	20%	59%	54%	41%	45%	46%
	2023	52%	55%	47%	42%	40%	63%	50%	69%	*	56%	22%	36%	50%	39%	41%	42%
At Masters Grade Level	2024	26%	30%	20%	17%	13%	35%	40%	43%	22%	28%	6%	21%	22%	16%	15%	15%
	2023	22%	26%	18%	16%	12%	31%	13%	36%	*	29%	6%	15%	20%	11%	13%	14%
Grade 6 Mathematics																	
At Approaches Grade Level or Above	2024	72%	75%	64%	55%	60%	76%	80%	84%	56%	71%	36%	73%	65%	59%	60%	64%
	2023	75%	78%	70%	61%	68%	73%	63%	87%	*	77%	43%	54%	71%	65%	66%	71%

Texas Education Agency
2023-24 STAAR Performance (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB/EL (Current & Monitored)
At Meets Grade Level or Above	2024	39%	43%	26%	17%	22%	38%	20%	54%	22%	30%	12%	32%	29%	20%	23%	26%
	2023	40%	44%	29%	21%	24%	41%	38%	54%	*	35%	20%	20%	30%	25%	25%	28%
At Masters Grade Level	2024	14%	17%	7%	4%	4%	10%	10%	24%	11%	8%	1%	6%	7%	6%	5%	6%
	2023	16%	19%	7%	4%	4%	11%	25%	19%	*	12%	4%	4%	7%	5%	5%	5%
Grade 7 Reading																	
At Approaches Grade Level or Above	2024	74%	76%	69%	63%	64%	78%	67%	88%	*	78%	32%	65%	71%	60%	64%	65%
	2023	78%	80%	73%	67%	69%	85%	79%	91%	*	83%	38%	63%	76%	65%	69%	69%
At Meets Grade Level or Above	2024	54%	57%	47%	41%	40%	60%	33%	75%	*	55%	19%	40%	51%	33%	41%	43%
	2023	55%	58%	48%	41%	41%	65%	43%	72%	*	60%	22%	40%	50%	38%	41%	42%
At Masters Grade Level	2024	29%	33%	23%	19%	16%	35%	0%	47%	*	29%	7%	15%	26%	12%	17%	19%
	2023	27%	31%	22%	15%	16%	35%	7%	46%	*	37%	6%	19%	23%	14%	15%	17%
Grade 7 Mathematics																	
At Approaches Grade Level or Above	2024	56%	61%	39%	28%	32%	53%	*	77%	*	41%	21%	32%	41%	33%	33%	38%
	2023	63%	67%	51%	46%	46%	70%	40%	79%	*	59%	32%	53%	52%	49%	46%	47%
At Meets Grade Level or Above	2024	34%	40%	19%	11%	12%	32%	*	55%	*	26%	12%	16%	21%	13%	13%	17%
	2023	37%	42%	23%	17%	17%	42%	20%	55%	*	27%	18%	31%	24%	19%	17%	18%
At Masters Grade Level	2024	11%	17%	5%	2%	1%	7%	*	28%	*	7%	2%	4%	6%	1%	3%	4%
	2023	11%	16%	5%	3%	3%	11%	0%	23%	*	12%	4%	4%	6%	3%	3%	4%
Grade 8 Reading																	
At Approaches Grade Level or Above	2024	81%	83%	77%	74%	74%	87%	64%	91%	80%	82%	41%	76%	80%	67%	73%	73%
	2023	83%	84%	80%	72%	77%	90%	69%	94%	*	84%	44%	71%	81%	72%	75%	77%
At Meets Grade Level or Above	2024	56%	60%	52%	45%	45%	69%	29%	78%	60%	60%	19%	52%	55%	40%	44%	45%
	2023	58%	61%	52%	43%	45%	71%	62%	77%	*	64%	21%	44%	54%	42%	44%	44%
At Masters Grade Level	2024	29%	34%	26%	21%	19%	43%	0%	54%	40%	31%	5%	29%	29%	16%	19%	19%
	2023	28%	32%	24%	18%	18%	45%	15%	45%	*	30%	4%	20%	27%	15%	18%	18%
Grade 8 Mathematics																	
At Approaches Grade Level or Above	2024	72%	73%	71%	64%	68%	80%	79%	88%	*	75%	44%	69%	73%	64%	67%	69%
	2023	76%	77%	76%	67%	73%	85%	67%	94%	*	74%	45%	80%	77%	71%	71%	76%
At Meets Grade Level or Above	2024	43%	43%	39%	32%	34%	49%	50%	67%	*	48%	23%	39%	41%	32%	35%	37%
	2023	46%	48%	43%	34%	38%	54%	47%	76%	*	44%	22%	44%	45%	38%	37%	43%

Texas Education Agency
2023-24 STAAR Performance (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB / EL (Current & Monitored)
At Masters Grade Level	2024	16%	16%	12%	8%	7%	19%	7%	37%	*	14%	5%	8%	13%	8%	9%	10%
	2023	17%	18%	14%	8%	9%	22%	13%	37%	*	20%	6%	10%	15%	10%	10%	13%
Grade 8 Science																	
At Approaches Grade Level or Above	2024	70%	73%	66%	59%	60%	83%	64%	89%	80%	75%	36%	65%	69%	56%	59%	60%
	2023	74%	76%	69%	57%	65%	88%	54%	92%	*	80%	41%	57%	71%	62%	63%	65%
At Meets Grade Level or Above	2024	44%	47%	40%	33%	31%	62%	29%	73%	60%	47%	19%	41%	43%	29%	32%	32%
	2023	47%	50%	42%	30%	34%	68%	38%	73%	*	52%	24%	29%	44%	32%	33%	35%
At Masters Grade Level	2024	17%	20%	16%	11%	9%	30%	7%	41%	20%	21%	4%	15%	18%	8%	10%	12%
	2023	17%	19%	15%	10%	9%	30%	15%	40%	*	19%	7%	15%	17%	8%	10%	12%
Grade 8 Social Studies																	
At Approaches Grade Level or Above	2024	60%	63%	55%	49%	48%	72%	36%	81%	80%	60%	26%	59%	57%	46%	48%	48%
	2023	62%	64%	58%	47%	52%	77%	62%	84%	*	64%	27%	53%	60%	48%	51%	53%
At Meets Grade Level or Above	2024	33%	36%	26%	20%	18%	42%	7%	54%	20%	38%	13%	31%	28%	18%	19%	20%
	2023	33%	36%	29%	23%	23%	45%	15%	60%	*	36%	17%	28%	32%	20%	23%	24%
At Masters Grade Level	2024	17%	19%	13%	9%	7%	25%	0%	35%	0%	20%	5%	14%	14%	8%	8%	9%
	2023	16%	19%	13%	9%	9%	24%	0%	31%	*	13%	8%	12%	15%	7%	9%	10%
End of Course English I																	
At Approaches Grade Level or Above	2024	70%	71%	67%	62%	63%	82%	76%	84%	*	72%	28%	61%	71%	56%	63%	61%
	2023	72%	73%	71%	67%	67%	82%	69%	88%	100%	73%	32%	53%	74%	63%	68%	65%
At Meets Grade Level or Above	2024	52%	53%	46%	40%	40%	68%	43%	72%	*	56%	14%	37%	51%	33%	41%	37%
	2023	52%	54%	49%	44%	42%	69%	38%	78%	83%	59%	18%	32%	52%	39%	44%	38%
At Masters Grade Level	2024	16%	19%	15%	10%	10%	30%	10%	36%	*	20%	3%	10%	17%	8%	10%	9%
	2023	13%	16%	12%	9%	7%	22%	8%	37%	50%	16%	3%	7%	13%	6%	8%	6%
End of Course English II																	
At Approaches Grade Level or Above	2024	75%	76%	73%	72%	68%	83%	80%	87%	83%	83%	32%	63%	75%	64%	69%	63%
	2023	74%	75%	71%	70%	67%	84%	63%	85%	*	83%	33%	61%	73%	64%	68%	60%
At Meets Grade Level or Above	2024	58%	59%	54%	51%	48%	70%	60%	77%	83%	70%	19%	40%	58%	43%	49%	41%
	2023	54%	56%	49%	45%	42%	69%	42%	73%	*	64%	19%	33%	52%	40%	44%	33%

Texas Education Agency
2023-24 STAAR Performance (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB/EL (Current & Monitored)
At Masters Grade Level	2024	9%	10%	8%	5%	4%	14%	7%	28%	33%	17%	2%	4%	10%	4%	6%	3%
	2023	9%	10%	7%	4%	4%	15%	11%	19%	*	10%	2%	2%	7%	3%	4%	2%
End of Course Algebra I																	
At Approaches Grade Level or Above	2024	81%	81%	85%	79%	84%	90%	100%	98%	*	85%	54%	88%	87%	80%	83%	85%
	2023	79%	80%	83%	79%	81%	89%	91%	95%	*	85%	56%	76%	84%	79%	81%	82%
At Meets Grade Level or Above	2024	43%	45%	50%	40%	44%	66%	65%	84%	*	56%	21%	53%	54%	39%	44%	47%
	2023	43%	45%	45%	38%	41%	58%	45%	80%	*	51%	22%	34%	48%	37%	41%	42%
At Masters Grade Level	2024	24%	26%	27%	20%	20%	40%	24%	65%	*	32%	7%	30%	29%	20%	22%	24%
	2023	23%	26%	23%	16%	18%	37%	27%	58%	*	26%	6%	17%	25%	17%	18%	20%
End of Course Biology																	
At Approaches Grade Level or Above	2024	91%	92%	92%	90%	91%	96%	92%	98%	*	95%	75%	94%	94%	88%	91%	90%
	2023	88%	88%	87%	85%	85%	94%	100%	96%	100%	91%	63%	82%	88%	84%	85%	83%
At Meets Grade Level or Above	2024	56%	58%	58%	48%	52%	78%	77%	83%	*	72%	25%	54%	63%	45%	52%	51%
	2023	56%	57%	52%	46%	44%	75%	67%	84%	100%	67%	24%	40%	56%	41%	46%	40%
At Masters Grade Level	2024	19%	21%	21%	14%	14%	36%	31%	49%	*	26%	4%	16%	23%	14%	15%	15%
	2023	21%	24%	19%	13%	12%	37%	11%	54%	60%	29%	5%	15%	21%	11%	14%	12%
End of Course U.S. History																	
At Approaches Grade Level or Above	2024	96%	96%	95%	95%	95%	98%	67%	98%	*	97%	80%	90%	96%	93%	95%	93%
	2023	94%	94%	93%	92%	92%	96%	89%	96%	100%	92%	68%	92%	93%	91%	91%	88%
At Meets Grade Level or Above	2024	69%	70%	66%	63%	60%	80%	33%	82%	*	76%	27%	67%	69%	55%	60%	51%
	2023	70%	70%	66%	61%	60%	82%	47%	84%	60%	75%	34%	58%	68%	58%	60%	50%
At Masters Grade Level	2024	37%	39%	34%	27%	27%	52%	11%	58%	*	44%	7%	32%	36%	27%	28%	21%
	2023	38%	39%	35%	27%	28%	54%	21%	60%	60%	37%	12%	32%	36%	29%	28%	19%
SAT/ACT All Subjects																	
At Approaches Grade Level or Above	2024	88%	91%	88%	87%	81%	95%	100%	96%	*	93%	78%	93%	88%	82%	84%	73%
	2023	90%	92%	89%	88%	84%	92%	88%	97%	*	90%	*	91%	89%	82%	83%	72%
At Meets Grade Level or Above	2024	59%	66%	56%	51%	44%	66%	80%	83%	*	41%	44%	64%	56%	53%	48%	34%
	2023	61%	69%	61%	58%	50%	71%	38%	81%	*	57%	*	36%	61%	46%	51%	37%

Texas Education Agency
2023-24 STAAR Performance (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB / EL (Current & Monitored)
At Masters Grade Level	2024	12%	18%	8%	5%	2%	10%	0%	22%	*	7%	11%	21%	8%	4%	4%	0%
	2023	12%	18%	8%	9%	3%	11%	13%	18%	*	0%	*	18%	8%	4%	4%	4%
All Grades All Subjects																	
At Approaches Grade Level or Above	2024	75%	76%	73%	66%	69%	83%	71%	89%	75%	77%	41%	73%	75%	66%	68%	69%
	2023	76%	78%	75%	68%	72%	85%	73%	90%	76%	79%	45%	66%	76%	69%	70%	71%
At Meets Grade Level or Above	2024	48%	51%	46%	38%	40%	62%	40%	71%	44%	53%	20%	46%	49%	37%	40%	40%
	2023	49%	52%	46%	38%	40%	63%	40%	72%	54%	55%	24%	36%	49%	38%	40%	40%
At Masters Grade Level	2024	20%	23%	18%	13%	13%	30%	13%	41%	22%	23%	5%	17%	20%	13%	14%	15%
	2023	20%	23%	18%	13%	13%	30%	15%	40%	29%	22%	7%	14%	20%	13%	13%	14%
All Grades ELA/Reading																	
At Approaches Grade Level or Above	2024	76%	77%	73%	68%	69%	84%	72%	88%	76%	80%	38%	72%	75%	65%	69%	68%
	2023	77%	78%	74%	70%	71%	85%	73%	89%	73%	81%	42%	64%	76%	68%	71%	70%
At Meets Grade Level or Above	2024	54%	56%	50%	44%	44%	67%	41%	74%	53%	60%	20%	47%	53%	41%	44%	43%
	2023	53%	55%	50%	44%	44%	68%	46%	73%	53%	60%	23%	38%	52%	42%	44%	42%
At Masters Grade Level	2024	22%	25%	20%	15%	14%	33%	14%	42%	29%	26%	5%	17%	22%	14%	15%	15%
	2023	20%	23%	18%	13%	13%	31%	14%	38%	33%	24%	6%	13%	20%	13%	13%	14%
All Grades Mathematics																	
At Approaches Grade Level or Above	2024	72%	74%	72%	62%	70%	81%	79%	90%	67%	74%	42%	74%	74%	65%	68%	72%
	2023	75%	77%	75%	66%	73%	83%	72%	91%	81%	78%	48%	68%	76%	69%	71%	74%
At Meets Grade Level or Above	2024	43%	47%	42%	31%	38%	56%	46%	71%	33%	46%	21%	46%	45%	34%	37%	41%
	2023	45%	49%	43%	33%	39%	57%	38%	72%	52%	48%	25%	36%	46%	35%	37%	42%
At Masters Grade Level	2024	17%	21%	16%	11%	12%	25%	15%	40%	17%	19%	5%	18%	18%	13%	13%	16%
	2023	19%	22%	17%	11%	13%	26%	19%	39%	22%	20%	8%	14%	18%	13%	13%	16%
All Grades Science																	
At Approaches Grade Level or Above	2024	75%	75%	71%	64%	67%	84%	64%	87%	88%	77%	41%	74%	72%	66%	65%	68%
	2023	77%	78%	73%	66%	70%	86%	73%	89%	71%	81%	48%	64%	75%	69%	69%	70%
At Meets Grade Level or Above	2024	43%	45%	41%	32%	34%	60%	38%	66%	50%	48%	17%	41%	43%	31%	33%	34%
	2023	47%	49%	42%	33%	34%	64%	36%	70%	64%	54%	24%	30%	45%	33%	35%	34%

Texas Education Agency
2023-24 STAAR Performance (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB / EL (Current & Monitored)
At Masters Grade Level	2024	16%	18%	15%	10%	9%	28%	14%	37%	13%	19%	3%	14%	17%	10%	10%	11%
	2023	18%	20%	16%	10%	9%	30%	12%	42%	29%	21%	7%	13%	17%	9%	11%	11%
All Grades Social Studies																	
At Approaches Grade Level or Above	2024	78%	80%	76%	73%	73%	85%	48%	90%	86%	79%	50%	74%	78%	72%	72%	70%
	2023	78%	79%	77%	72%	74%	88%	78%	90%	71%	78%	46%	70%	78%	71%	71%	70%
At Meets Grade Level or Above	2024	51%	53%	47%	42%	41%	62%	17%	69%	43%	57%	19%	49%	50%	38%	40%	36%
	2023	52%	53%	50%	44%	43%	67%	34%	74%	43%	56%	25%	41%	52%	40%	41%	36%
At Masters Grade Level	2024	27%	30%	24%	19%	18%	39%	4%	47%	14%	32%	6%	23%	26%	18%	18%	15%
	2023	27%	29%	25%	19%	19%	41%	13%	47%	43%	25%	10%	21%	26%	18%	18%	14%
STAAR Performance Rates by Enrolled Grade at Meets Grade Level or Above																	
3rd Graders																	
Reading and Mathematics	2024	35%	37%	33%	24%	27%	51%	21%	61%	*	44%	15%	37%	35%	28%	27%	27%
	2023	37%	39%	38%	28%	32%	57%	33%	60%	*	43%	24%	24%	39%	33%	32%	35%
Reading and Mathematics Including EOC	2024	35%	37%	33%	24%	27%	51%	21%	61%	*	44%	15%	37%	35%	28%	27%	27%
	2023	37%	39%	38%	28%	32%	57%	33%	60%	*	43%	24%	24%	39%	33%	32%	35%
Reading Including EOC	2024	48%	49%	44%	38%	36%	64%	29%	70%	*	58%	20%	46%	45%	40%	37%	35%
	2023	50%	52%	50%	45%	44%	68%	44%	68%	*	57%	31%	42%	51%	47%	44%	44%
Math Including EOC	2024	42%	45%	42%	28%	38%	58%	21%	67%	*	47%	21%	51%	44%	36%	36%	40%
	2023	45%	48%	47%	32%	43%	61%	33%	70%	*	53%	31%	30%	49%	40%	41%	48%
4th Graders																	
Reading and Mathematics	2024	38%	41%	40%	30%	35%	57%	50%	63%	*	41%	18%	35%	42%	35%	35%	38%
	2023	38%	41%	39%	30%	34%	53%	29%	60%	*	46%	23%	34%	41%	31%	32%	37%
Reading and Mathematics Including EOC	2024	38%	41%	40%	30%	35%	57%	50%	63%	*	41%	18%	35%	42%	35%	35%	38%
	2023	38%	41%	39%	30%	34%	53%	29%	60%	*	46%	23%	34%	41%	31%	32%	37%
Reading Including EOC	2024	51%	53%	52%	44%	46%	67%	50%	71%	*	54%	22%	55%	54%	46%	46%	49%
	2023	48%	50%	49%	40%	45%	64%	36%	67%	*	55%	27%	42%	51%	43%	43%	47%
Math Including EOC	2024	46%	49%	49%	37%	44%	62%	63%	73%	*	51%	26%	44%	51%	42%	44%	49%
	2023	48%	51%	49%	36%	46%	62%	36%	72%	*	59%	32%	50%	52%	41%	43%	50%
5th Graders																	
Reading and Mathematics	2024	42%	45%	42%	30%	38%	59%	27%	65%	*	46%	17%	53%	45%	35%	36%	42%
	2023	43%	46%	43%	32%	38%	55%	20%	70%	43%	49%	24%	30%	46%	33%	37%	45%

Texas Education Agency
2023-24 STAAR Performance (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB / EL (Current & Monitored)
Reading and Mathematics Including EOC	2024	42%	45%	42%	30%	38%	59%	27%	65%	*	46%	17%	53%	45%	35%	36%	42%
	2023	43%	46%	43%	32%	38%	55%	20%	70%	43%	49%	24%	30%	46%	33%	37%	45%
Reading Including EOC	2024	55%	57%	55%	44%	51%	72%	33%	73%	*	60%	21%	60%	56%	53%	49%	53%
	2023	57%	58%	57%	50%	51%	71%	55%	76%	43%	66%	29%	42%	59%	49%	51%	55%
Math Including EOC	2024	51%	54%	53%	38%	50%	66%	53%	77%	*	54%	26%	69%	56%	44%	47%	56%
	2023	51%	55%	52%	35%	50%	60%	40%	77%	43%	55%	30%	38%	55%	40%	47%	57%
6th Graders																	
Reading and Mathematics	2024	36%	41%	27%	19%	20%	41%	10%	58%	22%	31%	11%	36%	30%	19%	22%	25%
	2023	35%	40%	28%	22%	21%	44%	38%	54%	*	36%	17%	21%	31%	21%	22%	25%
Reading and Mathematics Including EOC	2024	36%	41%	27%	19%	20%	41%	10%	58%	22%	31%	11%	36%	30%	19%	22%	25%
	2023	35%	40%	28%	22%	21%	44%	38%	54%	*	36%	17%	21%	31%	21%	22%	25%
Reading Including EOC	2024	57%	59%	51%	44%	43%	68%	50%	77%	56%	66%	20%	59%	54%	41%	45%	46%
	2023	52%	55%	47%	42%	40%	63%	50%	69%	*	56%	22%	36%	50%	39%	41%	42%
Math Including EOC	2024	40%	44%	31%	21%	24%	45%	20%	62%	22%	34%	13%	37%	33%	22%	25%	29%
	2023	40%	45%	33%	25%	27%	49%	38%	61%	*	41%	21%	27%	35%	27%	27%	31%
7th Graders																	
Reading and Mathematics	2024	35%	39%	27%	22%	23%	38%	17%	49%	*	34%	12%	22%	30%	19%	22%	25%
	2023	37%	42%	28%	22%	23%	41%	21%	55%	*	31%	16%	28%	30%	20%	23%	26%
Reading and Mathematics Including EOC	2024	36%	40%	30%	23%	24%	40%	17%	56%	*	38%	12%	25%	32%	20%	23%	27%
	2023	38%	43%	31%	23%	24%	46%	21%	62%	*	36%	16%	31%	33%	21%	24%	28%
Reading Including EOC	2024	54%	57%	47%	41%	40%	60%	33%	75%	*	55%	19%	40%	51%	33%	41%	43%
	2023	55%	58%	48%	41%	41%	65%	43%	72%	*	60%	22%	40%	50%	38%	41%	42%
Math Including EOC	2024	40%	44%	34%	25%	29%	43%	33%	61%	*	45%	14%	31%	37%	23%	28%	32%
	2023	43%	48%	36%	26%	30%	51%	21%	72%	*	38%	20%	38%	39%	26%	29%	35%
8th Graders																	
Reading and Mathematics	2024	28%	29%	20%	15%	15%	31%	17%	51%	*	29%	12%	19%	21%	16%	15%	17%
	2023	31%	32%	23%	19%	17%	37%	45%	54%	*	28%	14%	21%	23%	23%	18%	18%
Reading and Mathematics Including EOC	2024	41%	45%	37%	29%	31%	50%	21%	69%	20%	43%	15%	40%	40%	26%	30%	34%
	2023	44%	48%	38%	32%	31%	55%	54%	68%	*	47%	16%	37%	41%	28%	31%	32%
Reading Including EOC	2024	57%	60%	52%	45%	45%	69%	29%	78%	60%	60%	19%	52%	55%	40%	44%	45%
	2023	58%	61%	52%	43%	45%	71%	62%	77%	*	64%	21%	44%	54%	42%	44%	44%

Texas Education Agency
2023-24 STAAR Performance (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB/EL (Current & Monitored)
Math Including EOC	2024	49%	52%	46%	37%	42%	55%	43%	79%	40%	50%	24%	46%	49%	36%	41%	45%
	2023	51%	55%	47%	37%	41%	60%	62%	77%	*	50%	22%	48%	49%	39%	40%	44%
3rd - 8th Graders																	
Reading and Mathematics	2024	36%	39%	32%	23%	27%	47%	23%	59%	24%	38%	15%	35%	34%	26%	27%	30%
	2023	37%	40%	34%	26%	28%	49%	30%	59%	38%	40%	20%	27%	36%	27%	28%	32%
Reading and Mathematics Including EOC	2024	38%	42%	35%	26%	29%	50%	24%	62%	26%	41%	15%	38%	37%	27%	29%	32%
	2023	39%	43%	36%	28%	30%	52%	32%	62%	38%	43%	21%	30%	39%	28%	30%	34%
Reading Including EOC	2024	54%	56%	50%	43%	44%	67%	36%	74%	48%	59%	20%	52%	53%	42%	44%	45%
	2023	53%	56%	50%	43%	44%	67%	48%	72%	48%	60%	26%	41%	53%	43%	44%	46%
Math Including EOC	2024	45%	48%	43%	31%	38%	55%	39%	70%	33%	47%	21%	46%	45%	34%	37%	42%
	2023	47%	50%	44%	32%	40%	57%	38%	72%	43%	50%	27%	39%	47%	36%	38%	44%

* Indicates results are masked due to small numbers to protect student confidentiality.

- Indicates there are no students in the group.

Texas Education Agency
2023-24 STAAR Progress (TAPR)
GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB/EL (Current & Monitored)
School Progress - Annual Growth by Grade and Subject																	
Grade 4 ELA/Reading	2024	67%	67%	65%	60%	62%	74%	75%	77%	*	69%	51%	65%	66%	64%	62%	63%
	2023	55%	57%	59%	57%	57%	61%	54%	75%	*	54%	48%	48%	60%	59%	57%	61%
Grade 4 Mathematics	2024	60%	61%	62%	55%	59%	69%	88%	77%	*	61%	47%	66%	62%	59%	60%	62%
	2023	63%	65%	62%	56%	60%	67%	54%	76%	*	65%	53%	61%	63%	60%	59%	62%
Grade 5 ELA/Reading	2024	70%	72%	71%	61%	70%	77%	54%	82%	*	71%	47%	77%	71%	69%	68%	72%
	2023	65%	68%	68%	62%	68%	70%	65%	80%	86%	66%	48%	63%	70%	64%	65%	72%
Grade 5 Mathematics	2024	65%	66%	66%	58%	66%	69%	81%	78%	*	69%	56%	77%	68%	63%	64%	70%
	2023	71%	74%	73%	66%	74%	72%	61%	82%	43%	68%	69%	73%	74%	70%	72%	78%
Grade 6 ELA/Reading	2024	61%	64%	53%	49%	47%	65%	50%	71%	50%	64%	37%	57%	55%	47%	49%	47%
	2023	51%	54%	44%	40%	40%	53%	69%	60%	*	51%	33%	37%	47%	35%	40%	43%
Grade 6 Mathematics	2024	48%	50%	34%	36%	30%	41%	56%	47%	17%	34%	36%	31%	34%	33%	32%	29%
	2023	54%	58%	41%	46%	36%	49%	44%	47%	*	50%	55%	54%	40%	47%	39%	35%
Grade 7 ELA/Reading	2024	66%	69%	61%	56%	57%	68%	58%	82%	*	61%	38%	52%	64%	51%	58%	59%
	2023	71%	74%	65%	62%	63%	70%	71%	76%	*	73%	45%	55%	67%	60%	62%	64%
Grade 7 Mathematics	2024	49%	53%	38%	33%	36%	36%	*	62%	*	32%	38%	28%	39%	36%	37%	40%
	2023	56%	60%	51%	50%	47%	59%	25%	66%	*	57%	45%	51%	50%	51%	48%	47%
Grade 8 ELA/Reading	2024	69%	71%	69%	67%	65%	77%	39%	85%	*	65%	49%	71%	71%	61%	65%	65%
	2023	63%	66%	60%	55%	56%	71%	50%	76%	*	65%	45%	60%	61%	56%	55%	57%
Grade 8 Mathematics	2024	66%	64%	64%	63%	63%	62%	88%	71%	*	62%	62%	66%	63%	64%	64%	64%
	2023	74%	73%	74%	70%	73%	75%	75%	85%	*	72%	59%	79%	74%	71%	73%	74%
End of Course English I	2024	64%	65%	66%	63%	62%	74%	75%	81%	*	64%	40%	63%	68%	57%	63%	62%
	2023	57%	58%	56%	54%	52%	61%	36%	72%	60%	61%	37%	46%	57%	49%	52%	54%
End of Course English II	2024	69%	70%	70%	69%	68%	72%	80%	76%	80%	76%	56%	64%	71%	65%	70%	65%
	2023	74%	75%	75%	75%	73%	82%	82%	80%	*	79%	55%	59%	77%	67%	74%	70%
End of Course Algebra I	2024	72%	72%	82%	80%	80%	85%	85%	94%	*	89%	73%	85%	83%	79%	80%	81%
	2023	76%	78%	83%	83%	80%	87%	92%	93%	*	86%	77%	83%	84%	79%	81%	81%
All Grades Both Subjects	2024	64%	65%	63%	59%	60%	69%	68%	77%	50%	64%	48%	63%	64%	59%	60%	61%
	2023	64%	66%	63%	60%	61%	68%	60%	75%	68%	65%	51%	59%	64%	59%	60%	62%
All Grades ELA/Reading	2024	67%	68%	65%	61%	62%	73%	61%	79%	64%	67%	45%	64%	67%	60%	62%	62%
	2023	63%	65%	61%	58%	59%	67%	62%	74%	71%	64%	44%	52%	63%	56%	58%	60%
All Grades Mathematics	2024	60%	62%	60%	56%	58%	63%	77%	74%	33%	60%	51%	62%	61%	57%	58%	60%
	2023	66%	68%	65%	63%	63%	70%	58%	76%	65%	67%	59%	67%	66%	63%	63%	64%
School Progress - Accelerated Learning by Grade and Subject																	
Grade 4 ELA/Reading	2024	38%	37%	35%	29%	36%	27%	*	49%	*	31%	22%	39%	34%	37%	34%	36%
	2023	33%	32%	33%	33%	32%	26%	33%	51%	-	27%	20%	38%	33%	33%	33%	33%
Grade 4 Mathematics	2024	26%	24%	27%	23%	28%	24%	*	38%	*	24%	15%	26%	26%	29%	27%	31%
	2023	27%	27%	26%	23%	27%	35%	*	26%	-	13%	13%	24%	27%	24%	25%	27%

Texas Education Agency
2023-24 STAAR Progress (TAPR)
GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB/EL (Current & Monitored)
Grade 5 ELA/Reading	2024	35%	35%	36%	26%	41%	35%	20%	45%	-	19%	18%	47%	38%	32%	36%	42%
	2023	37%	38%	44%	40%	46%	38%	*	38%	*	37%	21%	36%	45%	39%	42%	47%
Grade 5 Mathematics	2024	41%	39%	42%	34%	44%	44%	43%	66%	-	26%	27%	50%	44%	37%	40%	47%
	2023	48%	50%	50%	45%	51%	49%	*	67%	*	36%	34%	55%	50%	49%	49%	56%
Grade 6 ELA/Reading	2024	24%	24%	22%	18%	22%	31%	*	29%	*	31%	13%	38%	25%	17%	22%	24%
	2023	26%	26%	21%	21%	20%	23%	*	24%	-	25%	11%	11%	23%	16%	21%	21%
Grade 6 Mathematics	2024	27%	27%	20%	12%	22%	30%	*	10%	*	42%	16%	17%	21%	18%	20%	18%
	2023	35%	38%	31%	28%	32%	28%	*	34%	*	42%	20%	26%	31%	31%	31%	31%
Grade 7 ELA/Reading	2024	23%	23%	19%	19%	19%	15%	*	26%	*	21%	8%	17%	20%	18%	18%	18%
	2023	39%	41%	33%	32%	31%	38%	60%	48%	*	29%	14%	26%	34%	27%	32%	31%
Grade 7 Mathematics	2024	14%	14%	11%	8%	11%	14%	*	21%	*	7%	8%	12%	12%	9%	11%	12%
	2023	22%	24%	23%	26%	22%	25%	*	28%	-	19%	13%	17%	24%	20%	22%	21%
Grade 8 ELA/Reading	2024	34%	35%	34%	34%	33%	39%	*	36%	*	27%	20%	37%	38%	24%	32%	31%
	2023	39%	40%	35%	28%	36%	43%	*	47%	*	38%	20%	42%	37%	30%	34%	36%
Grade 8 Mathematics	2024	44%	42%	44%	39%	45%	42%	83%	53%	*	50%	28%	41%	45%	40%	43%	43%
	2023	49%	49%	51%	47%	51%	59%	29%	71%	*	36%	26%	66%	51%	49%	49%	52%
End of Course English I	2024	20%	20%	19%	19%	18%	24%	*	19%	*	14%	9%	17%	20%	16%	18%	15%
	2023	26%	26%	29%	25%	27%	41%	*	35%	-	44%	14%	22%	31%	23%	27%	27%
End of Course English II	2024	29%	29%	30%	33%	29%	33%	*	16%	-	30%	20%	38%	31%	27%	30%	25%
	2023	41%	42%	44%	45%	42%	50%	*	46%	*	54%	25%	33%	48%	32%	43%	39%
End of Course Algebra I	2024	55%	55%	66%	58%	68%	64%	*	88%	-	60%	42%	79%	68%	61%	66%	69%
	2023	58%	58%	68%	65%	68%	75%	-	77%	-	81%	51%	69%	69%	66%	67%	69%
All Grades Both Subjects	2024	32%	32%	32%	28%	33%	33%	48%	40%	25%	31%	19%	36%	34%	29%	32%	33%
	2023	38%	39%	39%	37%	39%	43%	33%	47%	44%	37%	22%	38%	40%	35%	38%	39%
All Grades ELA/Reading	2024	30%	30%	28%	25%	29%	29%	28%	34%	25%	25%	16%	32%	30%	24%	28%	28%
	2023	35%	36%	35%	33%	35%	39%	41%	43%	33%	37%	18%	30%	37%	30%	34%	35%
All Grades Mathematics	2024	35%	35%	37%	30%	38%	36%	64%	48%	25%	36%	22%	39%	38%	34%	36%	39%
	2023	40%	42%	43%	39%	43%	46%	24%	51%	*	37%	26%	45%	44%	40%	41%	44%

* Indicates results are masked due to small numbers to protect student confidentiality.

- Indicates there are no students in the group.

Texas Education Agency
2023-24 Bilingual Education/English as a Second Language (Current EB Students/EL) (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	Total Bilingual Education	BE-Trans Early Exit	BE-Trans Late Exit	BE-Dual Two-Way	BE-Dual One-Way	ALP Bilingual (Exception)	Total ESL	ESL Content-Based	ESL Pull-Out	ALP ESL (Waiver)	EB/EL with Parental Denial	Never EB/EL	Total EB/EL (Current)	Monitored & Former EB/EL
STAAR Performance Rate by Subject and Performance Level																		
All Grades All Subjects																		
At Approaches Grade Level or Above	2024	75%	76%	73%	68%	-	-	92%	67%	-	67%	38%	67%	63%	74%	75%	68%	96%
	2023	76%	78%	75%	71%	74%	87%	92%	71%	-	68%	52%	68%	60%	75%	77%	69%	96%
At Meets Grade Level or Above	2024	48%	51%	46%	39%	-	-	68%	38%	-	37%	9%	37%	35%	47%	49%	38%	83%
	2023	49%	52%	46%	43%	39%	43%	62%	42%	-	35%	4%	35%	0%	45%	50%	37%	81%
At Masters Grade Level	2024	20%	23%	18%	15%	-	-	31%	15%	-	12%	2%	12%	10%	17%	21%	13%	42%
	2023	20%	23%	18%	17%	16%	17%	34%	17%	-	11%	1%	11%	0%	17%	20%	12%	39%
All Grades ELA/Reading																		
At Approaches Grade Level or Above	2024	76%	77%	73%	70%	-	-	88%	69%	-	64%	21%	64%	61%	76%	77%	66%	98%
	2023	77%	78%	74%	72%	69%	82%	93%	71%	-	66%	32%	66%	*	75%	78%	67%	97%
At Meets Grade Level or Above	2024	54%	56%	50%	41%	-	-	67%	41%	-	39%	0%	39%	37%	52%	55%	40%	94%
	2023	53%	55%	50%	44%	38%	36%	67%	44%	-	37%	0%	37%	*	49%	55%	39%	88%
At Masters Grade Level	2024	22%	25%	20%	18%	-	-	32%	17%	-	12%	0%	12%	12%	20%	23%	13%	44%
	2023	20%	23%	18%	20%	13%	9%	35%	19%	-	10%	0%	10%	*	17%	21%	12%	37%
All Grades Mathematics																		
At Approaches Grade Level or Above	2024	72%	74%	72%	74%	-	-	96%	73%	-	69%	57%	70%	70%	71%	71%	71%	93%
	2023	75%	77%	75%	77%	64%	82%	93%	77%	-	71%	71%	71%	*	74%	74%	73%	92%
At Meets Grade Level or Above	2024	43%	47%	42%	45%	-	-	77%	44%	-	37%	19%	37%	41%	44%	43%	39%	68%
	2023	45%	49%	43%	49%	36%	55%	68%	49%	-	36%	10%	37%	*	43%	44%	40%	67%
At Masters Grade Level	2024	17%	21%	16%	16%	-	-	32%	16%	-	14%	5%	14%	12%	16%	17%	15%	29%
	2023	19%	22%	17%	19%	27%	27%	39%	19%	-	13%	2%	13%	*	19%	18%	15%	28%
All Grades Science																		
At Approaches Grade Level or Above	2024	75%	75%	71%	44%	-	-	94%	43%	-	70%	60%	70%	61%	75%	73%	65%	97%
	2023	77%	78%	73%	53%	90%	100%	83%	51%	-	70%	68%	70%	*	74%	76%	67%	97%
At Meets Grade Level or Above	2024	43%	45%	41%	13%	-	-	44%	13%	-	34%	20%	34%	27%	34%	45%	30%	86%
	2023	47%	49%	42%	18%	50%	29%	28%	17%	-	31%	0%	31%	*	38%	47%	28%	84%
At Masters Grade Level	2024	16%	18%	15%	3%	-	-	28%	3%	-	9%	0%	9%	4%	9%	18%	8%	47%
	2023	18%	20%	16%	5%	10%	14%	11%	5%	-	7%	0%	8%	*	10%	19%	7%	45%
All Grades Social Studies																		
At Approaches Grade Level or Above	2024	78%	80%	76%	-	-	-	-	-	-	66%	20%	66%	49%	78%	79%	67%	97%
	2023	78%	79%	77%	*	*	*	-	*	-	65%	38%	65%	-	77%	80%	66%	98%
At Meets Grade Level or Above	2024	51%	53%	47%	-	-	-	-	-	-	29%	0%	29%	17%	52%	52%	30%	82%
	2023	52%	53%	50%	*	*	*	-	*	-	30%	15%	30%	-	43%	54%	31%	82%
At Masters Grade Level	2024	27%	30%	24%	-	-	-	-	-	-	11%	0%	11%	6%	23%	28%	11%	50%
	2023	27%	29%	25%	*	*	*	-	*	-	10%	0%	10%	-	17%	29%	10%	51%
School Progress - Annual Growth																		

Texas Education Agency
2023-24 Bilingual Education/English as a Second Language (Current EB Students/EL) (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	School Year	State	Region 10	District	Total Bilingual Education	BE-Trans Early Exit	BE-Trans Late Exit	BE-Dual Two-Way	BE-Dual One-Way	ALP Bilingual (Exception)	Total ESL	ESL Content-Based	ESL Pull-Out	ALP ESL (Waiver)	EB/EL with Parental Denial	Never EB/EL	Total EB/EL (Current)	Monitored & Former EB/EL
All Grades Both Subjects	2024	64%	65%	63%	65%	-	-	86%	64%	-	59%	18%	59%	58%	59%	64%	60%	80%
	2023	64%	66%	63%	67%	68%	63%	68%	67%	-	59%	42%	59%	-	64%	64%	61%	77%
All Grades ELA/Reading	2024	67%	68%	65%	66%	-	-	83%	65%	-	59%	11%	59%	54%	64%	67%	60%	81%
	2023	63%	65%	61%	65%	50%	50%	69%	65%	-	56%	24%	56%	-	65%	62%	58%	76%
All Grades Mathematics	2024	60%	62%	60%	63%	-	-	88%	63%	-	58%	25%	58%	62%	53%	60%	59%	76%
	2023	66%	68%	65%	70%	94%	75%	68%	70%	-	62%	70%	62%	-	63%	66%	63%	78%
School Progress - Accelerated Learning																		
All Grades Both Subjects	2024	32%	32%	32%	40%	-	-	71%	40%	-	31%	14%	31%	30%	30%	32%	33%	67%
	2023	38%	39%	39%	43%	43%	40%	60%	43%	-	37%	16%	38%	-	38%	39%	39%	77%
All Grades ELA/Reading	2024	30%	30%	28%	41%	-	-	*	41%	-	24%	8%	24%	23%	26%	29%	28%	44%
	2023	35%	36%	35%	41%	*	*	*	41%	-	32%	6%	33%	-	37%	36%	34%	78%
All Grades Mathematics	2024	35%	35%	37%	38%	-	-	*	38%	-	39%	22%	39%	39%	35%	34%	39%	76%
	2023	40%	42%	43%	46%	*	*	*	46%	-	44%	33%	44%	-	39%	41%	44%	76%

* Indicates results are masked due to small numbers to protect student confidentiality.

- Indicates there are no students in the group.

Blank cell indicates there are no data available in the group.

Texas Education Agency
2023-24 STAAR Participation (TAPR)
GARLAND ISD (057909) - DALLAS COUNTY

	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB / EL (Current & Monitored)
2024 STAAR Participation (All Grades)																
All Tests																
Assessment Participant	99%	99%	99%	99%	99%	99%	100%	100%	100%	99%	99%	99%	100%	99%	99%	99%
Included in Accountability	92%	92%	92%	92%	91%	96%	93%	93%	94%	95%	94%	92%	97%	79%	93%	88%
Not Included in Accountability: Mobile	4%	5%	4%	7%	4%	3%	5%	3%	6%	4%	3%	6%	1%	13%	3%	4%
Not Included in Accountability: Other Exclusions	2%	3%	3%	1%	5%	1%	2%	4%	0%	0%	2%	2%	2%	7%	4%	7%
Not Tested	1%	1%	1%	1%	1%	1%	0%	0%	0%	1%	1%	1%	0%	1%	1%	1%
Absent	1%	1%	0%	1%	1%	0%	0%	0%	0%	1%	1%	0%	0%	1%	1%	0%
Other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Reading																
Assessment Participant	99%	99%	99%	99%	99%	100%	99%	100%	100%	99%	99%	100%	100%	99%	99%	99%
Included in Accountability	91%	90%	89%	92%	87%	95%	89%	90%	94%	94%	93%	90%	94%	77%	90%	83%
Not Included in Accountability: Mobile	4%	5%	4%	7%	4%	3%	6%	3%	6%	5%	3%	6%	1%	12%	3%	4%
Not Included in Accountability: Other Exclusions	4%	4%	6%	1%	9%	1%	4%	7%	0%	0%	3%	4%	5%	9%	6%	12%
Not Tested	1%	1%	1%	1%	1%	0%	1%	0%	0%	1%	1%	0%	0%	1%	1%	1%
Absent	1%	1%	0%	1%	0%	0%	1%	0%	0%	1%	1%	0%	0%	1%	0%	0%
Other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Mathematics																
Assessment Participant	99%	99%	99%	99%	99%	100%	100%	100%	100%	100%	99%	99%	100%	99%	99%	99%
Included in Accountability	93%	93%	93%	92%	93%	96%	94%	94%	94%	95%	95%	93%	99%	80%	94%	92%
Not Included in Accountability: Mobile	5%	5%	4%	7%	4%	3%	6%	3%	6%	4%	3%	6%	1%	14%	4%	4%
Not Included in Accountability: Other Exclusions	1%	1%	2%	0%	2%	1%	0%	2%	0%	0%	1%	0%	0%	6%	2%	3%
Not Tested	1%	1%	1%	1%	1%	0%	0%	0%	0%	0%	1%	1%	0%	1%	1%	1%
Absent	1%	1%	0%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%
Other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%
Science																
Assessment Participant	99%	99%	99%	99%	99%	100%	100%	99%	100%	99%	99%	100%	100%	98%	99%	99%
Included in Accountability	93%	93%	93%	90%	94%	96%	100%	95%	89%	96%	95%	93%	99%	80%	94%	93%
Not Included in Accountability: Mobile	4%	5%	4%	8%	4%	3%	0%	3%	11%	3%	4%	6%	1%	13%	3%	4%
Not Included in Accountability: Other Exclusions	1%	1%	1%	0%	2%	1%	0%	2%	0%	0%	1%	0%	0%	5%	1%	3%
Not Tested	1%	1%	1%	1%	1%	0%	0%	1%	0%	1%	1%	0%	0%	2%	1%	1%

Texas Education Agency
2023-24 STAAR Participation (TAPR)
GARLAND ISD (057909) - DALLAS COUNTY

	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB / EL (Current & Monitored)
Absent	1%	1%	1%	1%	1%	0%	0%	0%	0%	1%	1%	0%	0%	1%	1%	1%
Other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Social Studies																
Assessment Participant	99%	99%	99%	99%	99%	99%	100%	100%	100%	99%	99%	99%	99%	98%	99%	99%
Included in Accountability	94%	94%	94%	94%	94%	96%	100%	95%	100%	94%	95%	96%	99%	82%	95%	92%
Not Included in Accountability: Mobile	4%	4%	3%	5%	3%	3%	0%	3%	0%	5%	3%	3%	1%	11%	3%	4%
Not Included in Accountability: Other Exclusions	1%	1%	1%	0%	2%	0%	0%	2%	0%	0%	1%	0%	0%	5%	1%	3%
Not Tested	1%	1%	1%	1%	1%	1%	0%	0%	0%	1%	1%	1%	1%	2%	1%	1%
Absent	1%	1%	1%	1%	1%	1%	0%	0%	0%	0%	1%	0%	1%	2%	1%	1%
Other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Accelerated Testers																
SAT/ACT Participant	93%	96%	98%	98%	97%	100%	100%	100%	*	100%	90%	100%	99%	90%	98%	96%
2023 STAAR Participation (All Grades)																
All Tests																
Assessment Participant	99%	99%	99%	98%	99%	99%	99%	100%	99%	98%	98%	98%	99%	98%	99%	99%
Included in Accountability	93%	92%	93%	92%	92%	95%	87%	94%	95%	93%	94%	89%	97%	81%	94%	91%
Not Included in Accountability: Mobile	4%	5%	4%	6%	3%	3%	8%	2%	4%	5%	3%	9%	1%	12%	3%	3%
Not Included in Accountability: Other Exclusions	2%	2%	2%	0%	3%	1%	4%	3%	0%	0%	2%	1%	2%	5%	2%	5%
Not Tested	1%	1%	1%	2%	1%	1%	1%	0%	1%	2%	2%	2%	1%	2%	1%	1%
Absent	1%	1%	1%	1%	1%	1%	0%	0%	1%	1%	1%	1%	1%	2%	1%	1%
Other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Reading																
Assessment Participant	99%	99%	99%	98%	99%	99%	99%	100%	97%	99%	99%	98%	99%	98%	99%	99%
Included in Accountability	92%	91%	91%	92%	90%	95%	86%	91%	94%	93%	93%	87%	95%	80%	92%	87%
Not Included in Accountability: Mobile	4%	5%	4%	6%	3%	3%	8%	3%	3%	5%	2%	9%	1%	12%	3%	3%
Not Included in Accountability: Other Exclusions	3%	4%	4%	1%	6%	1%	5%	6%	0%	0%	3%	2%	4%	7%	4%	9%
Not Tested	1%	1%	1%	2%	1%	1%	1%	0%	3%	1%	1%	2%	1%	2%	1%	1%
Absent	1%	1%	1%	1%	1%	1%	1%	0%	3%	1%	1%	2%	1%	2%	1%	1%
Other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Mathematics																
Assessment Participant	99%	99%	99%	99%	99%	99%	99%	100%	100%	99%	99%	98%	99%	98%	99%	99%
Included in Accountability	94%	93%	94%	92%	95%	95%	89%	95%	93%	95%	96%	89%	98%	82%	95%	94%

Texas Education Agency
2023-24 STAAR Participation (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled	Econ Disadv	EB/EL (Current & Monitored)
Not Included in Accountability: Mobile	5%	5%	4%	6%	3%	3%	8%	3%	7%	4%	3%	9%	1%	12%	3%	3%
Not Included in Accountability: Other Exclusions	1%	1%	1%	0%	1%	0%	2%	2%	0%	0%	0%	0%	0%	4%	1%	2%
Not Tested	1%	1%	1%	1%	1%	1%	1%	0%	0%	1%	1%	2%	1%	2%	1%	1%
Absent	1%	1%	1%	1%	1%	1%	0%	0%	0%	1%	1%	1%	1%	2%	1%	1%
Other	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Science																
Assessment Participant	99%	99%	98%	98%	98%	99%	100%	100%	100%	98%	98%	99%	99%	97%	98%	99%
Included in Accountability	93%	93%	94%	92%	94%	95%	83%	96%	100%	92%	95%	91%	98%	83%	95%	94%
Not Included in Accountability: Mobile	4%	5%	4%	6%	3%	3%	13%	2%	0%	5%	2%	8%	1%	12%	3%	3%
Not Included in Accountability: Other Exclusions	1%	1%	1%	0%	1%	0%	5%	2%	0%	0%	0%	0%	0%	3%	1%	2%
Not Tested	1%	1%	2%	2%	2%	1%	0%	0%	0%	2%	2%	1%	1%	3%	2%	1%
Absent	1%	1%	1%	2%	1%	1%	0%	0%	0%	2%	2%	1%	1%	2%	1%	1%
Other	0%	1%	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%
Social Studies																
Assessment Participant	99%	98%	98%	98%	98%	99%	100%	99%	100%	97%	97%	97%	98%	97%	98%	98%
Included in Accountability	94%	94%	94%	92%	94%	95%	94%	96%	100%	93%	93%	89%	98%	81%	94%	93%
Not Included in Accountability: Mobile	4%	4%	3%	6%	3%	3%	0%	1%	0%	5%	3%	8%	1%	13%	3%	3%
Not Included in Accountability: Other Exclusions	1%	1%	1%	0%	1%	0%	6%	1%	0%	0%	0%	0%	0%	3%	1%	2%
Not Tested	1%	2%	2%	2%	2%	1%	0%	1%	0%	3%	3%	3%	2%	3%	2%	2%
Absent	1%	1%	2%	2%	2%	1%	0%	1%	0%	3%	3%	2%	2%	3%	2%	2%
Other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%
Accelerated Testers																
SAT/ACT Participant	93%	96%	98%	98%	98%	98%	100%	99%	*	91%	*	100%	98%	93%	98%	98%

* Indicates results are masked due to small numbers to protect student confidentiality.

- Indicates there are no students in the group.

Texas Education Agency
2023-24 Attendance, Graduation, and Dropout Rates (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed	Econ Disadv	EB/EL
Attendance Rate													
2022-23	93.3%	93.5%	93.0%	92.0%	92.5%	93.7%	94.4%	96.2%	93.6%	93.0%	91.7%	92.5%	93.4%
2021-22	92.2%	92.6%	92.2%	91.1%	91.7%	92.5%	94.0%	96.0%	93.1%	91.5%	90.5%	91.6%	92.8%
Chronic Absenteeism													
2022-23	20.3%	18.9%	20.3%	26.5%	21.6%	16.9%	14.0%	7.1%	17.9%	20.9%	25.9%	22.4%	18.0%
2021-22	25.7%	23.5%	25.5%	31.7%	27.0%	23.3%	17.7%	8.4%	25.5%	27.8%	32.9%	28.0%	21.9%
Annual Dropout Rate (Gr 7-8)													
2022-23	0.8%	0.7%	0.5%	0.6%	0.6%	0.1%	0.5%	0.3%	0.0%	0.4%	0.6%	0.6%	0.6%
2021-22	0.7%	0.7%	0.5%	0.7%	0.6%	0.2%	0.0%	0.3%	0.0%	0.4%	0.6%	0.6%	0.5%
Annual Dropout Rate (Gr 9-12)													
2022-23	2.0%	2.5%	1.5%	1.6%	1.9%	0.8%	0.0%	0.3%	0.0%	1.4%	1.0%	1.6%	2.6%
2021-22	2.2%	3.2%	0.8%	1.0%	0.9%	0.5%	1.2%	0.2%	7.1%	1.2%	1.4%	1.0%	1.1%
4-Year Longitudinal Rate (Gr 9-12)													
Class of 2023													
Graduated	90.3%	88.5%	94.7%	93.4%	94.4%	95.0%	95.7%	98.4%	*	92.1%	92.7%	94.0%	92.6%
Received TxCHSE	0.3%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	*	0.0%	0.0%	0.0%	0.0%
Continued HS	3.1%	3.5%	2.0%	1.8%	2.4%	1.6%	0.0%	0.9%	*	2.6%	2.8%	2.1%	2.2%
Dropped Out	6.3%	7.7%	3.3%	4.8%	3.2%	3.4%	4.3%	0.7%	*	5.3%	4.5%	3.9%	5.2%
Graduates and TxCHSE	90.6%	88.7%	94.7%	93.4%	94.4%	95.0%	95.7%	98.4%	*	92.1%	92.7%	94.0%	92.6%
Graduates, TxCHSE, and Continuers	93.7%	92.3%	96.7%	95.2%	96.8%	96.6%	95.7%	99.3%	*	94.7%	95.5%	96.1%	94.8%
Class of 2022													
Graduated	89.7%	87.3%	95.3%	93.5%	95.0%	96.8%	100.0%	98.4%	-	90.7%	88.4%	93.8%	91.5%
Received TxCHSE	0.3%	0.2%	0.0%	0.0%	0.0%	0.1%	0.0%	0.0%	-	0.0%	0.0%	0.0%	0.0%
Continued HS	3.5%	4.1%	1.9%	2.4%	2.2%	1.2%	0.0%	0.0%	-	8.1%	3.3%	2.3%	2.6%
Dropped Out	6.4%	8.4%	2.7%	4.2%	2.8%	1.9%	0.0%	1.6%	-	1.2%	8.4%	3.9%	5.9%
Graduates and TxCHSE	90.0%	87.5%	95.4%	93.5%	95.0%	96.9%	100.0%	98.4%	-	90.7%	88.4%	93.8%	91.5%
Graduates, TxCHSE, and Continuers	93.6%	91.6%	97.3%	95.8%	97.2%	98.1%	100.0%	98.4%	-	98.8%	91.6%	96.1%	94.1%
5-Year Extended Longitudinal Rate (Gr 9-12)													
Class of 2022													
Graduated	91.8%	89.4%	96.7%	95.2%	96.5%	97.9%	100.0%	98.2%	-	96.5%	90.9%	95.6%	93.3%
Received TxCHSE	0.4%	0.3%	0.1%	0.0%	0.1%	0.3%	0.0%	0.0%	-	0.0%	0.0%	0.0%	0.0%
Continued HS	1.0%	1.2%	0.2%	0.3%	0.2%	0.0%	0.0%	0.2%	-	0.0%	0.4%	0.1%	0.1%
Dropped Out	6.8%	9.1%	3.0%	4.6%	3.2%	1.8%	0.0%	1.6%	-	3.5%	8.7%	4.2%	6.6%
Graduates and TxCHSE	92.2%	89.7%	96.8%	95.2%	96.6%	98.2%	100.0%	98.2%	-	96.5%	90.9%	95.6%	93.3%

Texas Education Agency
2023-24 Attendance, Graduation, and Dropout Rates (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed	Econ Disadv	EB/EL
Graduates, TxCHSE, and Continuers	93.2%	90.9%	97.0%	95.4%	96.8%	98.2%	100.0%	98.4%	-	96.5%	91.3%	95.8%	93.4%
Class of 2021													
Graduated	92.2%	90.0%	96.8%	94.7%	96.7%	97.8%	93.1%	99.8%	*	96.3%	93.5%	96.2%	93.6%
Received TxCHSE	0.4%	0.3%	0.2%	0.3%	0.3%	0.1%	0.0%	0.0%	*	0.0%	0.0%	0.2%	0.4%
Continued HS	1.0%	1.3%	0.1%	0.3%	0.1%	0.0%	0.0%	0.0%	*	0.0%	0.5%	0.2%	0.2%
Dropped Out	6.3%	8.5%	2.8%	4.8%	2.9%	2.1%	6.9%	0.2%	*	3.8%	6.1%	3.4%	5.8%
Graduates and TxCHSE	92.7%	90.3%	97.0%	95.0%	97.0%	97.9%	93.1%	99.8%	*	96.3%	93.5%	96.4%	94.0%
Graduates, TxCHSE, and Continuers	93.7%	91.5%	97.2%	95.2%	97.1%	97.9%	93.1%	99.8%	*	96.3%	93.9%	96.6%	94.2%
6-Year Extended Longitudinal Rate (Gr 9-12)													
Class of 2021													
Graduated	92.7%	90.5%	96.9%	94.8%	96.8%	97.8%	93.1%	99.8%	*	96.3%	94.5%	96.3%	93.6%
Received TxCHSE	0.5%	0.4%	0.2%	0.3%	0.3%	0.1%	0.0%	0.0%	*	0.0%	0.0%	0.2%	0.4%
Continued HS	0.5%	0.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	*	0.0%	0.0%	0.0%	0.0%
Dropped Out	6.3%	8.5%	2.9%	4.9%	2.9%	2.1%	6.9%	0.2%	*	3.8%	5.5%	3.5%	6.0%
Graduates and TxCHSE	93.2%	90.9%	97.1%	95.1%	97.1%	97.9%	93.1%	99.8%	*	96.3%	94.5%	96.5%	94.0%
Graduates, TxCHSE, and Continuers	93.7%	91.5%	97.1%	95.1%	97.1%	97.9%	93.1%	99.8%	*	96.3%	94.5%	96.5%	94.0%
Class of 2020													
Graduated	92.7%	90.5%	96.4%	95.1%	96.3%	96.8%	100.0%	98.6%	100.0%	95.8%	94.2%	95.7%	89.5%
Received TxCHSE	0.5%	0.4%	0.3%	0.5%	0.0%	0.5%	0.0%	0.2%	0.0%	1.4%	0.4%	0.2%	0.0%
Continued HS	0.5%	0.7%	0.0%	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.4%	0.0%	0.0%
Dropped Out	6.2%	8.5%	3.3%	4.4%	3.6%	2.6%	0.0%	1.2%	0.0%	2.8%	5.0%	4.0%	10.5%
Graduates and TxCHSE	93.2%	90.9%	96.7%	95.6%	96.3%	97.3%	100.0%	98.8%	100.0%	97.2%	94.6%	96.0%	89.5%
Graduates, TxCHSE, and Continuers	93.8%	91.5%	96.7%	95.6%	96.4%	97.4%	100.0%	98.8%	100.0%	97.2%	95.0%	96.0%	89.5%
4-Year Federal Graduation Rate Without Exclusions (Gr 9-12)													
Class of 2023	90.3%	88.5%	93.5%	91.2%	93.4%	94.3%	95.7%	97.7%	*	90.9%	82.7%	92.7%	91.1%
Class of 2022	89.7%	87.3%	93.8%	91.0%	93.6%	95.4%	100.0%	97.7%	-	89.7%	76.1%	92.2%	90.2%
RHSP/DAP Graduates (Longitudinal Rate)													
Class of 2023	72.3%	85.0%	-	-	-	-	-	-	-	-	-	-	-
Class of 2022	59.5%	55.6%	-	-	-	-	-	-	-	-	-	-	-
FHSP-E Graduates (Longitudinal Rate)													
Class of 2023	4.3%	5.3%	0.1%	0.1%	0.2%	0.0%	0.0%	0.0%	*	0.0%	0.9%	0.2%	0.3%
Class of 2022	3.7%	3.5%	1.4%	2.4%	1.2%	1.5%	0.0%	1.2%	-	0.0%	6.8%	1.6%	1.5%
FHSP-DLA Graduates (Longitudinal Rate)													

Texas Education Agency
2023-24 Attendance, Graduation, and Dropout Rates (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed	Econ Disadv	EB/EL
Class of 2023	84.3%	84.8%	87.9%	85.9%	85.3%	92.1%	90.9%	96.7%	*	90.0%	58.3%	85.4%	80.5%
Class of 2022	84.3%	85.9%	86.7%	81.8%	84.9%	90.7%	89.5%	95.1%	-	93.6%	51.1%	83.1%	79.7%
RHSP/DAP/FHSP-E/FHSP-DLA Graduates (Longitudinal Rate)													
Class of 2023	88.6%	90.1%	88.0%	86.1%	85.5%	92.1%	90.9%	96.7%	*	90.0%	59.2%	85.6%	80.8%
Class of 2022	88.0%	89.4%	88.1%	84.1%	86.1%	92.2%	89.5%	96.3%	-	93.6%	57.9%	84.7%	81.2%
RHSP/DAP Graduates (Annual Rate)													
2022-23	38.4%	44.7%	-	-	-	-	-	-	-	-	-	-	-
2021-22	23.6%	26.5%	*	*	-	-	-	-	-	-	*	-	-
FHSP-E Graduates (Annual Rate)													
2022-23	4.4%	5.4%	0.1%	0.1%	0.2%	0.0%	0.0%	0.0%	*	0.0%	0.7%	0.2%	0.3%
2021-22	3.9%	3.7%	1.4%	2.4%	1.1%	1.5%	0.0%	1.2%	-	0.0%	5.5%	1.5%	1.5%
FHSP-DLA Graduates (Annual Rate)													
2022-23	82.5%	82.9%	86.3%	83.8%	83.8%	89.7%	95.5%	96.7%	*	88.0%	50.7%	84.0%	79.7%
2021-22	82.3%	83.7%	85.6%	79.6%	84.1%	89.3%	76.2%	94.9%	-	93.5%	42.4%	82.3%	80.1%
Texas First DLA Graduates (Annual Rate)													
2022-23	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	-	-	0.0%	0.0%	0.0%
RHSP/DAP/FHSP-E/FHSP-DLA/Texas First-DLA Graduates (Annual Rate)													
2022-23	86.8%	88.3%	86.4%	84.0%	84.0%	89.7%	95.5%	96.7%	*	88.0%	51.4%	84.1%	80.0%
2021-22	86.0%	87.3%	86.9%	81.8%	85.3%	90.7%	76.2%	96.1%	-	93.5%	47.7%	83.8%	81.6%

Texas Education Agency
2023-24 Graduation Profile (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	District Count	District Percent	State Count	State Percent
Graduates (2022-23 Annual Graduates)				
Total Graduates	4,071	100.0%	377,367	100.0%
By Ethnicity:				
African American	749	18.4%	46,822	12.4%
Hispanic	2,129	52.3%	197,333	52.3%
White	669	16.4%	103,009	27.3%
American Indian	22	0.5%	1,181	0.3%
Asian	423	10.4%	19,151	5.1%
Pacific Islander	4	0.1%	574	0.2%
Two or More Races	75	1.8%	9,297	2.5%
By Graduation Type:				
Minimum H.S. Program	0	0.0%	433	0.1%
Recommended H.S. Program/Distinguished Achievement Program	0	0.0%	270	0.1%
Foundation H.S. Program (No Endorsement)	553	13.6%	49,278	13.1%
Foundation H.S. Program (Endorsement)	5	0.1%	16,475	4.4%
Foundation H.S. Program (DLA)	3,513	86.3%	310,689	82.3%
Texas First Early H.S. Completion Program (Texas First-DLA)	0	0.0%	222	0.1%
Special Education Graduates	276	6.8%	34,589	9.2%
Economically Disadvantaged Graduates	2,490	61.2%	206,367	54.7%
Emergent Bilingual (EB)/English Learner (EL) Graduates	911	22.4%	50,229	13.3%
At-Risk Graduates	1,651	40.6%	168,430	44.6%
CTE Completers	1,296	31.8%	116,959	31.0%

Texas Education Agency
2023-24 College, Career, and Military Readiness (CCMR) (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

Academic Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed	Econ Disadv	EB/EL
College, Career, and Military Ready Graduates (Student Achievement)†													
College, Career, or Military Ready (Annual Graduates)													
2022-23	76.3%	79.4%	92.2%	91.7%	89.8%	96.4%	86.4%	98.6%	*	90.7%	92.4%	91.0%	86.6%
2021-22	70.0%	70.7%	86.4%	82.7%	84.9%	90.3%	90.5%	92.8%	-	89.6%	89.9%	84.3%	80.4%
College Ready Graduates†													
College Ready (Annual Graduates)†													
2022-23	57.8%	61.2%	69.2%	63.7%	65.1%	75.9%	59.1%	88.4%	*	73.3%	23.6%	64.8%	53.3%
TSI Criteria Graduates in English Language Arts (Annual Graduates)													
2022-23	62.8%	65.3%	68.0%	63.6%	62.2%	78.3%	68.2%	87.0%	*	77.3%	22.1%	62.4%	48.1%
2021-22	57.1%	57.9%	55.2%	47.8%	46.3%	72.8%	52.4%	77.8%	-	74.0%	11.8%	47.8%	22.9%
TSI Criteria Graduates in Mathematics (Annual Graduates)													
2022-23	54.3%	56.5%	65.5%	62.6%	58.9%	76.4%	59.1%	87.7%	*	58.7%	34.8%	60.6%	53.5%
2021-22	48.2%	48.4%	47.6%	38.3%	38.7%	59.9%	47.6%	81.5%	-	62.3%	10.5%	41.2%	28.0%
TSI Criteria Graduates in Both Subjects (Annual Graduates)													
2022-23	48.4%	51.5%	58.1%	53.7%	51.4%	69.2%	59.1%	82.3%	*	53.3%	19.9%	52.5%	42.0%
2021-22	42.2%	42.7%	42.4%	33.1%	33.4%	57.0%	33.3%	73.4%	-	57.1%	7.2%	35.6%	18.6%
AP / IB Met Criteria in Any Subject (Annual Graduates)													
2022-23	20.4%	26.4%	22.2%	12.3%	17.9%	31.5%	18.2%	46.1%	*	22.7%	0.7%	16.5%	8.1%
2021-22	20.5%	25.8%	21.7%	10.9%	16.7%	29.1%	23.8%	48.7%	-	27.3%	4.2%	16.8%	9.5%
Associate Degree (Annual Graduates)													
2022-23	2.5%	2.0%	4.8%	5.7%	4.9%	4.6%	4.5%	3.3%	*	1.3%	0.0%	4.8%	1.1%
2021-22	2.4%	3.1%	3.3%	4.4%	2.4%	4.3%	0.0%	3.9%	-	6.5%	0.0%	2.4%	0.0%
Dual Course Credits in Any Subject (Annual Graduates)													
2022-23	23.6%	22.4%	32.6%	27.5%	29.9%	37.4%	22.7%	47.5%	*	34.7%	6.5%	28.9%	14.3%
2021-22	24.0%	23.1%	29.1%	24.0%	22.7%	37.5%	28.6%	53.1%	-	31.2%	6.3%	24.6%	11.7%
Onramps Course Credits (Annual Graduates)													
2022-23	4.8%	3.2%	2.8%	2.0%	1.3%	3.4%	0.0%	11.1%	*	2.7%	0.4%	1.8%	0.1%
2021-22	4.4%	3.2%	3.9%	1.9%	2.3%	3.9%	9.5%	14.3%	-	3.9%	0.0%	3.4%	0.7%
Graduates Under an Advanced Diploma Plan and Identified as a Current Special Education Student (Annual Graduates)													
2022-23	5.6%	5.2%	3.5%	4.4%	3.5%	3.4%	4.5%	1.9%	*	2.7%	51.4%	4.0%	5.7%
2021-22	5.0%	4.9%	2.9%	4.4%	2.4%	4.0%	9.5%	0.7%	-	2.6%	47.7%	3.1%	5.0%
Career / Military Ready Graduates†													
Career or Military Ready (Annual Graduates)†													

Texas Education Agency
2023-24 College, Career, and Military Readiness (CCMR) (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

Academic Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed	Econ Disadv	EB/EL
2022-23	39.5%	38.7%	62.2%	56.6%	61.8%	68.6%	59.1%	65.5%	*	54.7%	88.8%	62.4%	57.1%
Approved Industry-Based Certification (Annual Graduates)													
2022-23	33.4%	33.1%	58.2%	50.5%	57.8%	65.5%	54.5%	64.3%	*	52.0%	41.3%	57.9%	52.5%
2021-22	28.0%	26.3%	61.0%	60.5%	62.2%	59.4%	71.4%	60.0%	-	53.2%	42.2%	61.3%	60.8%
Graduates with Level I or Level II Certificate (Annual Graduates)													
2022-23	0.8%	1.0%	1.0%	0.3%	1.6%	0.9%	0.0%	0.2%	*	0.0%	0.0%	1.1%	0.5%
2021-22	0.7%	0.7%	0.1%	0.0%	0.1%	0.3%	0.0%	0.0%	-	0.0%	0.0%	0.1%	0.1%
Graduate with Completed IEP and Workforce Readiness (Annual Graduates)													
2022-23	2.7%	2.5%	3.3%	5.6%	3.3%	2.4%	0.0%	1.2%	*	0.0%	47.5%	4.1%	4.7%
2021-22	2.5%	2.2%	2.8%	5.2%	2.5%	2.4%	4.8%	1.4%	-	1.3%	46.4%	3.3%	4.2%
U.S. Armed Forces Enlistment (Annual Graduates)													
2022-23	0.6%	0.4%	1.0%	1.2%	1.1%	0.3%	0.0%	1.2%	*	1.3%	0.4%	1.2%	1.1%

- Indicates there are no students in the group.

* Indicates results are masked due to small numbers to protect student confidentiality.

? Indicates that the data for this item were statistically improbable or were reported outside a reasonable range.

‡ Beginning with 2022-23 graduates, special education students that graduated with the advanced diploma are classified as college ready. As a result, only one year of data is shown because previous years' data is not comparable.

Texas Education Agency
2023-24 CCMR-Related Indicators (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	Academic Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed	Econ Disadv	EB/EL
TSIA Results (Graduates >= Criterion) (Annual Graduates)														
Reading	2022-23	21.0%	18.2%	29.7%	24.0%	25.1%	41.9%	18.2%	43.0%	*	32.0%	2.2%	23.7%	8.3%
	2021-22	22.8%	17.8%	23.8%	21.4%	19.1%	31.6%	4.8%	37.2%	-	29.9%	3.4%	19.4%	6.9%
Mathematics	2022-23	19.9%	17.2%	26.9%	21.1%	21.0%	39.0%	31.8%	46.8%	*	24.0%	5.1%	21.9%	12.1%
	2021-22	18.7%	13.9%	22.5%	16.4%	18.6%	31.6%	23.8%	35.3%	-	27.3%	3.8%	17.9%	9.9%
Both Subjects	2022-23	12.5%	10.4%	16.9%	13.4%	13.0%	26.8%	13.6%	28.1%	*	13.3%	1.1%	13.3%	3.7%
	2021-22	12.6%	8.3%	12.4%	10.2%	9.4%	18.5%	4.8%	19.6%	-	18.2%	1.7%	9.3%	3.0%
Completed and Received Credit for College Prep Courses (Annual Graduates)														
English Language Arts	2022-23	18.2%	17.4%	19.7%	25.5%	21.5%	9.4%	22.7%	16.8%	*	20.0%	17.0%	23.5%	33.4%
	2021-22	11.7%	9.5%	6.4%	8.3%	7.1%	2.5%	4.8%	6.5%	-	3.9%	2.5%	8.1%	11.7%
Mathematics	2022-23	20.2%	18.9%	30.9%	38.3%	32.8%	23.8%	22.7%	20.6%	*	26.7%	30.8%	34.4%	43.0%
	2021-22	14.0%	11.3%	10.3%	13.5%	11.9%	4.9%	14.3%	6.5%	-	9.1%	5.1%	12.3%	14.9%
Both Subjects	2022-23	12.5%	12.4%	17.2%	23.4%	19.0%	8.2%	13.6%	12.1%	*	18.7%	15.2%	21.0%	29.2%
	2021-22	7.5%	5.9%	4.9%	6.2%	5.9%	1.6%	4.8%	3.7%	-	1.3%	1.7%	6.2%	9.1%
AP/IB-Results (Participation) (Grades 11-12)														
All Subjects	2023	24.2%	30.0%	30.9%	25.3%	26.1%	35.5%	19.5%	59.3%	33.3%	30.5%	4.0%	25.5%	15.7%
	2022	23.0%	28.4%	32.8%	25.9%	27.1%	40.7%	37.2%	59.2%	60.0%	36.3%	3.5%	26.2%	14.5%
English Language Arts	2023	13.8%	18.0%	16.9%	14.1%	13.8%	20.0%	14.6%	33.8%	22.2%	17.5%	1.5%	13.3%	7.3%
	2022	13.2%	17.2%	25.1%	20.1%	19.3%	33.2%	27.9%	48.8%	60.0%	28.8%	1.9%	19.2%	7.5%
Mathematics	2023	7.0%	9.5%	9.1%	6.2%	6.2%	11.6%	9.8%	26.2%	11.1%	6.5%	0.8%	6.9%	3.3%
	2022	6.9%	9.3%	8.6%	6.3%	5.0%	9.9%	11.6%	27.8%	0.0%	11.3%	0.6%	6.1%	1.5%
Science	2023	10.3%	12.9%	13.6%	11.0%	9.0%	17.9%	7.3%	35.6%	22.2%	12.3%	1.5%	9.4%	2.9%
	2022	9.6%	12.0%	12.3%	8.1%	7.6%	16.8%	16.3%	34.7%	20.0%	16.9%	1.6%	8.4%	3.0%
Social Studies	2023	13.1%	16.4%	14.3%	12.8%	11.2%	17.4%	4.9%	29.1%	11.1%	13.6%	1.5%	11.5%	6.5%
	2022	12.5%	15.7%	13.9%	10.9%	9.9%	18.5%	16.3%	30.9%	40.0%	17.5%	1.0%	10.0%	4.5%
AP/IB Results (Examinees >= Criterion) (Grades 11-12)														
All Subjects	2023	53.3%	58.2%	36.6%	24.6%	25.9%	52.8%	25.0%	55.1%	*	42.6%	30.8%	27.5%	14.9%
	2022	53.3%	58.5%	37.7%	26.4%	29.6%	47.0%	37.5%	54.7%	*	36.2%	45.5%	30.8%	22.1%
English Language Arts	2023	52.3%	59.1%	37.9%	31.0%	23.5%	56.7%	16.7%	56.0%	*	48.1%	20.0%	25.8%	5.6%
	2022	53.2%	59.1%	35.6%	27.3%	26.2%	44.9%	33.3%	50.5%	*	30.4%	58.3%	27.8%	7.4%
Mathematics	2023	50.8%	56.9%	25.0%	13.8%	9.1%	41.5%	*	39.0%	*	10.0%	20.0%	15.0%	6.1%
	2022	50.4%	57.3%	32.8%	16.1%	20.7%	42.0%	40.0%	43.1%	-	55.6%	*	27.3%	22.2%
Science	2023	44.8%	50.1%	31.8%	22.3%	21.3%	47.6%	*	39.0%	*	31.6%	40.0%	23.2%	10.3%
	2022	44.7%	50.8%	31.2%	21.8%	14.7%	42.1%	42.9%	42.8%	*	48.1%	60.0%	24.4%	3.7%

Texas Education Agency
2023-24 CCMR-Related Indicators (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	Academic Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed	Econ Disadv	EB/EL
Social Studies	2023	42.0%	49.6%	28.4%	25.4%	15.9%	38.9%	*	46.0%	*	33.3%	30.0%	19.6%	3.9%
	2022	41.9%	49.2%	29.7%	22.4%	17.2%	40.2%	57.1%	43.6%	*	28.6%	16.7%	21.1%	6.1%
SAT/ACT Results (Annual Graduates)														
Tested	2022-23	79.3%	86.3%	96.5%	96.3%	95.8%	97.0%	100.0%	100.0%	*	93.3%	71.7%	94.4%	96.2%
	2021-22	71.5%	82.2%	92.9%	92.3%	90.7%	95.1%	85.7%	98.6%	-	100.0%	73.0%	91.1%	90.4%
At/Above Criterion for All Examinees	2022-23	28.9%	32.9%	23.3%	15.8%	16.0%	38.4%	18.2%	49.1%	*	18.6%	3.0%	16.3%	2.6%
	2021-22	32.1%	34.9%	24.7%	14.9%	15.1%	40.8%	22.2%	53.9%	-	36.6%	4.6%	18.3%	3.3%
Average SAT Score (Annual Graduates)														
All Subjects	2022-23	978	997	925	877	883	1019	915	1061	*	948	741	881	790
	2021-22	1001	1017	946	890	898	1031	950	1091	-	1015	768	909	814
English Language Arts and Writing	2022-23	497	505	472	450	450	526	473	529	*	494	375	449	398
	2021-22	506	512	479	453	454	528	491	539	-	518	388	459	402
Mathematics	2022-23	482	492	453	427	433	493	442	531	*	454	366	432	392
	2021-22	496	506	468	437	445	503	459	553	-	498	380	450	413
Average ACT Score (Annual Graduates)														
All Subjects	2022-23	19.2	20.0	20.2	18.9	18.5	24.6	*	23.0	*	18.6	14.4	18.4	15.3
	2021-22	19.5	19.0	18.6	16.6	17.0	22.7	18.0	22.1	-	17.4	13.8	17.0	14.1
English Language Arts	2022-23	18.8	19.8	20.1	18.9	18.1	25.2	*	23.0	*	18.4	12.9	17.9	14.1
	2021-22	19.2	18.6	18.4	16.3	16.5	23.0	19.3	22.1	-	16.8	12.5	16.4	13.0
Mathematics	2022-23	18.9	19.8	19.7	18.6	18.4	22.6	*	22.4	*	18.2	15.7	18.2	16.0
	2021-22	19.3	19.0	18.5	16.4	17.1	21.6	17.3	22.2	-	17.0	15.3	17.3	15.3
Science	2022-23	19.5	20.3	20.4	18.9	19.1	24.6	*	22.9	*	18.8	15.6	19.0	16.4
	2021-22	19.8	19.2	18.7	16.8	17.2	22.8	16.0	21.5	-	18.2	14.3	17.3	14.6

- Indicates there are no students in the group.
- * Indicates results are masked due to small numbers to protect student confidentiality.
- ? Indicates that the data for this item were statistically improbable or were reported outside a reasonable range.
- n/a Indicates data reporting is not applicable for this group.

Texas Education Agency
2023-24 Other Postsecondary Indicators (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	Academic Year	State	Region 10	District	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed	Econ Disadv	EB/EL
Advanced/Dual-Credit Course Completion (Grades 9-12)														
Any Subject	2022-23	45.4%	49.1%	53.8%	48.9%	49.4%	62.3%	59.5%	75.4%	68.8%	53.7%	22.4%	48.9%	37.5%
	2021-22	44.2%	47.5%	53.3%	46.0%	49.9%	61.2%	63.9%	73.9%	46.2%	52.1%	21.2%	49.7%	36.8%
English Language Arts	2022-23	17.4%	18.5%	20.6%	19.0%	16.9%	27.5%	23.3%	34.1%	31.3%	19.9%	3.1%	16.5%	7.5%
	2021-22	16.6%	17.8%	19.5%	16.5%	15.8%	26.2%	21.3%	33.4%	18.2%	21.4%	2.8%	16.1%	6.3%
Mathematics	2022-23	19.5%	22.4%	24.9%	21.2%	22.3%	28.6%	29.0%	41.1%	37.5%	23.7%	7.3%	21.8%	15.4%
	2021-22	19.9%	21.9%	25.8%	21.1%	23.2%	30.7%	29.3%	42.8%	18.2%	19.7%	7.9%	23.6%	14.4%
Science	2022-23	21.5%	22.3%	27.7%	25.6%	24.7%	32.3%	22.5%	42.1%	26.7%	24.7%	15.3%	24.5%	17.8%
	2021-22	21.1%	22.3%	26.3%	23.1%	23.8%	30.7%	31.3%	39.9%	25.0%	21.3%	14.5%	24.1%	15.9%
Social Studies	2022-23	24.0%	28.8%	33.1%	30.8%	27.8%	40.1%	26.2%	55.9%	46.7%	35.7%	5.9%	28.4%	17.0%
	2021-22	22.8%	26.5%	31.3%	27.1%	25.9%	38.9%	35.4%	54.9%	41.7%	37.5%	6.0%	26.9%	15.5%
Graduates Enrolled in Texas Institution of Higher Education (TX IHE)														
	2021-22	-	-	-	-	-	-	-	-	-	-	-	-	-
	2020-21	-	-	-	-	-	-	-	-	-	-	-	-	-
Graduates in TX IHE Completing One Year Without Enrollment in a Developmental Education Course														
	2021-22	-	-	-	-	-	-	-	-	-	-	-	-	-
	2020-21	-	-	-	-	-	-	-	-	-	-	-	-	-

- Indicates there are no students in the group.

* Indicates results are masked due to small numbers to protect student confidentiality.

? Indicates that the data for this item were statistically improbable or were reported outside a reasonable range.

Texas Education Agency
2023-24 Student Information (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	Membership				Enrollment			
	District		State		District		State	
Student Information	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total Students	51,513	100.0%	5,517,464	100.0%	51,659	100.0%	5,531,236	100.0%
Students by Grade								
Early Childhood Education	259	0.5%	18,968	0.3%	309	0.6%	26,847	0.5%
Pre-Kindergarten	2,211	4.3%	247,979	4.5%	2,211	4.3%	248,576	4.5%
Pre-Kindergarten: 3-year Old	0	0.0%	42,448	0.8%	0	0.0%	42,669	0.8%
Pre-Kindergarten: 4-year Old	2,211	4.3%	205,531	3.7%	2,211	4.3%	205,907	3.7%
Kindergarten	3,274	6.4%	361,329	6.5%	3,281	6.4%	361,799	6.5%
Grade 1	3,445	6.7%	385,096	7.0%	3,457	6.7%	385,471	7.0%
Grade 2	3,577	6.9%	402,233	7.3%	3,580	6.9%	402,576	7.3%
Grade 3	3,520	6.8%	399,869	7.2%	3,522	6.8%	400,181	7.2%
Grade 4	3,638	7.1%	399,137	7.2%	3,641	7.0%	399,422	7.2%
Grade 5	3,748	7.3%	399,200	7.2%	3,751	7.3%	399,419	7.2%
Grade 6	3,697	7.2%	400,347	7.3%	3,698	7.2%	400,511	7.2%
Grade 7	3,630	7.0%	405,118	7.3%	3,630	7.0%	405,298	7.3%
Grade 8	3,816	7.4%	414,033	7.5%	3,817	7.4%	414,195	7.5%
Grade 9	4,419	8.6%	472,595	8.6%	4,423	8.6%	472,783	8.5%
Grade 10	4,447	8.6%	439,091	8.0%	4,454	8.6%	439,298	7.9%
Grade 11	4,103	8.0%	406,681	7.4%	4,120	8.0%	406,966	7.4%
Grade 12	3,729	7.2%	365,788	6.6%	3,765	7.3%	367,894	6.7%
Ethnic Distribution								
African American	9,341	18.1%	706,235	12.8%	9,360	18.1%	707,609	12.8%
Hispanic	27,268	52.9%	2,936,051	53.2%	27,350	52.9%	2,942,144	53.2%
White	7,260	14.1%	1,379,090	25.0%	7,288	14.1%	1,384,437	25.0%
American Indian	747	1.5%	17,886	0.3%	749	1.4%	17,939	0.3%
Asian	5,117	9.9%	295,946	5.4%	5,127	9.9%	296,367	5.4%
Pacific Islander	58	0.1%	8,831	0.2%	58	0.1%	8,844	0.2%
Two or More Races	1,722	3.3%	173,425	3.1%	1,727	3.3%	173,896	3.1%
Sex								
Female	24,865	48.3%	2,695,318	48.9%	24,924	48.2%	2,700,356	48.8%
Male	26,648	51.7%	2,822,146	51.1%	26,735	51.8%	2,830,880	51.2%
Other Student Cohorts								
Economically Disadvantaged	36,093	70.1%	3,434,955	62.3%	36,153	70.0%	3,439,856	62.2%
Non-Educationally Disadvantaged	15,420	29.9%	2,082,509	37.7%	15,506	30.0%	2,091,380	37.8%
Section 504 Students	4,119	8.0%	399,808	7.2%	4,130	8.0%	400,078	7.2%
EB Students/EL	21,055	40.9%	1,344,804	24.4%	21,105	40.9%	1,345,917	24.3%
Students w/ Disciplinary Placements (2022-23)	837	1.5%	105,976	1.9%				
Students w/ Dyslexia	4,091	7.9%	329,004	6.0%	4,097	7.9%	329,228	6.0%

Texas Education Agency
2023-24 Student Information (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	Membership				Enrollment			
	District		State		District		State	
Student Information	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Foster Care	39	0.1%	12,418	0.2%	39	0.1%	12,469	0.2%
Homeless	499	1.0%	77,809	1.4%	503	1.0%	77,942	1.4%
Immigrant	2,262	4.4%	158,717	2.9%	2,263	4.4%	158,832	2.9%
Migrant	0	0.0%	13,481	0.2%	0	0.0%	13,528	0.2%
Title I	49,772	96.6%	3,624,288	65.7%	49,914	96.6%	3,632,539	65.7%
Military Connected	898	1.7%	212,919	3.9%	899	1.7%	213,035	3.9%
At-Risk	27,514	53.4%	2,937,834	53.2%	27,589	53.4%	2,941,204	53.2%
Students by Instructional Program								
Bilingual/ESL Education	20,276	39.4%	1,350,113	24.5%	20,323	39.3%	1,350,920	24.4%
Career and Technical Education	14,731	28.6%	1,485,646	26.9%	-	-	-	-
Career and Technical Education (9-12 grades only)	12,621	75.6%	1,234,615	73.3%	-	-	-	-
Gifted and Talented Education	4,282	8.3%	469,054	8.5%	4,285	8.3%	469,170	8.5%
Special Education	6,387	12.4%	764,858	13.9%	6,472	12.5%	774,489	14.0%
Students with Disabilities by Type of Primary Disability								
Total Students with Disabilities	6,387		764,858					
Students with Intellectual Disabilities	2,311	36.2%	349,307	45.7%				
Students with Physical Disabilities	1,629	25.5%	144,191	18.9%				
Students with Autism	1,485	23.3%	124,254	16.2%				
Students with Behavioral Disabilities	905	14.2%	134,373	17.6%				
Students with Non-Categorical Early Childhood	57	0.9%	12,733	1.7%				
Mobility (2022-23)								
Total Mobile Students	8,332	16.0%	864,058	16.1%				
African American	2,410	4.6%	181,855	3.4%				
Hispanic	4,155	8.0%	455,070	8.5%				
White	1,003	1.9%	165,204	3.1%				
American Indian	64	0.1%	3,184	0.1%				
Asian	401	0.8%	27,631	0.5%				
Pacific Islander	7	0.0%	1,840	0.0%				
Two or More Races	292	0.6%	29,274	0.5%				
Special Ed Students who are Mobile	1,142	17.6%	137,466	17.6%				
Count and Percent of EB Students/EL who are Mobile	2,958	15.0%	196,918	16.3%				
Count and Percent of Econ Dis Students who are Mobile	6,431	17.2%	622,582	18.6%				
Student Attrition (2022-23)								
Total Student Attrition	7,342	18.1%	767,390	18.1%				

Texas Education Agency
2023-24 Student Information (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	Non-Special Education Rates		Special Education Rates	
Student Information	District	State	District	State
Retention Rates by Grade				
Kindergarten	0.8%	1.3%	1.9%	3.9%
Grade 1	0.9%	2.1%	2.3%	3.3%
Grade 2	0.8%	1.3%	1.0%	1.6%
Grade 3	0.6%	0.7%	0.3%	0.7%
Grade 4	0.2%	0.4%	0.2%	0.5%
Grade 5	0.1%	0.2%	0.7%	0.3%
Grade 6	0.1%	0.3%	0.2%	0.3%
Grade 7	0.2%	0.5%	0.0%	0.4%
Grade 8	0.1%	0.4%	0.2%	0.5%
Grade 9	8.0%	7.9%	12.2%	11.9%

	District		State	
	Count	Percent	Count	Percent
Data Quality				
Underreported Students	65	0.2%	5,974	0.2%

Class Size Averages by Grade and Subject
 (Derived from teacher responsibility records):

Class Size Information	District	State
Elementary		
Kindergarten	19.8	18.4
Grade 1	20.0	18.8
Grade 2	19.5	19.1
Grade 3	20.0	19.4
Grade 4	20.0	19.4
Grade 5	22.8	20.9
Grade 6	20.9	19.2
Secondary		
English/Language Arts	18.6	16.3
Foreign Languages	21.3	18.8
Mathematics	20.5	17.5
Science	24.1	18.5
Social Studies	23.3	18.8

Texas Education Agency
2023-24 Staff Information (TAPR)
GARLAND ISD (057909) - DALLAS COUNTY

	District		State	
Staff Information	Count	Percent	Count	Percent
Total Staff	7,353.2	100.0%	775,882.5	100.0%
Professional Staff	4,751.3	64.6%	496,151.0	63.9%
Teachers	3,523.5	47.9%	374,799.9	48.3%
Professional Support	958.0	13.0%	86,026.7	11.1%
Campus Administration (School Leadership)	224.1	3.0%	25,836.1	3.3%
Central Administration	45.8	0.6%	9,488.3	1.2%
Educational Aides	672.9	9.2%	88,200.6	11.4%
Auxiliary Staff	1,929.0	26.2%	191,530.9	24.7%
Librarians and Counselors (Headcount)				
Full-time Librarians	67.0	n/a	4,187.0	n/a
Part-time Librarians	0.0	n/a	651.0	n/a
Full-time Counselors	156.0	n/a	13,870.0	n/a
Part-time Counselors	6.0	n/a	1,172.0	n/a
Total Minority Staff	4,144.0	56.4%	421,896.4	54.4%
Teachers by Ethnicity				
African American	790.8	22.4%	47,341.1	12.6%
Hispanic	845.8	24.0%	112,921.8	30.1%
White	1,672.1	47.5%	200,118.0	53.4%
American Indian	18.0	0.5%	1,286.9	0.3%
Asian	143.5	4.1%	7,914.7	2.1%
Pacific Islander	12.0	0.3%	490.9	0.1%
Two or More Races	41.2	1.2%	4,726.6	1.3%
Teachers by Sex				
Males	941.3	26.7%	91,815.2	24.5%
Females	2,582.2	73.3%	282,984.6	75.5%
Teachers by Highest Degree Held				
No Degree	33.3	0.9%	9,453.8	2.5%
Bachelors	2,451.6	69.6%	268,886.4	71.7%
Masters	985.9	28.0%	93,414.7	24.9%
Doctorate	52.7	1.5%	3,044.9	0.8%
Teachers by Years of Experience				
Beginning Teachers	308.5	8.8%	32,507.6	8.7%
1-5 Years Experience	1,000.8	28.4%	102,619.4	27.4%
6-10 Years Experience	705.0	20.0%	75,585.4	20.2%
11-20 Years Experience	963.9	27.4%	101,415.3	27.1%
21-30 Years Experience	452.5	12.8%	51,471.9	13.7%
Over 30 Years Experience	92.7	2.6%	11,200.2	3.0%
Number of Students per Teacher	14.6	n/a	14.7	n/a

Texas Education Agency
2023-24 Staff Information (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

Staff Information	District	State
Experience of Campus Leadership		
Average Years Experience of Principals	5.6	6.0
Average Years Experience of Principals with District	5.2	5.1
Average Years Experience of Assistant Principals	5.4	5.1
Average Years Experience of Assistant Principals with District	4.4	4.3
Average Years Experience of Teachers	10.8	11.1
Average Years Experience of Teachers with District	7.1	6.9
Average Teacher Salary by Years of Experience (regular duties only)		
Beginning Teachers	\$59,982	\$54,272
1-5 Years Experience	\$62,709	\$58,185
6-10 Years Experience	\$65,486	\$61,494
11-20 Years Experience	\$69,278	\$65,219
21-30 Years Experience	\$72,707	\$69,723
Over 30 Years Experience	\$76,210	\$74,014
Average Actual Salaries (regular duties only)		
Teachers	\$66,462	\$62,474
Professional Support	\$81,769	\$73,783
Campus Administration (School Leadership)	\$97,794	\$86,738
Central Administration	\$141,826	\$116,028
Instructional Staff Percent	65.7%	65.0%
Turnover Rate for Teachers	18.1%	19.1%
Staff Exclusions		
Shared Services Arrangement Staff:		
Professional Staff	0.0	1,284.6
Educational Aides	0.0	181.6
Auxiliary Staff	0.0	373.8
Contracted Instructional Staff	0.0	1,970.1

	District		State	
Designation	Headcount	Average Payout	Headcount	Average Payout
Teacher Incentive Allotment				
Recognized	77	\$4,942	9,429	\$5,848
Exemplary	196	\$9,867	10,279	\$11,434
Master	61	\$18,460	5,255	\$21,235

Texas Education Agency
2023-24 Staff Information (TAPR)
 GARLAND ISD (057909) - DALLAS COUNTY

	District		State	
Program Information	Count	Percent	Count	Percent
Teachers by Program (population served)				
Bilingual/ESL Education	371.1	10.5%	22,656.0	6.0%
Career and Technical Education	222.7	6.3%	20,454.1	5.5%
Compensatory Education	290.3	8.2%	11,626.3	3.1%
Gifted and Talented Education	23.1	0.7%	6,181.4	1.6%
Regular Education	2,122.9	60.3%	261,452.4	69.8%
Special Education	294.3	8.4%	38,736.9	10.3%
Other	199.0	5.6%	13,749.8	3.7%

- Indicates there is no data for the item.

* Indicates results are masked due to small numbers.

** When only one student disability or assessment group is masked, then the second smallest student disability or assessment group is masked regardless of size.

n/a Indicates data reporting is not applicable for this group.

? Indicates that the data for this item were statistically improbable or were reported outside a reasonable range.

Link to: [PEIMS Financial Standard Reports 2022-23 Financial Actual Report](#)
 (To open link in a new window, press the "Ctrl" key and click on the link.)

2023–24 Texas Academic Performance Report (TAPR) Glossary

Cover Page

Currently, the TAPR does not include scale scores, A–F ratings or Distinction Designations. The initial release does not include the District or Campus Accountability Reports. The issuance of the A–F ratings under 2024 rule is pending and subject to change.

2024 Armed Services Vocational Aptitude Battery (ASVAB) Test (Career Exploration) (*districts serving grades 10–12*): Senate Bill 1843 requires that each school year, each school district and open-enrollment charter school provide students in grades 10–12 the opportunity to take the ASVAB and consult with a military recruiter.

Performance

STAAR: A comprehensive testing program for public school students in grades 3–8 or high school courses with end-of-course (EOC) assessments. The STAAR program is designed to measure to what extent a student has learned, understood, and is able to apply the concepts and skills expected at each grade level or after completing each course for which an EOC assessment exists. Each STAAR assessment is linked directly to the Texas Essential Knowledge and Skills (TEKS). The TEKS are the state-mandated content standards that describe what a student should know and be able to do upon completion of a course. For more information on the TEKS, see the *Texas Essential Knowledge and Skills* website at <http://tea.texas.gov/curriculum/teks/>.

Other Important Information:

STAAR (with and without accommodations) and STAAR Alternate 2. The TAPR and the Texas Performance Reporting System (TPRS) include performance on STAAR and STAAR Alternate 2.

Spanish STAAR. All STAAR assessments in grades 3, 4, and 5 are available in both English and Spanish. The TAPR and the TPRS include performance on the Spanish STAAR.

Rounding of STAAR results. STAAR performance shown on the TAPR and TPRS is rounded to whole numbers. For example, 49.877% is rounded to 50%; 49.4999% is rounded to 49%; and 59.5% is rounded to 60%.

Masking. STAAR performance rates are masked when necessary to comply with FERPA. For more information, see the Explanation of Masking at <https://rptsvr1.tea.texas.gov/perfreport/tapr/2024/masking.html>.

STAAR Performance (2023–24)

The STAAR Performance section displays performance results by grade, subject and performance level for students in the accountability subset, which are students enrolled in the same district/campus on both the snapshot date (PEIMS October snapshot) and the testing date. The STAAR Performance–All Students section of the TPRS displays STAAR performance by grade, subject, and performance level and includes all students tested, regardless of whether they were in the accountability subset.

2023–24 Texas Academic Performance Report (TAPR) Glossary

STAAR Subjects by Grade:

Grade 3 – Reading Language Arts (RLA) and Mathematics

Grade 4 – Reading Language Arts (RLA), and Mathematics

Grade 5 – Reading Language Arts (RLA), Mathematics, and Science

Grade 6 – Reading Language Arts (RLA) and Mathematics

Grade 7 – Reading Language Arts (RLA) and Mathematics

Grade 8 – Reading Language Arts (RLA), Mathematics, Science, and Social Studies

STAAR End-of-Course (EOC) Subjects:

English I

English II

Algebra I

Biology

U.S. History

Accelerated Testers:

SAT/ACT

Percentage at Approaches Grade Level or Above. The percentage of assessments that met or exceeded the Approaches Grade Level standard.

Percentage at Meets Grade Level or Above. The percentage of assessments that met or exceeded the Meets Grade Level standard.

Percentage at Masters Grade Level. The percentage of assessments that met the Masters Grade Level standard.

STAAR Performance Rate by Enrolled Grade at Meets Grade Level or Above on Both Reading and Mathematics. The percentage of students who took both the reading and mathematics STAAR and met or exceeded the Meets Grade Level standard on both assessments (excluding EOC assessments).

STAAR Performance Rate by Enrolled Grade at Meets Grade Level or Above on Both Reading and Mathematics Including EOC. The percentage of students who took both the reading and mathematics STAAR or EOC and met or exceeded the Meets Grade Level standard on both assessments.

STAAR Performance Rate by Enrolled Grade at Meets Grade Level or Above on Reading Including EOC. The percentage of students who took the reading STAAR or the English I or II EOC and met or exceeded the Meets Grade Level standard.

STAAR Performance Rate by Enrolled Grade at Meets Grade Level or Above on Mathematics Including EOC. The percentage of students who took the mathematics STAAR or the Algebra I EOC and met or exceeded the Meets Grade Level standard.

2023–24 Texas Academic Performance Report (TAPR) Glossary

Progress (Annual Growth, Accelerated Learning and STAAR Progress Measure)

School Progress Domain—Annual Growth is the percentage of students that grew academically by at least one school year. For STAAR assessments (with or without accommodations), annual growth is measured by a transition table. Individual student growth is calculated as the change between Low Did Not Meet Grade Level, High Did Not Meet Grade Level, Low Approaches Grade Level, High Approaches Grade Level, Meets Grade Level, and Masters Grade Level performance from the prior year to the current year.

School Progress Domain—Accelerated Learning is the percentage of students who earned Did Not Meet Grade Level in the prior year and were accelerated to Approaches Grade Level or above in the current year.

The above measures were used to determine the Annual Growth and Accelerated Learning in the Bilingual Education/ESL report.

Bilingual Education/ESL

Bilingual Education (BE): Dual-language program that enables emergent bilingual (EB) students/English learners (ELs) to become proficient in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. This category includes the following:

- *BE Trans Early Exit.* Bilingual program model in which students identified as EB students/ELs are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than two or later than five years after the student enrolls in school.
- *BE Trans Late Exit.* Bilingual program model in which students identified as EB students/ELs are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school.
- *BE Dual Two-Way.* Bilingual/biliteracy program model in which students identified as EB students/ELs are integrated with non-EB/non-EL students and are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. This model provides ongoing instruction in literacy and academic content in English and another language with at least half of the instruction delivered in the non-English program language for the duration of the program.
- *BE Dual One-Way.* Bilingual/biliteracy program model in which students identified as EB students/ELs are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. This model provides ongoing instruction in literacy and academic content in the students' primary language as well as English, with at least half of the instruction delivered in the students' primary language for the duration of the program.

2023–24 Texas Academic Performance Report

(TAPR) Glossary

English as a Second Language (ESL): An English acquisition program that enables emergent bilingual (EB) students/English learners (ELs) to become proficient in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods. This category includes the following:

- *ESL Content-Based.* An English acquisition program that serves students identified as EB students/ELs through English instruction by a teacher appropriately certified in ESL under TEC, §29.061(c), through English language arts and reading, mathematics, science, and social studies.
- *ESL Pull-Out.* An English program that serves students identified as EB students/ELs through English instruction provided by an appropriately certified ESL teacher under the TEC, §29.061(c), through English language arts and reading. Instruction shall be provided by the ESL teacher in a pull-out or inclusionary delivery model.

Alternative Language Program (ALP): An alternative language program provided to emergent bilingual (EB) students/English learners (ELs) for whom the local education agency (LEA) does not have the appropriately certified teachers for the required bilingual education or English as a second language (ESL) program for the current school year. This category includes the following:

- *ALP Bilingual (Exception).* An alternative language program to the required bilingual education (BE) program approved by the TEA for the current school year due to the LEA's submission of a bilingual education exception application.
- *ALP ESL (Waiver).* An alternative language program to the required English as a second language (ESL) program approved by the TEA for the current school year due to the LEA's submission of an ESL waiver application.

Emergent Bilingual (EB) Students/English Learner (EL): The count and percentage of students whose primary language is other than English and who are in the process of acquiring English. As a result of the 87th Texas Legislature, the term “emergent bilingual student” replaced the term of “limited English proficient (LEP) student” used in the Texas Education Code (TEC), Chapter 29, Subchapter B, and thus, will be changing the term of “English learner (EL)” used in 19 TAC Chapter 89, Subchapter BB. These terms describe the same group of Texas students. In the revised Texas Education Data Standards (TEDS), the terms of “emergent bilingual” and “English learner” have been bridged as EB/EL. The term “English learner” is still used in federal regulations and guidance. This category includes:

- *EB/EL with Parental Denial.* Students identified as emergent bilingual (EB) students/English learners (ELs) whose parents have denied all bilingual and ESL program services.
- *Never EB/EL.* Students who have never been identified as EB students/ELs (non-EB/non-EL students).
- *Total EB/EL (Current).* Students currently identified as EB students/ELs, including those served in a standard or alternative bilingual or ESL program as well as those with a parental denial of services.
- *Monitored & Former EB/EL.* Students who were once identified as EB students/ELs but have reclassified as English proficient, including students within their four years of state and federal monitoring and those beyond monitoring years.

STAAR Participation (2023–24)

This Texas Academic Performance Report (TAPR) provides the State Assessment participation rate as used in State Accountability. This participation rate includes students who are considered participants

2023–24 Texas Academic Performance Report

(TAPR) Glossary

for state reporting purposes but are excluded from the federal participation rate. The report details the participation rate by All Tests, Reading, Mathematics, Science, Social Studies, and Accelerated Testers and which assessments and students are included or excluded from accountability.

Assessment Participants

- STAAR Assessments:
 - Includes STAAR and STAAR Alternate 2 assessments with a score code of "S."
- STAAR Alternate 2 Assessments:
 - Includes assessments with a score code of "N."
- STAAR Reading Language Arts (RLA) Assessments:
 - Includes STAAR and STAAR Alternate 2 assessments with a score code of "A" or "O," provided a TELPAS or TELPAS Alternate assessment has a score code of "S."
- STAAR Mathematics Assessments:
 - Includes assessments with a score code of "A" or "O," provided a TELPAS or TELPAS Alternate assessment has a score code of "S" for year 1 asylees/ refugees or students with interrupted formal education (SIFEs).
- Accelerated Testers:
 - This includes Evidence-Based Reading and Writing (EBRW) SAT, English Language Arts (ELA) ACT, ACT science, and mathematics SAT and ACT results for students who complete a STAAR End-of-Course (EOC) assessment at the Approaches Grade Level or above in Algebra I, English II, and/or Biology before grade 9.

Included in Accountability:

- This represents the state assessment participation rate used in state accountability measures.
- Includes all of the participants listed above, except for students classified as "Mobile" or under "Other Exclusions."

Not Included in Accountability:

- **Mobile:** Refers to the percentage of assessments excluded from the "Included in Accountability" rate because the students enrolled in the district or campus after the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) fall snapshot date.
- **Other Exclusions:** Refers to the percentage of assessments excluded from the "Included in Accountability" rate for the following reasons:
 - STAAR Assessments (STAAR and STAAR Alternate 2) with score codes "A" or "O" that do NOT have a corresponding TELPAS or TELPAS Alternate assessment with a score code of "S."
 - STAAR Alternate 2 assessments with a score code of "N."
 - Answer documents of students who are an Emergent Bilingual/English learner (EB/EL) who has been in school in the U.S. for one year.
 - Other exclusions specified in the 2024 Accountability Manual — [Appendix G](#).

Not Tested

- Assessments that are not considered in the participation rate include:
 - Absent: Assessments with a score code of "A."
 - Other: Assessments with a score code of "O."
 - Accelerated Testers: Accelerated testers who did not take an SAT/ACT assessment.

2023–24 Texas Academic Performance Report

(TAPR) Glossary

The denominator for participation is the sum of these five categories: Included in Accountability, Mobile, Other Exclusions, and Not Tested (Absent and Other). *STAAR Participation Rate* is rounded to a whole number. For example, 94.49% is rounded to 94%. Small values may show as zero: 0.4% is rounded to 0%, and 0.6% is rounded to 1%.

Attendance, Graduation, and Dropout Rates (2023–24)

Attendance Rate: The percentage of days that students were present based on student attendance for the entire school year. Only students in grades 1–12 are included in the calculation.

Attendance is calculated as follows:

$$\frac{\text{total number of days that students in grades 1–12 were present during the 2022–23 school year}}{\text{total number of days that students in grades 1–12 were in membership during the 2022–23 school year}}$$

(Data source: PEIMS 42400)

Chronic Absenteeism: The unduplicated number of K–12 students enrolled for at least 10 days and absent for 10 percent or more days. Chronic Absenteeism is calculated as follows:

$$\frac{\text{total number of K–12 students enrolled for at least 10 days and absent for 10 percent or more days during the 2022–23 school year}}{\text{total number of K–12 students enrolled for at least 10 days during the 2022–23 school year}}$$

(Data source: PEIMS 42400)

Annual Dropout Rate: The percentage of students who drop out of school during a school year. Annual dropout rates are shown for districts and campuses that serve grades 7–8 and/or 9–12. State law prohibits including a student who meets any of the following criteria from campus and district annual dropout rate calculations:

- Is ordered by a court to attend a high school equivalency certificate program but has not earned a high school equivalency certificate
- Was previously reported to the state as a dropout (previous dropout exclusions do not apply to completion measure calculations for AEA campuses)
- Was in attendance but not in membership for purposes of average daily attendance (i.e., students for whom school districts are not receiving state Foundation School Program [FSP] funds)
- Was initially enrolled in a school in the United States in any grade 7 through 12 as an unschooled refugee or asylee as defined by [TEC §39.027\(a-1\)](#)
- Attends a district exclusively as a function of having been detained at a county detention facility and is not otherwise a student of the district in which the facility is located or is being provided

2023–24 Texas Academic Performance Report

(TAPR) Glossary

services by an open-enrollment charter school exclusively as the result of having been detained at the facility

- Is incarcerated in a state jail or federal penitentiary as an adult or as a person certified to stand trial as an adult
- Is a student who has suffered a condition, injury, or illness that requires substantial medical care and leaves the student unable to attend school and assigned to a medical or residential treatment facility
- Is a student in a Texas Juvenile Justice Department facility or residential treatment facility served by a Texas public school district
- Is at least 18 years of age as of September 1 and has satisfied the credit requirements for high school graduation; has not completed his or her individualized education program (IEP); and is enrolled and receiving IEP services
- Is a student who (a) is at least 18 years of age and under 26 years of age; (b) has not been previously reported as a dropout; and (c) has not been enrolled in school during the previous nine months before enrolling in a high school equivalency program, a dropout recovery school, or an adult education program provided under a high school diploma and industry certification charter school program (previous dropout/previous dropout exclusions do not apply to completion measure calculations for AEA campuses)

Annual Dropout Rate (Gr 7–8). This includes only grades 7 and 8. It is calculated as follows:

$$\frac{\text{number of dropouts in grades 7 and 8 during the 2022–23 school year}}{\text{number of students in grades 7 and 8 in attendance at any time during the 2022–23 school year}}$$

Annual Dropout Rate (Gr 9–12). This includes grades 9 through 12. It is calculated as follows:

$$\frac{\text{number of dropouts in grades 9–12 during the 2022–23 school year}}{\text{number of students in grades 9–12 in attendance at any time during the 2022–23 school year}}$$

Both annual dropout rates appear on campus, district, region, and state TAPRs. The state and region annual dropout rates that are reported on district and campus TAPRs, however, are calculated without the exclusions required for campus and district calculations.

Note that with all annual dropout rate calculations, a cumulative count of students is used in the denominator. This method for calculating the dropout rate neutralizes the effect of mobility by including in the denominator every student ever reported in attendance at the district or campus throughout the school year, regardless of length of enrollment. For a more complete description of dropout rates and exclusions, see the [Secondary School Completion and Dropouts in Texas Public Schools, 2022–23](#) reports, available on the TEA website at [Completion, Graduation, and Dropout | Texas Education Agency](#).

For detailed information on data sources, see Appendix H in the [2024 Accountability Manual](#). (Data source: PEIMS 40203, 40110, 42400, and 42500)

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Longitudinal Rates: The status of a group (cohort) of students after four years in high school (*4-Year Longitudinal Rate*), after five years in high school (*5-Year Extended Longitudinal Rate*), or after six years in high school (*6-Year Extended Longitudinal Rate*).

For the *4-Year Longitudinal Rate*, the cohort consists of students who first attended ninth grade in 2019–20. They are followed through their expected graduation with the Class of 2023.

For the *5-Year Extended Longitudinal Rate*, the cohort consists of students who first attended ninth grade in 2018–19. They are followed for five years and included if they graduated within a year after their expected graduation with the Class of 2022.

For the *6-Year Extended Longitudinal Rate*, the cohort consists of students who first attended ninth grade in 2017–18. They are followed for six years and included if they graduated within two years after their expected graduation with the Class of 2021.

Additional Information on Cohorts:

A student transfers into a campus, district, or state cohort when he or she moves into the cohort from another high school in Texas, from another district in Texas, or from out of state.

A student transfers out of a campus or district cohort when he or she moves to another public high school in Texas or moves to another district in Texas. Note that these students are transferred into the cohort of the high school or district to which they moved. There are also students who move out of state or out of the country and students who transfer to private schools or who are home-schooled. These types of transfer students cannot be tracked and are not included in longitudinal rate calculations.

A student does not change cohorts if he or she repeats or skips a grade. A student who begins with the 2019–20 ninth-grade cohort remains with that cohort. A student who started the ninth grade in 2019–20 but takes 5 years to graduate (i.e., graduates in May 2024) is still part of the 2023 cohort; he or she is not switched to the 2024 cohort. This student would be considered a continuing student and counted as part of the Continued HS number for the Class of 2023. This is also true for the five-year and six-year extended longitudinal cohorts.

There are four student outcomes used in computing each longitudinal rate:

4-Year Longitudinal Rate

- (1) *Graduated:* The percentage who received their high school diploma in four years or fewer by August 31, 2023 for the 2023 cohort.

number of students from the cohort who received a high school diploma by

August 31, 2023

number of students in the 2023 cohort*

- (2) *Received TxCHSE:* For the 2023 cohort, the percentage who received a Texas high school equivalency certificate by August 31, 2023. It is calculated as follows:

number of students from the cohort who received a TxCHSE by August 31, 2023

2023–24 Texas Academic Performance Report (TAPR) Glossary

number of students in the 2023 cohort*

- (3) *Continued High School*: The percentage of the 2023 cohort still enrolled as students in the fall after his or her anticipated graduation. It is calculated as follows:

number of students from the cohort who were enrolled in the fall of the 2023–24 school year

number of students in the 2023 cohort*

- (4) *Dropped Out*: The percentage of the 2023 cohort who dropped out and did not return by the fall of the 2023–24 school year. It is calculated as follows:

number of students from the cohort who dropped out before fall of the 2023–24 school year

number of students in the 2023 cohort*

- (5) *Graduates & TxCHSE*: The percentage of graduates and TxCHSE recipients in the 2023 cohort. It is calculated as follows:

number of students from the 2023 cohort who received a high school diploma by August 31, 2023 plus number of students from the cohort who received a TxCHSE by August 31, 2023

number of students in the 2023 cohort*

- (6) *Graduates, TxCHSE & Continuers*: The percentage of graduates, TxCHSE recipients, and continuers in the 2022 cohort. It is calculated as follows:

**number of students from the cohort who received a high school diploma by August 31, 2023
plus
number of students from the cohort who received a TxCHSE by August 31, 2023
plus
number of students from the cohort who were enrolled in the fall of the 2023–24 school year**

number of students in the 2023 cohort*

The graduation rate calculation is modified to credit AEA campuses for graduates, continuing students (continuers), TxCHSE recipients, and previous dropouts who complete. The completion rate component includes the four-year rates.

5-Year Extended Longitudinal Rate

- (1) *Graduated*: The percentage who received their high school diploma by August 31, 2023, for the 2022 cohort. It is calculated as follows:

number of students from the cohort who received a high school diploma by August 31, 2023

2023–24 Texas Academic Performance Report (TAPR) Glossary

number of students in the 2022 cohort*

- (2) *Received TxCHSE*: For the 2022 cohort, the percentage who received a TxCHSE certificate by August 31, 2023. It is calculated as follows:

number of students from the cohort who received a TxCHSE by August 31, 2023

number of students in the 2022 cohort*

- (3) *Continued High School*: The percentage of the 2022 cohort still enrolled as students in the fall of the **2023–24** school year. It is calculated as follows:

number of students from the cohort who were enrolled in the fall of the 2023–24 school year

number of students in the 2022 cohort*

- (4) *Dropped Out*: The percentage of the 2022 cohort who dropped out and did not return by the fall of the **2023–24** school year. It is calculated as follows:

number of students from the cohort who dropped out before fall of the 2023–24 school year

number of students in the 2022 cohort*

- (5) *Graduates & TxCHSE*: The percentage of graduates and TxCHSE recipients in the 2022 cohort. It is calculated as follows:

number of students from the cohort who received a high school diploma by August 31, 2023
plus
number of students from the cohort who received a TxCHSE by August 31, 2023

number of students in the 2022 cohort*

- (6) *Graduates, TxCHSE & Continuers*: The percentage of graduates, TxCHSE recipients, and continuers in the 2022 cohort. It is calculated as follows:

number of students from the cohort who received a high school diploma by August 31, 2023
plus
number of students from the cohort who received a TxCHSE by August 31, 2023
plus
number of students from the cohort who were enrolled in the fall of the 2023–24 school year

number of students in the 2022 cohort*

The graduation rate calculation is modified to credit AEA campuses for graduates, continuing students (continuers), TxCHSE recipients, and previous dropouts who complete. The completion rate component includes the five-year rates.

2023–24 Texas Academic Performance Report (TAPR) Glossary

6-year Extended Longitudinal Rate

- (1) *Graduated*: The percentage who received their high school diploma by August 31, 2023, for the 2021 cohort. It is calculated as follows:

$$\frac{\text{number of students from the cohort who received a high school diploma by August 31, 2023}}{\text{number of students in the 2021 cohort*}}$$

- (2) *Received TxCHSE*: For the 2021 cohort, the percentage who received a TxCHSE certificate by August 31, 2023. It is calculated as follows:

$$\frac{\text{number of students from the cohort who received a TxCHSE by August 31, 2023}}{\text{number of students in the 2021 cohort*}}$$

- (3) *Continued High School*: The percentage of the 2021 cohort still enrolled as students in the fall of the 2023–24 school year. It is calculated as follows:

$$\frac{\text{number of students from the cohort who were enrolled in the fall of the 2023–24 school year}}{\text{number of students in the 2021 cohort*}}$$

- (4) *Dropped Out*: The percentage of the 2021 cohort who dropped out and did not return by the fall of the 2023–24 school year. It is calculated as follows:

$$\frac{\text{number of students from the cohort who dropped out before fall of the 2023–24 school year}}{\text{number of students in the 2021 cohort*}}$$

- (5) *Graduates & TxCHSE*. The percentage of graduates and TxCHSE recipients in the 2021 cohort. It is calculated as follows:

$$\frac{\begin{array}{c} \text{number of students from the cohort who received a high school diploma by August 31, 2023} \\ \text{plus} \\ \text{number of students from the cohort who received a TxCHSE by August 31, 2023} \end{array}}{\text{number of students in the 2021 cohort*}}$$

- (6) *Graduates, TxCHSE & Continuers*. The percentage of graduates, TxCHSE recipients, and continuers in the 2021 cohort. It is calculated as follows:

$$\frac{\begin{array}{c} \text{number of students from the cohort who received a high school diploma by August 31, 2023} \\ \text{plus} \\ \text{number of students from the cohort who received a TxCHSE by August 31, 2023} \end{array}}{\text{number of students in the 2021 cohort*}}$$

2023–24 Texas Academic Performance Report (TAPR) Glossary

plus
number of students from the cohort who were enrolled in the fall of the 2023–24 school year

number of students in the 2021 cohort*

The graduation rate calculation is modified to credit AEA campuses for graduates, continuing students (continuers), TxCHSE recipients, and previous dropouts who complete. The completion rate component includes the six-year rates.

- * The cohort in the denominator of the formulas shown above includes those students who graduated, continued in school, received a TxCHSE, or dropped out. It does not include data errors or leavers with the leaver reason codes 03, 16, 24, 60, 66, 78, 81, 82, 83, 85, 86, 87, 88, 89 or 90. See *Annual Dropout Rate* for a list of all the exclusions mandated by state statute for districts and campuses.

The graduation, continuation, TxCHSE recipient, and dropout rates sum to 100% (some totals may not equal exactly 100% due to rounding). Students served through special education who graduate with an individualized education program (IEP) are included as graduates.

Additional Information about Federal Graduation Rates

In addition to the detailed breakdown of the four-, five- and six-year longitudinal rates, the district and campus reports show federal graduation rates for the following:

- (1) *4-Year Federal Graduation Rate*. Cohort of students who first attended ninth grade in 2019–20. They are followed through their expected graduation with the Class of 2023. It is calculated as follows:

number of students from the cohort who received a high school diploma by August 31, 2023

number of students in the 2023 cohort **

- (2) *5-Year Extended Federal Graduation Rate*. Cohort of students who first attended ninth grade in 2018–19. They are followed for five years to see if they graduated within a year after their expected graduation with the Class of 2022. It is calculated as follows:

number of students from the cohort who received a high school diploma by August 31, 2023

number of students in the 2022 cohort**

- (3) *6-Year Extended Federal Graduation Rate*. Cohort of students who first attended ninth grade in 2017–18. They are followed for six years to see if they graduated within two years after their expected graduation with the Class of 2021. It is calculated as follows:

number of students from the cohort who received a high school diploma by August 31, 2023

number of students in the 2021 cohort**

2023–24 Texas Academic Performance Report

(TAPR) Glossary

** The cohort in the denominator above includes those students who graduated, continued in school, received a TxCHSE, or dropped out. It does not include data errors or leavers with leaver reason codes 03, 16, 24, 60, 66, 78, 81, 82, 83, 85, 86, 87, or 90. Students with leaver codes 88 and 89 are included in the federal rates.

A student in a Texas Juvenile Justice Department facility or residential treatment facility served by a Texas public school district is excluded from district and campus graduation rates calculated for federal accountability purposes. Students served by special education who graduate with an individualized education program (IEP) are included as graduates.

For further information on these rates, see the [Secondary School Completion and Dropouts in Texas Public Schools, 2022-23](#). (Data source: PEIMS 40203 and Texas Certificate of High School Equivalency Information File)

Graduation Program: The percentage of students who graduated under one of the following programs:

RHSP/DAP Graduates (Longitudinal Rate) (Class of 2023) The percentage of graduates who, after four years, satisfied the course requirements for the Recommended High School Program or Distinguished Achievement Program.

number of graduates in the Class of 2023 who complete a 4-year RHSP or DAP

number of graduates in the Class of 2023 with reported graduation plans

(excludes graduates with FHSP graduation plans)

FHSP-E Graduates (Longitudinal Rate) The percentage of graduates who, after four years, satisfied the course requirements for the Foundation High School Program with an endorsement.

number of graduates in the Class of 2023 who complete a 4-year FHSP-E

number of graduates in the Class of 2023 with reported FHSP graduation plans

FHSP-DLA Graduates (Longitudinal Rate) The percentage of graduates who, after four years, satisfied the course requirements for the Foundation High School Program at the distinguished level of achievement.

number of graduates in the Class of 2023 who complete a 4-year FHSP-DLA

number of graduates in the Class of 2023 with reported FHSP graduation plans

RHSP/DAP/FHSP-E/FHSP-DLA/Texas First-DLA Graduates (Longitudinal Rate) The percentage of graduates who, after four years, satisfied the course requirements for the Recommended High School Program, Distinguished Achievement Program, the Foundation High School Program with an endorsement or at the distinguished level of achievement, or the Texas First Early High School Completion Program.

2023–24 Texas Academic Performance Report (TAPR) Glossary

number of graduates in the Class of 2023 who complete a 4-year RHSP or DAP or FHSP-E or FHSP-DLA or Texas First-DLA

number of graduates in the Class of 2023 with reported graduation plans

RHSP/DAP Graduates (Annual Rate) (2022-23) The percentage of graduates who satisfied the course requirements for the Recommended High School Program or Distinguished Achievement Program.

number of graduates in SY 2022-23 reported with graduation codes for RHSP or DAP

number of graduates in SY 2022-23 with reported graduation plans (excludes graduates with FHSP graduation plans)

FHSP-E Graduates (Annual Rate) (2022–23) The percentage of graduates who satisfied the course requirements for the Foundation High School Program with an endorsement.

number of graduates in SY 2022–23 who earn an FHSP-E

number of graduates in SY 2022–23 with reported FHSP graduation plans

FHSP-DLA Graduates (Annual Rate) (2022–23) The percentage of graduates who satisfied the course requirements for the Foundation High School Program at the distinguished level of achievement.

number of graduates in SY 2022–23 who earn an FHSP-DLA

number of graduates in SY 2022–23 with reported FHSP graduation plans

Texas First-DLA Graduates (Annual Rate) (2022-23) The percentage of graduates who satisfied the requirements for the Texas First Early High School Completion Program. Graduates under this program are considered to have earned a diploma with a distinguished level of achievement under Texas Education Code §28.025.

number of graduates in SY 2022–23 who earn a Texas First-DLA

number of graduates in SY 2022–23 with reported graduation plans

RHSP/DAP/FHSP-E/FHSP-DLA/Texas First-DLA Graduates (Annual Rate) (2022–23) The percentage of graduates who satisfied the course requirements for the Recommended High School Program, Distinguished Achievement Program, the Foundation High School Program with an endorsement or at the distinguished level of achievement, or the Texas First Early High School Completion Program.

number of graduates in SY 2022–23 reported with graduation codes for RHSP or DAP or FHSP-E or FHSP-DLA or Texas First-DLA

2023–24 Texas Academic Performance Report (TAPR) Glossary

number of graduates in SY 2022–23 with reported graduation plans

RHSP graduates have graduation type codes of 19, 22, 25, 28, or 31; DAP graduates have graduation type codes of 20, 23, 26, 29, or 32; FHSP graduates are students with graduation type codes of 34, 35, 54, 55, 56, or 57. FHSP graduates with code type 35 are eligible for endorsements starting with the Class of 2020. Texas First-DLA graduates have graduation type code 40. See the [Texas Education Data Standards](#) for more information. *(Data source: PEIMS 40203)*

For additional information about graduation programs please see https://tea.texas.gov/Academics/Graduation_Information/State_Graduation_Requirements.

Graduation Profile

Annual Graduates: The count and percentage of students who graduate at some time during the school year. It includes summer graduates and is reported by districts in the fall of the following school year. It includes all students in grade 12 who graduated, as well as graduates from other grades. Students served by special education who graduate are included in the totals. Counts of students graduating under the following graduation types in 2022–23 are also shown:

- Minimum High School Program (MHSP)
- Recommended High School Program (RHSP)
- Distinguished Achievement Program (DAP)
- Foundation High School Program (FHSP)
- Texas First Early High School Completion Program (Texas First-DLA)

(Data source: PEIMS 40203)

Special Education: The count and percentage of graduates served by special education programs. *(Data source: PEIMS 41163)*

Economically Disadvantaged: The count and percentage of graduates eligible for free or reduced-price lunch or eligible for other public assistance. *(Data source: PEIMS 40100 and STAAR)*

number of graduates in the 2022–23 school year eligible for free or reduced-price lunch or other public assistance

total number of graduates in the 2022-23 school year

Emergent Bilingual (EB)/English Learner (EL): The count and percentage of graduates whose primary language is other than English and who are in the process of acquiring English. The terms “Emergent Bilingual,” “English learner” and “Limited English Proficient” (LEP) are used interchangeably. *(Data source: PEIMS 40110)*

At-Risk: The count and percentage of graduates identified as being at risk of dropping out of school as defined by [TEC §29.081\(d\) and \(d-1\)](#). *(Data source: PEIMS 40100)*

number of graduates in the 2022–23 school year considered as at risk

2023–24 Texas Academic Performance Report (TAPR) Glossary

total number of graduates in the 2022-23 school year

CTE Completers: The count and percentage of graduates who completed and passed three or more Career and Technical Education (CTE) courses for a total of four or more credits within a program of study, including one level three or level four course from within the same program of study. (*Data source: PEIMS Course Completion Records*)

College, Career, or Military* Readiness (CCMR) (2023–24)

Annual graduates demonstrate college, career, or military readiness in any one of the following ways:

College Readiness

- 1) **Texas Success Initiative (TSI) Criteria:** Meet Texas Success Initiative (TSI) Criteria in RLA and Mathematics. A student meeting the TSI college readiness standards in both RLA and mathematics; specifically, meeting the college-ready criteria on the TSIA1 and/or TSIA2 assessment, SAT, ACT, or by successfully completing and earning credit for a college prep course as defined in TEC §28.014 and TEC §51.338, in both RLA and mathematics. The criteria for successful completion of a college prep course should be in alignment between an LEA and the partnering IHE(s). In accordance with TEC §51.338(e), upon successful completion of a college prep course, students earn a TSI exemption from the partnering IHE(s) in that content area. Students should only be reported as successfully completing a course if they have met TSI exemption requirements. The assessment results considered include TSIA1 and/or TSIA2 assessments through October 2023, SAT and ACT results through the July 2023 administration, and course completion data via TSDS PEIMS. See Appendix H for additional information. A student must meet the TSI requirement for both RLA and mathematics but does not necessarily need to meet them on the same assessment. For example, a student may meet the TSI criteria for college readiness in RLA on the SAT and complete and earn credit for a college prep course in mathematics. (*Data source: PEIMS 43415, THECB, College Board, and ACT, Inc.*)
- 2) **Earn Dual Course Credits:** A graduate completing and earning credit for at least three credit hours in ELA or mathematics or at least nine credit hours in any subject. (*Data source: PEIMS 43415*)
- 3) **Meet Criteria on Advanced Placement (AP)/International Baccalaureate (IB) Examination:** A graduate meeting the criterion score on an AP or IB examination in any subject area. Criterion score is 3 or more for AP and 4 or more for IB. (*Data source: College Board or IB*)
- 4) **Earn an Associate Degree:** A graduate earning an associate degree by August 31 immediately following high school graduation. (*Data source: PEIMS 40100*)
- 5) **Earn OnRamps Course Credits:** A graduate completing an OnRamps dual enrollment course and qualifying for at least three hours of university or college credit in any subject area. (*Data source: OnRamps program*)
- 6) **Graduates under an Advanced Diploma Plan and Identified as a current Special Education Student:** A graduate who is identified as receiving special education services during the year of graduation and whose graduation plan type is identified as a Recommended High School

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Plan (RHSP), Distinguished Achievement Plan (DAP), Foundation High School Plan with an Endorsement (FHSP-E), Foundation High School Plan with a Distinguished Level of Achievement (FHSP-DLA), or Texas First Early High School Completion Program (Texas First-DLA) (*Data source: PEIMS 40203 and 40110*)

Career/Military Readiness

- 7) **Earn an Industry-Based Certification:** A graduate earning an IBC under 19 TAC, §74.1003. See Appendix J for a complete list of approved IBCs. The sunseting IBC limit applied within the Student Achievement and School Progress, Part B: Relative Performance domains is not applied within Closing the Gaps. (*Data source: PEIMS 40100*)
- 8) **Graduate with Completed IEP and Workforce Readiness:** A graduate receiving a graduation type code of 04, 05, 54, or 55 which indicates the student has completed his/her IEP and has either demonstrated self-employment with self-help skills to maintain employment or has demonstrated mastery of specific employability and self-help skills that do not require public school services. (*Data source: PEIMS 40203*)
- 9) **Graduate with Level I or Level II Certificate:** A graduate earning a level I or level II certificate in any workforce education area. (*Data source: THECB*)
- 10) **Enlist in the Armed Forces** A graduate enlisting in the U.S. Army, Navy, Air Force, Coast Guard, Marines, or Texas National Guard (*Data source: DD Form 4 - Enlistment/Reenlistment Document Armed Forces of the United States*).

College, Career, or Military Ready Graduates

College, Career, or Military Ready (Student Achievement): The percentage of annual graduates who demonstrated college, career, or military readiness by meeting at least one of the nine criteria described in *College, Career, or Military Readiness*.

Only College Ready: The percentage of annual graduates who demonstrated only college readiness by meeting college ready criteria 1, 2, 3, 4, 5 or 6 but did not meet any of the career and military ready criteria 7, 8, 9 or 10 described in *College, Career, or Military Readiness*.

Only Career/Military Ready: The percentage of annual graduates who demonstrated only career or military readiness by meeting career or military ready criteria 7, 8, 9 or 10 but did not meet any of the college ready criteria 1, 2, 3, 4, 5 or 6 described in *College, Career, or Military Readiness*.

College Ready Graduates

College Ready: The percentage of annual graduates who demonstrated college readiness by meeting criteria 1, 2, 3, 4, 5, or 6 described in *College, Career, or Military Readiness*. This percentage includes graduates who may have met career or military ready criteria 7, 8, 9 or 10. (*Data source: PEIMS 43415, THECB, College Board, ACT, IB, and PEIMS 49010*)

TSI Criteria Graduates: The percentage of annual graduates who met or exceeded the college-ready criteria on the Texas Success Initiative Assessment (TSIA1 and/or TSIA2), the SAT, ACT, or by successfully completing and earning credit for a college prep course as defined in TEC §28.014, in both ELA and mathematics. The criteria for each are as follows:

2023–24 Texas Academic Performance Report (TAPR) Glossary

TSI Criteria						
TSIA1 and/or TSIA2		SAT		ACT		College Prep Course
>= ELAR criteria shown below	or	>=480 on the Evidence-Based Reading and Writing (EBRW)	or	Before Feb 15, 2023 >=19 on English and >= 23 Composite After Feb 15, 2023 English + Reading Combined score >=40	or	Complete and earn credit for ELA college prep course
>= Mathematics criteria shown below	or	>=530 on Mathematics	or	Before Feb 15, 2023 >=19 on Mathematics and >=23 Composite After Feb 15, 2023 Mathematics score >=22	or	Complete and earn credit for mathematics college prep course

Subject	Assessment Version	Score Requirements for CCMR					
English Language Arts and Reading (ELAR)	TSIA1	Score ≥ 351 on Reading					
	TSIA2	Score ≥ 945 on the ELAR College Readiness Classification (CRC)		AND		Score ≥ 5 on the essay	
		OR					
		Score < 945 on the ELAR CRC		AND	Score ≥ 5 on the diagnostic		AND

2023–24 Texas Academic Performance Report (TAPR) Glossary

	Combination	Score $\geq$ 945 on the ELAR CRC on the TSIA2	AND		Score $\geq$ 5 on the TSIA1 essay	
		OR				
		Score $<$ 945 on the ELAR CRC on the TSIA2	AND	Score $\geq$ 5 on the diagnostic on the TSIA2	AND	Score $\geq$ 5 on the TSIA1 essay
Mathematics	TSIA1	Score $\geq$ 350 on Mathematics				
	TSIA2	Score $\geq$ 950 on the Mathematics CRC				
		OR				
		Score $<$ 950 on the Mathematics CRC	AND	Score = 6 on the diagnostic		

The percentages are calculated as follows:

English Language Arts.

number of 2022-23 annual graduates who met or exceeded the college-ready criteria on the TSIA1 and/or TSIA2, SAT, ACT, or by successfully completing and earning credit for a college prep course in ELA

number of 2022-23 annual graduates

Mathematics.

number of 2022-23 annual graduates who met or exceeded the college-ready criteria on the TSIA1 and/or TSIA2, SAT, ACT, or by successfully completing and earning credit for a college prep course in mathematics

number of 2022-23 annual graduates

Both Subjects.

number of 2022-23 annual graduates who met or exceeded the college-ready criteria on the TSIA1 and/or TSIA2, SAT, ACT, or by successfully completing and earning credit for a college prep course in both ELA and mathematics

number of 2022-23 annual graduates

Any Subject.

number of 2022-23 annual graduates who met or exceeded the college-ready criteria on the TSIA1 and/or TSIA2, SAT, ACT, or by successfully completing and earning credit for a college prep course in ELA or mathematics

number of 2022-23 annual graduates

AP/IB Criteria Met in Any Subject: The percentage of annual graduates who earned a 3 or more on an AP examination or a 4 or more on an IB examination. *(Data source: College Board and IB)*

2023–24 Texas Academic Performance Report (TAPR) Glossary

number of 2022-23 annual graduates who earned a 3 or more on an AP examination or a 4 or more on an IB examination

number of 2022-23 annual graduates

Associate Degree: The percentage of annual graduates who earned an associate degree by August 31 immediately following high school graduation. (*Data source: PEIMS 40100*)

number of 2022-23 annual graduates who earned an associate degree by August 31 immediately following high school graduation.

number of 2022-23 annual graduates

Dual Course Credits: A graduate completing and earning credit for at least three credit hours in ELA or mathematics or at least nine credit hours in any subject. (*Data source: PEIMS 43415*)

number of 2022-23 annual graduates who completed and earned credit for nine or more hours of dual credit in any subject or three or more hours in ELA or mathematics

Number of 2022-23 annual graduates

OnRamps Course Credits: The percentage of annual graduates who completed an OnRamps dual enrollment course and qualified for at least three hours of university or college credit in any subject area (*Data source: OnRamps program*)

number of 2022-23 annual graduates who completed an OnRamps course and qualified for three hours of college credit before graduation

number of 2022-23 annual graduates

Graduates Under an Advanced Diploma Plan and be Identified as a Current Special Education Student: The percentage of annual graduates under an advanced diploma plan and identified as a current special education student (*Data source: PEIMS 40203 and 42401*)

number of 2022-23 annual graduates who graduated under an advanced diploma plan and were identified as a current special education student

number of 2022-23 annual graduates

Career/Military Ready Graduates

Career or Military Ready Graduates: The percentage of annual graduates who demonstrated career or military readiness by meeting criteria 7, 8, 9 or 10 described in *College, Career, or Military Readiness*. This percentage includes graduates who may have met college ready criteria 1, 2, 3, 4, 5 or 6.

Approved Industry-Based Certification: The percentage of annual graduates who earned an approved industry-based certification. For additional information, see Chapter 2 of the [2024 Accountability Manual](#). (*Data source: PEIMS 48011*)

2023–24 Texas Academic Performance Report (TAPR) Glossary

number of 2022-23 annual graduates who earned an approved industry-based certification

number of 2022-23 annual graduates

Graduates with Level I or Level II Certificate: The percentage of annual graduates who earned a level I or level II certificate (*Data source: THECB*)

number of 2022-23 annual graduates who earned a level I or level II certificate

number of 2022-23 annual graduates

Graduates with Completed IEP and Workforce Readiness: The percentage of annual graduates who received a graduation type code of 04, 05, 54, or 55. For additional information, see Chapter 2 of the [2024 Accountability Manual](#). (*Data source: PEIMS 40203*)

number of 2022-23 annual graduates who received a graduation type code of 04, 05, 54, or 55

number of 2022-23 annual graduates

U.S. Armed Forces Enlistment (Annual Graduates): The percentage of annual graduates who enlist in the U.S. Army, Navy, Air Force, Coast Guard, Marines, or Texas National Guard (Data source: DD Form 4 - Enlistment/Reenlistment Document Armed Forces of the United States).

number of 2022-23 annual graduates enlisting in the U.S. Armed Forces or Texas National Guard by
December 31 immediately following high school graduation

number of 2022-23 annual graduates

CCMR-related Indicators (2023–24)

TSIA Results (Graduates $\geq$ Criterion) (Annual Graduates): The percentage of annual graduates who met the TSI criteria on the TSIA1 and/or TSIA2 (*Data source: THECB and PEIMS 40203*)

English Language Arts.

number of 2022-23 annual graduates who met or exceeded the college-ready criteria on the TSIA1 and/or TSIA2 in ELA

number of 2022-23 annual graduates

Mathematics.

number of 2022-23 annual graduates who met or exceeded the college-ready criteria on the TSIA1 and/or TSIA2 in
mathematics

number of 2022-23 annual graduates

Both Subjects.

number of 2022-23 annual graduates who met or exceeded the college-ready criteria on the TSIA1 and/or TSIA2 in both
ELA and mathematics

number of 2022-23 annual graduates

2023–24 Texas Academic Performance Report (TAPR) Glossary

Completed and Received Credit for College Prep Courses (Annual Graduates): The percentage of annual graduates who completed and earned credit for a college prep course as defined in TEC §28.014 in either ELA or mathematics or both. *(Data source: PEIMS 43415)*
English Language Arts.

number of 2022-23 annual graduates who completed and earned credit for a college prep course as defined in TEC §28.014 in ELA

number of 2022-23 annual graduates

Mathematics.

number of 2022-23 annual graduates who completed and earned credit for a college prep course as defined in TEC §28.014 in mathematics

number of 2022-23 annual graduates

Both Subjects.

number of 2022-23 annual graduates who completed and earned credit for a college prep course as defined in TEC §28.014 in ELA and mathematics

number of 2022-23 annual graduates

AP/IB Results (Participation) (Grades 11–12): The percentage of students in grades 11 and 12 who took the College Board’s Advanced Placement (AP) examinations or the International Baccalaureate’s (IB) examinations. *(Data source: College Board and IB)*

All Subjects.

number of students in grades 11 & 12 in the 2022-23 school year who took at least one AP or IB examination

total students enrolled in grades 11 & 12

English Language Arts.

number of students in grades 11 & 12 in the 2022-23 school year who took at least one AP or IB examination in ELA

total students enrolled in grades 11 & 12

Mathematics.

number of students in grade 11 & 12 in the 2022-23 school year who took at least one AP or IB examination in mathematics

total students enrolled in grades 11 & 12

Science.

number of students in grade 11 & 12 in the 2022-23 school year who took at least one AP or IB examination in science

total students enrolled in grades 11 & 12

2023–24 Texas Academic Performance Report (TAPR) Glossary

Social Studies.

number of students in grade 11 & 12 in the 2022-23 school year who took at least one AP or IB examination in social studies

total students enrolled in grades 11 & 12

(Data source: College Board, IB, and PEIMS 40110)

AP/IB Results (Examinees $\geq$ Criterion) (Grades 11–12): The percentage of students with at least one AP or IB examination in grades 11 and 12 at or above the criterion score. High school students may take one or more of these examinations, ideally upon completion of AP or IB courses, and may receive advanced placement or credit, or both, upon entering college. Generally, colleges will award credit or advanced placement for scores of 3, 4, or 5 on AP examinations and scores of 4, 5, 6, or 7 on IB examinations. Requirements vary by college and by subject tested. *(Data source: College Board and IB)*

All Subjects.

number of 11th and 12th graders in the 2022-23 school year with at least one AP or IB score at or above criterion

number of 11th and 12th graders with at least one AP or IB examination

English Language Arts.

number of 11th and 12th graders in the 2022-23 school year with at least one AP or IB score at or above criterion in ELA

number of 11th and 12th graders with at least one AP or IB examination in ELA

Mathematics.

number of 11th and 12th graders in the 2022-23 school year with at least one AP or IB score at or above criterion in mathematics

number of 11th and 12th graders with at least one AP or IB examination in mathematics

Science.

number of 11th and 12th graders in the 2022-23 school year with at least one AP or IB score at or above criterion in science

number of 11th and 12th graders with at least one AP or IB examination in science

Social Studies.

number of 11th and 12th graders in the 2022-23 school year with at least one AP or IB score at or above criterion in social studies

number of 11th and 12th graders with at least one AP or IB examination in social studies

(Data source: The College Board, The International Baccalaureate Organization, and PEIMS 40110)

AP/IB Results (11th & 12th Graders $\geq$ Criterion): The percentage of students enrolled in grades 11 and 12 with at least one AP or IB score at or above the criterion score. This denominator includes students enrolled in grades 11 and 12 who did not take AP or IB examination. High school students may take one or more of these examinations, ideally upon completion of AP or IB courses, and may receive advanced

2023–24 Texas Academic Performance Report

(TAPR) Glossary

placement or credit, or both, upon entering college. Generally, colleges will award credit or advanced placement for scores of 3, 4, or 5 on AP examinations and scores of 4, 5, 6, or 7 on IB examinations.

Requirements vary by college and by subject tested. (*Data source: College Board and IB*)

All Subjects.

number of 11th and 12th graders in the 2022-23 school year with at least one AP or IB score at or above criterion

total students enrolled in 11th and 12th grades

SAT/ACT Results (Annual Graduates): Participation and performance of annual graduates from all Texas public schools on the College Board’s SAT and ACT, Inc.’s ACT assessment. ACT and SAT scores are based on each student’s highest section scores across all exams taken, and the SAT total and ACT composite scores are calculated using the highest section scores.

- (1) *Tested:* The percentage of graduates who took either college admissions assessment:

number of 2022-23 graduates who took either the SAT or the ACT

number of 2022-23 graduates reported

- (2) *At/Above Criterion for All Graduates:* The percentage of graduates who scored at or above the criterion score of 480 on the SAT evidence-based reading and writing *or* 19 on ACT English section and 23 on the ACT composite (before February 15, 2023) *and* 530 on SAT mathematics *or* 19 on ACT Mathematics section and 23 on the ACT composite (before February 15, 2023). After February 15, 2023, the percentage of graduates who scored at or above the criterion score of 40 on ACT English and Reading Combined *and* at or above 22 on ACT Mathematics:

number of 2022-23 graduating examinees who scored at or above the criterion score
on either the SAT or the ACT

number of 2022-23 graduates reported

Average SAT Score (Annual Graduates): Performance of annual graduates from all Texas public schools on the College Board’s SAT assessment. If a student takes the SAT more than once, the best result by subject area is selected, and the SAT total is calculated as the sum of the highest section scores.

- (1) *All Subjects:* The average score for the SAT evidence-based reading and writing and mathematics combined. The maximum score is 1600.

sum of SAT total scores (evidence-based reading and writing + mathematics) of all 2022-23 graduates who took the SAT

number of 2022-23 graduates who took the SAT

- (2) *English Language Arts and Writing:* The average score for the SAT evidence-based reading and writing. The maximum score is 800.

sum of SAT evidence-based reading and writing scores of all 2022-23 graduates who took the
SAT

number of 2022-23 graduates who took the SAT

- (3) *Mathematics:* The average score for the SAT mathematics. The maximum score is 800.

2023–24 Texas Academic Performance Report (TAPR) Glossary

$$\frac{\text{sum of SAT mathematics scores of all 2022-23 graduates who took the SAT}}{\text{number of 2022-23 graduates who took the SAT}}$$

(Data source: College Board and PEIMS 40203)

Average ACT Score (Annual Graduates): Performance of annual graduates from all Texas public schools on the ACT Inc.'s ACT assessment. If a student takes the ACT more than once, the best result by subject area is selected, and the ACT composite scores is calculated as the average of the highest section scores.

- (1) *All Subjects:* The average score for the ACT composite. The maximum score is 36.

$$\frac{\text{sum of ACT composite scores of all 2022-23 graduates who took the ACT}}{\text{number of 2022-23 graduates who took the ACT}}$$

- (2) *English Language Arts:* The average score for the ACT English and reading combined. The maximum score is 36.

$$\frac{\text{sum of ACT English and reading combined scores of all 2022-23 graduates who took the ACT}}{\text{number of 2022-23 graduates who took the ACT}}$$

- (3) *Mathematics:* The average score for the mathematics ACT. The maximum score is 36.

$$\frac{\text{sum of ACT mathematics scores of all 2022-23 graduates who took the ACT}}{\text{number of 2022-23 graduates who took the ACT}}$$

- (4) *Science:* The average score for the science ACT. The maximum score is 36.

$$\frac{\text{sum of ACT science scores of all 2022-23 graduates who took the ACT}}{\text{number of 2022-23 graduates who took the ACT}}$$

Other Postsecondary Indicators (2023–24)

Advanced/Dual-Credit Course Completion (Grades 9–12): The percentage of students who completed and received credit for at least one advanced or dual-credit course. Decisions about awarding high school credit for college courses are described in [Texas Administrative Code §74.25](#).

Appendix A lists all courses identified as advanced courses. Courses for which a student can earn dual credit are not listed because they vary from campus to campus.

Course completion information is reported by districts through the PEIMS after the close of the school year. For example, the values, expressed as percentages for grades 9–12, are calculated as follows:
(Data source: PEIMS 43415)

Any Subject.

$$\frac{\text{number of students in grades 9–12 in 2022-23 who received credit for at least one advanced/dual-credit course}}{\text{number of students in grades 9–12 in 2022-23 who took the ACT}}$$

2023–24 Texas Academic Performance Report (TAPR) Glossary

number of students in grades 9–12 who received credit for at least one course in 2022-23

English Language Arts.

number of students in grades 9–12 in 2022-23 who received credit for at least
one ELA advanced/dual-credit course

number of students in grades 9–12 who received credit for at least one ELA course in 2022-23

Mathematics.

number of students in grades 9–12 in 2022-23 who received credit for at least
one mathematics advanced/dual-credit course

number of students in grades 9–12 who received credit for at least one mathematics course in 2022-23

Science.

number of students in grades 9–12 in 2022-23 who received credit for at least
one science advanced/dual-credit course

number of students in grades 9–12 who received credit for at least one science course in 2022-23

Social Studies.

number of students in grades 9–12 in 2022-23 who received credit for at least
one social studies advanced/dual-credit course

number of students in grades 9–12 who received credit for at least one social studies course in 2022-23

(Data source: PEIMS 43415)

Graduates Enrolled in Texas Institution of Higher Education (TX IHE): The percentage of students who enrolled and began instruction at an institution of higher education in Texas for the school year following high school graduation.

number of graduates during the 2021-22 school year who attended a public or independent
college or university in Texas in the following academic year

number of graduates during the 2021-22 school year

Students who enrolled in out-of-state colleges or universities or any non-public career school are not included. Students who attend public community colleges in Texas are included.

(Data source: THECB)

2023–24 Texas Academic Performance Report (TAPR) Glossary

Additional reports showing students enrolled in Texas public colleges and universities are available on the Texas Higher Education Coordinating Board (THECB) site at <http://www.txhighereddata.org/generatelinks.cfm?Section=HS2Col>.

For more information on the data used in this indicator, contact the Texas Higher Education Coordinating Board at (512) 427-6153. (*Data source: THECB*)

Student Information (2023–24)

Please note, the Enrollment section of this report was added beginning with 2019–20. The definitions below describe the nuances between Membership and Enrollment. If comparing the data shown from this year’s report to reports prior to 2019–2020, use the data displayed under Membership.

Enrollment: Students reported as enrolled as of the last Friday in October.

Membership: Membership differs from enrollment, as it does not include those students who are served for less than two hours per day. A student is in membership if he/she is enrolled and is either

- scheduled to attend at least two hours of instruction each school day or
- participating in an alternative attendance accounting program.

For example, the count of *Total Students* excludes students who attend a non-public school but receive some services, such as speech therapy—for less than two hours per day—from their local school district.

Total Students: The total number of public school students who were reported at any grade from early childhood education through grade 12. (*Data source: PEIMS 40110*)

Students by Grade: The count of students in each grade divided by the total number of students. (*Data source: PEIMS 40110*)

Ethnic Distribution: The number and percentage of students who are identified as belonging to one of the following groups: African American, Hispanic, white, American Indian, Asian, Pacific Islander, and two or more races. (*Data source: PEIMS 40100, 30040, 30050, 30090*)

Male/Female: The number and percentage of students who are identified as male or female. (*Data source: PEIMS 40100*)

Economically Disadvantaged: The count and percentage of students eligible for free or reduced-price lunch or eligible for other public assistance.

number of students eligible for free or reduced-price lunch or other public assistance

total number of students

(*Data source: PEIMS 40100 and TEA Student Assessment Division*)

Non-Educationally Disadvantaged: Those students not eligible to participate in free or reduced-price lunch or to receive any other public assistance. This is the complementary count and percentage to Economically Disadvantaged.

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Section 504 Students: The count and percentage of students identified as receiving section 504 services. *(Data source: PEIMS 40110)*

Emergent bilingual students/English learner (EB/EL) : The count and percentage of students whose primary language is other than English and who are in the process of acquiring English. The terms “English Learner” (EL) and “Emergent Bilingual” (EB) are used interchangeably.

The percentage of EB/ELs is calculated by dividing the number of EB/ELs by the total number of students in the district or campus. Not all students identified as EB/ELs receive bilingual or English as a second language instruction. *(Data source: TELPAS file)*

Students with Disciplinary Placements: The count and percentage of students placed in alternative education programs under [Chapter 37 of the Texas Education Code](#) (Discipline; Law and Order). Districts report the disciplinary actions taken toward students who are removed from the classroom for at least one day. Although students can have multiple removals throughout the year, this measure counts students only once and includes only those whose removal results in a placement in a disciplinary alternative education program or juvenile justice alternative education program. It is calculated as follows:

$$\frac{\text{number of students with one or more disciplinary placements}}{\text{number of students who were in attendance at any time during the school year}}$$

For 2023–24, the following 19 disciplinary action codes are included as disciplinary placements: 02, 03, 04, 07, 08, 10, 12, 13, 14, 15, 51, 52, 53, 54, 55, 57, 59, 60, and 61. *(Data source: PEIMS 44425)*

Students with Dyslexia: The count and percentage of students identified with Dyslexia. *(Data source: PEIMS 40100)*

Foster Care: The count and percentage of students identified as in the conservatorship of the Department of Family and Protective Services (DFPS). *(Data source: PEIMS 40100)*

Homeless: The count and percentage of students meeting the criteria defined by 42 U.S.C. Section 11434(a), the term “homeless children and youths” —

(A) individuals who lack a fixed, regular, and adequate nighttime residence [within the meaning of section 11302(a)(1)]; and

(B) includes —

(i) children and youths 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;

(ii) children and youths 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 [within the meaning of section 11302(a)(2) (C)];

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

2023–24 Texas Academic Performance Report

(TAPR) Glossary

(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

(Data source: PEIMS 40100)

Immigrant: The count and percentage of students identified under the definition found under Title III of the No Child Left Behind Act of 2001 (NCLB), where the term ‘immigrant children and youth’ is defined as, “individuals who are aged 3 through 21; were not born in any state; and have not been attending one or more schools in any one or more states for more than 3 full academic years.” The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Data source: PEIMS 40100)

Migrant: The count and percentage of students that meet the following criteria: Student is (ages 3-21), or the student's parent, spouse, or guardian is a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work: 1) has moved from one school district to another; or 2) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity. *(Data source: PEIMS 40100)*

Title I: The count and percentage of students participating in a program authorized under Elementary and Secondary Education Act (ESEA), Title I, Part A of the Improving America's Schools Act. *(Data source: PEIMS 41461)*

Military Connected: The count and percentage of students who are dependents of an active duty or former member of the United States military, the Texas National Guard, or a reserve force of the United States military, or who are dependents of a member of the United States military, the Texas National Guard, or a reserve force of the United States military who was killed in the line of duty. *(Data source: PEIMS 40100)*

At-Risk: The count and percentage of students identified as being at risk of dropping out of school as defined by [TEC §29.081\(d\) and \(d-1\)](#).

number of students in the 2023–24 school year considered as at risk

total number of students

(Data source: PEIMS 40110)

Student by Instructional Program:

The count and percentage of students served in programs and/or courses for special education, career and technical education, career and technical education (grades 9– 12 only), bilingual/ESL education, or gifted and talented education. The percentages do not total to 100 because students may participate in more than one of these programs. (Data source: TSDS PEIMS 40110, 41163 and 41169)

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Students with Disabilities by Type of Primary Disability: The count of students disaggregated by primary disability. The TAPR and Texas Performance Reporting System (TPRS) uses five categories of primary disability: Students with Intellectual Disabilities, Students with Physical Disabilities, Students with Autism, Students with Behavioral Disabilities, and Students with Non-Categorical Early Childhood. Additional information is provided below.

Students with Intellectual Disabilities (PEIMS disability codes 06, 08, 12, 13)

- 06—Intellectual Disability (ID)
- 08—Learning Disability (LD)
- 12—Developmental Delay (DD)
- 13—Traumatic Brain Injury (TBI)

Students with Physical Disabilities (PEIMS disability codes 01, 03, 04, 05, 09)

- 01—Orthopedic Impairment (OI)
- 03—Auditory Impairment (AI)
- 04—Visual Impairment (VI)
- 05—Deaf-Blind (DB)
- 09—Speech Impairment

Students with Autism (PEIMS disability code 10)

- 10—Autism (AU)

Students with Behavioral Disabilities (PEIMS disability codes 02 and 07)

- 02—Other Health Impairment (OHI)
- 07—Emotional Disturbance (ED)

Students with Noncategorical Early Childhood (PEIMS disability code 14)

- 14—Noncategorical Early Childhood (NCES)

(Data source: PEIMS 41163)

Mobility: The count and percentage of students who have been in membership for less than 83 percent of the school year (i.e., missed six or more weeks).

number of mobile students in 2022–23

**number of students who were in membership at any time during the
2022–23 school year**

This rate is calculated at the state, region, district, and campus level and is disaggregated by race/ethnicity, economically disadvantaged status, special education status, and emergent bilingual students/English learner status. The mobility rates shown are based on the count of mobile students identified at the campus level. The district mobility rate reflects school-to-school mobility within the

2023–24 Texas Academic Performance Report

(TAPR) Glossary

same district or from outside the district. The region mobility rate reflects school-to-school mobility within the same region or from outside the region. (*Data source: PEIMS 42400*)

Attrition Rate: The percentage of students enrolled in fall 2022-23 who did not return to the same campus in the fall of 2023-24. This calculation is adjusted to account for the grade levels available to students at each campus as well as additional factors. For instance, students were excluded from the calculation if the campus in which they were enrolled in 2022-23 did not offer the next grade they were expected to move into in 2023-24 or if they were at a campus in 2022-23 that was no longer active in 2023-24. Students who were retained in grade, including those in Grade 12, remained in the calculation.

Some campuses may not receive an attrition rate because all of their students are excluded from the attrition denominator due to their subsequent grade level not being offered at that campus in 2023-24. Examples of such campuses are campuses that serve single grade levels or campuses that changed the grades offered in 2023-24. Attrition Rate is calculated as follows:

$$\frac{\text{number of students enrolled in fall 2022} - \text{number of students who returned in fall 2023}}{\text{number of students enrolled in fall 2022}}$$

Aggregations of campus denominators and numerators are created for district, region and state levels, and rates for each of those levels are calculated from these sums.

Retention Rates by Grade: The percentage of students in Texas public schools who enrolled in fall 2023 in the same grade in which they were reported for the last six-week period of the prior school year (2022–23).

$$\frac{\text{number of students enrolled in the same grade from one school year to the next}}{\text{number of students enrolled from one school year who return the next year or who graduate}}$$

Special education retention rates are calculated and reported separately because local retention practices differ for students served by special education.

The TAPR and TPRS show retention rates only for grades K–9. Retention rates for all grades can be found in [Grade-Level Retention in Texas Public Schools, 2022-23](#) available from TEA. (*Data source: PEIMS 40110*)

Data Quality (*not on campus profile*): The percentage of errors made by the district in the PEIMS Student Leaver Data.

Percent of Underreported Students. Underreported students are 7th–12th graders who were enrolled at any time during the prior year, who are not accounted for through district records or TEA processing in the current year, and for whom the district did not submit a leaver record. A district is required to submit a leaver record for any student served in grades 7–12 the previous year unless the student received a Texas high school equivalency certificate (TxCHSE) certificate by August 31, is a previous Texas public school graduate, moved to and enrolled in another Texas

2023–24 Texas Academic Performance Report (TAPR) Glossary

public school district, or returned to the district by the end of the school start window. (For 2022–23 the end of the school-start window was September 30, 2023)

number of underreported students

number of students in grades 7–12 who were served in the district in the 2022–23 school year

(Data source: Texas High School Equivalency Certificate Information File; PEIMS 40100, 40110, 42400, and 42500)

Class Size Averages by Grade and Subject: The average class size by grade (elementary) or selected subjects (secondary classes).

For secondary classes, averages are determined by totaling the number of students served (in a subject at the campus) and dividing that sum by the count of classes for that subject.

For elementary classes, the average is determined based on the instructional model. If an elementary teacher teaches all subjects to the same group of fourth graders all day, the class size average is simply the number of fourth grade students served by that teacher. If an elementary teacher teaches a single subject to five different sections of fourth graders each day, however, the average is calculated the same way as for secondary subjects. For example, one fourth grade science teacher teaches five science classes each day with 18, 20, 19, 21, and 22 students in each class. The total of 100 students divided by the five classes produces an average class size of 20 students for that teacher.

The following rules apply to the average class sizes:

- Classes identified as serving regular, compensatory/remedial, gifted and talented, career and technical, and honors students are included in the calculation.
- English language arts (ELA), mathematics, science, social studies, languages other than English, computer science, and career and technical education are included in the calculation, as are self-contained classrooms.
- Classes where the number of students served is reported as zero are not included.
- Service codes with the “SR” prefix are not included.
- Teacher roles coded as “teacher” and/or “substitute teacher” are included.
- Only class settings coded as “regular class” are included.
- Missing partial FTE counts are not included.
- Elementary classes in which the number of students exceeds 100 are not included.
- Mixed grade-level class averages are not included.

(Data source: PEIMS 30090)

Staff Information (2023–24)

Total Staff: The total count of staff which includes professional staff (teachers, professional support, administrators), educational aides, and (on the district profile) auxiliary staff. *(Data source: PEIMS 30040, 30050, and 30090)*

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Professional Staff: The full-time equivalent (FTE) count of teachers, professional support staff, campus administrators, and on the district profile, central office administrators. Staff are grouped according to roles as reported in PEIMS. Each type of professional staff is shown as a percentage of the total staff FTE. See Appendix B for all PEIMS Role IDs. *(Data source: PEIMS 30040, 30050, and 30090)*

Educational Aides: The count and percentage of paraprofessional staff who are reported with a role of 033 (Educational Aide) or 036 (Certified Interpreter). The FTE counts of educational aides are expressed as a percentage of the total staff FTEs. See Appendix B for all PEIMS Role IDs. *(Data source: PEIMS 30090)*

Auxiliary Staff *(not on campus profile)*: The count of full-time equivalent (FTE) staff reported in PEIMS employment and payroll records who are not reported in the PEIMS 30090 Staff – Responsibilities record. The auxiliary staff (and educational aide who performs routine classroom tasks under the general supervision of a certified teacher or teaching team) are expressed as a percentage of total staff. For auxiliary staff, the FTE is the value of the percentage of day worked. *(Data source: PEIMS 30060 and 30090)*

Librarians and Counselors (Headcount): The headcount of librarians and counselors is based on full-time equivalent (FTE) for full-time and part-time headcounts. Librarians and counselors are considered part-time when the FTE count is less than or equal to .85 (For example, if an FTE count is less than or equal to .85, the part-time headcount is equal to 1).

Librarians and counselors are headcounts, not sums of FTEs. The district headcount is not a sum of the campus headcount. For example, a counselor spends 50 percent of their time at the elementary (0.50 FTE) and 50 percent of their time at the high school (0.50 FTE). On each of the campus reports, this counselor will be reflected as 1.0 part-time counselor. On the district report, the counselor will be reflected as 1.0 full-time counselor since the FTE count is greater than .85 (0.50 FTE plus 0.50 FTE=1.0 FTE). See Appendix B for PEIMS Role IDs (Professional Support Staff). *(Data source: PEIMS 30040, 30050, and 30090)*

Total Minority Staff: The total count of minority staff is the sum of the FTE counts for all non-white staff groups (African American, Hispanic, American Indian, Asian, Pacific Islander, and Two or More Races). The minority staff FTE count is expressed as a percentage of the total staff FTE. *(Data source: PEIMS 30040, 30050, and 30090)*

Teachers by Ethnicity and Sex: The counts of teacher FTEs by ethnic group and by sex. Counts are also expressed as a percentage of the total teacher FTEs. *(Data source: PEIMS 30040, 30050, and 30090)*

Teachers by Highest Degree Held: The distribution of degrees held by teachers. The FTE counts of teachers with no degree, a bachelor's degree, a master's degree, or a doctorate are expressed as a percentage of the total teacher FTEs. *(Data source: PEIMS 30040, 30050, and 30090)*

Teachers by Years of Experience: The FTE count of teachers by total years of experience for the individual, not necessarily years of experience in the district or campus. Teacher counts within each range of experience are expressed as a percentage of total teacher FTEs. Teachers are reported with zero years of experience (first year teachers), 1–5 years, 6–10 years, 11–20 years, 21–30 years, and over 30 years. *(Data source: PEIMS 30040, 30050, and 30090)*

2023–24 Texas Academic Performance Report (TAPR) Glossary

Number of Students per Teacher: The total number of students divided by the total teacher FTE count.
(Data source: PEIMS 30040, 30050, and 30090)

Experience of Campus Leadership: The average years of experience for principals and assistant principals.

Average Years as Principal: The number of completed years of experience as a principal, regardless of district or interruption in service. These amounts are added together and divided by the number of all principals reported for the campus.

Average Years as Principal with District: The number of years a principal is employed in the district regardless of any interruption in service. The amounts are added together and divided by the number of principals reported for the district.

Average Years as Assistant Principal: The number of completed years of experience as assistant principal, regardless of district or interruption of service. The amounts are added together and divided by the number of assistant principals reported for the campus.

Average Years as Assistant Principal with District: The number of years employed as assistant principal in the district regardless of any interruption in service. These amounts are added together and divided by the number of assistant principals reported for the district.

(Data source: PEIMS 30050)

Average Years Experience of Teachers: The average number of completed years of professional experience, regardless of district. Weighted averages are calculated by multiplying each teacher's FTE coefficient (1 for a full-time teacher, .75 for a three-quarter-time teacher, and .5 for a half-time teacher, for example) by his or her years of experience. These amounts are added together and divided by the sum of all teachers' FTE coefficients. (Data source: PEIMS 30040, 30050, and 30090)

Average Years Experience of Teachers with District: The average number of years employed in the district regardless of any interruption in service. Weighted averages are calculated by multiplying each teacher's FTE coefficient by his or her years of experience in the district. These amounts are added together and divided by the sum of all teacher's coefficients. (Data source: PEIMS 30050)

Average Teacher Salary by Years of Experience (regular duties only): Total pay for all teachers in each category divided by the total teacher FTE count in that category. For the purpose of this calculation, the total actual salary amount is pay for regular duties only and does not include supplemental pay. For teachers who also have non-teaching roles, only the portion of time and pay dedicated to classroom responsibilities is factored into the average teacher salary calculation. Teachers are reported with zero years of experience (first year teacher), 1–5 years, 6–10 years, 11–20 years, 21–30 years, and over 30 years. (Data source: PEIMS 30060)

Average Actual Salaries (regular duties only): For each category, the total salary for that category divided by the total FTE count for that category. Only payment for regular duties is included in the total salary; supplemental payments for extra duties (e.g., coaching, band and orchestra assignments, club sponsorships) are not included. See Appendix B for lists of the PEIMS role IDs included in each category.

Teachers. Teachers, special duty teachers, and substitute teachers. Substitute teachers are either temporarily hired to replace a teacher or hired permanently on an as-needed basis. The District

2023–24 Texas Academic Performance Report (TAPR) Glossary

Teacher Salary Report and Graph also uses this definition in creating counts for various salary ranges.

Professional Support. Therapists, nurses, librarians, counselors, and other campus professional personnel.

Campus Administration (School Leadership). Principals, assistant principals, and other administrators reported with a specific school ID.

Central Administration (not on campus profile). Superintendents, presidents, chief executive officers, chief administrative officers, business managers, athletic directors, and other administrators reported with a central office ID and not a specific school ID.

Instructional Staff Percent (*district profile only*): The percentage of the district's FTEs whose job function was to provide classroom instruction directly to students during the 2022–23 school year. The instructional staff percent is a district-level measure and is calculated as follows:

$$\frac{\text{total number of hours for district staff who were reported under expenditure object codes 6112, 6119, and 6129, and function codes 11, 12, 13, and 31}}{\text{total number of hours worked by all district employees}}$$

Contact the Division of Financial Compliance at (512) 463-9095 for further details about this measure. (*Data source: PEIMS 30040, 30050, and 30090*)

Turnover Rate for Teachers (*not on campus profile*): The percentage of teachers from the fall of 2022–23 who were not employed in the district in the fall of 2023–24. It is calculated as the total FTE count of teachers from the fall of 2022–23 who were not employed in the district in the fall of 2023–24, divided by the total teacher FTE count for the fall of 2022–23. Staff who remained employed in the district but not as teachers also count toward teacher turnover. (*Data source: PEIMS 30040 and 30090*)

Staff Exclusions (*not on campus profile*): The counts of individuals who serve public school students but are not included in the FTE totals for any of the other employee statistics. There are two types of these entries: individuals participating in a shared services arrangement and individuals on contract with the district to provide instructional services.

Shared Services Arrangement (SSA) Staff are staff who work in schools located in districts other than their employing district or whose assigned organization (in PEIMS) shows a code of 751, indicating that they are employed by the fiscal agent of an SSA. Only the portion of a person's total FTE amount associated with the school in another district (or with the 751 organization code) is counted as SSA. SSA staff are grouped into three categories: Professional Staff (which includes teachers, administrators, and professional support); Educational Aides; and Auxiliary Staff. Note that SSA Auxiliary Staff are identified by the type of fund from which they are paid.

Contracted Instructional Staff (District and Campus Profiles) refers to counts of instructors for whom the district has entered into a contractual agreement with some outside organization. Through the contract, the outside organization has committed to supplying instructional staff for the district. They are never employees of the reporting school district. (*Data source: PEIMS 30055 and 30060*)

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Contracted Instructional Staff: The count of individuals who are not regular classroom teachers who have signed a contract with a district, nor are they shared services arrangement employees. Rather, these are instructors for whom the district has entered into a contractual agreement with an outside organization. Through the contract, the outside organization has committed to supplying instructional staff for the district. They include, but are not limited to, speech therapists, occupational therapists, and any other professional contracted staff working in a classroom on a dedicated basis. *(Data source: PEIMS 30055)*

Teacher Incentive Allotment (TIA): The headcount of teachers who received incentive allotment per House Bill 3 and TEC Sec. 48.112 and average TIA payout by categories of Recognized, Exemplary and Master for the 2023-24 school year. *(Data source: Division of District Talent Systems)*

Teachers by Program (population served): The FTE count of teachers categorized by the type of student populations served: regular, special, compensatory, bilingual/ESL, gifted and talented education students, and other populations. Teacher FTE values are allocated across population types for teachers who serve multiple population types. Percentages are expressed as a percentage of total teacher FTEs. *(Data source: PEIMS 30040, 30050, and 30090)*

2023–24 Texas Academic Performance Report (TAPR) Glossary

Appendix A Advanced Academic Courses

- All courses shown were for the 2022–23 school year.
- An “A” prefix indicates a College Board Advanced Placement course.
- An “I” prefix indicates an International Baccalaureate course.
- Dual credit courses are not specifically shown on this list.

English Language Arts	
03221100	RESEARCH/TECHNICAL WRITING
03221200	CREATIVE WRITING
03221500	LITERARY GENRES (LIT GENR)
03221600	HUMANITIES (FIRST TIME TAKEN)
03221800	INDEP STUDY/ENGLISH (1ST TIME)
03231000	INDEP STUDY/JOURNALISM (1ST)
03231902	ADV BROADCAST JOURNALISM III
03240400	ORAL INTERPRETATION III
03240800	DEBATE III (DEBATE 3)
03241100	PUBLIC SPEAKING III (PUBSPKG3)
03241200	INDEP STUDY/SPEECH (1ST TIME)
A3220100	AP ENGLISH LANGUAGE AND COMP
A3220200	AP ENGLISH LITERATURE AND COMP
I3220500	IB LNG A: LANG & LIT STD LEVEL
I3220600	IB LNG A: LANG & LIT HIGH LEVL
I3220700	IB LNG A: LITERATURE STD LEVEL
I3220800	IB LNG A: LITERATURE HIGH LEVL
I3220900	IB LITERATURE & PERF STD LEVEL
I3366010	IB PHILOSOPHY STANDARD LEVEL

2023–24 Texas Academic Performance Report (TAPR) Glossary

Mathematics	
03101100	PRECALCULUS (PRE CALC)
03102500	INDEP STUDY IN MATH (1ST TIME)
03102501	INDEP STUDY IN MATH (2ND TIME)
03102502	INDEP STUDY IN MATH (3RD TIME)
03580370	DISCRETE MATH FOR COMP SCIENCE
12701410	APPLIED MATH FOR TECH PROFNALS
13001000	MATH APPL IN AG/FOOD/& NAT RES
13016700	ACCOUNTING II
13016900	STAT & BUSINESS DECISION MAKING
13018000	FINANCIAL MATHEMATICS
13020970	MATH FOR MEDICAL PROFESSIONALS
13032950	MANU ENGINEERING TECHNOLOGY II
13036700	ENGINEERING MATHEMATICS
13037050	ROBOTICS II
13037600	DIGITAL ELECTRONICS
A3100101	AP CALCULUS AB
A3100102	AP CALCULUS BC
A3100200	AP STATISTICS (APSTATS)
A3580110	AP COMPUTER SCIENCE A - MATH
A3580120	AP COMPUTER SCIENCE A - LOTE
I3100500	IB MATH ANALYS & APRCH STD LVL
I3100600	IB MATH ANALYS & APRCH HGH LVL
I3100700	IB MATH APS & INTERPT STD LVL
I3100800	IB MATH APPS & INTERPT HGH LVL
I3580310	IB COMP SCI A - HIGHR LVL MATH
I3580320	IB COMP SCI A - HIGHR LVL LOTE
03101100	PRECALCULUS (PRE CALC)
03102500	INDEP STUDY IN MATH (1ST TIME)
03102501	INDEP STUDY IN MATH (2ND TIME)
03102502	INDEP STUDY IN MATH (3RD TIME)

2023–24 Texas Academic Performance Report (TAPR) Glossary

Career and Technology Applications	
03580200	COMPUTER SCIENCE I
03580300	COMPUTER SCIENCE II
A3580300	AP COMPUTER SCIENCE PRINCIPLES
I3580200	IB COMPUTER SCIENCE STD LEVEL
I3580400	IB INFO TECH-GLOBL SOC STD LVL
I3580500	IB INFO TECH-GLOBL SOC HGH LVL

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Fine Arts	
03150400	MUSIC IV, BAND IV
03150800	MUSIC IV, ORCHESTRA IV
03151200	MUSIC IV, CHOIR IV
03151600	MUSIC IV, JAZZ ENSEMBLE IV
03152000	MUSIC IV, INSTRUMENTL ENSEM IV
03152400	MUSIC IV, VOCAL ENSEMBLE IV
03250400	THEATRE IV, THEATRE ARTS IV
03251000	THEATRE IV, THEATRE PROD IV
03251200	TECHNICAL THEATRE IV (TH4TECH)
03502300	ART IV, DRAWING III
03502400	ART IV, PAINTING III
03502500	ART IV, PRINTMAKING III
03502600	ART IV, FIBERS III
03502700	ART IV, CERAMICS III
03502800	ART IV, SCULPTURE III
03502900	ART IV, JEWELRY III
03503100	ART IV, PHOTOGRAPHY III
03830400	DANCE IV, PRINCIPLS OF DNCE IV
A3150200	AP MUSIC THEORY
A3500100	AP ART HISTORY
A3500300	AP STUDIO ART:DRWING PORTFOLIO
A3500400	AP STUDIO ART:2-DIM DSGN PORTF
A3500500	AP STUDIO ART:3-DIM DSGN PORTF
I3250200	IB MUSIC SL
I3250300	IB MUSIC HL
I3600100	ART, IB VISUAL ARTS HL
I3600200	ART, IB VISUAL ARTS SL
I3750200	THEATRE, IB THEATRE SL
I3750300	THEATRE, IB THEATRE HL
I3830100	DANCE, LEVEL III, IB DANCE I
I3830200	DANCE, LEVEL IV, IB DANCE II
I3830300	IB FILM STANDARD LEVEL
I3830400	IB FILM HIGHER LEVEL

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Science	
13000700	ADVANCED ANIMAL SCIENCE
13002100	ADV PLANT & SOIL SCIENCE
13020600	ANATOMY & PHYSIOLOGY
13020700	MEDICAL MICROBIOLOGY
13020800	PATHOPHYSIOLOGY
13023000	FOOD SCIENCE
13029500	FORENSIC SCIENCE
13036400	BIOTECHNOLOGY I
13036450	BIOTECHNOLOGY II
13037100	PRINCIPLES OF TECHNOLOGY
13037200	SCIENTIFIC RESEARCH & DESIGN
13037210	SCIENTIFIC RESEARCH & DESGN II
13037220	SCIEN RESEARCH & DESIGN III
13037300	ENG DESIGN & PROB SOLVING
13037500	ENGINEERING SCIENCE
A3010200	AP BIOLOGY
A3020000	AP ENVIRONMENTAL SCIENCE
A3040000	AP CHEMISTRY
A3050003	AP PHYSICS 1: ALGEBRA BASED
A3050004	AP PHYSICS 2: ALGEBRA BASED
A3050005	AP PHYSICS C: ELECTR&MAGNETISM
A3050006	AP PHYSICS C: MECHANICS
I3010201	IB BIOLOGY STANDARD LEVEL
I3010202	IB BIOLOGY HIGHER LEVEL
I3020000	IB ENVIRN SYS & SOC STND LEVL
I3030001	IB DESIGN TECHNOLOGY STD LEVEL
I3030002	IB DESIGN TECHNOLOGY HIGHR LVL
I3040002	IB CHEMISTRY STANDARD LEVEL
I3040003	IB CHEMISTRY HIGHER LEVEL
I3050002	IB PHYSICS STANDARD LEVEL
I3050003	IB PHYSICS HIGHER LEVEL
I3060001	IB SPRTS EXERS&HLTH SCI ST LVL
I3060002	IB SPRTS EXERS&HLTH SCI HGH LV

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Social Studies/History	
03310301	ECONOMICS ADV STUDIES, 1ST TME
03380001	SOCIAL STD ADV STDYS (1ST TME)
03380021	SOCIAL STD ADV STDYS (2ND TME)
A3220300	AP INTERNATIONAL ENGL LANGUAGE
A3310100	AP MICROECONOMICS
A3310200	AP MACROECONOMICS
A3330100	AP U.S. GOVERNMENT & POLITICS
A3330200	AP COMPARATIVE GOVT & POLITICS
A3340100	AP UNITED STATES HISTORY
A3340200	AP EUROPEAN HISTORY
A3350100	AP PSYCHOLOGY
A3360100	AP HUMAN GEOGRAPHY (WRLD GEOG)
A3360200	AP HUMAN GEOGRAPHY (ELECTIVE)
A3370100	AP WORLD HISTORY
I3301100	IB HISTORY STANDARD LEVEL
I3301200	IB HIST AFRICA&MIDEAST HGHR LV
I3301300	IB HIST OF AMERICAS HIGHER LVL
I3301400	IB HIST ASIA&OCEANIA HIGHR LVL
I3301500	IB HIST OF EUROPE HIGHER LEVEL
I3302100	IB GEOGRAPHY STANDARD LEVEL
I3302200	IB GEOGRAPHY HIGHER LEVEL
I3302300	IB SOC & CULTRL ANTHRO STD LVL
I3302400	IB SOC & CULTRL ANTHRO HGH LVL
I3302500	IB GLOBAL POLITICS STAND LEVEL
I3302600	IB GLOBAL POLITICS HIGHER LVL
I3303100	IB ECONOMICS STANDARD LEVEL
I3303200	IB ECONOMICS HIGHER LEVEL
I3304100	IB PSYCHOLOGY STANDARD LEVEL
I3304200	IB PSYCHOLOGY HIGHER LEVEL
N1130026	AP SEMINAR
N1290325	IB BUSINESS & MGT STANDARD LVL

2023–24 Texas Academic Performance Report (TAPR) Glossary

Foreign Language	
03110400	LANG O/T ENGLISH IV - ARABIC
03110500	LANG O/T ENGLISH V - ARABIC
03110600	LANG O/T ENGLISH VI - ARABIC
03110700	LANG O/T ENGLISH VII-ARABIC
03110910	SEM LOT, ADV 1ST TIME, ARABIC
03110920	SEM LOT, ADV 2ND TIME, ARABIC
03110930	SEM LOT, ADV 3RD TIME, ARABIC
03120400	LANG O/T ENGLISH IV - JAPANESE
03120500	LANG O/T ENGLISH V-JAPANESE
03120600	LANG O/T ENGLISH VI - JAPANESE
03120700	LANG O/T ENGLISH VII-JAPANESE
03120910	SEM LOT, ADV 1ST TME, JAPANESE
03120920	SEM LOT, ADV 2ND TME, JAPANESE
03120930	SEM LOT, ADV 3RD TME, JAPANESE
03400400	LANG O/T ENGLISH IV - ITALIAN
03400500	LANG O/T ENGLISH V - ITALIAN
03400600	LANG O/T ENGLISH VI - ITALIAN
03400700	LANG O/T ENGLISH VII-ITALIAN
03400910	SEM LOT, ADV 1ST TIME, ITALIAN
03400920	SEM LOT, ADV 2ND TIME, ITALIAN
03400930	SEM LOT, ADV 3RD TIME, ITALIAN
03410400	LANG O/T ENGLISH IV - FRENCH
03410500	LANG O/T ENGLISH V - FRENCH
03410600	LANG O/T ENGLISH VI - FRENCH
03410700	LANG O/T ENGLISH VII - FRENCH
03410910	SEM LOT, ADV 1ST TIME, FRENCH
03410920	SEM LOT, ADV 2ND TIME, FRENCH
03410930	SEM LOT, ADV 3RD TIME, FRENCH
03420400	LANG O/T ENGLISH IV - GERMAN
03420500	LANG O/T ENGLISH V - GERMAN
03420600	LANG O/T ENGLISH VI - GERMAN
03420700	LANG O/T ENGLISH VII - GERMAN
03420910	SEM LOT, ADV 1ST TIME, GERMAN
03420920	SEM LOT, ADV 2ND TIME, GERMAN
03420930	SEM LOT, ADV 3RD TIME, GERMAN
03430400	LOTE CLASSIC LNG, LVL IV LATIN
03430500	LOTE CLASSIC LNG, LVL V LATIN
03430600	LOTE CLASSIC LNG, LVL VI LATIN

2023–24 Texas Academic Performance Report (TAPR) Glossary

Foreign Language	
03430700	LOTE CLASSIC LNG LVL VII LATIN
03430910	CLS LNG SEM, ADV 1ST TME LATIN
03430920	CLS LNG SEM, ADV 2ND TME LATIN
03430930	CLS LNG SEM, ADV 3RD TME LATIN
03440400	LANG O/T ENGLISH IV - SPANISH
03440440	SPANISH FOR SPAN SPEAKERS LVL4
03440500	LANG O/T ENGLISH V - SPANISH
03440600	LANG O/T ENGLISH VI - SPANISH
03440700	LANG O/T ENGLISH VII - SPANISH
03440910	SEM LOT, ADV 1ST TIME, SPANISH
03440920	SEM LOT, ADV 2ND TIME, SPANISH
03440930	SEM LOT, ADV 3RD TIME, SPANISH
03450400	LANG O/T ENGLISH IV - RUSSIAN
03450500	LANG O/T ENGLISH V - RUSSIAN
03450600	LANG O/T ENGLISH VI - RUSSIAN
03450700	LANG O/T ENGLISH VII-RUSSIAN
03450910	SEM LOT, ADV 1ST TIME, RUSSIAN
03450920	SEM LOT, ADV 2ND TIME, RUSSIAN
03450930	SEM LOT, ADV 3RD TIME, RUSSIAN
03470400	LANG O/T ENGLISH IV PORTUGUESE
03470500	LANG O/T ENGLISH V PORTUGUESE
03470600	LANG O/T ENGLISH VI PORTUGUESE
03470700	LANG O/T ENGLISH VII-PORTUGUES
03470910	SEM LOT, ADV 1ST TIME, PORTUGE
03470920	SEM LOT, ADV 2ND TIME, PORTUGE
03470930	SEM LOT, ADV 3RD TIME, PORTUGE
03490400	LANG O/T ENGLISH IV - CHINESE
03490500	LANG O/T ENGLISH V - CHINESE
03490600	LANG O/T ENGLISH VI - CHINESE
03490700	LANG O/T ENGLISH VII-CHINESE
03490910	SEM LOT, ADV 1ST TIME, CHINESE
03490920	SEM LOT, ADV 2ND TIME, CHINESE
03490930	SEM LOT, ADV 3RD TIME, CHINESE
03510400	LNG OTH THN ENG LVL IV VIETNAM
03510500	LNG OTH THN ENG LVL V VIETNAM
03510600	LNG OTH THN ENG LVL VI VIETNAM
03510700	LNG OTH THN EN LVL VII VIETNAM
03510910	SEM LOT, ADV 1ST TIME, VIETNAM

2023–24 Texas Academic Performance Report (TAPR) Glossary

Foreign Language	
03510920	SEM LOT, ADV 2ND TIME, VIETNAM
03510930	SEM LOT, ADV 3RD TIME, VIETNAM
03520400	LANG OTHR THN ENG LVL IV HINDI
03520500	LANG OTHR THAN ENG LVL V HINDI
03520600	LANG OTHR THN ENG LVL VI HINDI
03520700	LANG OTH THN ENG LVL VII HINDI
03520910	SEM LOT, ADV 1ST TIME, HINDI
03520920	SEM LOT, ADV 2ND TIME, HINDI
03520930	SEM LOT, ADV 3RD TIME, HINDI
03530400	LOE, LEVEL IV - URDU
03530500	LOE, LEVEL V - URDU
03530600	LOE, LEVEL VI - URDU
03530700	LOE, LEVEL VII - URDU
03530910	SEM LOT, ADV 1ST TIME, URDU
03530920	SEM LOT, ADV 2ND TIME, URDU
03530930	SEM LOT, ADV 3RD TIME, URDU
03980400	LANG O/T ENGLISH IV - ASL
03980910	AMER SIGN LNG ADV STD 1ST TIME
03980920	AMER SIGN LNG ADV STD 2ND TIME
03980930	AMER SIGN LNG ADV STD 3RD TIME
03996000	OTHER FOREIGN LANGUAGES IV
03996100	OTHER FOREIGN LANGUAGES V
03996200	OTHER FOREIGN LANGUAGES VI
03996300	OTHER FOREIGN LANGUAGES VII
11401400	LANG OTH ENG/LVLIV/TURK
11401500	LANG OTH ENG/LVLV/TURK
11401600	LANG OTH ENG/LVLVI/TURK
11401700	LANG OTH ENG/LVLVII/TURK
11401910	SEM LOT, ADV 1ST TIME, TURKISH
11401920	SEM LOT, ADV 2ND TIME, TURKISH
11401930	SEM LOT, ADV 3TD TIME, TURKISH
11403200	LANG OTH ENG/LVLIV/KOR
11403300	LANG OTH ENG/LVLV/KOR
11403400	LANG OTH ENG/LVLVI/KOR
11403500	LANG OTH ENG/LVLVII/KOR
11403610	SEM LOT, ADV 1ST TIME, KOREAN
11403620	SEM LOT, ADV 2ND TIME, KOREAN
11403630	SEM LOT, ADV 3RD TIME, KOREAN

2023–24 Texas Academic Performance Report

(TAPR) Glossary

Foreign Language	
A3120400	AP LANG & CULTURE - JAPANESE
A3400400	AP LANG & CULTURE - ITALIAN
A3410100	AP LANGUAGE & CULTURE - FRENCH
A3420100	AP LANGUAGE & CULTURE - GERMAN
A3430100	AP LATIN
A3440100	AP LANG & CULTURE - SPANISH
A3440200	AP LITER & CULTURE - SPANISH
A3490400	AP LANGUAGE & CULTURE - CHINESE
I3110300	IB LANGUAGE AB INITIO STD LEVL
I3110400	IB LNG B MODRN LANG SL- ARABIC
I3110500	IB LNG B MODRN LANG HL- ARABIC
I3120400	IB LNG B MODRN LNG SL-JAPANESE
I3120500	IB LNG B MODRN LNG HL-JAPANESE
I3410400	IB LNG B MODERN LANG SL-FRENCH
I3410500	IB LNG B MODERN LANG HL-FRENCH
I3420400	IB LNG B MODERN LANG SL-GERMAN
I3420500	IB LNG B MODERN LANG HL-GERMAN
I3430400	IB LNG B CLASSIC LANG SL-LATIN
I3430500	IB LNG B CLASSIC LANG HL-LATIN
I3440400	IB LNG B MODRN LANG SL-SPANISH
I3440500	IB LNG B MODRN LANG HL-SPANISH
I3450400	IB LNG B MODRN LANG SL-RUSSIAN
I3450500	IB LNG B MODRN LANG HL-RUSSIAN
I3480400	IB LNG B MODERN LANG SL-HEBREW
I3480500	IB LNG B MODERN LANG HL-HEBREW
I3490400	IB LNG B MODRN LANG SL-CHINESE
I3490500	IB LNG B MODRN LANG HL-CHINESE
I3520400	IB LANG B MODERN LANG SL-HINDI
I3520500	IB LANG B MODERN LANG HL-HINDI
I3996000	IB LANG B, MODRN LANG SL OTHER
I3996100	IB LANG B, MODRN LANG HL OTHER

Other	
I3305100	IB WORLD RELIGIONS STANDRD LVL
N1290317	GIFD & TAL IND STUD MENTOR III
N1290318	GIFD & TAL IND STUD MENTOR IV
N1290322	IB THEORY OF KNOWLEDGE

2023–24 Texas Academic Performance Report (TAPR) Glossary

Appendix B PEIMS Role Identifications (In Alphabetical Order by Label)

CENTRAL ADMINISTRATORS

004	Assistant/Associate/Deputy Superintendent
027	Superintendent/CAO/CEO/President
061	Asst/Assoc/Deputy Exec Director
062	Component/Department Director
063	Coordinator/Manager/Supervisor

CAMPUS ADMINISTRATORS

003	Assistant Principal
020	Principal

EITHER CENTRAL OR CAMPUS ADMINISTRATORS*

012	Instructional Officer
028	Teacher Supervisor
040	Athletic Director
043	Business Manager
044	Tax Assessor and/or Collector
045	Director - Personnel/Human Resources
055	Registrar
060	Executive Director

PROFESSIONAL SUPPORT STAFF

002	Art Therapist
005	Psychological Associate
006	Audiologist
007	Corrective Therapist
008	Counselor
011	Educational Diagnostician
013	Librarian
015	Music Therapist
016	Occupational Therapist
017	Certified Orientation & Mobility Specialist
018	Physical Therapist
019	Physician
021	Recreational Therapist
022	School Nurse
023	LSP/Psychologist
024	Social Worker
026	Speech Therapist/Speech-Lang Pathologist
030	Visiting Teacher/Tuant Officer
032	Work-Based Learning Site Coordinator
041	Teacher Facilitator
042	Teacher Appraiser
054	Department Head
056	Athletic Trainer

2023–24 Texas Academic Performance Report (TAPR) Glossary

058	Other Campus Professional Personnel
064	Specialist/Consultant
065	Field Service Agent
079	Other ESC Professional Personnel
080	Other Non-Campus Professional Personnel
100	Instructional Materials Coordinator
101	Legal Services
102	Communications Professional
103	Research/Evaluation Professional
104	Internal Auditor
105	Security
106	District/Campus Information Technology Professional
107	Food Service Professional
108	Transportation
109	Athletics
110	Custodial
111	Maintenance
112	Business Services Professional
113	Other District Exempt Professional Auxiliary
114	Other Campus Exempt Professional Auxiliary
115.....	Psychiatric Nurse
116.....	Licensed Clinical Social Worker
117.....	Licensed Professional Counselor
118.....	Licensed Marriage & Family Therapist

TEACHERS

087	Teacher
047	Substitute Teacher

EDUCATIONAL AIDES

033	Educational Aide
036	Certified Interpreter

AUXILIARY STAFF

Employment record, but no responsibility records.

* Administrators reported with these roles are categorized as central office or campus, depending on the organization ID reported for them.

Report on Violent or Criminal Incidents

School Violence Prevention and Intervention

The GISD Security Department utilizes qualified personnel, staff training, equipment, and key procedures to help keep students, staff and visitors safe at Garland ISD campuses and facilities. The department conducts an annual audit of district safety and security procedures. Audits of individual schools are conducted at least once every three years.

Controlled entry is one way the district ensures safety on each campus. Access cards are needed to gain entry into GISD buildings. Visitors must be buzzed into two doors, under camera surveillance, and screened before entering the school. Campuses screen visitors by requiring them to show a government I.D., which is run through a national sex offender database. Campus escorts are also used when necessary.

The district also ensures safety on campuses through the use of a closed-circuit video monitoring system.

In addition to lockdown drills, evacuation and severe weather drills are also practiced. Garland ISD staff and students are taught and continually reminded about each type of emergency, the reasons and conditions for each drill activation, and their campus' procedures.

The District employs the Anonymous Alerts App so that individuals can provide anonymous tips.

Emergency Management Procedures

- District Emergency Operations Plan
- Standard Response Protocol/Standard Reunification Method
- Random Searches
- Lockdown Drills
- Fire Drills
- Shelter Drills
- District Behavioral Threat Assessment Team
- Traumatic Injury Response Protocol (Stop the Bleed)
- Canine Detection and Prevention Program

School Violence In-Service Training

- Standard Response Protocol Training
- PTA Meeting
- Table Top Exercises
- Districtwide Relocation and Reunification Drills

Preventive Equipment

Electric locks at each campus with main entrance intercom and closed-circuit television camera. Locks controlled through GISD central command center. Each exterior door has a door contact alarm, which alerts the command center if a door is propped open.

Closed-circuit cameras at each campus linked through GISD network. Accessible at each campus and monitored at the central command center.

Visitor management system at each facility requires government I.D. or passport. System scans visitors through a national database system of sex offenders.

Public address systems at each campus link to the telephone structure to allow announcements from classrooms and any District telephone from outside the building as well.

School Resource Officers (SRO's) Officers from the Garland, Rowlett and Sachse Police Departments serve as School Resource Officers (SRO) for Garland ISD schools. Each SRO brings specialized knowledge of the law, local and national crime trends and safety procedures to the campus. SROs, as a result, possess a skill set unique among both law enforcement and education personnel that enables them to protect the community and the campus while supporting the educational mission. Two SROs are assigned to each high school; one SRO is assigned to each middle school; and, one SRO rotates among 2-5 elementary schools.

GISD's **Armed Security Officers (ASOs)** fulfill HB3 mandates and provide for a safe and secure school environment, foster an optimal learning environment, and act as a deterrent to unsafe or poor behavior by patrolling the campus, monitoring student behavior, enforcing school and District policies, intervening in physical encounters, monitoring security cameras, monitoring visitors, and reporting unsafe or unhealthy conditions. ASOs patrol and monitor assigned school campuses to provide security and protection to students, personnel, equipment, and property; maintain campus security and protect District property against vandalism, illegal entry, fire, and theft; respond to emergency situations; and protect students from armed intruders.

RATING YEAR 2023-2024

DISTRICT NUMBER district #

Select An Option

Help

Home



Financial Integrity Rating System of Texas

2023-2024 RATINGS BASED ON SCHOOL YEAR 2022-2023 DATA - DISTRICT STATUS DETAIL

Name: GARLAND ISD(057909)

Publication Level 1: 8/8/2024 6:33:40 PM

Status: Passed

Publication Level 2: 8/8/2024 6:33:40 PM

Rating: A = Superior Achievement

Last Updated: 8/20/2024 1:36:28 PM

District Score: 100

Passing Score: 70

#	Indicator Description	Updated	Score
1	<u>Was the complete annual financial report (AFR) and data submitted to the TEA within 30 days of the November 27 or January 28 deadline depending on the school district's fiscal year end date of June 30 or August 31, respectively?</u>	4/19/2024 6:25:58 PM	Yes
2	<u>Was there an unmodified opinion in the AFR on the financial statements as a whole? (The American Institute of Certified Public Accountants (AICPA) defines unmodified opinion. The external independent auditor determines if there was an unmodified opinion.)</u>	4/19/2024 6:25:58 PM	Yes
3	<u>Was the school district in compliance with the payment terms of all debt agreements at fiscal year end? (If the school district was in default in a prior fiscal year, an exemption applies in following years if the school district is current on its forbearance or payment plan with the lender and the payments are made on schedule for the fiscal year being rated. Also exempted are technical defaults that are not related to monetary defaults. A technical default is a failure to uphold the terms of a debt covenant, contract, or master promissory note even though payments to the lender, trust, or sinking fund are current. A debt agreement is a legal agreement between a debtor (= person, company, etc. that owes money) and their creditors, which includes a plan for paying back the debt.)</u>	4/19/2024 6:25:58 PM	Yes
4	<u>Did the school district make timely payments to the Teachers Retirement System (TRS), Texas Workforce Commission (TWC), Internal Revenue Service (IRS), and other government agencies? (If the school district received a warrant hold and the warrant hold was not cleared within 30 days from the date the warrant hold was issued, the school district is considered to not have made timely payments and will fail critical indicator 4. If the school district was issued a warrant hold, the maximum points and highest rating that the school district may receive is 95 points, A = Superior Achievement, even if the issue surrounding the initial warrant hold was resolved and cleared within 30 days.)</u>	4/19/2024 6:25:58 PM	Yes Ceiling Passed
			1 Multiplier Sum
5	<u>Was the total net position in the governmental activities column in the Statement of Net Position (net of accretion of interest for capital appreciation bonds, net pension liability, and other post-employment benefits) greater than zero? (If it is not, the maximum points and highest rating that the school district may receive is 79 points, C = Meets Standard Achievement, unless the school district has an increase of students in membership over 5 years of 7 percent or more or 1,000 or more students in membership. If the school district has an increase of students in membership over 5 years of 7 percent or more or 1,000 or more students in membership, the maximum points and highest rating that the school district may receive is 89 points, B = Above Standard Achievement.)</u>	4/19/2024 6:25:58 PM	Ceiling Passed
6	<u>Was the average change in (assigned and unassigned) fund balances over 3 years less than a 25 percent decrease or did the current year's assigned and unassigned fund balances exceed 75 days of operational expenditures? (If the school district fails indicator 6, the maximum points and highest rating that the school district may receive is 89 points, B = Above Standard Achievement.)</u>	4/19/2024 6:25:58 PM	Ceiling Passed

7	<u>Was the number of days of cash on hand and current investments in the general fund for the school district sufficient to cover operating expenditures (excluding facilities acquisition and construction)? See ranges below in the Determination of Points section.</u>	4/19/2024 6:25:58 PM	10
8	<u>Was the measure of current assets to current liabilities ratio for the school district sufficient to cover short-term debt? See ranges below in the Determination of Points section.</u>	4/19/2024 6:25:58 PM	10
9	<u>Did the school district's general fund revenues equal or exceed expenditures (excluding facilities acquisition and construction)? If not, was the school district's number of days of cash on hand greater than or equal to 60 days? See ranges below in the Determination of Points section.</u>	4/19/2024 6:25:58 PM	10
10	This indicator is not being evaluated.		10
11	<u>Was the ratio of long-term liabilities to total assets for the school district sufficient to support long-term solvency? (If the school district's increase of students in membership over 5 years was 7 percent or more or 1,000 or more students in membership, then the school district passes this indicator.)</u>	4/19/2024 6:25:58 PM	10
12	<u>What is the correlation between future debt requirements and the district's assessed property value?</u>	8/20/2024 1:36:27 PM	10
13	<u>Was the school district's administrative cost ratio equal to or less than the threshold ratio? See ranges below in the Determination of Points section.</u>	8/20/2024 1:36:27 PM	10
14	<u>Did the school district not have a 15 percent decline in the students to staff ratio over 3 years (total enrollment to total staff)? If the student enrollment did not decrease, the school district will automatically pass this indicator.</u>	4/19/2024 6:25:58 PM	10
15	This indicator is not being evaluated.		5
16	<u>Did the comparison of Public Education Information Management System (PEIMS) data to like information in the school district's AFR result in a total variance of less than 3 percent of all expenditures by function? (If the school district fails indicator 16, the maximum points and highest rating that the school district may receive is 89 points, B = Above Standard Achievement.)</u>	4/19/2024 6:25:58 PM	Ceiling Passed
17	<u>Did the external independent auditor report that the AFR was free of any instance(s) of material weaknesses in internal controls over financial reporting and compliance for local, state, or federal funds and free from substantial doubt about the school district's ability to continue as a going concern? (The AICPA defines material weakness.) (If the school district fails indicator 17, the maximum points and highest rating that the school district may receive is 79 points, C = Meets Standard Achievement.)</u>	4/19/2024 6:25:58 PM	Ceiling Passed
18	<u>Did the external independent auditor indicate the AFR was free of any instance(s) of material noncompliance for grants, contracts, and laws related to local, state, or federal funds? (The AICPA defines material noncompliance.)</u>	4/19/2024 6:25:58 PM	10
19	<u>Did the school district post the required financial information on its website in accordance with Government Code, Local Government Code, Texas Education Code, Texas Administrative Code and other statutes, laws and rules that were in effect at the school district's fiscal year end?</u>	4/19/2024 6:25:58 PM	5
20	<u>Did the school district's administration and school board members discuss any changes and/or impact to local, state, and federal funding at a board meeting within 120 days before the district adopted its budget?</u>	4/19/2024 6:25:58 PM	Ceiling Passed
21	<u>Did the school district receive an adjusted repayment schedule for more than one fiscal year for an over-allocation of Foundation School Program (FSP) funds because of a financial hardship?</u>	4/19/2024 6:25:58 PM	Ceiling Passed
			100 Weighted Sum
			1 Multiplier Sum
			(100 Ceiling)

DETERMINATION OF RATING

A.	Did the school district fail any of the critical indicators 1, 2, 3, or 4? If so, the school district's rating is F for Substandard Achievement regardless of points earned.	
B.	Determine the rating by the applicable number of points.	
	A = Superior Achievement	90-100
	B = Above Standard Achievement	80-89
	C = Meets Standard Achievement	70-79
	F = Substandard Achievement	<70
No Rating = A school district receiving territory that annexes with a school district ordered by the commissioner under TEC 13.054, or consolidation under Subchapter H, Chapter 41. No rating will be issued for the school district receiving territory until the third year after the annexation/consolidation. The school district receives an F if it scores below the minimum passing score, if it failed any critical indicator 1, 2, 3, or 4, if the AFR or the data were not both complete, or if either the AFR or the data were not submitted on time for FIRST analysis.		

CEILING INDICATORS

Did the school district meet the criteria for any of the following ceiling indicators 4, 6, 16, 17, 20, or 21? If so, the school district's applicable maximum points and rating are disclosed below. Please note, an F = Substandard Achievement Rating supersedes any rating earned as the result of the school district meeting the criteria of a ceiling indicator.		
Determination of rating based on meeting ceiling criteria.	Maximum Points	Maximum Rating
Indicator 4 (Timely Payments) - School district was issued a warrant hold.	95	A = Superior Achievement
Indicator 6 (Average Change in Fund Balance) - Response to indicator is <i>No</i> .	89	B = Above Standard Achievement
Indicator 16 (PEIMS to AFR) - Response to indicator is <i>No</i> .	89	B = Above Standard Achievement
Indicator 17 (Material Weaknesses) - Response to indicator is <i>No</i> .	79	C = Meets Standard Achievement
Indicator 20 (Property Values and Tax Discussion) - Response to indicator is <i>No</i> .	89	B = Above Standard Achievement
Indicator 21 (FSP Repayment Plan) - Response to indicator is <i>Yes</i> .	70	C = Meets Standard Achievement

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THE TEXAS EDUCATION AGENCY
1701 NORTH CONGRESS AVENUE • AUSTIN, TEXAS, 78701 • (512) 463-9734

FIRST 5.15.7.0

2022 - 2023 Actual Financial Data
Totals for GARLAND ISD (057909)
Total Enrolled Membership: 52,677

	District						State		
	General Fund	%	Per Student	All Funds	%	Per Student	All Funds	%	Per Student
Revenues									
Operating Revenue									
Local Property Tax from M&O (excluding recapture)	\$236,424,171	47.85%	\$4,488	\$236,424,171	38.41%	\$4,488	\$28,691,872,133	40.66%	\$5,214
State Operating Funds	\$227,889,652	46.12%	\$4,326	\$233,461,127	37.93%	\$4,432	\$23,719,158,787	33.61%	\$4,310
Federal Funds	\$13,282,192	2.69%	\$252	\$118,980,846	19.33%	\$2,259	\$14,132,922,804	20.03%	\$2,568
Other Local	\$16,481,444	3.34%	\$313	\$26,637,567	4.33%	\$506	\$4,021,402,796	5.70%	\$731
Total Operating Revenue	\$494,077,459	100.00%	\$9,379	\$615,503,711	100.00%	\$11,684	\$70,565,356,520	100.00%	\$12,822
Other Revenue									
Local Property Tax from I&S	\$0	0.00%	\$0	\$87,925,383	92.31%	\$1,669	\$10,181,652,781	86.55%	\$1,850
State Assistance for Debt Service	\$0	0.00%	\$0	\$2,649,396	2.78%	\$50	\$388,614,109	3.30%	\$71
Misc Rev Debt Service Fund (F599)	\$0	0.00%	\$0	\$2,213,619	2.32%	\$42	\$314,731,759	2.68%	\$57
Other Receipts (excluding debt service financing)	\$1,440,220	100.00%	\$27	\$2,466,557	2.59%	\$47	\$879,081,869	7.47%	\$160
Total Other Revenue	\$1,440,220	100.00%	\$27	\$95,254,955	100.00%	\$1,808	\$11,764,080,518	100.00%	\$2,138
Subtotal: Operating and Other Revenue	\$495,517,679	100.00%	\$9,407	\$710,758,666	100.00%	\$13,493	\$82,329,437,038	100.00%	\$14,960
Recapture Revenue									
Local Property Tax Recaptured	\$0	0.00%	\$0	\$0	0.00%	\$0	\$4,520,744,064	100.00%	\$821
Total Recaptured Revenue	\$0	0.00%	\$0	\$0	0.00%	\$0	\$4,520,744,064	100.00%	\$821
Subtotal: Operating, Other and Recaptured Revenue	\$495,517,679	100.00%	\$9,407	\$710,758,666	100.00%	\$13,493	\$86,850,181,102	100.00%	\$15,781
Debt Service Financing and TRS Estimate Revenue									
Debt Service Financing Related Revenue	\$0	0.00%	\$0	\$0	0.00%	\$0	\$2,519,285,839	48.45%	\$458
Estimated State TRS Contributions	\$28,465,299	100.00%	\$540	\$28,465,299	100.00%	\$540	\$2,680,158,246	51.55%	\$487
Subtotal: Debt Service Financing and TRS Estimate Revenue	\$28,465,299	100.00%	\$540	\$28,465,299	100.00%	\$540	\$5,199,444,085	100.00%	\$945
Grand Total: Operating, Other, Debt Service Financing, and TRS Estimate Revenue excluding recapture	\$523,982,978	100.00%	\$9,947	\$739,223,965	100.00%	\$14,033	\$87,528,881,123	100.00%	\$15,905
Expenditures									
Operating Expenditures by Object (61xx-64xx only)									

2022 - 2023 Actual Financial Data
Totals for GARLAND ISD (057909)
Total Enrolled Membership: 52,677

	District						State		
	General Fund	%	Per Student	All Funds	%	Per Student	All Funds	%	Per Student
Payroll Expenditures (Object 61xx)	\$446,646,218	85.46%	\$8,479	\$514,375,321	80.95%	\$9,765	\$53,061,122,304	77.83%	\$9,642
Professional & Contracted Services (Object 62xx)	\$43,527,341	8.33%	\$826	\$53,540,810	8.43%	\$1,016	\$6,951,471,452	10.20%	\$1,263
Supplies & Materials (Object 63xx)	\$23,561,150	4.51%	\$447	\$56,648,011	8.91%	\$1,075	\$6,000,809,548	8.80%	\$1,090
Other Operating Expenditures (Object 64xx)	\$8,921,550	1.71%	\$169	\$10,880,989	1.71%	\$207	\$2,164,945,111	3.18%	\$393
Total Operating Expenditures by Object	\$522,656,259	100.00%	\$9,922	\$635,445,131	100.00%	\$12,063	\$68,178,348,415	100.00%	\$12,389
Non-Operating Expenditures by Object									
Capital Outlay (Object 61xx-64xx)	\$0	0.00%	\$0	\$0	0.00%	\$0	\$62,503,609	0.26%	\$11
Debt Services (Object 65xx)	\$1,954,487	42.68%	\$37	\$103,220,197	84.66%	\$1,959	\$11,163,943,942	46.06%	\$2,029
Capital Outlay (Object 66xx)	\$2,625,335	57.32%	\$50	\$18,696,346	15.34%	\$355	\$13,009,251,112	53.68%	\$2,364
Total Non-Operating Expenditures by Object	\$4,579,822	100.00%	\$87	\$121,916,543	100.00%	\$2,314	\$24,235,698,663	100.00%	\$4,404
Grand Total: Operating and Non-Operating Expenditures by Object	\$527,236,081	100.00%	\$10,009	\$757,361,674	100.00%	\$14,377	\$92,414,047,078	100.00%	\$16,792
Operating Expenditures by Function (61xx-64xx only)									
Instruction (Function 11,95)	\$306,150,015	58.58%	\$5,812	\$355,928,399	56.01%	\$6,757	\$37,694,253,296	55.29%	\$6,849
Instructional Resources & Media Services (Function 12)	\$8,181,621	1.57%	\$155	\$8,539,471	1.34%	\$162	\$666,798,594	0.98%	\$121
Curriculum & Staff Development (Function 13)	\$12,296,842	2.35%	\$233	\$24,072,791	3.79%	\$457	\$1,695,187,680	2.49%	\$308
Instructional Leadership (Function 21)	\$7,996,873	1.53%	\$152	\$13,288,955	2.09%	\$252	\$1,229,238,310	1.80%	\$223
School Leadership (Function 23)	\$33,356,907	6.38%	\$633	\$35,627,816	5.61%	\$676	\$3,907,731,028	5.73%	\$710
Guidance Counseling Services (Function 31)	\$25,484,306	4.88%	\$484	\$28,935,209	4.55%	\$549	\$2,737,811,247	4.02%	\$497
Social Work Services (Function 32)	\$508,852	0.10%	\$10	\$983,282	0.15%	\$19	\$252,643,229	0.37%	\$46
Health Services (Function 33)	\$8,317,382	1.59%	\$158	\$8,611,631	1.36%	\$163	\$732,011,214	1.07%	\$133
Transportation (Function 34)	\$19,868,638	3.80%	\$377	\$20,530,512	3.23%	\$390	\$2,059,867,566	3.02%	\$374
Food Services (Function 35)	\$80,529	0.02%	\$2	\$31,178,004	4.91%	\$592	\$3,474,009,318	5.10%	\$631
Extracurricular (Function 36)	\$12,432,995	2.38%	\$236	\$14,348,383	2.26%	\$272	\$2,112,169,842	3.10%	\$384
General Administration (Function 41,92)	\$18,850,458	3.61%	\$358	\$20,023,346	3.15%	\$380	\$2,263,873,359	3.32%	\$411
Facilities Maintenance & Operations (Function 51)	\$46,212,426	8.84%	\$877	\$46,695,381	7.35%	\$886	\$6,750,271,702	9.90%	\$1,227
Security & Monitoring Services (Function 52)	\$7,578,713	1.45%	\$144	\$7,607,885	1.20%	\$144	\$909,865,518	1.33%	\$165
Data Processing Services (Function 53)	\$13,670,332	2.62%	\$260	\$16,519,790	2.60%	\$314	\$1,317,893,172	1.93%	\$239
Community Services (Function 61)	\$1,669,370	0.32%	\$32	\$2,554,276	0.40%	\$48	\$352,764,015	0.52%	\$64

2022 - 2023 Actual Financial Data
Totals for GARLAND ISD (057909)
Total Enrolled Membership: 52,677

	District						State		
	General Fund	%	Per Student	All Funds	%	Per Student	All Funds	%	Per Student
Fund Raising CHARTER SCHOOLS ONLY (Function 81)	\$0	0.00%	\$0	\$0	0.00%	\$0	\$21,959,325	0.03%	\$4
Total Operating Expenditures by Function	\$522,656,259	100.00%	\$9,922	\$635,445,131	100.00%	\$12,063	\$68,178,348,415	100.00%	\$12,389
Non-Operating Expenditures by Function									
Non-Operating Expenditures by Function (81) (61xx-64xx)	\$0	0.00%	\$0	\$0	0.00%	\$0	\$62,503,609	0.26%	\$11
Non-Operating Expenditures by Function (1x-9x) (65xx)	\$1,954,487	42.68%	\$37	\$103,220,197	84.66%	\$1,959	\$11,163,943,942	46.06%	\$2,029
Non-Operating Expenditures by Function (1x-9x) (66xx)	\$2,625,335	57.32%	\$50	\$18,696,346	15.34%	\$355	\$13,009,251,112	53.68%	\$2,364
Total Non-Operating Expenditures by Function	\$4,579,822	100.00%	\$87	\$121,916,543	100.00%	\$2,314	\$24,235,698,663	100.00%	\$4,404
Grand Total: Operating and Non-Operating Expenditures by Function	\$527,236,081	100.00%	\$10,009	\$757,361,674	100.00%	\$14,377	\$92,414,047,078	100.00%	\$16,792
Operating Expenditures by Program Intent Code (PIC) (61xx-64xx only)									
Basic Educational Services (PIC 11)	\$229,600,841	43.93%	\$4,359	\$231,856,122	36.49%	\$4,401	\$27,689,146,835	40.61%	\$5,031
Gifted and Talented (PIC 21)	\$2,453,320	0.47%	\$47	\$2,453,505	0.39%	\$47	\$402,862,418	0.59%	\$73
Career and Technical (PIC 22)	\$27,431,250	5.25%	\$521	\$28,161,853	4.43%	\$535	\$2,307,412,199	3.38%	\$419
Students with Disabilities (PICs 23,33,43)	\$65,261,458	12.49%	\$1,239	\$78,659,892	12.38%	\$1,493	\$8,680,955,352	12.73%	\$1,577
State Compensatory Education (PICs 24,26,28,29,30,34)	\$35,255,651	6.75%	\$669	\$56,552,378	8.90%	\$1,074	\$6,677,859,721	9.79%	\$1,213
Bilingual (PICs 25,35)	\$7,820,414	1.50%	\$148	\$10,460,862	1.65%	\$199	\$757,673,102	1.11%	\$138
High School Allotment (PIC 31)	\$0	0.00%	\$0	\$0	0.00%	\$0	\$0	0.00%	\$0
Early Education Allotment (PIC 36)	\$17,055,114	3.26%	\$324	\$17,067,112	2.69%	\$324	\$1,312,642,101	1.93%	\$239
Dyslexia or Related Disorder Services (PIC 37)	\$9,723,177	1.86%	\$185	\$10,252,637	1.61%	\$195	\$400,803,739	0.59%	\$73
College, Career, and Military Readiness (CCMR) (PIC 38)	\$11,675,464	2.23%	\$222	\$12,105,725	1.91%	\$230	\$377,840,010	0.55%	\$69
Athletics/Related Activities (PIC 91)	\$8,814,648	1.69%	\$167	\$8,831,895	1.39%	\$168	\$1,361,458,192	2.00%	\$247
Un-Allocated (PIC 99)	\$107,564,922	20.58%	\$2,042	\$179,043,150	28.18%	\$3,399	\$18,209,694,746	26.71%	\$3,309
Total Operating Expenditures by Program Intent Code (PIC)	\$522,656,259	100.00%	\$9,922	\$635,445,131	100.00%	\$12,063	\$68,178,348,415	100.00%	\$12,389
Non-Operating Expenditures by PIC									
Non-Operating Expenditures by PIC (81) Capital Outlay (61xx-64xx)	\$0	0.00%	\$0	\$0	0.00%	\$0	\$62,503,609	0.26%	\$11
Non-Operating Expenditures by PIC (1x-9x) (65xx)	\$1,954,487	42.68%	\$37	\$103,220,197	84.66%	\$1,959	\$11,163,943,942	46.06%	\$2,029
Non-Operating Expenditures by PIC (1x-9x) (66xx)	\$2,625,335	57.32%	\$50	\$18,696,346	15.34%	\$355	\$13,009,251,112	53.68%	\$2,364

2022 - 2023 Actual Financial Data
Totals for GARLAND ISD (057909)
Total Enrolled Membership: 52,677

	District						State		
	General Fund	%	Per Student	All Funds	%	Per Student	All Funds	%	Per Student
Total Non-Operating Expenditures by Program Intent Code (PIC)	\$4,579,822	100.00%	\$87	\$121,916,543	100.00%	\$2,314	\$24,235,698,663	100.00%	\$4,404
Grand Total: Operating and Non-Operating Expenditures by Program Intent Code (PIC)	\$527,236,081	100.00%	\$10,009	\$757,361,674	100.00%	\$14,377	\$92,414,047,078	100.00%	\$16,792

Disbursements
Total Disbursements

Operating Expenditures	\$522,656,259	95.54%	\$9,922	\$635,445,131	81.75%	\$12,063	\$68,178,348,415	68.96%	\$12,389
Recapture	\$0	0.00%	\$0	\$0	0.00%	\$0	\$4,520,744,064	4.57%	\$821
Total Other Uses	\$18,830,539	3.44%	\$357	\$18,830,539	2.42%	\$357	\$1,186,632,466	1.20%	\$216
Intergovernmental Charge	\$982,453	0.18%	\$19	\$1,120,254	0.14%	\$21	\$748,756,781	0.76%	\$136
Capital Outlay (Object 61xx-64xx)	\$0	0.00%	\$0	\$0	0.00%	\$0	\$62,503,609	0.06%	\$11
Debt Service (Object 65xx)	\$1,954,487	0.36%	\$37	\$103,220,197	13.28%	\$1,959	\$11,163,943,942	11.29%	\$2,029
Capital Projects (Object 66xx)	\$2,625,335	0.48%	\$50	\$18,696,346	2.41%	\$355	\$13,009,251,112	13.16%	\$2,364
Total Disbursements	\$547,049,073	100.00%	\$10,385	\$777,312,467	100.00%	\$14,756	\$98,870,180,389	100.00%	\$17,966

Tax Rates

2022 - 2023 (current tax year) Tax Rates

Maintenance & Operations Tax Rate				0.8546			0.9123		
Interest & Sinking Tax Rate				0.3179			0.2273		
Total Tax Rate				1.1725			1.1396		

Tax Detail

Maximum Compressed Tax Rate (MCR)				0.8046			0.8185		
Tier I Tax Rate				0.8046			0.8182		
Tier II Tax Rate (Enrichment Pennies)				0.0500			0.0941		

Fund Balance**

Fund Balance

Nonspendable Fund Balance	\$1,718,341		\$33	\$4,779,473		\$91	\$432,562,929		\$85
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2022 - 2023 Actual Financial Data
Totals for GARLAND ISD (057909)
Total Enrolled Membership: 52,677

	District						State		
	General Fund	%	Per Student	All Funds	%	Per Student	All Funds	%	Per Student
Restricted Fund Balance	\$0		\$0	\$117,746,071		\$2,235	\$34,649,934,798		\$6,795
Committed Fund Balance	\$7,000,000		\$133	\$10,917,895		\$207	\$4,558,561,099		\$894
Assigned Fund Balance	\$1,122,900		\$21	\$25,244,762		\$479	\$4,079,140,041		\$800
Unassigned Fund Balance	\$252,679,025		\$4,797	\$252,679,025		\$4,797	\$17,788,393,141		\$3,488
Total Fund Balance**	\$262,520,266		\$4,984	\$411,367,226		\$7,809	\$61,508,592,008		\$12,062
Fund Balance Reconciliation									
2021-2022 Total Fund Balance (Previous Year)	\$285,585,445		\$5,392	\$425,225,100		\$8,029	\$50,783,175,728		\$10,106
2022-2023 Excess (Deficiency) Operating Expenditures	\$-5,674,860		\$-108	\$-23,097,368		\$-438	\$-9,216,770,473		\$-1,807
2022-2023 Excess (Deficiency) Non-Operating Expenditures	\$-17,390,319		\$-330	\$2,479,494		\$47	\$19,912,005,526		\$3,905
2022-2023 Uncommon Items	\$0		\$0	\$6,760,000		\$128	\$30,181,227		\$6
2022-2023 Total Fund Balance	\$262,520,266		\$4,984	\$411,367,226		\$7,809	\$61,508,592,008		\$12,062



2022-2023 Accreditation Statuses

The Texas Education Agency awards an accreditation status to each public school district and charter school. The accreditation status is based on the academic accountability rating and financial ratings from the Financial Integrity Rating System of Texas. A district or charter must be accredited by the state to operate as a public school.

The district accreditation statuses for 2022-2023 are listed below:

Show/Hide columns:

CDN | Name | ESC | District Type | 2018 FIRST Rating | 2018 Accountability Rating | 2019 FIRST Rating | 2019 Accountability Rating | 2020 FIRST Rating | 2020 Accountability Rating | 2021 FIRST Rating | 2021 Accountability Rating | 2022 FIRST Rating | 2022 Accountability Rating | 2022-2023 Accreditation Status | Reason For Status | Notes

Show 100 entries

Search: 057909

CDN	DISTRICT NAME	ESC	2022 FIRST Rating	2022 Accountability Rating	2022-2023 Accreditation Status	Reason For Status	Notes
057909	GARLAND ISD	10	A - Superior Achievement	B	ACCREDITED		

Showing 1 to 1 of 1 entries (filtered from 1,206 total entries)

GRADUATE REPORT: 2024

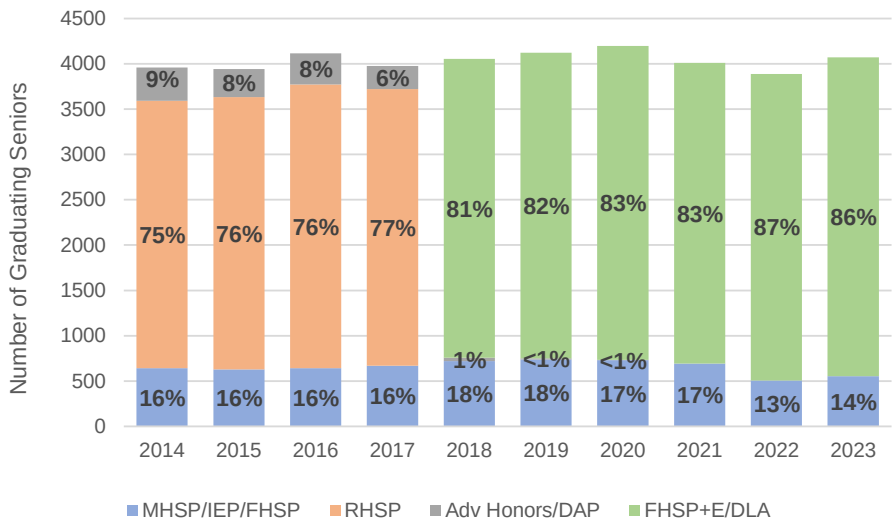
GARLAND INDEPENDENT SCHOOL DISTRICT

JANUARY 2025

The purpose of this report is to comply with Texas Education Code §39.306(a)(7) requiring annual reporting of information received under Texas Education Code §51.403(e) from the Texas High Education Coordinating Board concerning public education student enrollment and success in higher education. Due to timelines required for the capturing and reporting of the assembled data by the various educational agencies, including Garland Independent School District (GISD), the Texas Education Agency (TEA), and the Texas Higher Education Coordinating Board (THECB), the most current information available is reported, but may not reflect the most recent high school graduating class. Readers are encouraged to pay particular attention to graduating class years explained in the text and provided in graphs/tables.

Based on graduation trends over the last ten years, the GISD has experienced a fairly steady increase in the percentage of students graduating under “college ready” high school programs – that is, Recommended High School Program (Adv/RHSP), Distinguished Achievement Program (Adv Honors/DAP), and Foundation High School Program plus Endorsements or Distinguished Level of Achievement (FHSP+E/DLA). While these are two different diplomas (FHSP+E and FHSP+DLA), they are both considered “college ready” and are therefore combined for reporting. Beginning with the Class of 2018, students graduated under the Foundation High School Program (FHSP) or the FHSP+E/DLA diploma types. Even though the Classes of 2018, 2019, and 2020 graduated under the FHSP/FHSP+E/DLA diploma types, 53 students (n=37 Class of 2018, n=14 Class of 2019, and n=2 Class of 2020) graduated under the RHSP diploma type. Figure 1 highlights GISD graduate program ten-year trends.

FIGURE 1. HIGH SCHOOL GRADUATES BY YEAR AND DIPLOMA PROGRAM



What is not as evident when looking at the changes in percentages of students graduating under various high school programs shown on Figure 1 is the increase in the number of students graduating each school year. Between 2014 (N graduates = 3,957) and 2023 (N graduates = 4,071), there was an increase of 114 students, representing a 3% increase over the past ten years.

While not included in the graph, it is worth noting that the

combined percentage of GISD college ready graduates from 2014 through 2017 exceeded state percentages. State RHSP/DAP graduate rates are 83% (Class of 2014), 80% (Class of 2015), 79% (Class of 2016), and 75% (Class of 2017). GISD RHSP/DAP graduate rates are 84%, 84%, 84% and 83% respectively. Under the new FHSP diploma types, the state graduation rates (FHSP+E/DLA) are 83% (Class of 2018), 85% (Class of 2019), 86% (Class of 2020), 84% (Class of 2021), and 86% (Class of 2022); GISD FHSP+E/DLA graduate rates are 81% (Class of 2018), 82% (Class of 2019), 83% (Class of 2020), 83% (Class of 2021), 87% (Class of 2022), and 86% (Class of 2023).

In addition, the GISD Class of 2023 increased from the previous year in the percentage of students graduating on non-college ready high school diploma plan (i.e., Minimum High School Plan and/or IEP-recommended (MHSP/IEP) or FHSP). The percentages of students graduating on non-college ready high school diploma plans were 16% for the Class of 2015, 16% for the Class of 2016, 16% for the Class of 2017, 18% for the Class of 2018, 18% for the Class of 2019, 17% for the Class of 2020, 17% for the Class of 2021, 13% for the Class of 2022, and 14% for the Class of 2023. These percentages combine those students graduating under the MHSP/IEP and FHSP diploma types. It is also noteworthy that the Class of 2018 is the first full cohort of students graduating under the FHSP and FHSP+E/DLA diploma types. Despite the Class of 2018 being the first full cohort under the new graduation program, students have had the ability to graduate under the FHSP diploma since 2014. In 2014, 34 GISD students or 0.9% graduated under this diploma. In 2015, 75 students or 1.9%, in 2016, 199 students or 4.8% and in 2017, 273 students or 6.9% graduated under this diploma. The Class of 2017 saw the first students graduating under the FHSP+E/DLA diploma. Thirty-three GISD students (0.8%) of the Class of 2017 graduated under the FHSP+E/DLA diploma. Of the Class of 2023, 553 students graduated under the FHSP diploma while 3,518 students graduated under the FHSP+E/DLA diploma.

The goal of this report is to provide a glimpse into the college success of GISD graduates. This report is divided into sections to provide various elements related to college success of the most recent graduates for which data are available (most recent available varies by information reported). Tables are provided for the most recent graduates. Graphs provide a longitudinal perspective on trends over time. Data are reported for the district and individual high schools.

DATA & METHODOLOGY

Data for this report are captured from the THECB. The agency collects college enrollment, completion and GPA data from two- and four-year colleges within Texas, as well as provides reporting and data exporting on its website: www.txhighereddata.org. The high school graduates by diploma type as well as College/Career/Military Readiness (CCMR) percentages are retrieved from the district and campus-level Texas Academic Performance Reports (TAPR) published annually and found on the TEA website.

It is important to note that there are limitations to the available data. For example, because the data are provided by the THECB, college information is limited to public higher education institutions within the state of Texas. Students who attend private or out of state colleges are not captured.

COLLEGE ENROLLMENT RESULTS

Table 1 presents college enrollment for GISD students graduating in 2023 for the district, as well as each high school within the district. GISD had 40% of the Class of 2023 that could be tracked to a two- or four-year institution immediately following high school graduation. North Garland High School, Lakeview Centennial High School, and Sachse High School had the largest percentage of graduates enroll in a two- or four-year institution immediately following high school graduation (48%, 47%, and 45% respectively), i.e., fall 2023. The next highest percentage of graduates enrolling in higher education immediately following graduation are Naaman Forest High School and Rowlett High School (38% respectively).

TABLE 1. CLASS OF 2023 COLLEGE ENROLLMENT (FALL 2023)

	N Graduates	N (%) 4-Year Institution	N (%) 2-Year Institution	N (%) Unknown
GISD	4,073	856 (21%)	763 (19%)	2,454 (60%)
GHS	544	93 (17%)	101 (19%)	350 (64%)
LCHS	548	158 (29%)	97 (18%)	293 (53%)
NFHS	519	91 (18%)	102 (20%)	326 (63%)
NGHS	660	163 (25%)	152 (23%)	345 (52%)
RHS	574	122 (21%)	100 (17%)	352 (61%)
SGHS	524	48 (9%)	75 (14%)	401 (77%)
SHS	704	181 (26%)	136 (19%)	387 (55%)

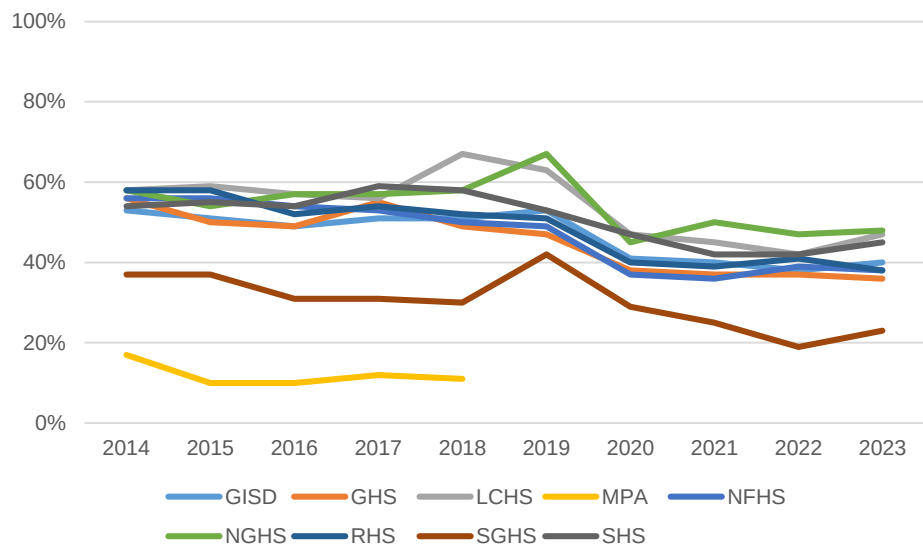
Interestingly, while not noted in the chart, the state percentage of high school graduates enrolling in college immediately following high school for the Class of 2023 was 44%, 4% higher than GISD. This represents an increase of 1% in the state from the previous year. The 40% of GISD graduates enrolling in a two- or four-year institution immediately following high graduation represents an increase of 2% from the previous year.

In addition to college enrollment for the graduating class of 2023, THECB provides data access to explore trends over time as displayed in Figure 2 below.

Figure 2 provides a ten-year perspective of district and campus college enrollment trends (two- or four-year institutions) beginning with the graduating class of 2014. Based on this data, the average rate of district-wide students for the Class of 2023 enrolling in college immediately following high school graduation is 40%. The district's Classes of 2014 and 2019 had the highest percentage of students enrolling in college immediately following high school graduation (53% respectively), while the Class of 2022 had the lowest rate (38%) of college enrollment. It should be noted that beginning with the Class of 2019, MPA students were assigned to their home campuses for reporting purposes and not MPA. Therefore, beginning with the Class of 2019, MPA will not have any graduate data.

FIGURE 2. LONGITUDINAL GRADUATE POSTSECONDARY ENROLLMENT (FALL SEMESTER) FOLLOWING HIGH SCHOOL GRADUATION: 2- OR 4-YEAR INSTITUTION

At the campus level, Lakeview Centennial High School Class of 2018 and North Garland High School Class of 2019 had the highest college enrollment rate during the last 10 years (67% respectively). The next campus cohorts with the highest college enrollment were Lakeview Centennial High School Class of 2019 (63%), Lakeview Centennial High School Class of 2015 and Sachse High School Class of 2017 (59% respectively).



COLLEGE PERFORMANCE RESULTS

Due to a lag in the capturing and reporting of this data, the most recent high school graduating cohort with grade point averages (GPAs) available is the graduating Class of 2022. Table 2 presents the success of GISD high school graduates after completing their first year of college at a two- or four-year public institution of higher education. It should be noted that 67% (the same percentage as the previous graduating class) of the GISD 2022 graduates earned a 2.0 or better in their first year college coursework at a two-or four-year public institution. The district's Class of 2019 had the highest percentage (71%) of students earning a 2.0 or better in their first year college coursework, while the Class of 2013 and Class of 2020 had the lowest rate (62% respectively) of students earning a 2.0 or better in their first year college coursework.

TABLE 2. CLASS OF 2022 FIRST YEAR COLLEGE GPA

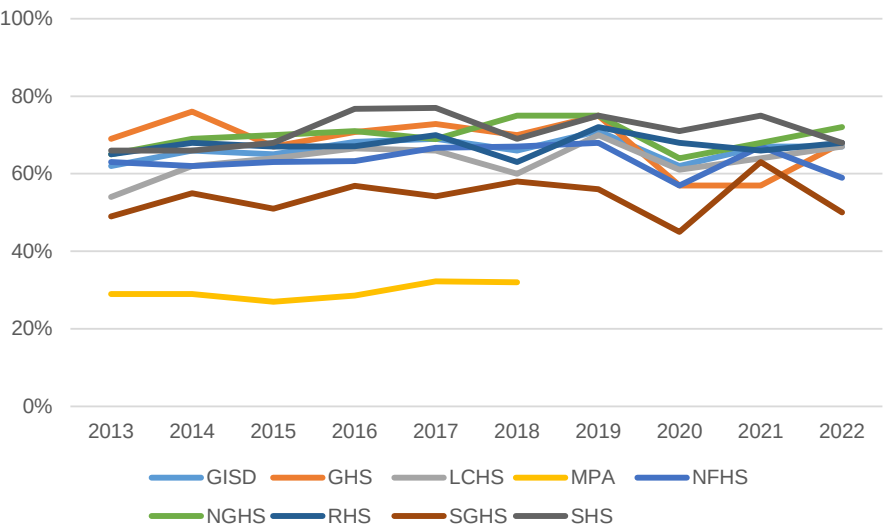
	Enrolled	GPA ≥ 3.5	GPA 3.0-3.49	GPA 2.5-2.99	GPA 2.0-2.49	GPA ≤ 1.99	GPA Unknown
GISD	1,620	381 (24%)	310 (19%)	218 (13%)	178 (11%)	476 (29%)	57 (4%)
GHS	223	65 (29%)	35 (16%)	26 (12%)	25 (11%)	68 (30%)	4 (2%)
LCHS	272	53 (19%)	57 (21%)	39 (14%)	35 (13%)	83 (31%)	5 (2%)
NFHS	186	30 (16%)	41 (22%)	27 (15%)	12 (6%)	71 (38%)	5 (3%)
NGHS	298	90 (30%)	52 (17%)	49 (16%)	27 (9%)	71 (24%)	9 (3%)
RHS	245	57 (23%)	48 (20%)	33 (13%)	30 (12%)	66 (27%)	11 (4%)
SGHS	98	11 (11%)	13 (13%)	11 (11%)	15 (15%)	40 (41%)	8 (8%)
SHS	298	75 (25%)	64 (21%)	33 (11%)	34 (11%)	77 (26%)	15 (5%)

In regard to the Class of 2022, campuses with the highest percent of students earning a 2.0 or better after their first year of college include North Garland High School (72% of their 298 trackable graduates), Garland High School (68% of their 223 trackable graduates), Rowlett High School (68% of their 245 trackable students), and Sachse High School (68% of their 298 trackable graduates). In addition, all seven traditional high school campuses have results indicating that more than 50% of their 2022 trackable graduates earned a GPA of C or higher (≥ 2.0).

Figure 3 takes a longitudinal look at the percentage of GISD graduates enrolled in a two- or four-year public institution of higher education that had a GPA of 2.0 or higher after their first year of college based on graduating classes of 2013 to 2022.

FIGURE 3. LONGITUDINAL TRENDS IN FIRST YEAR COLLEGE GPAS

Over the past ten years, Sachse High School, North Garland High School, and Garland High School have demonstrated the highest average percentage of students earning a first year college GPA of 2.0 or higher (ten-year average=71%, 70%, and 68% respectively), followed by Rowlett High school and Naaman Forest High School (ten-year average= 67% and 64% respectively). Furthermore, the consistency of GISD graduate college performance is evidenced in Figure 3, with nearly all seven traditional high school campuses annually exceeding 50% of their graduates earning a first-year college GPA of at least 2.0, with the only exceptions being South Garland High School's Class of 2013 graduates who experienced a rate of 49% and South Garland High School's Class of 2020 graduates who experienced a rate of 45%. It should be noted that beginning with the Class of 2019, MPA students were assigned to their home campuses for reporting purposes and not MPA. Therefore, beginning with the Class of 2019, MPA will not have any graduate data.



COLLEGE COMPLETION RESULTS

The following tables provide data on awarding of degrees or certificates within six years of high school graduation after enrolling in a two- or four-year institution. Due to the nature of the higher education data collection, it is possible that students who earned a Bachelor's degree may have also earned a certificate or Associate degree. The two most recent three-year cohorts available are 2014-2016 and 2017-2019.

It is not possible to determine the completion rates for individual graduating classes. Thus, Table 3 provides information related to college completion within six years for the GISD graduating classes of 2014, 2015, and 2016. It is possible that students may have earned certificates or degrees after the six-year time limit imposed on this data collection. Fifty-one percent of the GISD Graduating classes of 2014, 2015, and 2016 earned a certification, Associate Degree, or Bachelor's Degree within six years after high school graduation. This is a 7% increase of students earning a certification, Associate Degree or Bachelor's Degree as the previous 3-year cohort. Campuses with the highest percent of students earning a certification, Associate Degree, or Bachelor's Degree include Sachse High School (59% of the 1,164 students in the 3-year cohort), Garland High School (54% of the 1,010 students in the 3-year cohort), and Lakeview Centennial High School (53% of the 1,023 students in the 3-year cohort).

TABLE 3. GRADUATING CLASS OF 2014, 2015, AND 2016 HIGHER EDUCATION OUTCOMES

	N Graduates Enrolled Immediately	N (%) Earned Certification	N (%) Associate Degree	N (%) Bachelor Degree	N (%) Total
GISD	6,859	120 (2%)	908 (13%)	2,439 (36%)	3,467 (51%)
GHS	1,010	16 (2%)	98 (10%)	422 (42%)	536 (54%)
LCHS	1,023	18 (2%)	160 (16%)	353 (35%)	531 (53%)
MPA	83	1 (1%)	4 (5%)	6 (7%)	11 (13%)
NFHS	959	9 (1%)	128 (13%)	309 (32%)	446 (46%)
NGHS	933	17 (2%)	143 (15%)	320 (34%)	480 (51%)
RHS	1,152	21 (2%)	132 (11%)	448 (39%)	601 (52%)
SGHS	535	17 (3%)	65 (12%)	95 (18%)	177 (33%)
SHS	1,164	21 (2%)	178 (15%)	486 (42%)	685 (59%)

TABLE 4. GRADUATING CLASS OF 2017, 2018, AND 2019 HIGHER EDUCATION OUTCOMES

	N Graduates Enrolled Immediately	N (%) Earned Certification	N (%) Associate Degree	N (%) Bachelor Degree	N (%) Total
GISD	6,828	129 (2%)	929 (14%)	1,868 (27%)	2,926 (43%)
GHS	962	15 (2%)	98 (10%)	325 (34%)	438 (46%)
LCHS	989	8 (1%)	212 (21%)	275 (28%)	495 (50%)
MPA	62	2 (3%)	5 (8%)	4 (6%)	11 (17%)
NFHS	774	9 (1%)	95 (12%)	173 (22%)	277 (35%)
NGHS	1,176	22 (2%)	156 (13%)	361 (31%)	539 (46%)
RHS	1,117	21 (2%)	129 (12%)	314 (28%)	464 (42%)
SGHS	561	34 (6%)	78 (14%)	53 (9%)	165 (29%)
SHS	1,187	18 (1%)	156 (13%)	363 (31%)	537 (45%)

Table 4 provides similar information for the GISD graduating classes of 2017, 2018, and 2019. Forty-three percent of the GISD graduating classes of 2017, 2018, and 2019 earned a certification, Associate Degree, or Bachelor's Degree within six years after high school graduation. This is an 8% decrease of students earning a certification, Associate Degree or Bachelor's Degree as the previous 3-year cohort. Campuses with the highest percent of students earning a certification, Associate Degree, or Bachelor's Degree include

Lakeview Centennial High School (50% of the 989 students in the 3-year cohort), Garland High School (46% of the 962 students in the 3-year cohort), and North Garland High school (46% of the 1,176 students in the 3-year cohort).

COLLEGE, CAREER, MILITARY READINESS

College, Career, and Military readiness (CCMR) measures a student's preparedness for college, the workforce, or the military. In 2015, the THECB developed and authorized a plan known as 60x30TX which states that by the year 2030, at least 60% of Texans aged 25-34 will have a certificate or college degree. Fifty percent of Domain 2B (Relative Performance) and 30% of Domain 3 (Closing the Gaps) of the current state accountability system for districts and campuses pertains to the percent of graduating seniors that meet one or more of the CCMR indicators. CCMR indicators include:

- Meeting the CCMR benchmark score in ELA/reading and math on one or more of the SAT, ACT, or TSI-A
- Complete a course for dual credit (9 hours or more in any subject or 3 hours or more in an ELA or math course)
- Score a 3 or higher on an AP exam and/or a 4 or higher on an IB exam
- Earn an associate's degree while in high school
- Complete on OnRamps course
- Earn an approved industry-based Level I or Level II certification
- Graduate with a completed IEP and workforce readiness
- Enlist in the United States Armed Forces

TABLE 5. CLASS OF 2023 CCMR OUTCOMES

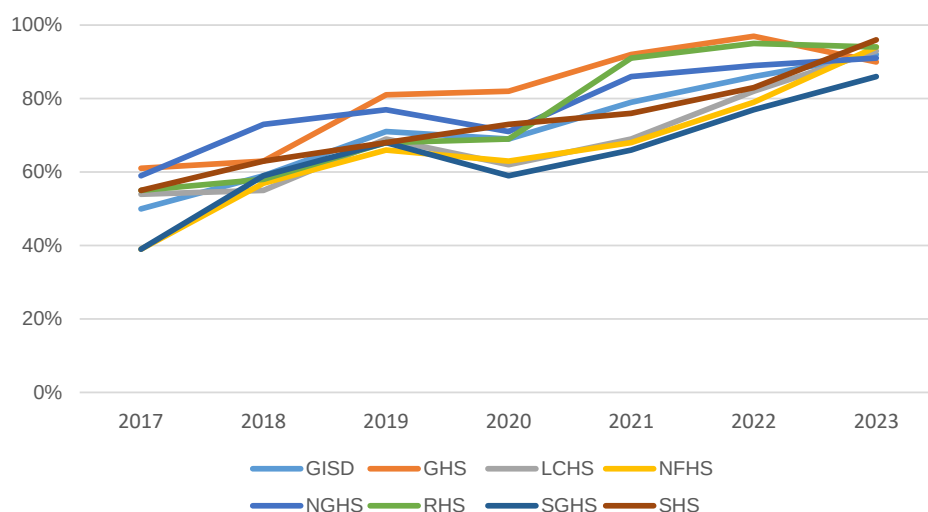
	N Graduates	N (%) CCMR
GISD	4,071	3,753 (92%)
GHS	544	492 (90%)
LCBS	548	509 (93%)
NFHS	519	489 (94%)
NGHS	660	601 (91%)
RHS	573	538 (94%)
SGHS	523	452 (86%)
SHS	704	672 (96%)

Table 5 presents CCMR graduates for the Class of 2023 for the district, as well as each high school within the district. Ninety-two percent of the Class of 2023 met one or more of the CCMR indicators (this represents a 6% increase from the previous year). Sachse High School had the largest percentage of graduates meeting one or more CCMR indicator (96%) followed by Naaman Forest High School (94%) and Rowlett High School (94%).

Figure 4 provides a seven-year perspective of district and campus CCMR rates beginning with the graduating class of 2017. The current definition of CCMR was adopted beginning with the Class of 2017. Therefore, in order to compare CCMR percentages across time, the Class of 2017 through the Class of 2023 will be reported. Graduating classes prior to 2017 utilized a different definition of CCMR, therefore a comparison will

not be made. Based on this data, the average rate of CCMR graduates is 92% for the Class of 2023 compared to 50% for Class of 2017, 59% for Class of 2018, 71% for Class of 2019, 69% for the Class of 2020, 79% for the Class of 2021, and 86% for the Class of 2022. At the campus level, Garland High School Class of 2022 had the highest CCMR graduate rate during the last seven years (97%) while Naaman Forest High School and South Garland High School Classes of 2017 had the lowest CCMR graduate rate (39% respectively).

FIGURE 4. LONGITUDINAL TRENDS IN COLLEGE/CAREER/MILITARY READINESS GRADUATES



COLLEGE FOR ALL

The College for All initiative was implemented beginning fall 2019 with full implementation in the 2021-2022 school year. The first graduates were Class of 2023. The College for All initiative provides opportunities for every student to earn a minimum of 12 hours of college credit or an industry-based certification in addition to their high school diploma. The implementation of the initiative began in the 2019-2020 school year with Rowlett High School becoming a Pathways in Technology Early College High School (P-Tech), South Garland High School becoming an Early College High School (ECHS), and Naaman Forest High School becoming a Collegiate Academy. In addition, Lakeview Centennial High School remained as a Collegiate Academy. In the 2020-2021 school year, implementation of the College for All initiative expanded to include Garland High School, Lakeview Centennial High School, Naaman Forest High School, North Garland High School, Sachse High School, and South Garland High School becoming P-Tech schools as well as Rowlett High School becoming an ECHS. In the 2021-2022 school year, implementation of the College for All Initiative concluded with Garland High School, North Garland High School, and Sachse High School becoming ECHS schools. Therefore, beginning with the 2021-2022 school year, all seven high schools contain P-Tech programs plus either an ECHS or Collegiate Academy program. The Class of 2024 is the second year in which students had the ability to graduate from high school with an Associate Degree in addition to their high school diploma under the College for All initiative. A total of 353 students (9%) of graduates earned an Associate Degree (an increase of 4% from the previous year). Naaman Forest High School had the highest percentage of graduates followed by Lakeview Centennial High School (19% and 17% respectively). Due to this being the second year for graduates to earn an Associate Degree under the College for All initiative, no longitudinal trends are available.

TABLE 6. CLASS OF 2024 ASSOCIATE DEGREES EARNED

	N Graduates	N (%) Associate Degrees Earned
GISD	3,857	353 (9%)
GHS	523	1 (0%)
LCHS	538	89 (17%)
NFHS	469	88 (19%)
NGHS	631	41 (6%)
RHS	541	75 (14%)
SGHS	451	31 (7%)
SHS	704	28 (4%)

SUMMARY

This is the twelfth annual report looking at GISD high school graduates and their post-secondary activities. The information presented above demonstrates that GISD graduates are enrolling, meeting with success, and completing college programs in Texas. The GISD Board of Trustees and district leadership continue to make student preparation for college success a priority through several initiatives, including the financial support of the following: a) PSAT/NMSQT for all 10th & 11th grade students (beginning fall 2013); b) PSAT for all 8th & 9th grade students (beginning fall 2015); c) SAT School Day for all 11th grade students (beginning spring 2016); d) AP/IB testing (beginning spring 2016); e) the College for All initiative (beginning fall 2019); and f) SAT School Day for 12th grade students who did not have the opportunity to test the prior year as an 11th grader (fall 2022).

The district does still have some improvements to make in regard to the number/percentage of students earning a certification, Associate Degree or Bachelor's Degree after high school graduation. The THECB 60x30TX goal, launched in 2015, states that by 2030 at least 60% of Texans ages 25-34 will have a certificate or degree. The two most recent cohorts of data show 51% and 43% of GISD students (2014-2016 and 2017-2019 3-year cohorts respectively) reaching that goal.

The Class of 2024 is the second year in which students have the ability to earn an Associate Degree in addition to their high school diploma as part of the College for All initiative. The Class of 2024 saw 353 students (9% of graduates) earn an Associate Degree.

The following recommendations are carried over from previous years, as they are still relevant and will continue to assist the district in advancing the college-preparedness of our students:

- High school graduation plans were changed during the 83rd Texas Legislature. The first graduating cohort under the new graduation plans was the Class of 2018. Priority should be placed on ensuring that students continue to graduate on “advanced” degree programs, i.e., Foundation High School Program plus Endorsements and Distinguished Level of Achievement (FHSP+E/DLA) which require a rigorous high school program aimed at preparation for college or career opportunities;
- Continue to prioritize career and college readiness through a variety of programs, including a comprehensive assessment program that assists with the identification of students that are capable of successful completion of dual credit, Honors and Advanced Placement (AP) coursework, and International Honors and International Baccalaureate (IB) coursework;
- Assist students with developing behaviors and habits (e.g., studying, regular attendance, etc.) that support academic tenacity so that students that begin a post-secondary institution following high school graduation possess the characteristics to meet with success thorough their first-year of college until degree completion; and
- Continue the College for All initiative so that all high school students have access to participate in either an ECHS, P-Tech, or Collegiate Academy program.

	Report on Violent or Criminal Incidents Student Disciplinary Action Incident Counts by Reason Code 2023-2024 School Year (To the Extented Permitted under FERPA)							
Reason Code	Description	GHS	SGHS	NGHS	LCHS	NFHS	RHS	SHS
		57909002	57909003	57909004	57909005	57909008	57909009	57909010
02	Conduct Punishable As A Felony	0	1	0	0	0	0	1
04	Controlled Substance (SEPT 01)	3	6	5	3	0	2	5
05	Alcohol	1	0	1	3	1	4	4
06	Abuse Volatile Chemical	0	0	0	0	0	0	0
07	Public Lewdness Or Indecent Exposure	2	0	1	3	5	0	4
08	Retaliation against School Employee	0	0	0	0	1	0	0
09	Off Campus Felony - Title 5	0	3	0	2	1	4	1
10	Felony/Non-Title 5	0	1	0	1	0	0	0
11	Brought Firearm To School Or Unlawful Carrying Of Handgun Penal Code 46.02	0	0	0	0	0	1	0
12	Unlawful Carrying Of A Location-Restricted Knife Under Penal Code 46.02	0	0	0	0	0	1	0
14	Used, exhibited, possessed prohibited weapon	0	0	0	0	0	0	0
16	Arson	0	0	0	0	0	0	0
17	Murder	0	0	0	0	0	0	0
18	Indecency With A Child	1	0	0	0	0	0	0
19	Aggravated kidnapping	0	0	0	0	0	0	0
26	Terroristic Threat	0	1	0	2	1	2	1
27	Assault Under Penal Code 22.01(a)(1) Against School District Emp/Vol	2	1	2	3	0	2	1
28	Assault Under Penal Code 22.01(a)(1) Against Non School District Emp/Vol	5	11	2	2	5	9	5
29	Aggravated Assault Penal Code 22.02 Against School District Emp/Vol	1	0	0	0	0	0	0
30	Aggravated Assault Penal Code 22.02 Against Non School District Emp/Vol	1	1	0	1	0	0	0
31	employee/volunteer	0	0	0	0	0	0	0
32	Sexual assault/aggravated sexual assault against non-employee/volunteer	0	0	0	0	0	0	0
35	False Alarm/False Report	0	0	0	0	1	0	0
36	Felony Controlled Substance Violation	1	0	4	1	3	0	0
37	Felony alcohol violation	0	0	0	0	0	0	0
46	Aggravated Robbery	0	0	0	1	0	0	0
47	Manslaughter	0	0	0	0	0	0	0
48	Criminally negligent homicide	0	0	0	0	0	0	0
49	Engages in deadly conduct	0	0	0	0	0	0	0
55	Registered Sex Offender (under Court Supervision)	0	0	0	0	0	0	0
57	Continuous Sexual Abuse of Young Child or Children	0	0	0	0	0	0	0
60	Harassment Agst Emp of Sch Dist Under TX PC 42.07(a)(1), (2), (3), or (7)	1	0	0	0	0	1	1
61	Bullying	0	0	0	0	0	0	0
62	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Of Marihuana Or THC	30	24	27	60	36	42	49
63	Possessed, Sold, Gave, Delivered, Or Used E-Cigarette	24	18	15	23	24	47	43
64	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Other Controlled Sub	2	1	9	0	2	2	0
	Total Incidents	74	68	66	105	80	117	115
	Student Enrollment (Fall 2023 PEIMS Snapshot)	2481	1979	2785	2142	2079	2286	2908
	Incident Rate	2.98%	3.44%	2.37%	4.90%	3.85%	5.12%	3.95%

The Reason Codes listed in this table are the PEIMS/TSDS Action Reason Codes applicable to mandatory expellable incidents that TEA uses in its methodology for identifying Persistently Dangerous Schools as required under the Unsafe School Choice Option (USCO) described in Section 8532 of ESSA.

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	Report on Violent or Criminal Incidents Student Disciplinary Action Incident Counts by Reason Code 2023-2024 School Year (To the Extented Permitted under FERPA)									
Reason Code	Description	AUSTIN MS	BUSSEY MS	SAM HOUSTON MS	JACKSON MS	OBANION MS	BRANDENBURG MS	SELLERS MS	WEBB MS	COYLE MS
		57909041	57909042	57909043	57909045	57909046	57909047	57909048	57909049	57909050
02	Conduct Punishable As A Felony	1	0	0	0	1	0	0	2	0
04	Controlled Substance (SEPT 01)	0	2	1	0	0	0	1	0	0
05	Alcohol	1	0	0	0	0	0	1	0	0
06	Abuse Volatile Chemical	0	0	0	0	0	0	0	0	0
07	Public Lewdness Or Indecent Exposure	0	0	0	0	0	0	0	1	0
08	Retaliation against School Employee	0	0	0	0	0	1	0	0	0
09	Off Campus Felony - Title 5	0	0	0	0	0	0	0	1	0
10	Felony/Non-Title 5	0	0	0	0	0	0	0	0	0
11	Brought Firearm To School Or Unlawful Carrying Of Handgun Penal Code 46.02	0	0	0	0	0	0	0	0	0
12	Unlawful Carrying Of A Location-Restricted Knife Under Penal Code 46.02	0	0	0	0	0	0	0	1	0
14	Used, exhibited, possessed prohibited weapon	0	0	0	0	0	0	0	0	0
16	Arson	0	0	0	0	0	0	0	0	0
17	Murder	0	0	0	0	0	0	0	0	0
18	Indecency With A Child	0	0	0	0	0	0	0	0	0
19	Aggravated kidnapping	0	0	0	0	0	0	0	0	0
26	Terroristic Threat	1	2	3	1	2	1	3	2	3
27	Assault Under Penal Code 22.01(a)(1) Against School District Emp/Vol	0	0	2	0	0	0	0	1	2
28	Assault Under Penal Code 22.01(a)(1) Against Non School District Emp/Vol	0	0	1	1	9	3	3	4	3
29	Aggravated Assault Penal Code 22.02 Against School District Emp/Vol	0	0	0	0	0	0	0	0	0
30	Aggravated Assault Penal Code 22.02 Against Non School District Emp/Vol	0	0	0	0	0	0	0	0	0
31	employee/volunteer	0	0	0	0	0	0	0	0	0
32	Sexual assault/aggravated sexual assault against non-employee/volunteer	0	0	0	0	0	0	0	0	0
35	False Alarm/False Report	0	0	0	0	0	0	0	0	0
36	Felony Controlled Substance Violation	0	0	0	0	0	0	0	0	0
37	Felony alcohol violation	0	0	0	0	0	0	0	0	0
46	Aggravated Robbery	0	0	0	0	0	0	0	1	0
47	Manslaughter	0	0	0	0	0	0	0	0	0
48	Criminally negligent homicide	0	0	0	0	0	0	0	0	0
49	Engages in deadly conduct	0	0	0	0	0	0	0	0	0
55	Registered Sex Offender (under Court Supervision)	0	0	0	0	0	0	0	0	0
57	Continuous Sexual Abuse of Young Child or Children	0	0	0	0	0	0	0	0	0
60	Harassment Agst Emp of Sch Dist Under TX PC 42.07(a)(1), (2), (3), or (7)	0	1	1	0	0	1	0	0	0
61	Bullying	1	0	0	1	0	0	0	0	0
62	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Of Marihuana Or THC	3	21	17	7	15	1	10	9	6
63	Possessed, Sold, Gave, Delivered, Or Used E-Cigarette	0	2	9	3	6	2	5	7	4
64	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Other Controlled Sub	0	0	1	1	0	0	0	0	0
	Total Incidents	7	28	35	14	33	9	23	29	18
	Student Enrollment (Fall 2023 PEIMS Snapshot)	962	799	816	1143	822	1052	837	934	273
	Incident Rate	0.73%	3.50%	4.29%	1.22%	4.01%	0.86%	2.75%	3.10%	6.59%

The Reason Codes listed in this table are the PEIMS/TSDS Action Reason Codes applicable to mandatory expellable incidents that TEA uses in its methodology for identifying Persistently Dangerous Schools as required under the Unsafe School Choice Option (USCO) described in Section 8532 of ESSA.

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	Report on Violent or Criminal Incidents Student Disciplinary Action Incident Counts by Reason Code 2023-2024 School Year (To the Extented Permitted under FERPA)						
Reason Code	Description	LYLES MS	HUDSON MS	DAEP	SCHRADE MS	COYLE TECH MS	LYLES COLL MS
		57909051	57909052	57909053	57909054	57909056	57909057
02	Conduct Punishable As A Felony	0	0	2	1	0	1
04	Controlled Substance (SEPT 01)	1	1	12	0	0	0
05	Alcohol	0	0	0	2	0	0
06	Abuse Volatile Chemical	0	0	0	0	0	0
07	Public Lewdness Or Indecent Exposure	0	0	1	0	0	1
08	Retaliation against School Employee	0	0	0	0	0	0
09	Off Campus Felony - Title 5	1	0	0	0	0	0
10	Felony/Non-Title 5	0	0	0	0	0	0
11	Brought Firearm To School Or Unlawful Carrying Of Handgun Penal Code 46.02	0	0	0	0	0	0
12	Unlawful Carrying Of A Location-Restricted Knife Under Penal Code 46.02	0	0	0	0	0	0
14	Used, exhibited, possessed prohibited weapon	0	0	0	0	0	0
16	Arson	0	0	0	0	0	0
17	Murder	0	0	0	0	0	0
18	Indecency With A Child	0	0	0	0	0	0
19	Aggravated kidnapping	0	0	0	0	0	0
26	Terroristic Threat	1	2	1	4	1	3
27	Assault Under Penal Code 22.01(a)(1) Against School District Emp/Vol	0	0	3	4	1	0
28	Assault Under Penal Code 22.01(a)(1) Against Non School District Emp/Vol	3	6	4	4	0	5
29	Aggravated Assault Penal Code 22.02 Against School District Emp/Vol	0	0	0	0	0	0
30	Aggravated Assault Penal Code 22.02 Against Non School District Emp/Vol	0	0	0	0	0	0
31	employee/volunteer	0	0	0	0	0	0
32	Sexual assault/aggravated sexual assault against non-employee/volunteer	0	0	0	0	0	0
35	False Alarm/False Report	0	0	0	0	0	0
36	Felony Controlled Substance Violation	0	0	1	0	0	0
37	Felony alcohol violation	0	0	0	0	0	0
46	Aggravated Robbery	0	0	0	0	0	0
47	Manslaughter	0	0	0	0	0	0
48	Criminally negligent homicide	0	0	0	0	0	0
49	Engages in deadly conduct	0	0	0	0	0	0
55	Registered Sex Offender (under Court Supervision)	0	0	0	0	0	0
57	Continuous Sexual Abuse of Young Child or Children	0	0	0	0	0	0
60	Harassment Agst Emp of Sch Dist Under TX PC 42.07(a)(1), (2), (3), or (7)	0	1	1	0	0	0
61	Bullying	0	0	0	0	0	1
62	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Of Marihuana Or THC	5	1	11	19	4	7
63	Possessed, Sold, Gave, Delivered, Or Used E-Cigarette	3	0	2	4	4	6
64	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Other Controlled Sub	0	0	4	0	0	0
	Total Incidents	14	11	42	38	10	24
	Student Enrollment (Fall 2023 PEIMS Snapshot)	295	1165	124	822	613	578
	Incident Rate	4.75%	0.94%	33.87%	4.62%	1.63%	4.15%

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	Report on Violent or Criminal Incidents Student Disciplinary Action Incident Counts by Reason Code 2023-2024 School Year (To the Extented Permitted under FERPA)									
Reason Code	Description	BEAVER EL	BULLOCK EL	CALDWELL ES	CENTERVILLE ES	COOPER ES	DAUGHERTY ES	FREEMAN EL	HANDLEY EL	KIMBERLIN EL
		57909101	57909102	57909103	57909105	57909107	57909108	57909109	57909110	57909111
02	Conduct Punishable As A Felony	0	0	0	0	0	0	0	0	0
04	Controlled Substance (SEPT 01)	0	0	0	0	0	0	0	0	0
05	Alcohol	0	0	0	0	0	0	0	0	0
06	Abuse Volatile Chemical	0	0	0	0	0	0	0	0	0
07	Public Lewdness Or Indecent Exposure	0	0	0	0	0	0	0	0	0
08	Retaliation against School Employee	0	0	0	0	0	0	0	0	0
09	Off Campus Felony - Title 5	0	0	0	0	0	0	0	0	0
10	Felony/Non-Title 5	0	0	0	0	0	0	0	0	0
11	Brought Firearm To School Or Unlawful Carrying Of Handgun Penal Code 46.02	0	0	0	0	0	0	0	0	0
12	Unlawful Carrying Of A Location-Restricted Knife Under Penal Code 46.02	0	0	0	0	0	0	0	0	0
14	Used, exhibited, possessed prohibited weapon	0	0	0	0	0	0	0	0	0
16	Arson	0	0	0	0	0	0	0	0	0
17	Murder	0	0	0	0	0	0	0	0	0
18	Indecency With A Child	0	0	0	0	0	0	0	0	0
19	Aggravated kidnapping	0	0	0	0	0	0	0	0	0
26	Terroristic Threat	0	0	0	0	0	0	0	0	0
27	Assault Under Penal Code 22.01(a)(1) Against School District Emp/Vol	0	0	0	0	1	0	0	0	0
28	Assault Under Penal Code 22.01(a)(1) Against Non School District Emp/Vol	0	0	0	0	2	0	0	0	0
29	Aggravated Assault Penal Code 22.02 Against School District Emp/Vol	0	0	0	0	0	0	0	0	0
30	Aggravated Assault Penal Code 22.02 Against Non School District Emp/Vol	0	0	0	0	0	0	0	0	0
31	employee/volunteer	0	0	0	0	0	0	0	0	0
32	Sexual assault/aggravated sexual assault against non-employee/volunteer	0	0	0	0	0	0	0	0	0
35	False Alarm/False Report	0	0	0	0	0	0	0	0	0
36	Felony Controlled Substance Violation	0	0	0	0	0	0	0	0	0
37	Felony alcohol violation	0	0	0	0	0	0	0	0	0
46	Aggravated Robbery	0	0	0	0	0	0	0	0	0
47	Manslaughter	0	0	0	0	0	0	0	0	0
48	Criminally negligent homicide	0	0	0	0	0	0	0	0	0
49	Engages in deadly conduct	0	0	0	0	0	0	0	0	0
55	Registered Sex Offender (under Court Supervision)	0	0	0	0	0	0	0	0	0
57	Continuous Sexual Abuse of Young Child or Children	0	0	0	0	0	0	0	0	0
60	Harassment Agst Emp of Sch Dist Under TX PC 42.07(a)(1), (2), (3), or (7)	0	0	0	0	0	0	0	0	0
61	Bullying	0	1	0	0	0	0	0	0	0
62	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Of Marihuana Or THC	0	0	0	0	0	0	0	1	0
63	Possessed, Sold, Gave, Delivered, Or Used E-Cigarette	0	0	1	0	0	0	3	0	0
64	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Other Controlled Sub	0	0	0	0	0	0	0	0	0
	Total Incidents	0	1	1	0	3	0	3	1	0
	Student Enrollment (Fall 2023 PEIMS Snapshot)	541	537	404	278	382	777	288	180	501
	Incident Rate	0.00%	0.19%	0.25%	0.00%	0.79%	0.00%	1.04%	0.56%	0.00%

The Reason Codes listed in this table are the PEIMS/TSDS Action Reason Codes applicable to mandatory expellable incidents that TEA uses in its methodology for identifying Persistently Dangerous Schools as required under the Unsafe School Choice Option (USCO) described in Section 8532 of ESSA.

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	Report on Violent or Criminal Incidents Student Disciplinary Action Incident Counts by Reason Code 2023-2024 School Year (To the Extented Permitted under FERPA)									
Reason Code	Description	WILLIAMS EL	SOUTHGATE EL	WATSON ES	WEAVER EL	WILLIAMS EL	BRADFIELD EL	SHOREHAVEN EL	MONTCLAIR EL	WALNUT GLEN EL
		57909112	57909113	57909115	57909116	57909117	57909119	57909120	57909121	57909122
02	Conduct Punishable As A Felony	0	0	0	0	0	0	0	0	0
04	Controlled Substance (SEPT 01)	0	0	0	0	0	0	0	0	0
05	Alcohol	0	0	0	0	0	0	0	0	0
06	Abuse Volatile Chemical	0	0	0	0	0	0	0	0	0
07	Public Lewdness Or Indecent Exposure	0	0	0	0	0	0	0	0	0
08	Retaliation against School Employee	0	0	0	0	0	0	0	0	0
09	Off Campus Felony - Title 5	0	0	0	0	0	0	0	0	0
10	Felony/Non-Title 5	0	0	0	0	0	0	0	0	0
11	Brought Firearm To School Or Unlawful Carrying Of Handgun Penal Code 46.02	0	0	0	0	0	0	0	0	0
12	Unlawful Carrying Of A Location-Restricted Knife Under Penal Code 46.02	0	0	0	0	0	0	0	0	0
14	Used, exhibited, possessed prohibited weapon	0	0	0	0	0	0	0	0	0
16	Arson	0	0	0	0	0	0	0	0	0
17	Murder	0	0	0	0	0	0	0	0	0
18	Indecency With A Child	0	0	0	0	0	0	0	0	0
19	Aggravated kidnapping	0	0	0	0	0	0	0	0	0
26	Terroristic Threat	2	0	0	0	0	0	0	0	0
27	Assault Under Penal Code 22.01(a)(1) Against School District Emp/Vol	0	0	0	0	0	0	0	0	0
28	Assault Under Penal Code 22.01(a)(1) Against Non School District Emp/Vol	1	1	0	0	0	0	0	1	0
29	Aggravated Assault Penal Code 22.02 Against School District Emp/Vol	0	0	0	0	0	0	0	0	0
30	Aggravated Assault Penal Code 22.02 Against Non School District Emp/Vol	0	0	0	0	0	0	0	0	0
31	employee/volunteer	0	0	0	0	0	0	0	0	0
32	Sexual assault/aggravated sexual assault against non-employee/volunteer	0	0	0	0	0	0	0	0	0
35	False Alarm/False Report	0	0	0	0	0	0	0	0	0
36	Felony Controlled Substance Violation	0	0	0	0	0	0	0	0	0
37	Felony alcohol violation	0	0	0	0	0	0	0	0	0
46	Aggravated Robbery	0	0	0	0	0	0	0	0	0
47	Manslaughter	0	0	0	0	0	0	0	0	0
48	Criminally negligent homicide	0	0	0	0	0	0	0	0	0
49	Engages in deadly conduct	0	0	0	0	0	0	0	0	0
55	Registered Sex Offender (under Court Supervision)	0	0	0	0	0	0	0	0	0
57	Continuous Sexual Abuse of Young Child or Children	0	0	0	0	0	0	0	0	0
60	Harassment Agst Emp of Sch Dist Under TX PC 42.07(a)(1), (2), (3), or (7)	0	0	0	0	0	0	0	0	0
61	Bullying	0	0	0	0	0	0	0	0	0
62	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Of Marihuana Or THC	1	0	0	0	0	0	0	0	0
63	Possessed, Sold, Gave, Delivered, Or Used E-Cigarette	0	0	0	0	0	1	0	0	0
64	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Other Controlled Sub	0	0	0	0	0	0	0	0	0
	Total Incidents	4	1	0	0	0	1	0	1	0
	Student Enrollment (Fall 2023 PEIMS Snapshot)	344	161	553	445	245	492	360	526	409
	Incident Rate	1.16%	0.62%	0.00%	0.00%	0.00%	0.20%	0.00%	0.19%	0.00%

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	Report on Violent or Criminal Incidents Student Disciplinary Action Incident Counts by Reason Code 2023-2024 School Year (To the Extented Permitted under FERPA)									
Reason Code	Description	FREEMAN AT GM EL	HEATHER GLEN EL	HILLSIDE EL	DAVIS EL	ROACH EL	ETHRIDGE EL	VIAL EL	CLUB HILL EL	HICKMAN EL
		57909123	57909124	57909125	57909126	57909127	57909128	57909129	57909132	57909133
02	Conduct Punishable As A Felony	0	0	0	0	0	0	0	0	0
04	Controlled Substance (SEPT 01)	0	0	0	0	0	0	0	0	0
05	Alcohol	0	0	0	0	0	0	0	0	0
06	Abuse Volatile Chemical	0	0	0	0	0	0	0	0	0
07	Public Lewdness Or Indecent Exposure	0	0	0	0	0	0	1	0	0
08	Retaliation against School Employee	0	0	0	0	0	0	0	0	0
09	Off Campus Felony - Title 5	0	0	0	0	0	0	0	0	0
10	Felony/Non-Title 5	0	0	0	0	0	0	0	0	0
11	Brought Firearm To School Or Unlawful Carrying Of Handgun Penal Code 46.02	0	0	0	0	0	0	0	0	0
12	Unlawful Carrying Of A Location-Restricted Knife Under Penal Code 46.02	0	0	0	0	0	0	0	0	0
14	Used, exhibited, possessed prohibited weapon	0	0	0	0	0	0	0	0	0
16	Arson	0	0	0	0	0	0	0	0	0
17	Murder	0	0	0	0	0	0	0	0	0
18	Indecency With A Child	0	0	0	0	0	0	0	0	0
19	Aggravated kidnapping	0	0	0	0	0	0	0	0	0
26	Terroristic Threat	0	0	0	0	0	0	0	0	0
27	Assault Under Penal Code 22.01(a)(1) Against School District Emp/Vol	0	0	0	1	0	2	0	0	0
28	Assault Under Penal Code 22.01(a)(1) Against Non School District Emp/Vol	0	0	0	0	0	3	0	0	0
29	Aggravated Assault Penal Code 22.02 Against School District Emp/Vol	0	0	0	0	0	0	0	0	0
30	Aggravated Assault Penal Code 22.02 Against Non School District Emp/Vol	0	0	0	0	0	0	0	0	0
31	employee/volunteer	0	0	0	0	0	0	0	0	0
32	Sexual assault/aggravated sexual assault against non-employee/volunteer	0	0	0	0	0	0	0	0	0
35	False Alarm/False Report	0	0	0	0	0	0	0	0	0
36	Felony Controlled Substance Violation	0	0	0	0	0	0	0	0	0
37	Felony alcohol violation	0	0	0	0	0	0	0	0	0
46	Aggravated Robbery	0	0	0	0	0	0	0	0	0
47	Manslaughter	0	0	0	0	0	0	0	0	0
48	Criminally negligent homicide	0	0	0	0	0	0	0	0	0
49	Engages in deadly conduct	0	0	0	0	0	0	0	0	0
55	Registered Sex Offender (under Court Supervision)	0	0	0	0	0	0	0	0	0
57	Continuous Sexual Abuse of Young Child or Children	0	0	0	0	0	0	0	0	0
60	Harassment Agst Emp of Sch Dist Under TX PC 42.07(a)(1), (2), (3), or (7)	0	0	0	0	0	0	0	0	0
61	Bullying	0	0	0	0	0	0	0	0	0
62	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Of Marihuana Or THC	0	0	0	0	0	1	1	0	0
63	Possessed, Sold, Gave, Delivered, Or Used E-Cigarette	2	1	0	0	0	0	0	0	0
64	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Other Controlled Sub	0	0	0	0	0	0	0	0	0
	Total Incidents	2	1	0	1	0	6	2	0	0
	Student Enrollment (Fall 2023 PEIMS Snapshot)	450	312	463	471	338	647	553	196	453
	Incident Rate	0.44%	0.32%	0.00%	0.21%	0.00%	0.93%	0.36%	0.00%	0.00%

The Reason Codes listed in this table are the PEIMS/TSDS Action Reason Codes applicable to mandatory expellable incidents that TEA uses in its methodology for identifying Persistently Dangerous Schools as required under the Unsafe School Choice Option (USCO) described in Section 8532 of ESSA.

For information concerning school violence prevention and violence intervention policies that the district is using to protect students, please refer to the District's Student Code of Conduct and School Board Policies (both of which are available on the Distict's webpage and at all campuses and at the District's Central Administrative Offices).

	Report on Violent or Criminal Incidents Student Disciplinary Action Incident Counts by Reason Code 2023-2024 School Year (To the Extented Permitted under FERPA)									
Reason Code	Description	NORTHLAKE EL	TOLER EL	ROWLETT EL	SPRING CREEK EL	LUNA EL	BACK EL	SHUGART EL	HERFURTH EL	ABBETT EL
		57909134	57909136	57909137	57909138	57909139	57909140	57909141	57909142	57909143
02	Conduct Punishable As A Felony	0	0	0	0	0	0	0	0	0
04	Controlled Substance (SEPT 01)	0	0	0	0	0	0	0	0	0
05	Alcohol	0	0	0	0	0	0	0	0	0
06	Abuse Volatile Chemical	0	0	0	0	0	0	0	0	0
07	Public Lewdness Or Indecent Exposure	0	0	0	1	0	0	0	0	0
08	Retaliation against School Employee	0	0	0	0	0	0	0	0	0
09	Off Campus Felony - Title 5	0	0	0	0	0	0	0	0	0
10	Felony/Non-Title 5	0	0	0	0	0	0	0	0	0
11	Brought Firearm To School Or Unlawful Carrying Of Handgun Penal Code 46.02	0	0	0	0	0	0	0	0	0
12	Unlawful Carrying Of A Location-Restricted Knife Under Penal Code 46.02	0	0	0	0	0	0	0	0	0
14	Used, exhibited, possessed prohibited weapon	0	0	0	0	0	0	0	0	0
16	Arson	0	0	0	0	0	0	0	0	0
17	Murder	0	0	0	0	0	0	0	0	0
18	Indecency With A Child	0	0	0	0	0	0	0	0	0
19	Aggravated kidnapping	0	0	0	0	0	0	0	0	0
26	Terroristic Threat	0	0	0	3	0	0	0	0	0
27	Assault Under Penal Code 22.01(a)(1) Against School District Emp/Vol	0	1	2	1	0	1	0	1	0
28	Assault Under Penal Code 22.01(a)(1) Against Non School District Emp/Vol	0	0	3	0	0	0	0	0	0
29	Aggravated Assault Penal Code 22.02 Against School District Emp/Vol	0	0	0	0	0	0	0	0	0
30	Aggravated Assault Penal Code 22.02 Against Non School District Emp/Vol	0	0	0	0	0	0	0	0	0
31	employee/volunteer	0	0	0	0	0	0	0	0	0
32	Sexual assault/aggravated sexual assault against non-employee/volunteer	0	0	0	0	0	0	0	0	0
35	False Alarm/False Report	0	0	0	0	0	0	0	0	0
36	Felony Controlled Substance Violation	0	0	0	0	0	0	0	0	0
37	Felony alcohol violation	0	0	0	0	0	0	0	0	0
46	Aggravated Robbery	0	0	0	0	0	0	0	0	0
47	Manslaughter	0	0	0	0	0	0	0	0	0
48	Criminally negligent homicide	0	0	0	0	0	0	0	0	0
49	Engages in deadly conduct	0	0	0	0	0	0	0	0	0
55	Registered Sex Offender (under Court Supervision)	0	0	0	0	0	0	0	0	0
57	Continuous Sexual Abuse of Young Child or Children	0	0	0	0	0	0	0	0	0
60	Harassment Agst Emp of Sch Dist Under TX PC 42.07(a)(1), (2), (3), or (7)	0	0	0	0	0	0	0	0	0
61	Bullying	0	0	0	0	0	0	0	0	0
62	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Of Marihuana Or THC	0	0	0	0	0	0	0	0	0
63	Possessed, Sold, Gave, Delivered, Or Used E-Cigarette	0	1	1	1	0	0	2	1	1
64	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Other Controlled Sub	0	0	0	0	0	0	0	0	0
	Total Incidents	0	2	6	6	0	1	2	2	1
	Student Enrollment (Fall 2023 PEIMS Snapshot)	483	435	498	678	533	428	478	562	654
	Incident Rate	0.00%	0.46%	1.20%	0.88%	0.00%	0.23%	0.42%	0.36%	0.15%

The Reason Codes listed in this table are the PEIMS/TSDS Action Reason Codes applicable to mandatory expellable incidents that TEA uses in its methodology for identifying Persistently Dangerous Schools as required under the Unsafe School Choice Option (USCO) described in Section 8532 of ESSA.

For information concerning school violence prevention and violence intervention policies that the district is using to protect students, please refer to the District's Student Code of Conduct and School Board Policies (both of which are available on the Distict's webpage and at all campuses and at the District's Central Administrative Offices).

	Report on Violent or Criminal Incidents Student Disciplinary Action Incident Counts by Reason Code 2023-2024 School Year (To the Extented Permitted under FERPA)									
Reason Code	Description	KEELEY EL	SEWELL EL	STEPHENS EL	LISTER EL	DORSEY EL	STEADHAM EL	ARMSTRONG EL	PEARSON EL	COUCH EL
		57909144	57909145	57909146	57909147	57909148	57909154	57909155	57909156	57909157
02	Conduct Punishable As A Felony	0	0	0	0	0	0	0	0	0
04	Controlled Substance (SEPT 01)	0	0	0	0	0	0	0	0	0
05	Alcohol	0	0	0	0	0	0	0	0	0
06	Abuse Volatile Chemical	0	0	0	0	0	0	0	0	0
07	Public Lewdness Or Indecent Exposure	0	0	0	0	0	0	0	0	0
08	Retaliation against School Employee	0	0	0	0	0	0	0	0	0
09	Off Campus Felony - Title 5	0	0	0	0	0	0	0	0	0
10	Felony/Non-Title 5	0	0	0	0	0	0	0	0	0
11	Brought Firearm To School Or Unlawful Carrying Of Handgun Penal Code 46.02	0	0	0	0	0	0	0	0	0
12	Unlawful Carrying Of A Location-Restricted Knife Under Penal Code 46.02	0	0	0	0	0	0	0	0	0
14	Used, exhibited, possessed prohibited weapon	0	0	0	0	0	0	0	0	0
16	Arson	0	0	0	0	0	0	0	0	0
17	Murder	0	0	0	0	0	0	0	0	0
18	Indecency With A Child	0	0	0	0	0	0	0	0	0
19	Aggravated kidnapping	0	0	0	0	0	0	0	0	0
26	Terroristic Threat	0	1	0	0	0	0	0	0	1
27	Assault Under Penal Code 22.01(a)(1) Against School District Emp/Vol	0	0	0	4	2	5	0	0	1
28	Assault Under Penal Code 22.01(a)(1) Against Non School District Emp/Vol	0	1	0	1	0	0	0	1	0
29	Aggravated Assault Penal Code 22.02 Against School District Emp/Vol	0	0	0	0	1	0	0	0	0
30	Aggravated Assault Penal Code 22.02 Against Non School District Emp/Vol	0	0	0	0	0	0	0	0	1
31	employee/volunteer	0	0	0	0	0	0	0	0	0
32	Sexual assault/aggravated sexual assault against non-employee/volunteer	0	0	0	0	0	0	0	0	0
35	False Alarm/False Report	0	0	0	0	0	0	0	0	0
36	Felony Controlled Substance Violation	0	0	0	0	0	0	0	0	0
37	Felony alcohol violation	0	0	0	0	0	0	0	0	0
46	Aggravated Robbery	0	0	0	0	0	0	0	0	0
47	Manslaughter	0	0	0	0	0	0	0	0	0
48	Criminally negligent homicide	0	0	0	0	0	0	0	0	0
49	Engages in deadly conduct	0	0	0	0	0	0	0	0	0
55	Registered Sex Offender (under Court Supervision)	0	0	0	0	0	0	0	0	0
57	Continuous Sexual Abuse of Young Child or Children	0	0	0	0	0	0	0	0	0
60	Harassment Agst Emp of Sch Dist Under TX PC 42.07(a)(1), (2), (3), or (7)	0	0	0	0	0	0	0	0	0
61	Bullying	0	0	0	0	0	0	0	0	0
62	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Of Marihuana Or THC	1	0	0	0	0	0	0	0	0
63	Possessed, Sold, Gave, Delivered, Or Used E-Cigarette	0	0	0	0	0	0	0	0	0
64	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Other Controlled Sub	0	0	0	0	0	0	0	0	0
	Total Incidents	1	2	0	5	3	5	0	1	3
	Student Enrollment (Fall 2023 PEIMS Snapshot)	572	708	488	567	573	448	735	545	236
	Incident Rate	0.17%	0.28%	0.00%	0.88%	0.52%	1.12%	0.00%	0.18%	1.27%

The Reason Codes listed in this table are the PEIMS/TSDS Action Reason Codes applicable to mandatory expellable incidents that TEA uses in its methodology for identifying Persistently Dangerous Schools as required under the Unsafe School Choice Option (USCO) described in Section 8532 of ESSA.

For information concerning school violence prevention and violence intervention policies that the district is using to protect students, please refer to the District's Student Code of Conduct and School Board Policies (both of which are available on the Distict's webpage and at all campuses and at the District's Central Administrative Offices).

	Report on Violent or Criminal Incidents Student Disciplinary Action Incident Counts by Reason Code 2023-2024 School Year (To the Extented Permitted under FERPA)								
Reason Code	Description	LIBERTY GROVE EL	CARVER EL	HANDLEY STEM EL	SOUTHGATE STEM EL	CLUB HILL EL	COUCH EL	CISNEROS PRE-K	PARSONS PRE-K
		57909158	57909159	57909161	57909162	57909163	57909164	57909180	57909181
02	Conduct Punishable As A Felony	0	0	0	0	0	0	0	0
04	Controlled Substance (SEPT 01)	0	0	0	0	0	0	0	0
05	Alcohol	0	0	0	0	0	0	0	0
06	Abuse Volatile Chemical	0	0	0	0	0	0	0	0
07	Public Lewdness Or Indecent Exposure	0	0	0	0	0	0	0	0
08	Retaliation against School Employee	0	0	0	0	0	0	0	0
09	Off Campus Felony - Title 5	0	0	0	0	0	0	0	0
10	Felony/Non-Title 5	0	0	0	0	0	0	0	0
11	Brought Firearm To School Or Unlawful Carrying Of Handgun Penal Code 46.02	0	0	0	0	0	0	0	0
12	Unlawful Carrying Of A Location-Restricted Knife Under Penal Code 46.02	0	0	0	0	0	0	0	0
14	Used, exhibited, possessed prohibited weapon	0	0	0	0	0	0	0	0
16	Arson	0	0	0	0	0	0	0	0
17	Murder	0	0	0	0	0	0	0	0
18	Indecency With A Child	0	0	0	0	0	0	0	0
19	Aggravated kidnapping	0	0	0	0	0	0	0	0
26	Terroristic Threat	0	0	0	0	0	0	0	0
27	Assault Under Penal Code 22.01(a)(1) Against School District Emp/Vol	2	2	0	0	0	0	0	0
28	Assault Under Penal Code 22.01(a)(1) Against Non School District Emp/Vol	0	3	0	1	0	0	0	0
29	Aggravated Assault Penal Code 22.02 Against School District Emp/Vol	0	0	0	0	0	0	0	0
30	Aggravated Assault Penal Code 22.02 Against Non School District Emp/Vol	0	0	0	0	0	0	0	0
31	employee/volunteer	0	0	0	0	0	0	0	0
32	Sexual assault/aggravated sexual assault against non-employee/volunteer	0	0	0	0	0	0	0	0
35	False Alarm/False Report	0	0	0	0	0	0	0	0
36	Felony Controlled Substance Violation	0	0	0	0	0	0	0	0
37	Felony alcohol violation	0	0	0	0	0	0	0	0
46	Aggravated Robbery	0	0	0	0	0	0	0	0
47	Manslaughter	0	0	0	0	0	0	0	0
48	Criminally negligent homicide	0	0	0	0	0	0	0	0
49	Engages in deadly conduct	0	0	0	0	0	0	0	0
55	Registered Sex Offender (under Court Supervision)	0	0	0	0	0	0	0	0
57	Continuous Sexual Abuse of Young Child or Children	0	0	0	0	0	0	0	0
60	Harassment Agst Emp of Sch Dist Under TX PC 42.07(a)(1), (2), (3), or (7)	0	0	0	0	0	0	0	0
61	Bullying	0	0	0	0	0	0	0	0
62	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Of Marihuana Or THC	0	0	0	0	0	0	0	0
63	Possessed, Sold, Gave, Delivered, Or Used E-Cigarette	0	1	0	0	0	0	0	0
64	Possessed, Sold, Gave, Used, Delivered, Or Under Infl Other Controlled Sub	0	0	0	0	0	0	0	0
	Total Incidents	2	6	0	1	0	0	0	0
	Student Enrollment (Fall 2023 PEIMS Snapshot)	512	649	198	274	232	282	355	320
	Incident Rate	0.39%	0.92%	0.00%	0.36%	0.00%	0.00%	0.00%	0.00%

The Reason Codes listed in this table are the PEIMS/TSDS Action Reason Codes applicable to mandatory expellable incidents that TEA uses in its methodology for identifying Persistently Dangerous Schools as required under the Unsafe School Choice Option (USCO) described in Section 8532 of ESSA.

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GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: 02/25/25

Presented By: Jose Mata, Director of Communications & Marketing

Subject: Special Recognition February 2025 - Leadership Garland Class 44

Information Item

Executive Summary:

One of the state's most successful and longest-running leadership training programs, Leadership Garland equips participants with the skills and perspectives they need to contribute to their community as effective business and civic leaders.

Through active participation and hands-on experiential learning, each year's attendees will learn practical leadership skills, understand more about their local city, regional and state context and discover opportunities to apply their skills in the local community.

Today, LG Class 44 had the opportunity to visit with dynamic educators and students in Garland ISD and tour our facilities. They experienced #TheGISDEffect firsthand and made history as the first class to visit our Security Training Center. Thank you to Class 44 for spending the day with us and witnessing what makes Garland ISD truly unmatched.

Administrative Recommendations:

Informational Item

Financial Impact and Funding Source:

N/A



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: 02/25/25

Presented By: Angelyn Pham, Human Resources Coordinator

Subject: Special Recognition February 2025 - CAPE Program First Cohort

Information Item

Executive Summary:

The first cohort of Garland ISD's Certify and Prepare Educators (CAPE) Program has successfully completed the rigorous pathway to earning Garland ISD local certification, marking a major milestone in the district's grow-your-own initiative to develop and retain educators from within the community.

In collaboration with campus leaders, CAPE participants completed five district-designed courses that strengthened their instructional skills and directly impacted student learning on their campuses.

With this achievement, 44 CAPE participants are now one step closer to full teacher certification, reinforcing GISD's commitment to building a sustainable, high-quality teacher pipeline.

Administrative Recommendations:

Informational Item

Financial Impact and Funding Source:

N/A



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: 2/25/25

Presented By: Jason Wheeler, Exec. Dir. of Communications

Subject: Going the Extra Mile Recognition – February 25, 2025

Information Item

Executive Summary:

At this month's meeting, we are proud to honor Antonio Vazquez, the night custodian at Harris Hill, for the "Going the Extra Mile" recognition in Garland ISD.

For nearly five years, Antonio has been a source of reassurance and security for those working late in the Annex Building. His kindness and attentiveness go far beyond his job duties. Whether ensuring a colleague gets safely to their car, waiting patiently while they gather their belongings, or simply offering reminders to move closer parking spots, Antonio's actions reflect a deep sense of care and dedication.

Even after being transferred to another floor, Antonio continues to look out for others—going out of his way to make sure no one walks to their car alone late at night. His thoughtfulness and commitment to the well-being of his colleagues exemplify the spirit of this recognition. Antonio Vazquez is truly #Unmatched, and we are grateful for his service to Garland ISD.

Administrative Recommendations:

Informational Item

Financial Impact and Funding Source:

N/A



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Dr. Gradyne Brown, Assistant Superintendent Human Resources

Subject: Introduction of District Administrators

Information Item

Executive Summary:

The Human Resources Department will be introducing the following new Garland ISD Directors to the Board of Trustees and to the community.

Director of Employee Relations

Joseph Parks

Director of Custodial Services

Lynn Daniel

Director of Office of Innovation

Jacob Nunez

Administrative Recommendations:

Provided for your information

Financial Impact and Funding Source:

N/A



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Quinn, Director of Security

Subject: Receive Intruder Detection Audit Report

Information Item

Executive Summary:

The top priority of Garland ISD and the State of Texas is keeping students and staff safe every day. The Texas School Safety Center recently conducted an Intruder Detection Audit at one or more of our campuses. The audits test whether a campus is accessible to an unauthorized individual. This audit seeks to help districts identify how campuses can improve safety for students, such as ensuring exterior doors are locked. The audit provides us with an opportunity to create a safer learning environment for our students and staff.

We are working closely with our district's School Safety & Security Committee to ensure that we are training all our staff and securing our doors for the protection of everyone at our campuses. The support from the state in conducting the Intruder Detection Audits is just one of the many actions we are taking to ensure our schools are safe. We know that this work does not end, and we appreciate the Board's support.

We acknowledge that parents and community members are likely very interested in the details of the audit results; however, it is in the best interest of the students that we do not share this information to the broader public as it could lead to compromising important campus security information. Specific details of the Intruder Detection Audit will be discussed in the executive session and with the Safety and Security Committee. Garland ISD is committed to providing a safe and secure learning environment for our students and staff.

Administrative Recommendations:

Provided for your information.

Financial Impact and Funding Source:

N/A



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025
Presented By: Lisa Ray
Subject: Update 124 – Legal Policies

Action Item

Executive Summary:

Update 124 includes revisions to legal policies based on legislative and regulatory changes. See the explanatory notes for a full listing of the thirty- one (31) legal policies.

Administrative Recommendations:

Review

Recommended Motion for Action Items:

N/A

Financial Impact and Funding Source:

N/A if does not apply

Explanatory Notes

TASB Localized Policy Manual Update 124

Garland ISD

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

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

AIE(LEGAL)

ACCOUNTABILITY: INVESTIGATIONS

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

CAA(LOCAL)

FISCAL MANAGEMENT GOALS AND OBJECTIVES: FINANCIAL ETHICS

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

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

CBB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

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

CDA(LOCAL)

OTHER REVENUES: INVESTMENTS

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

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

CFA(LEGAL)

ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

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

CFC(LEGAL)

ACCOUNTING: AUDITS

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

Explanatory Notes

TASB Localized Policy Manual Update 124

Garland ISD

sion number has been updated at Financial Accountability System Resource Guide. A reference to material in the Administrative Code has been included in the Financial Accountability Rating System (School FIRST) section of this policy.

CFC(LOCAL) ACCOUNTING: AUDITS

Our records indicate that the district has an internal audit program. The Institute of Internal Auditors published new Global Internal Audit Standards that are effective in January 2025. It is recommended that the district review the [standards](#). Please contact your district's policy consultant for assistance with updates to the district's CFC(LOCAL) if needed.

CH(LEGAL) PURCHASING AND ACQUISITION

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

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

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

CKEB(LEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS

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

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

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

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

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

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

Revisions to this policy reflect amendments to federal rules, effective July 1, 2024, changing terminology from "meal supplements" to "afterschool snacks." At Community Eligibility Provision, the minimum identified student percentage has changed from 40 to 25 based on an amended rule effective October 26,

Explanatory Notes

TASB Localized Policy Manual Update 124

Garland ISD

2023. This change will give states and schools more flexibility to offer meals to all enrolled students at no cost when financially viable. Reference links have also been updated.

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

CQA(LEGAL)

TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

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

CQC(LEGAL)

TECHNOLOGY RESOURCES: EQUIPMENT

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

CV(LEGAL)

FACILITIES CONSTRUCTION

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

CY(LOCAL)

INTELLECTUAL PROPERTY

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

D(LEGAL)

PERSONNEL

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

DAA(LEGAL)

EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

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

Because the legal framework is being revised in light of the PWFA, we have taken the opportunity to significantly streamline content on employee nondiscrimination. Provisions regarding employee nondiscrimination were previously divided between DAA(LEGAL), addressing nondiscrimination in hiring and ending employment, and DIA(LEGAL), addressing nondiscrimination in terms, conditions, and privileges of employment. In order to minimize duplication of language and simplify the legally referenced materials, provisions regarding employment nondiscrimination have been moved to this code. Provisions relating to the Genetic Information Nondiscrimination Act (GINA) have also been moved to this legally referenced policy from DAB(LEGAL) to consolidate all nondiscrimination laws into one location.

Explanatory Notes

TASB Localized Policy Manual Update 124

Garland ISD

DAB(LEGAL)

EMPLOYMENT OBJECTIVES: GENETIC NONDISCRIMINATION

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

DBB(LEGAL)

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

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

DECA(LEGAL)

LEAVES AND ABSENCES: FAMILY AND MEDICAL LEAVE

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

DECB(LEGAL)

LEAVES AND ABSENCES: MILITARY LEAVE

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

DG(LEGAL)

EMPLOYEE RIGHTS AND PRIVILEGES

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

DH(LOCAL)

EMPLOYEE STANDARDS OF CONDUCT

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

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

DI(LEGAL)

EMPLOYEE WELFARE

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

DIA(LEGAL)

EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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

DMA(LEGAL)

PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

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

Explanatory Notes

TASB Localized Policy Manual Update 124

Garland ISD

EC(LEGAL)

SCHOOL DAY

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

EFB(LEGAL)

INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS

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

EHAA(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

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

EHAC(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)

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

EHB(LEGAL)

CURRICULUM DESIGN: SPECIAL PROGRAMS

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

EHB(LOCAL)

CURRICULUM DESIGN: SPECIAL PROGRAMS

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

EHBA(LEGAL)

SPECIAL PROGRAMS: SPECIAL EDUCATION

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

Explanatory Notes

TASB Localized Policy Manual Update 124

Garland ISD

EHBAA(LEGAL)

SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

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

EHBAB(LEGAL)

SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

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

EHBAC(LEGAL)

SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

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

EHBAD(LEGAL)

SPECIAL EDUCATION: TRANSITION SERVICES

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

EHBAE(LEGAL)

SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS

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

EHBB(LEGAL)

SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

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

EHBB(LOCAL)

SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

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

Please note: The phrase "or designee" is recommended for deletion at Learning Opportunities because the superintendent may delegate responsibilities to district employees per the delegation statement in BJA(LOCAL). Please call your policy consultant with any questions.

Explanatory Notes

TASB Localized Policy Manual Update 124

Garland ISD

EHBCA(LEGAL)

COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION

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

EHBG(LEGAL)

SPECIAL PROGRAMS: PREKINDERGARTEN

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

EHDD(LEGAL)

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

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

EI(LEGAL)

ACADEMIC ACHIEVEMENT

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

EIE(LEGAL)

ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

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

EIF(LEGAL)

ACADEMIC ACHIEVEMENT: GRADUATION

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

EKBA(LEGAL)

STATE ASSESSMENT: ENGLISH LEARNERS/EMERGENT BILINGUAL STUDENTS

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

ELA(LEGAL)

CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

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

Explanatory Notes

TASB Localized Policy Manual Update 124

Garland ISD

FFB(LEGAL)

STUDENT WELFARE: CRISIS INTERVENTION

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

FFG(LEGAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

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

FFG(LOCAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

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

FFH(LEGAL)

STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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

FM(LEGAL)

STUDENT ACTIVITIES

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

FNA(LEGAL)

STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION

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

FOF(LEGAL)

STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

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

GA(LEGAL)

ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

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

GKA(LOCAL)

COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

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

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

Explanatory Notes
TASB Localized Policy Manual Update 124

Garland ISD

GRB(LEGAL)

**RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL
COOPERATION CONTRACTS**

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



Policy Reference Manual

Update 124

Update 124 revisions to legal policies are described in the update Explanatory Notes.

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

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

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

Instruction Sheet

TASB Policy Reference Manual Update 124

Policy Reference Manual

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

TASB Policy Reference Manual Update 124

Policy Reference Manual

Code	Type	Action To Be Taken	Note
EHBAE	(LEGAL)	Replace policy	Revised policy
EHBB	(LEGAL)	Replace policy	Revised policy
EHBCA	(LEGAL)	Replace policy	Revised policy
EHBG	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
EIE	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
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ELA	(LEGAL)	Replace policy	Revised policy
FFB	(LEGAL)	Replace policy	Revised policy
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GRB	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Policy Reference Manual Update 124

Policy Reference Manual

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

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

AIE(LEGAL)

ACCOUNTABILITY: INVESTIGATIONS

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

CBB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

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

CFA(LEGAL)

ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

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

CFC(LEGAL)

ACCOUNTING: AUDITS

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

CH(LEGAL)

PURCHASING AND ACQUISITION

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

CKEA(LEGAL)

SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

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

CKEB(LEGAL)

SECURITY PERSONNEL: SCHOOL MARSHALS

A new section on Psychological Fitness includes the requirements and processes outlined in Administrative Code rules to conform with changes to the Occupations Code made by Senate Bill 1445 (88th Regular Session). The new rules require TCOLE to adopt standards and procedures for the psychological examination of school marshal applicants, school marshal licensees, and school marshal licensees for

Explanatory Notes

TASB Policy Reference Manual Update 124

Policy Reference Manual

whom there is reason to believe a new examination is necessary to ensure the individuals are able to perform the duties for which the school marshal license is required. There is also a clarification of the reporting requirements for school marshal appointing entities. A new reporting responsibility relating to psychological fitness has been included at District Responsibilities, and a new section at Fit for Duty Review has been added to reflect the new requirements from TCOLE.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

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

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

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

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

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

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

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

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

CQC(LEGAL) TECHNOLOGY RESOURCES: EQUIPMENT

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

CV(LEGAL) FACILITIES CONSTRUCTION

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

D(LEGAL) PERSONNEL

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

Explanatory Notes

TASB Policy Reference Manual Update 124

Policy Reference Manual

DAA(LEGAL)

EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

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

Because the legal framework is being revised in light of the PWFA, we have taken the opportunity to significantly streamline content on employee nondiscrimination. Provisions regarding employee nondiscrimination were previously divided between DAA(LEGAL), addressing nondiscrimination in hiring and ending employment, and DIA(LEGAL), addressing nondiscrimination in terms, conditions, and privileges of employment. In order to minimize duplication of language and simplify the legally referenced materials, provisions regarding employment nondiscrimination have been moved to this code. Provisions relating to the Genetic Information Nondiscrimination Act (GINA) have also been moved to this legally referenced policy from DAB(LEGAL) to consolidate all nondiscrimination laws into one location.

DAB(LEGAL)

EMPLOYMENT OBJECTIVES: GENETIC NONDISCRIMINATION

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

DBB(LEGAL)

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

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

DECA(LEGAL)

LEAVES AND ABSENCES: FAMILY AND MEDICAL LEAVE

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

DECB(LEGAL)

LEAVES AND ABSENCES: MILITARY LEAVE

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

DG(LEGAL)

EMPLOYEE RIGHTS AND PRIVILEGES

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

DI(LEGAL)

EMPLOYEE WELFARE

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

DIA(LEGAL)

EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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

DMA(LEGAL)

PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

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

Explanatory Notes

TASB Policy Reference Manual Update 124

Policy Reference Manual

EC(LEGAL) SCHOOL DAY

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

EFB(LEGAL) INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS

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

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

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

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

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

EHB(LEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

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

EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

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

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

Substantial additions and amendments throughout this legally referenced policy reflect changes to the Administrative Code, effective July 30, 2024. A Student Communication section regarding student evalua-

Explanatory Notes

TASB Policy Reference Manual Update 124

Policy Reference Manual

tion for special education has also been added. The Eligibility and Reevaluations section now includes a Birth Through Age Two subsection to conform to Administrative Code rules.

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

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

EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

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

EHBAD(LEGAL) SPECIAL EDUCATION: TRANSITION SERVICES

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

EHBAE(LEGAL) SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS

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

EHBB(LEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

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

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

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

EHBG(LEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Administrative Code revisions that became effective June 9, 2024, prompted several changes to this legally referenced policy. The subsection relating to Eligibility for high-quality prekindergarten programs has been amended. The eligibility requirements are the same as those listed earlier in the policy for tu-

Explanatory Notes

TASB Policy Reference Manual Update 124

Policy Reference Manual

tion-free prekindergarten. Rule changes also required other revisions throughout the policy, including to Teacher Requirements and Supervisor Requirements.

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

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

EI(LEGAL) ACADEMIC ACHIEVEMENT

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

EIE(LEGAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

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

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

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

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

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

ELA(LEGAL) CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

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

FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

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

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

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

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

This legally referenced policy has been updated to remove an editor's note that is no longer applicable since a Texas federal court enjoined the Office for Civil Rights from enforcing this interpretation of the Ti-

Explanatory Notes

TASB Policy Reference Manual Update 124

Policy Reference Manual

the IX rules in June 2024. Policy Service issued a Policy Alert notifying districts of this change in July 2024.

FM(LEGAL)

STUDENT ACTIVITIES

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

FNA(LEGAL)

STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION

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

FOF(LEGAL)

STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

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

GA(LEGAL)

ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

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

GRB(LEGAL)

RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL COOPERATION CONTRACTS

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

Table of Contents	Interventions and Sanctions for School Districts3
	Grounds for Commissioner Action3
	Conservator or Management Team4
	Board of Managers5
	Revocation of Accreditation6
	Intervention to Improve High School Completion Rate6
	Interventions after Certain D Ratings.....7
	Certain D-Rating Improvement Plans7
	Management of a Campus8
	Actions Based on Campus Performance8
	District Action Required9
	Campus Intervention Team.....9
	Public Hearing.....12
	Submission to Commissioner12
	Executing Plan.....12
	Local Improvement Plan13
	Campus Planning and Site-Based Decision-Making13
	Submission of Campus Improvement Plan.....13
	Compliance Through Federal Accountability14
	Campus Turnaround Plan14
	Updated Targeted Improvement Plan.....14
	Public Notice14
	Submission and Approval14
	Implementation, Modification, and Withdrawal14
	Required Contents.....15
	Implementing Entities.....16
	Commissioner Approval or Rejection.....17
	Preparation18
	Assistance and Partnerships18
	Modification in Campus Turnaround Plan.....18
	Continued Unacceptable Performance Rating18
	Repurposing of Closed Campus19
	Student Enrollment and Assignment.....19
	Targeted Technical Assistance.....20
	Alternative Management.....20
	Solicitation of Proposals.....20

Qualifications of Managing Entity.....	21
Contract with Managing Entity	21
Return of Management to District	23
Applicability of Accountability Provisions	23
Funding	23
Open Meetings and Public Information.....	23
Board of Managers	23
General Powers and Duties	23
Board of Managers of District	24
Composition of Board of Managers	24
Training of Board of Managers	24
Compensation.....	24
Replacement of Member of Board of Managers	25
Expiration of Appointment.....	25
Removal of Board of Managers	25
Challenge of Intervention or Sanction	26
Review of Sanctions by SOAH	26
Appeals	26
Annual Review.....	27
Increasing Intensity	27
Intervention Programs	27
ACE Turnaround Plan.....	27
Resource Campus	27
Strong Foundations Intervention.....	27
Miscellaneous Provisions	28
Acquisition of Professional Services	28
Costs Paid by District.....	28
Immunity from Civil Liability	28
Campus Name Change	29
Special Program Performance Determination	29
Intervention Pause	30
Failure to Submit Emergency Operations Plan.....	30
Student Board Member	31

**Interventions and
Sanctions for School
Districts**

Grounds for
Commissioner
Action

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

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

Education Code 39A.001

*Authorized
Commissioner
Actions*

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

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

7. Appoint a conservator to oversee the operations of the district;
8. Appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;
9. Authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance; or
10. Order the use of the board improvement and evaluation tool as provided by Education Code 11.182 [see BG].

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or
Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of
Accreditation

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

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

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

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

Education Code 39A.005

Intervention to
Improve High
School Completion
Rate

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

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

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

Education Code 39A.007

Interventions after
Certain D Ratings

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

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

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

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

Education Code 39A.118

Certain D-Rating
Improvement Plans

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

The district or campus shall:

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

- a. Input must be gathered from the principal; campus-level committee established under Education Code 11.251 [see BQB]; parents; and community members, prior to the development of the local improvement plan, using the following steps.
 - (1) The campus must hold a public meeting at the campus. The campus shall take reasonable steps to conduct the meeting at a time and in a manner that would allow a majority of stakeholders to attend and participate. The campus may hold more than one meeting if necessary.
 - (2) The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus.
 - (3) All input provided by family and community members should be considered in the development of the final local improvement.
- b. The completed local improvement plan must be presented at a public hearing and approved by the board.

19 TAC 97.1061(b)

**Management of a
Campus**

Actions Based on
Campus
Performance

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

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

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

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

3. If applicable under the strong foundations intervention under Education Code 39A.064, require the district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 for the campus; or
4. Any combination of the actions described by items 1 through 3 above.

Education Code 39A.051

District Action
Required

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

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

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

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

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

19 TAC 97.1061(a), (d), (f)-(j)

Campus
Intervention Team

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

A campus intervention team assigned by the commissioner may include teachers, principals, other educational professionals, and superintendents recognized for excellence in their roles and appointed by the commissioner to serve as members of a team.
Education Code 39A.052

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

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

19 TAC 97.1063(b)-(c)

*On-Site Needs
Assessment*

A campus intervention team shall:

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

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

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

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

Education Code 39A.053; 19 TAC 97.1061(e)

*Recommen-
dations*

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

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

Education Code 39A.054

*Targeted
Improvement
Plan*

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

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

Education Code 39A.055; 19 TAC 97.1061(e)(3)-(4)

*Notice of Public
Meeting*

The campus intervention team must provide written notice of the public meeting to the parents of students attending the campus and post notice of the meeting on the campus's internet website. The notice must include the date, time, and place of the meeting.
Education Code 39A.056

The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspa-

pers or other media that reach the general public, and the parent liaison, if present on the campus. *19 TAC 97.1061(e)(3)(A)(ii)*

Public Hearing

After a targeted improvement plan or an updated targeted improvement plan is submitted to the board, the board shall conduct a hearing to:

1. Notify the public of:
 - a. The insufficient performance of the campus;
 - b. The improvements in performance expected by TEA; and
 - c. The intervention measures or sanctions that may be imposed under Education Code Chapter 39A if the performance does not improve within a designated period; and
2. Solicit public comment on the targeted improvement plan or updated targeted improvement plan.

The board must post the targeted improvement plan on the district's internet website before the hearing.

The board may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan.

Education Code 39A.057

Submission to
Commissioner

The board shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner. *Education Code 39A.058*

Executing Plan

In executing the targeted improvement plan, the campus intervention team shall, if appropriate:

1. Assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;
2. Provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

3. Require the district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus.

Education Code 39A.059

*Continuing Duties
of the Campus
Intervention
Team*

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

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

Education Code 39A.060

Local Improvement
Plan

A district or campus that is assigned a rating of D that is considered acceptable [see AIA] shall develop and implement a local improvement plan.

A local improvement plan must be presented to the board.

Education Code 39A.065(a)-(b)

Campus Planning
and Site-Based
Decision-Making

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

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

Education Code 39A.061

Submission of
Campus
Improvement Plan

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

Compliance Through Federal Accountability	Notwithstanding the provisions of Education Code Chapter 39A, if the commissioner determines that a campus subject to interventions or sanctions has implemented substantially similar intervention measures under federal accountability requirements, the commissioner may accept the substantially similar intervention measures as measures in compliance with Education Code Chapter 39A. <i>Education Code 39A.063</i>
Campus Turnaround Plan	If a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the campus to prepare and submit a campus turnaround plan.
Updated Targeted Improvement Plan	A campus intervention team shall assist the campus in: 1. Developing an updated targeted improvement plan, including a campus turnaround plan to be implemented by the campus; 2. Submitting the updated targeted improvement plan to the board for approval and presenting the plan in a public hearing as provided by Education Code 39A.057; 3. Obtaining approval of the updated plan from the commissioner; and 4. Executing the updated plan on approval by the commissioner. The updated targeted improvement plan submitted to the board must include all plans and details that are required to execute the campus turnaround plan without any additional action or approval by the board. <i>Education Code 39A.101</i>
Public Notice	Within 60 days of receiving a campus's preliminary accountability rating, the district must notify parents, community members, and stakeholders that the campus received an unacceptable rating for two consecutive years and request assistance in developing the campus turnaround plan in accordance with 19 Administrative Code 97.1064. <i>19 TAC 97.1064(d)</i>
Submission and Approval	Upon approval of the board, the district must submit the campus turnaround plan electronically to TEA by March 1 unless otherwise specified. Not later than June 15 of each year, the commissioner must either approve or reject any campus turnaround plan prepared and submitted by a district. <i>19 TAC 97.1064(g)-(h); Education Code 39A.103-.104</i>
Implementation, Modification, and Withdrawal	A campus may implement, modify, or withdraw its campus turnaround plan with board approval if the campus receives an academically acceptable rating for the school year following the development of the campus turnaround plan.

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

*Change in
Circumstances*

A campus may modify its campus turnaround plan with commissioner approval if it is determined that due to a change in circumstances occurring after the plan's approval under Education Code 39A.107 a modification of the plan is necessary to achieve the plan's objectives.

A change in circumstance may be the following, but not limited to:

1. A campus that has written a turnaround plan but has not yet been ordered to implement it and has received a Not Rated; Declared State of Disaster rating for two consecutive years prior to receiving its next F rating; or
2. A campus that has implemented its turnaround plan for no more than one year prior to receiving a Not Rated; Declared State of Disaster rating for two consecutive years.

A campus that has modified its turnaround plan under this provision may only request additional modifications to the plan based on circumstances that have changed since the last commissioner-approved modification.

*Commissioner
Authority*

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

19 TAC 97.1064(j)-(m)

Required Contents

A campus turnaround plan must include:

1. Details on the method for restructuring, reforming, or reconstituting the campus;
2. A detailed description of the academic programs to be offered at the campus, including:
 - a. Instructional methods;
 - b. Length of school day and school year;

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

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

Implementing
Entities

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

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

The commissioner shall appoint a conservator to a district unless and until each campus in the district for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year or the commissioner determines a conservator is not necessary.

In making appointments, the commissioner shall consider individuals who have demonstrated success in managing campuses with

student populations similar to the campus at which the individual appointed will serve.

Education Code 39A.102, .108

Effective Date

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

Commissioner
Approval or
Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

Preparation	Following approval of a campus turnaround plan by the commissioner, the district, in consultation with the campus intervention team, may take any actions needed to prepare for the implementation of the plan. <i>Education Code 39A.108</i>
Assistance and Partnerships	A district may: 1. Request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan; or 2. Partner with an institution of higher education to develop and implement a campus turnaround plan. <i>Education Code 39A.109</i>
Modification in Campus Turnaround Plan	If a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year following the order, the board may: 1. Implement the campus turnaround plan; 2. Implement a modified version of the campus turnaround plan; or 3. Withdraw the campus turnaround plan. A district required to implement a campus turnaround plan may modify the plan if the campus receives an acceptable performance rating for two consecutive school years following implementation of the plan. The commissioner may authorize modification of an approved campus turnaround plan if the commissioner determines that due to a change in circumstances occurring after the plan's approval, a modification of the plan is necessary to achieve the plan's objectives. <i>Education Code 39A.110</i>
Continued Unacceptable Performance Rating	If a campus is considered to have an unacceptable performance rating for five consecutive school years, the commissioner shall order: 1. Appointment of a board of managers to govern the district; or 2. Closure of the campus. <i>Education Code 39A.111</i>
<i>Parent Petition for Action</i>	"Parent" means the parent who is indicated on the student registration form at that campus and the signature of only one parent of a student is required.

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

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

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

Repurposing of
Closed Campus

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

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

Student Enrollment
and Assignment

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

	The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll.
<i>Noncontracted Repurposed Campus</i>	The majority of students assigned to a campus that has been closed and repurposed may not have attended that campus in the previous school year if the campus was repurposed to serve a majority of grade levels not served at the original campus.
<i>Enrollment Provision in Contract</i>	A contract approved by the school board with a nonprofit organization must provide that a student residing in the attendance zone of the campus immediately before the campus was repurposed shall be admitted for enrollment at the repurposed campus. <i>Education Code 39A.113; 19 TAC 97.1066</i>
Targeted Technical Assistance	If the commissioner determines that the basis for the unacceptable performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the district to contract for the appropriate technical assistance. <i>Education Code 39A.114</i>
Alternative Management	The commissioner shall appoint a monitor, conservator, management team, or board of managers whenever such action is required, as determined by 19 Administrative Code 97.1073. Action under any other section of 19 Administrative Code Chapter 97, Subchapter EE is not a prerequisite to acting under this section. <i>19 TAC 97.1073</i> The superintendent, upon appointment, immediately assumes all powers, duties, rights, and responsibilities of the superintendent of the district to which the superintendent is appointed. <i>19 TAC 97.1073(f)</i>
Solicitation of Proposals	If the commissioner orders alternative management of a campus, the commissioner shall solicit proposals from qualified nonprofit entities to assume management of the campus or appoint a school district as provided below. The commissioner may solicit proposals from qualified for-profit entities if a nonprofit entity has not responded to the commissioner's request for proposals. The commissioner may appoint a school district to assume management of the campus if the district: 1. Is not the district in which the campus is located; and 2. Is located within the boundaries of the same regional education service center as the campus.

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

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

Education Code 39A.151

Qualifications of
Managing Entity

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

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

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

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

Education Code 39A.152

Contract with
Managing Entity

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

The management contract must include:

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

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

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

Education Code 39A.153; 19 TAC 97.1067

*Extension of
Management
Contract*

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

*Evaluation of
Managing Entity*

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

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

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

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

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

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

Education Code 39A.155

*Cancellation of
Management
Contract*

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

Return of
Management to
District

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

Applicability of
Accountability
Provisions

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

Funding

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

Open Meetings and
Public Information

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

1. A managing entity is considered to be a governmental body for purposes of Government Code Chapter 551 (Open Meetings Act) and Government Code Chapter 552 (Public Information Act); and
2. Any requirement in the Open Meetings Act or Public Information Act that applies to a school district or the board of trustees of a district applies to a managing entity.

Education Code 39A.160

Board of Managers

General Powers
and Duties

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, a board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to the commissioner's order, including amending the district's budget, reassigning staff, or relocating aca-

demic programs. The commissioner may adopt rules necessary to implement this subsection.

Education Code 39A.201

Board of Managers
of District

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, if the commissioner appoints a board of managers to govern a district:

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

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

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

Education Code 39A.202

Composition of
Board of Managers

A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. *Education Code 39A.204*

Training of Board of
Managers

The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. *Education Code 39A.205*

The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. *19 TAC 97.1073(i)*

A board member appointed under 19 Administrative Code 97.1073(h)(4) must complete the training required in this provision prior to or within 10 days of the appointment. Failure to do so may result in the removal of the board of trustees member from the board of managers. *19 TAC 97.1073(j)*

Compensation

The commissioner may authorize payment of a board of managers from TEA funds.

A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner.

Education Code 39A.206

Replacement of
Member of Board of
Managers

The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. *Education Code 39A.207*

Expiration of
Appointment

A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees.

If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

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

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

Education Code 39A.208; 19 TAC 97.1073

Removal of Board
of Managers

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

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

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

Education Code 39A.209; 19 TAC 97.1073

**Challenge of
Intervention or
Sanction**

Review of
Sanctions by SOAH

A district must appeal under this provision if the district intends to challenge the commissioner's decision to close the district or a campus, pursue alternative management of a campus, appoint a board of managers to the district, or appoint a conservator or management team to the district.

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

Notwithstanding other law:

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

Education Code 39A.301

Appeals

If an order, decision, or determination is described as final in Education Code Chapter 7, 11, 12, 39, or 39A, an interlocutory or intermediate order, decision, report, or determination made or reached before the final order, decision, or determination may be appealed only as specifically authorized by the Education Code or a rule adopted under the Education Code. *Education Code 5.003*

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906*

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)-(b)

**Intervention
Programs**

**ACE Turnaround
Plan**

A campus may submit an accelerated campus excellence (ACE) turnaround plan. The plan must meet the requirements of Education Code 39A.105(b). *Education Code 39A.105(b)-(c)*

Resource Campus

An eligible campus may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students. To apply to be designated as a resource campus, the campus must have received an overall performance rating of F for four years over a 10-year period of time. *Education Code 29.934(a)-(b)*

**Strong Foundations
Intervention**

Notwithstanding when a D rating is considered acceptable or any other law, the commissioner may require a district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 at a campus that:

1. Includes students at any grade level from prekindergarten through fifth grade;
2. Is assigned an overall performance rating of D or F; and
3. Is in the bottom five percent of campuses in the state based on student performance on the grade three state reading assessment during the previous school year, as determined by the commissioner.

Education Code 39A.064(a)

**Miscellaneous
Provisions**

Acquisition of
Professional
Services

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

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

Education Code 39A.902

Costs Paid by
District

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

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

Education Code 39A.903

Immunity from Civil
Liability

An employee, volunteer, or contractor acting on behalf of the commissioner, or a member of a board of managers appointed by the commissioner, is immune from civil liability to the same extent as a professional employee of a district under Education Code 22.051.

Education Code 39A.904

Campus Name Change In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the commissioner may not require that the name of the campus be changed. *Education Code 39A.905*

Special Program Performance Determination The commissioner shall assign districts an annual determination level based on performance levels of certain special populations student groups under 19 Administrative Code 97.1001 [see AIA] according to the criteria and requirements in 19 Administrative Code 97.1071(e)-(g).

In addition to determination levels, the commissioner shall develop a system of cyclical monitoring to ensure every district participates in general supervision activities. Based on a district's assigned determination level, as part of its cyclical monitoring process, or as part of compliance monitoring activities, a district may be required to implement and/or participate in:

1. Focused self-analysis of district data and program effectiveness;
2. Focused remote and/or on-site review;
3. Required stakeholder engagement;
4. Focused compliance reviews;
5. Strategic support and continuous improvement planning; and/or
6. Corrective action plan development.

The commissioner shall notify in writing each district identified for review under this provision as a result of assigned determination level or cyclical selection prior to requiring a district to implement or participate in any activities included in items 1-6 above.

Actions taken under this provision are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1001 and 74.28 and Education Code sections 28.006, 29.062 and 38.003 do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

Actions taken under this provision do not preclude or substitute for other responses to or consequences of program ineffectiveness or noncompliance identified by TEA, such as those described in 19 Administrative Code 89.1076 (relating to Interventions and Sanctions) and expanded oversight, including, but not limited to, frequent follow-up contacts with the district, submission of documen-

tation verifying implementation of intervention activities and/or an improvement plan, and submission of district/program data.

19 TAC 97.1071(e)-(k)

[See AIE for information regarding TEA's process for investigating and issuing findings regarding credible allegations of violations of the Individuals with Disabilities Education Act (IDEA), Part B, and other supervision and monitoring activities under 19 Administrative Code 97.1071(a)-(b).]

Intervention Pause

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

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

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

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

19 TAC 97.1062

Failure to Submit
Emergency
Operations Plan

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

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

Student Board
Member

Notwithstanding Education Code 11.051(b) (number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. A student trustee may not participate in a closed session of a board meeting [see BEC] in which any issue related to a personnel matter is considered. *Education Code 11.0511(a)-(f)*

**Special
Investigations**

The commissioner may authorize a special investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to the Texas Education Agency (TEA) of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;
7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;
14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;
15. When 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Education Code 28.0258;
16. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;
17. In response to repeated complaints submitted to TEA concerning imposition of excessive paperwork requirements on classroom teachers; or
18. As the commissioner otherwise determines necessary.

Education Code 39.003(a), (c)

TEA shall adopt written procedures for conducting special investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.004(a)*

Note: The procedures for conducting a special investigation, holding a hearing following an investigation, the process for commissioner determinations, and judicial appeal are described in Education Code 39.004-.007.

Commissioner
Action

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

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

Education Code 39.003(d)

At any time before issuing a report with the TEA's final findings, the commissioner may defer taking the above action until:

1. A person who is a third party, selected by the commissioner, has reviewed programs or other subjects of a special investigation and submitted a report identifying problems and proposing solutions;
2. A district completes a corrective action plan developed by the commissioner; or
3. The completion of actions under both items 1 and 2 above.

Education Code 39.003(e)

Based on the results of an action taken above, the commissioner may decline to take the deferred action. *Education Code 39.003(f)*

Note: The procedures for an informal review or hearing following an investigation are described in 19 Administrative Code Chapter 157, Subchapter EE.

Monitoring Reviews

In accordance with Education Code 7.028(a), TEA may monitor compliance with requirements applicable to a process or program provided by a district, campus, or program, only as necessary to ensure:

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

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

Education Code 7.028

Compliance Monitoring Activities

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation, implemented by TEA under 34 C.F.R. 300.600-.609 [see Supervision

Under IDEA, below], and review of program implementation and effectiveness within certain special populations of students.

Activities may include:

1. Random, targeted, or cyclical reviews authorized under Education Code 39.056 (monitoring reviews), conducted remotely or on-site to identify problems implementing state and federal requirements and to provide support for development of reasonable and appropriate strategies to address identified problems; and/or
2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.003 and 39.004.

Activities described above are applicable for compliance with requirements for reading diagnosis in Education Code 28.006 [see EKC], dyslexia and related disorders in Education Code 38.003 and 19 Administrative Code 74.28 [see EHB], and program effectiveness for emergent bilingual students in Education Code 29.062.

19 TAC 97.1071(b)-(d)

Notice	TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. <i>Education Code 39.056(d)</i>
Conducting the Review	A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary. <i>Education Code 39.056(c), (g)</i>
Converting to a Special Investigation	The commissioner may at any time convert a monitoring review to a special investigation under Education Code 39.003, provided the commissioner promptly notifies the district of the conversion. <i>Education Code 39.056(h)</i>
Improvements	TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. <i>Education Code 39.056(e)-(f)</i>

Appeals	A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. <i>Education Code 39A.906</i> [See AIC]
Compliance Investigation	A compliance investigation is an investigation by TEA of a state education grant recipient to determine compliance with the statutory or rule requirements of a state education program. A compliance investigation is not a special investigation subject to Education Code 39.003 and 39.004 (above). <i>19 TAC 102.1401(a)(1)</i>
Supervision Under IDEA	In exercising its general supervision authority under 34 C.F.R. sections 300.149 and 300.600, TEA has established a process that provides for the investigation and issuance of findings regarding credible allegations of violations of the Individuals with Disabilities Education Act (IDEA), Part B, or a state statute or administrative rule created to implement IDEA, that arise from an area of concern. The following guidelines shall apply to this process.
Definitions	“Area of concern” means that TEA has been made aware of an allegation regarding a violation of, or noncompliance with, a requirement of IDEA, Part B, or a state special education law or administrative rule. “Credible allegation” means that TEA has determined that an allegation arising from an area of concern is credible enough to investigate further to determine if a violation or noncompliance has occurred.
Credibility Determination	Information and awareness of an area of concern may arise directly from TEA or from external sources. TEA will engage in a process to determine if an area of concern is determined to be a credible allegation, and, if determined credible, TEA will initiate an investigation to determine if findings of noncompliance will be issued. TEA will generally not engage in the process described below to determine if an area of concern is a credible allegation if it is a media report, social media post, or an anonymous report, unless TEA receives corroborating information and facts that a specific violation of state or federal law or rule has occurred if the allegation were to be confirmed true. When an individual or organization reports a special education area of concern, TEA may direct the individual or organization to the established dispute resolution processes. Depending on the frequency or specificity of the type of allegation made, TEA may engage in a process to determine credibility of the allegation.

Process

The process to determine if an area of concern is a credible allegation may include one or more of the following actions:

1. Reviewing existing citations of noncompliance or any non-compliance identified within the last two school years on the same or similar alleged violation;
2. Reviewing filed state complaints that are in process of being investigated or that have been substantiated within the last two school years on the same or similar alleged violation;
3. Reviewing due process hearing decisions issued within the last two years in which the hearing officer's final written decision contains a finding of noncompliance on the same or similar alleged violation;
4. Gathering evidence from groups that represent or advocate for families and communities served by the district;
5. Reviewing and analyzing available student- or district-level data that relate to the alleged violation;
6. Reviewing and analyzing fiscal and program information, such as grant applications, contracts, self-assessments, and other special education documents submitted to TEA by the district; and
7. Any other activity or measure used to gather evidence within TEA's general supervision and monitoring authority.

The investigation to determine if a credible allegation will result in the issuance of findings will include contacting the school district that is the subject of the allegation and requesting a response from the school district. Additional investigative actions may include one or more of the following:

1. Conducting interviews with the district, staff, parents, or students;
2. A referral for review or investigation by any other appropriate unit or division within TEA;
3. Utilizing the review and analysis of the activities conducted during the review process in this provision to determine if non-compliance is found; and
4. Any other activity or measure within TEA's general supervision and monitoring authority.

ACCOUNTABILITY
INVESTIGATIONS

AIE
(LEGAL)

Intervention and
Sanction

TEA may apply any intervention or sanction within its authority if noncompliance or a violation is substantiated, including those described in 19 Administrative Code 89.1076 [see AIC].

19 TAC 89.1071(l)

Table of Contents	Retirement and Insurance Contributions.....3
	Block Grant Funds3
	Education Department General Administrative Regulations (EDGAR)3
	Uniform Guidance (2 C.F.R. 200)4
	General Compliance.....4
	Mandatory Disclosures.....4
	Procurement Standards5
	Documented Procurement Procedures5
	Oversight of Contractors.....5
	Conflicts of Interest.....5
	Procurement Records.....5
	Financial Management.....5
	Internal Controls6
	Competition7
	Procurement Methods7
	Informal Procurement Methods for Small Purchases8
	Formal Procurement Methods10
	Noncompetitive Procurement11
	Procurement Arrangements Using Strategic Sourcing.....12
	Small, Minority, Women's, and Veteran-Owned Businesses .12
	Domestic Preference.....13
	Pre-procurement Review.....13
	Contract Cost and Price14
	Contract Provisions14
	Suspension and Debarment.....14
	Remedies for Noncompliance14
	Travel Costs15
	Property Standards15
	Federally Owned Property15
	Property Trust Relationship16
	Real Property.....16
	Equipment.....17
	Supplies18

Intangible Property.....18

Foreign Telecommunications Equipment18

Direct Grant Programs.....18

State-Administered Programs.....18

General Education Provision Act18

The Texas Education Agency (TEA) may enter into an agreement with a federal agency concerning a project related to education, including provision of school lunches and construction of school buildings. TEA, or another state agency designated by the governor, shall coordinate the actions of a district participating in a federal financial assistance program. *Education Code 7.021(b), (c); Gov't Code 742.003*

Retirement and Insurance Contributions

Under the Texas Public School Retired Employees Group Benefits Act, Insurance Code Chapter 1575, a district that applies for money provided by the United States or a privately sponsored source shall, if any of the money will pay part or all of an active employee's salary, also apply for any legally available money to pay state contributions required by Insurance Code Chapter 1575, Subchapter E. *Insurance Code 1575.252*

Such district must comply with the requirements of Insurance Code Chapter 1575, Subchapter F. *Insurance Code 1575.252(2)-.257*

Under the Teacher Retirement System, Government Code, Title 8, Subtitle C, if a district applies for money provided by the United States, an agency of the United States, or a privately sponsored source, and if any of the money will pay part or all of an employee's salary, the district shall apply for any legally available money to pay state contributions required by Government Code 825.404 or 830.201. *Gov't Code 825.406(a)*

Such district must comply with the requirements of Government Code 825.406.

Block Grant Funds

If a district receives more than \$5,000 in block grant funds to be used as the district determines is appropriate, it shall provide evidence to TEA that a public meeting or hearing was held in a timely manner solely to seek public comment on the needs or uses of block grant funds received by the district. The board may hold this meeting or hearing in conjunction with another board meeting or hearing if the meeting or hearing to consider block grant funds is clearly noted in an announcement of the other meeting or hearing. *Gov't Code 2105.058*

Education Department General Administrative Regulations (EDGAR)

Note: For information regarding procurement under state law, see the CH policy series regarding Purchasing and Acquisition and the CV series regarding Facilities Construction.

For additional legal requirements applicable to school nutrition procurement, see COA.

	EDGAR means the Education Department General Administrative Regulations (34 C.F.R. 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99). <i>34 C.F.R. 77.1(c)</i>
Uniform Guidance (2 C.F.R. 200)	The Department of Education (ED) adopts the Office of Management and Budget (OMB) Guidance in 2 C.F.R. Part 200 Uniform Guidance, except for 2 C.F.R. 200.102(a) and 2 C.F.R. 200.207(a). Thus, 2 C.F.R. Chapter XXXIV, Part 3474 gives regulatory effect to the OMB guidance and supplements the guidance as needed for the ED. <i>2 C.F.R. 3474.1</i> The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards. <i>2 C.F.R.200.100(a)(1)</i> Note: For more information on EDGAR, the Uniform Guidance, and the federal regulations that apply to federal education grant awards, visit TEA’s EDGAR Materials and Resources¹ and the ED’s EDGAR website² and Uniform Guidance website.³
General Compliance	Throughout 2 C.F.R. Part 200, Subparts A through F, the word “must” indicates a requirement. The words “should” or “may” indicate a recommended approach and permit discretion. <i>2 C.F.R. 200.101(a)(3)</i>
Mandatory Disclosures	A district must disclose in writing any potential conflict of interest to the federal agency (e.g., ED) or pass-through entity (e.g., TEA) in accordance with the established federal agency policies. <i>2 C.F.R. 200.112</i> A district must promptly disclose whenever, in connection with the federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the federal agency, the agency’s Office of Inspector General, and pass-through entity (if applicable). Districts are required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance). <i>2 C.F.R. 200.113</i>

<i>Procurement Standards</i>	The district must maintain and use documented procedures for procurement transactions under a federal award or subaward, including for acquisition of property or services. These documented procurement procedures must be consistent with state, local, and tribal laws and regulations and the standards identified in 2 C.F.R. 200.317 through 200.327. [See also 2 C.F.R. 200.501 (Audit Requirements)]
Documented Procurement Procedures	
Oversight of Contractors	The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
Conflicts of Interest	The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, agent, or board member with real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the federal award. A conflict of interest includes when the employee, officer, agent, or board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. An employee, officer, agent, and board member of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors. However, districts may set standards for situations where the financial interest is not substantial or a gift is an unsolicited item of nominal value. The district's standards of conduct must also provide for disciplinary actions to be applied for violations by its employees, officers, agents, or board members. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]
Procurement Records	The district must maintain records sufficient to detail the history of each procurement transaction. These records must include the rationale for the procurement method, contract type selection, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below] 2 C.F.R. 200.318(a), (b), (c)(1), (i) [See 2 C.F.R. 200.334 for record retention requirements.]
<i>Financial Management</i>	The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by the terms and conditions; and tracking expenditures to establish that funds have been used in accordance with federal statutes, regulations, and the

terms and conditions of the federal award. [See 2 C.F.R. 200.450 (Lobbying)]

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

2 C.F.R. 200.302

Internal Controls

The district must:

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

2 C.F.R. 200.303

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

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

3. Compliance with applicable laws and regulations.

2 C.F.R. 200.1

Competition

All procurement transactions under the federal award must be conducted in a manner that provides full and open competition and is consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids must be excluded from competing on those procurements.

The district must have written procedures for procurement transactions. These procedures must ensure that all solicitations meet the requirements of 2 C.F.R. 200.319(d).

The district must ensure that all prequalified lists of persons, firms, or products used in procurement transactions are current and include enough qualified sources to ensure maximum open competition. When establishing or amending prequalified lists, the district must consider objective factors that evaluate price and cost to maximize competition. The district must not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the district, 2 C.F.R. Part 200, Subpart D does not prohibit districts from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. Subpart D also does not prohibit districts from making inquiries of bidders about these subjects and assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable federal statutes and regulations, and the terms and conditions of the federal award.

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

2 C.F.R. 200.319

*Procurement
Methods*

For informal procurement methods (for micro-purchases and simplified acquisitions), formal procurement methods (through sealed bids or proposals), and noncompetitive procurement methods, the district must maintain and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and

	200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition). <i>2 C.F.R. 200.320</i>
Informal Procurement Methods for Small Purchases	These procurement methods expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under the federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1. The district may also establish a lower threshold. Informal procurement methods include:
<i>Micro-Purchases — Definitions</i>	“Micro-purchase” means an individual procurement transaction for supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a district's small purchases using informal procurement methods as set forth in 2 C.F.R. 200.320. “Micro-purchase threshold” means the dollar amount at or below which a district may purchase property, or services using micro-purchase procedures. Generally, except as provided below, the micro-purchase threshold for procurement activities administered under federal awards is not to exceed the amount set by the Federal Acquisition Regulations (FAR) at 48 C.F.R. Part 2, Subpart 2.1 [see below], unless a higher threshold is requested by the district and approved by the cognizant agency for indirect costs. <i>2 C.F.R. 200.1</i> Micro-purchase threshold means \$10,000, except as provided by 48 C.F.R. 2.101. <i>48 C.F.R. 2.101</i>
<i>Micro-Purchase Distribution</i>	The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold. [See the definition of “micro-purchase” above.] To the extent practicable, the district should distribute micro-purchases equitably among qualified suppliers. <i>2 C.F.R. 200.320(a)(1)(i)</i>
<i>Micro-Purchase Awards</i>	Micro-purchases may be awarded without soliciting competitive price or rate quotations if the district considers the price reasonable based on research, experience, purchase history, or other information; and maintains documents to support its conclusion. Purchase cards may be used as a method of payment for micro-purchases. <i>2 C.F.R. 200.320(a)(1)(ii)</i>
<i>Micro-Purchase Thresholds</i>	The district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the district must be authorized or not prohibited under state, local, or tribal laws or regulations. Districts may establish a threshold higher than the federal

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

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

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

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

Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The district must submit a request that includes the requirements in 2 C.F.R. 200.320(a)(1)(iv). The increased threshold is valid until any factor that was relied on in the establishment and rationale of the threshold changes. 2 C.F.R. 200.320(a)(1)(v)

*Simplified
Acquisitions —
Procedures*

The aggregate dollar amount of the procurement transaction is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If simplified acquisition procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. 2 C.F.R. 200.320(a)(2)(i)

*Simplified
Acquisitions —
Thresholds*

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the FAR at 48 C.F.R. Part 2, Subpart 2.1 [see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures, which may be lower than, but must not exceed, the threshold established in the FAR. 2 C.F.R. 200.1, .320(a)(2)(ii)

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

Formal
Procurement
Methods

Formal procurement methods are required when the value of the procurement transaction under a federal award exceeds the simplified acquisition threshold of the district. Formal procurement methods are competitive and require public notice. The following formal methods of procurement are used for procurement transactions above the simplified acquisition threshold determined by the district in accordance with 2 C.F.R.200.320(a)(2)(ii) [Simplified Acquisitions — Thresholds, above].

Sealed Bids

Sealed bids are a procurement method in which bids are publicly solicited through an invitation and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation and is the lowest in price. The sealed bids procurement method is preferred for procuring construction services.

For sealed bidding to be feasible, the following conditions should be present:

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

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them with sufficient response time prior to the date set for opening the bids. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. For local governments, the invitation for bids must be publicly advertised.
2. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids. For local governments, the bids must be opened publicly.
4. A firm-fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the

invitation for bids, factors such as discounts, transportation cost, and life-cycle costs must be considered in determining which bid is the lowest. Payment discounts must only be used to determine the low bid when the district determines they are a valid factor based on prior experience.

5. The district must document and provide a justification for all bids it rejects.

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

Proposals

Proposals are a procurement method used when conditions are not appropriate for using sealed bids. This procurement method may result in either a fixed-price or cost-reimbursement contract. They are awarded in accordance with the following requirements:

1. Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified. Proposals must be solicited from multiple qualified entities. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.
2. The district must have written procedures for conducting technical evaluations and making selections.
3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district considering price and other factors.
4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

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

*Noncompetitive
Procurement*

There are specific circumstances in which the district may use a noncompetitive procurement method. The noncompetitive procurement method may only be used if one of the following circumstances applies;

1. The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;

2. The procurement transaction can only be fulfilled by a single source;
3. The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;
4. The district requests in writing to use a noncompetitive procurement method, and the federal agency or pass-through entity provides written approval; or
5. After soliciting several sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Procurement
Arrangements
Using Strategic
Sourcing

When appropriate for the procurement or use of common or shared goods and services, districts are encouraged to enter into state and local intergovernmental agreements or inter-entity agreements for procurement transactions. These or similar procurement arrangements using strategic sourcing may foster greater economy and efficiency. Documented procurement actions of this type (using strategic sourcing, shared services, and other similar procurement arrangements) will meet the competition requirements of 2 C.F.R. Part 200. *2 C.F.R. 200.318(e)*

*Small, Minority,
Women's, and
Veteran-Owned
Businesses*

When possible, the district should ensure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms (See U.S. Department of Labor's list) are considered as set forth below. Such consideration means:

1. These business types are included on solicitation lists;
2. These business types are solicited whenever they are deemed eligible as potential sources;
3. Dividing procurement transactions into separate procurements to permit maximum participation by these business types;
4. Establishing delivery schedules (for example, the percentage of an order to be delivered by a given date of each month) that encourage participation by these business types;
5. Utilizing organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring a contractor under a federal award to apply items 1 through 5 above to subcontracts.

2 C.F.R. 200.321

*Domestic
Preference*

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

For purposes of this provision:

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

2 C.F.R. 200.322

*Pre-procurement
Review*

When requested, the district must provide procurement documents (such as requests for proposals, invitations for bids, or independent cost estimates) to the federal agency or pass-through entity for pre-procurement review. The federal agency or pass-through entity may conduct a pre-procurement review when:

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;
2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition, or only one bid is expected to be received in response to a solicitation;
3. The procurement is expected to exceed the simplified acquisition threshold and specifies a "brand name" product;
4. The procurement is expected to exceed the simplified acquisition threshold, and sealed bid procurement is to be awarded to an entity other than the apparent low bidder; or

5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.325(b)

*Contract Cost
and Price*

The district must perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the simplified acquisition threshold. The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, districts should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the district must make independent estimates before receiving bids or proposals.

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

The district must not use the “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting.

2 C.F.R. 200.324

*Contract
Provisions*

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

*Suspension and
Debarment*

Districts are subject to the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, as well as 2 C.F.R. Part 180. These regulations restrict making federal awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from receiving or participating in federal awards. *2 C.F.R. 200.214*

*Remedies for
Noncompliance*

The federal agency or pass-through entity may implement specific conditions if the district fails to comply with the U.S. Constitution, federal statutes, regulations, or terms and conditions of the federal award. See 2 C.F.R. 200.208 for additional information on specific conditions. When the federal agency or pass-through entity determines that noncompliance cannot be remedied by imposing specific conditions, the federal agency or pass-through entity may take one or more of the following actions:

1. Temporarily withhold payments until the district takes corrective action.

2. Disallow costs for all or part of the activity associated with the noncompliance of the district.
3. Suspend or terminate the federal award in part or in its entirety.
4. Initiate suspension or debarment proceedings as authorized in 2 C.F.R. Part 180 and the federal agency's regulations, or for pass-through entities, recommend suspension or debarment proceedings be initiated by the federal agency.
5. Withhold further federal funds (new awards or continuation funding) for the project or program.
6. Pursue other legally available remedies.

2 C.F.R. 200.339

Travel Costs

Travel costs include the transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. These costs may be charged on an actual cost basis, on a per diem or mileage basis, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip. The method used must be consistent with those normally allowed in like circumstances in the district's other activities and in accordance with the district's established written policies.

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

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

*Property
Standards*

*Federally
Owned Property*

Title to federally owned property remains vested in the federal government. The district must submit an inventory listing of federally owned property in its custody to the federal agency or pass-through entity on an annual basis. The district must request disposition instructions from the federal agency of pass-through entity upon completion of the federal award or when the property is no longer needed.

Exempt property means property acquired under the federal award where the federal agency has chosen to vest title to the property to the district without further responsibility to the federal government. The federal agency may only exercise this option when permitted by federal statute and set forth in the terms and conditions of the

federal award. Absent statutory authority and specific terms and conditions of the federal award, the title to exempt property acquired under the federal award remains with the federal government.

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

Property Trust
Relationship

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

Real Property

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

Except as otherwise provided by federal statutes or the federal agency, real property must be used for the originally authorized purpose as long as it is needed for that purpose. While the property is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests except as provided by the federal agency. Easements for utility, cable, and similar services that benefit the real property and are consistent with the authorized use are not considered an encumbrance.

When an appraisal of real property is required and obtained by the district, it must be conducted by an independent appraiser (for example, certified real property appraiser or General Services Administration representative) and certified by a responsible official of the district as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) except as provided in the implementing regulations at 49 C.F.R. Part 24, "Uniform Relocation Assistance And Real Property Acquisition For Federal And Federally Assisted Programs."

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

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

3. Transfer title to the federal agency or a third party designated/approved by the federal agency with the federal agency paying the district an amount determined under 2 C.F.R. 200.311(c)(3).

2 C.F.R. 200.311

Equipment

Title and Use

Title to equipment acquired under the federal award will vest upon acquisition in the district subject to the conditions of 2 C.F.R. 200.313. This title must be a conditional title unless a federal statute specifically authorizes the federal agency to vest title in the district without further responsibility to the federal government (and the federal agency elects to do so). A conditional title means a clear title is withheld by the federal agency until conditions and requirements specified in the terms and conditions of a federal award have been fulfilled. Title for equipment vested in a district is subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
2. While the equipment is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests without the approval of the federal agency or pass-through entity.
3. Use and dispose of the property in accordance with the provisions below.

The district must use equipment for the project or program for which it was acquired and for as long as needed in accordance with 2 C.F.R. 200.313(c).

Regardless of whether equipment is acquired in part or in its entirety under the federal award, the district must manage equipment (including replacement equipment) utilizing procedures that meet the requirements of 2 C.F.R. 200.313(d).

Disposition

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

When equipment acquired under a federal award is no longer needed for the original project, program, or for other activities currently or previously supported by a federal agency, the district must request disposition instructions from the federal agency or pass-through entity if required by the terms and conditions of the federal award. Disposition of the equipment will be made as prescribed in

2 C.F.R. 200.313(e), in accordance with federal agency or pass-through entity disposition instructions.

2 C.F.R. 200.313

Supplies

Title to supplies acquired under the federal award will vest upon acquisition in the district. When there is a residual inventory of unused supplies exceeding \$10,000 in aggregate value at the end of the period of performance, and the supplies are not needed for any other federal award, the district may retain or sell the unused supplies. Unused supplies means supplies that are in new condition, not having been used or opened before. The federal agency or pass-through entity is entitled to compensation in an amount calculated under 2 C.F.R. 200.314(a). *2 C.F.R. 200.314(a)*

Intangible
Property

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

Foreign
Telecommunications
Equipment

Recipients and subrecipients are prohibited from obligating or expending loan or grant funds in violation of 2 C.F.R. 200.216(a).

Direct Grant
Programs

The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED, except as specified in the regulations for direct formula grant programs, as referenced in 34 C.F.R. 75.1(c)(3). *34 C.F.R. 75.1*

State-Administered
Programs

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

General Education
Provision Act

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

¹ TEA EDGAR Materials and Resources:

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

² ED EDGAR website:

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

³ ED Uniform Guidance website:

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

Accounting System	A board must adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. The accounting system must meet at least the minimum requirements prescribed by the commissioner of education, subject to review and comment by the state auditor. <i>Education Code 44.007(a), (b)</i>
Financial Accountability System Resource Guide	The rules for financial accounting are described in the official Texas Education Agency (TEA) publication, <i>Financial Accountability System Resource Guide</i> , Version 19, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. <i>19 TAC 109.1, .41, .5001</i>
Report of Revenues and Expenditures	A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA on or before the date set by the State Board of Education. <i>Education Code 44.007(c), (d)</i>
Financial Statement	The board shall prepare an annual financial statement showing for each fund subject to the board's authority during the fiscal year: 1. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived; 2. The total disbursements of the fund, itemized by the nature of the expenditure; and 3. The balance in the fund at the close of the fiscal year. <i>Local Gov't Code 140.005</i>
Publication	The board president shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the district, the financial statement shall be published in a newspaper in each county in which the district or any part of the district is located. If a district is located in more than one county, the financial statement may be published in a newspaper that has general circulation in the district. If a newspaper is not published in the county, the financial statement may be published in a newspaper in an adjoining county.

The statement shall be published in accordance with the accounting method required by TEA not later than the 150th day after the date the fiscal year ends.

Local Gov't Code 140.006

Annual Local Debt Report

A district shall annually compile and report certain financial information ("Annual Local Debt Report") in the manner prescribed by Local Government Code 140.008 and 34 Administrative Code 10.1-.6. *Local Gov't Code 140.008(b); 34 TAC 10.2(a)*

The Annual Local Debt Report must include the following financial information:

1. Regarding total authorized debt obligations:
 - a. The amount of all authorized debt obligations;
 - b. The principal of all outstanding debt obligations;
 - c. The combined principal and interest required to pay all outstanding debt obligations on time and in full;
 - d. The amount of all authorized debt obligations secured by property taxes;
 - e. The principal of all outstanding debt obligations secured by property taxes;
 - f. The combined principal and interest required to pay all outstanding debt obligations secured by property taxes on time and in full;
 - g. The amount of all authorized debt obligations secured by property taxes expressed as a per capita amount;
 - h. The principal of all outstanding debt obligations secured by property taxes expressed as a per capita amount;
 - i. The combined principal and interest required to pay all outstanding debt obligations on time and in full for all obligations secured by property taxes expressed as a per capita amount; and
 - j. The current credit rating on total debt obligations given by any nationally recognized credit rating organization.
2. Regarding each authorized debt obligation:
 - a. The principal of each outstanding debt;

- b. The principal of each outstanding debt obligation secured by property taxes expressed as a per capita amount;
 - c. The combined principal and interest required to pay each outstanding debt obligation on time and in full;
 - d. The combined principal and interest required to pay each outstanding debt obligation on time and in full expressed as a per capita amount;
 - e. The issued and unissued amounts, the spent and unspent amounts, the maturity date and the stated purpose for which each debt obligation was authorized; and
 - f. The current credit rating on each debt obligation given by any nationally recognized credit rating organization.
3. Any other information considered relevant or necessary to explain the above required data elements, such as explanations of payment sources for different kinds of debt or projections of per capita amounts of ad valorem taxation-secured obligations as of the last day of the maximum term of the most recent debt obligation issued by the district.

34 TAC 10.2; Local Gov't Code 140.008(b)

Submission to
Comptroller

The comptroller shall provide a location on the comptroller's internet website where a district may submit the financial information described above and any other related information required or requested by the comptroller for the Annual Local Debt Report.

The comptroller shall prescribe the form and manner in which financial information, financial documents, and related information must be submitted under these provisions. These instructions and other information related to local government debt reporting will be provided on the comptroller's internet website.

34 TAC 10.3

Reporting
Requirement

On an annual basis and within 180 days of the end of the most recently completed fiscal year, a district shall, in accordance with the reporting requirements set forth under Local Government Code 140.008, either:

1. Submit an Annual Local Debt Report to the comptroller as described at Submission to Comptroller, above, in the form and in the manner prescribed by the comptroller and, if the district maintains an internet website, continually maintain a link from its website to the location on the comptroller's website where the district's financial information may be viewed; or

2. Post its contact information and the information required in an Annual Local Debt Report on the district's own internet website and make the report available for inspection by any person in accordance with other law.

A district that elects to post a report of its financial information on its own internet website as described in item 2 above shall provide upon request an electronic link to the location on the district's website where the information can be viewed to facilitate compliance with the requirements of this provision and to enable the comptroller to maintain a searchable database of local debt information that is comprehensive, accurate, and complete.

34 TAC 10.4; Local Gov't Code 140.008(c), (d), (f)

Definitions

The phrases, words, and terms used in the foregoing provisions shall have the meanings set out in 34 Administrative Code 10.1, unless the context clearly indicates otherwise. *34 TAC 10.1*

**School FIRST
Annual Financial
Management Report**

Each district is required to report information and financial accountability ratings to parents, taxpayers, and other stakeholders by implementing the reporting procedures below. *19 TAC 109.1001(q)*

Report
Requirements

Each district must prepare and distribute an annual financial management report in accordance with 19 Administrative Code 109.1001(q). *19 TAC 109.1001(q)(1)*

The annual financial management report for a district must include:

1. A description of its financial management performance based on a comparison, provided by TEA, of its performance on the indicators established by the commissioner and reflected in 19 Administrative Code 109.1001. The report will contain information that discloses:
 - a. State-established standards; and
 - b. The district's financial management performance under each indicator for the current and previous year's financial accountability ratings [see CFC];
2. Any descriptive information required by the commissioner, including:
 - a. A copy of the superintendent's current employment contract or other written documentation of employment if no contract exists. This must disclose all compensation and benefits paid to the superintendent. The district may publish the superintendent's employment contract on its website instead of publishing it in the annual financial management report;

- b. A summary schedule for the fiscal year (12-month period) of expenditures paid on behalf of the superintendent and each board member and total reimbursements received by the superintendent and each board member. This includes transactions on the district's credit card(s), debit card(s), stored-value card(s), and any other similar instrument(s) to cover expenses incurred by the superintendent and each board member. The summary schedule must separately report reimbursements for meals, lodging, transportation, motor fuel, and other items. The summary schedule of total reimbursements should not include reimbursements for supplies and materials that were purchased for the operation of the district;
- c. A summary schedule for the fiscal year of the dollar amount of compensation and fees received by the superintendent from an outside school district or any other outside entity in exchange for professional consulting or other personal services. The schedule must separately report the amount received from each entity;
- d. A summary schedule for the fiscal year of the total dollar amount of gifts that had a total economic value of \$250 or more received by the executive officers and board members.

(1) This reporting requirement applies only to:

- (a) Gifts received by the district's executive officers and board members (and their immediate family as described by Government Code Chapter 573, Subchapter B, Relationships by Consanguinity or by Affinity) from an outside entity that received payments from the district in the prior fiscal year, and
- (b) Gifts from competing vendors that were not awarded contracts in the prior fiscal year;

(2) This reporting requirement does not apply to reimbursement by an outside entity for travel-related expenses when the purpose of the travel was to investigate matters directly related to an executive officer's or board member's duties or to investigate matters related to attendance at education-related conferences and seminars with the primary purpose of providing continuing education (this exclusion does not apply to trips for entertainment purposes or pleasure trips);

- (3) This reporting requirement excludes an individual gift or a series of gifts from a single outside entity that had a total economic value of less than \$250 per executive officer or board member; and
 - e. A summary schedule for the fiscal year of the dollar amount received by board members for the total amount of business transactions with the district. This reporting requirement is not to duplicate the items disclosed in the summary schedule of reimbursements received by board members; and
3. Any other information the board of the district determines to be useful.

19 TAC 109.1001(q)(3)

Public Hearing

Each district must provide the public with an opportunity to comment on the report at a public hearing. *19 TAC 109.1001(q)(2)*

The board must hold a public hearing on the report within two months after receiving a final financial accountability rating. The public hearing must be held at a location in the district's facilities.

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

19 TAC 109.1001(q)(4), (5); Education Code 39.083(d)

Notice

The board must give notice of the hearing to owners of real property in the geographic boundaries of the district and to parents of district students.

In addition to other notice required by law, the board must provide notice of the hearing:

1. To a newspaper of general circulation in the geographic boundaries of the district in one posting prior to holding the public meeting, providing the time and place of the hearing. The notice in the newspaper may not be earlier than 30 days or later than 10 days before the date of the hearing. If no newspaper is published in the county in which the district's central administration office is located, then the board must publish the notice in the county nearest to the county seat of the county in which the district's central administration office is located; and

2. Through electronic mail to the mass communication media serving the district, including, but not limited to, radio and television.

19 TAC 109.1001(q)(4); Education Code 39.083(d)

Dissemination After the hearing, the report shall be disseminated in the district in the manner prescribed by the commissioner. *Education Code 39.083(e)*

Records Retention The district must retain the annual financial management report for at least three years after the public hearing and make it available to parents and taxpayers upon request. *19 TAC 109.1001(q)(6)*

Corrective Action Plan Each district that received an F rating must file a corrective action plan with TEA, prepared in accordance with instructions from the commissioner, within one month after the district's public hearing. *19 TAC 109.1001(q)(7); Education Code 39.0824*

Projected Deficit If the commissioner, based on the indicators adopted under Education Code 39.082 [see CFC], projects a deficit for a district general fund within the following three school years, TEA shall provide the district interim financial reports, including projected revenues and expenditures, to evaluate the district's current budget status.

TEA may require a district to submit additional information needed to produce a financial report. If a district fails to provide information requested or if the commissioner determines that the information submitted by a district is unreliable, the commissioner may order the district to acquire professional services under Education Code 39A.902 [see AIC].

Education Code 39.0823

Annual Audit

The board shall have its district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.

The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education (SBOE), subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).

Education Code 44.008(a), (b)

**Audit Requirements
and Procedures**

A district must file with the Texas Education Agency (TEA) an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by TEA, including review of auditors' working papers, in accordance with the *Financial Accountability System Resource Guide*, as adopted by reference in 19 Administrative Code 109.41.

The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.

***Independent
Auditor***

The district must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.

The independent auditor must:

1. Be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy or a state licensing agency from another state;
2. Be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under Education Code 44.008; and
3. Adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the U.S. Government Accountability Office, as amended.

The CPA firm must:

1. Be a member of the AICPA Governmental Audit Quality Center (GAQC);

2. Adhere to GAQC's membership requirements; and
3. Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:
 - a. Texas public school district environment;
 - b. Public sector; or
 - c. Nonprofit sector.

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the required standards, the division may require the district to change its audit firm.

19 TAC 109.23

Financial
Accountability
System Resource
Guide

The rules for financial accounting are described in the official TEA publication *Financial Accountability System Resource Guide*, Version 19, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. *19 TAC 109.41, .5001*

Filing of Report

A copy of the annual audit report, approved by the board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If a board declines or refuses to approve its auditor's report, it shall nevertheless file with TEA a copy of the audit report with its statement detailing reasons for failure to approve the report. *Education Code 44.008(d)*

Internet Posting of
Audit

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18, including the district's most recent financial audit, in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for other required information that must be posted.]

Note: For information on the efficiency audit required before a district may hold an election to seek voter approval to adopt a maintenance and operations tax rate, see CCG.

Financial Records

Each treasurer receiving or having control of any school fund of any district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer's hands. The treasurer's records of the district's itemized accounts and records shall be available to audit. *Education Code 44.008(c)*

**Financial
Accountability
Rating System
(School FIRST)**

TEA will assign a financial accountability rating to each district as required by Education Code 39.082.

TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner as shown in the figures provided in 19 Administrative Code 109.1001(e). Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year.

A financial accountability rating remains in effect until replaced by a subsequent rating.

19 TAC 109.1001(b), (e), (l)

Issuance of Ratings

TEA will issue a preliminary financial accountability rating to a district on or before August 8 of each year. TEA will not delay the issuance of a preliminary or final rating if a district fails to meet the statutory deadline under Education Code 44.008 for submitting the annual financial report (AFR). Instead, the district will receive an F rating for substandard achievement.

Appeals

A district may appeal its preliminary financial accountability rating through the appeals process described at 19 Administrative Code 109.1001(n).

If TEA receives an appeal of a preliminary rating, TEA will issue a final rating to the district no later than 60 days after the deadline for submitting appeals. If TEA does not receive an appeal of a preliminary rating, the preliminary rating automatically becomes a final rating 31 days after issuance of the preliminary rating.

A final rating issued by TEA may not be appealed under Education Code 7.057 or any other law or rule.

19 TAC 109.1001(m)-(o)

[For information on the reporting requirements regarding a district's financial accountability rating, see CFA.]

Table of Contents	Board Authority	2
	Delegation of Authority	2
	Purchases Valued at or Above \$50,000.....	2
	Methods	2
	Site-Based Purchasing	6
	Contract Selection Factors.....	6
	Preferences	7
	Notice Publication	8
	Electronic Bids or Proposals	9
	Right to Work.....	9
	Contract with Person Indebted to District	9
	Out-of-State Bidders	9
	Professional Services	10
	Professional Services Procurement Act	10
	Contingent Fee Contract for Legal Services	11
	Specific Purchases	12
	Computers	12
	Automated Information System	12
	Automated External Defibrillators	12
	Insurance	12
	Other Purchasing Methods	13
	State Purchasing Program.....	13
	Multiple Award Contract Schedule.....	14
	Cooperative Purchasing Program.....	14
	Commitment of Current Revenue	15
	Change Orders	15
	Criminal Offenses.....	15
	Removal from Office	16
	Injunction	16

Note: For legal requirements applicable to purchases with federal funds, see CBB. For required vendor disclosures and contract provisions, including prohibitions, see CHE. For provisions pertaining to criminal history record information on contractors, see CJA. For legal requirements related to energy savings performance contracts, see CL. For information on procuring school buses, see CNB. For legal requirements applicable to school nutrition procurement, including produce, with federal funds, see COA. For information regarding construction of school facilities, see CV series.	
Board Authority	The board may adopt rules and procedures for the acquisition of goods and services. <i>Education Code 44.031(d)</i>
Delegation of Authority	The board may, as appropriate, delegate its authority regarding an action authorized or required by Education Code Chapter 44, Subchapter B, to be taken by a district to a designated person, representative, or committee. The board may not delegate the authority to act regarding an action authorized or required to be taken by the board by Education Code Chapter 44, Subchapter B.
Disaster Delegation	Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a district, the board may delegate to the superintendent or designated person the authority to contract for the replacement, construction, or repair of school equipment or facilities under Education Code Chapter 44, Subchapter B if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff. <i>Education Code 44.0312</i>
Purchases Valued at or Above \$50,000	Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method, of the following methods, that provides the best value for a district:
Methods	

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

Education Code 44.031(a)

Exceptions

Emergency
Damage or
Destruction

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

Sole Source

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

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

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

Education Code 44.031(j)-(k)

*Competitive
Bidding*

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

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

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

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

Education Code 44.0351

[For information on additional competitive procedures under the Public Property Finance Act, see CHH.]

*Competitive
Sealed Proposals*

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

*Request for
Proposals*

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

*Opening
Proposals*

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

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected

offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

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

Education Code 44.0352

*Interlocal
Contracts*

“Interlocal contract” means a contract or agreement made under Government Code Chapter 791 (Interlocal Cooperation Act). *Gov’t Code 791.003(2)*

A district, may agree with another local government or with the state or a state agency, including the comptroller, to purchase goods and services. *Gov’t Code 791.025(a)*

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

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

Note: For legal provisions related to interlocal contracts, generally, see GRB.

For legal provisions related to using cooperative purchasing for construction-related services, see CV.

Reverse Auction

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

“Reverse auction procedure” means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and internet

location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or

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

Gov't Code 2155.062(d)

**Site-Based
Purchasing**

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

**Contract Selection
Factors**

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

1. The purchase price.
2. The reputation of the vendor and of the vendor's goods or services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the vendor's goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent

company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.

9. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

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

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

Preferences

*Agricultural
Products*

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

"Agricultural products" includes textiles and other similar products.

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

A district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

Vegetation for
Landscaping

A district that purchases vegetation for landscaping purposes, including plants, shall give preference to Texas vegetation if the cost to the district is equal and the quality is equal.

Education Code 44.042

[For legal requirements applicable to school nutrition procurement, including produce and agricultural products, with federal funds, see COA.]

***Recycled
Products***

A district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality and the average price of the product is not more than 10 percent greater than the price of comparable nonrecycled products. Preferences will be applied in accordance with state procurement statutes and rules. 30 TAC 328.203

Subchapter K of 30 Administrative Code (Governmental Entity Recycling and Purchasing of Recycled Materials) does not apply to a district with a student enrollment of less than 10,000 students. 30 TAC 328.204(a)

A district regularly shall review and revise its procurement procedures and specifications for the purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials;
2. Encourage the use of products made of recycled materials; and
3. Ensure to the maximum extent economically feasible that the district purchases products that may be recycled when they have served their intended use.

In developing new procedures and specifications, the district shall encourage the use of recycled products and products that may be recycled or reused.

Health and Safety Code 361.426(b)-(c)***Bidder's Place of
Business***

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

Notice Publication

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

ment process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

Electronic Bids or Proposals

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

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

Education Code 44.0313

Right to Work

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

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

Education Code 44.043

Contract with Person Indebted to District

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

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

Education Code 44.044

Out-of-State Bidders

A district may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted

by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located, or the state in which a majority of the manufacturing relating to the contract will be performed. *Gov't Code 2252.002*

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

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

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

Gov't Code 2252.001

Professional Services

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

Professional Services Procurement Act Selection

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

Definition

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land survey-

ing, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;

2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, registered nurse, or a forensic analyst or forensic science expert; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

Gov't Code 2254.002

[For specific information on procuring architectural or engineering services, see CV. For information on procuring services of physicians, optometrists, and registered nurses under certain circumstances, see Government Code 2254.008.]

Contingent Fee
Contract for Legal
Services

"Contingent fee contract" means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained. The term includes an amendment to a contract for legal services described by this provision if the amendment changes the scope of representation or may result in the filing of an action or the amending of a petition in an existing action.

Gov't Code 2254.101(2)

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

1. Provided to a district under Government Code Chapter 403, Subchapter M; or
2. Entered into by a district for the collection of an obligation, as defined by Government Code 2107.001, that is delinquent [see CCGA(LEGAL) regarding delinquent tax collection] or for services under Government Code 1201.027 [see CCA(LEGAL) regarding issuance of public securities], except that Government Code sections 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract.

Gov't Code 2254.102

A district may select an attorney or law firm to award a contingent fee contract only in accordance with Government Code

2254.003(a) (Professional Services Procurement Act) [see Selection, above] and Government Code 2254.1032.

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

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

Gov't Code 2254.1032

Specific Purchases

Computers

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

Automated Information System

A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method described above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.222* [See 1 Administrative Code Chapter 212 for rules related to purchases of commodity items.]

Automated External Defibrillators

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

Insurance

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

Multiyear Contracts

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

**Other Purchasing
Methods****State Purchasing
Program**

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

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

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

*Local Gov't Code 271.082***District
Participation**

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

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

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

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

Local Gov't Code 271.083

Multiple Award
Contract Schedule

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

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

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

Gov't Code 2155.504

Cooperative
Purchasing
Program

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

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

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

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

**Cooperative
Purchasing
Contract Fees**

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

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

Education Code 44.0331

**Commitment of
Current Revenue**

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

Change Orders

For provisions regarding change orders, see CV.

Criminal Offenses

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

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

Education Code 44.032(a)-(b)

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

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

Removal from Office

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

Injunction

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

Note: For general provisions applicable to district security personnel, including district peace officers, see CKE.

For information on mental health leave, quarantine leave, and line of duty leave for peace officers, see DEC.

Powers and Duties

Code of Criminal
Procedure

Any peace officer commissioned by the board must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement (TCOLE). *Education Code 37.081(h)*

Officers commissioned by a board are peace officers. *Code of Criminal Procedure 2.12(8)*

It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To effect this purpose, the officer shall use all lawful means. *Code of Criminal Procedure 2.13(a)*

The peace officer shall perform the duties listed in Code of Criminal Procedure 2.13.

Determined by the
Board

A district peace officer shall perform law enforcement duties for the district as determined by the board. *Education Code 37.081(d), (d-1)* [See CKE(LEGAL)]

The board may authorize any officer commissioned by the board to enforce rules adopted by the board. Education Code Chapter 37, Subchapter D (protection of buildings and grounds) is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. *Education Code 37.103*

In a peace officer's jurisdiction, a peace officer commissioned by the board:

1. Has the powers, privileges, and immunities of peace officers;
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws;
3. May take a child into custody in accordance with Family Code Chapter 52 [see GRA] or Code of Criminal Procedure 45.058; and
4. May dispose of cases in accordance with Family Code 52.03 or 52.031.

Education Code 37.081(b); Family Code 52.01(a)(3)

The board shall determine the scope of the on-duty and off-duty law enforcement activities of district peace officers. A district must authorize in writing any off-duty law enforcement activities performed by a district peace officer.

A district peace officer may provide assistance to another law enforcement agency. A district may contract with a political subdivision for the jurisdiction of a district peace officer to include all territory in the jurisdiction of the political subdivision.

Education Code 37.081(c), (e)

Chief of Police

The chief of police of a district police department shall be accountable to the superintendent and shall report to the superintendent. District police officers shall be supervised by the district chief of police or the chief's designee and shall be licensed by TCOLE. *Education Code 37.081(f)*

Oath and Bond

A peace officer assigned to duty and commissioned by a board shall take and file the oath required of peace officers and shall execute and file a bond in the sum of \$1,000, payable to the board, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. *Education Code 37.081(h)*

**Preemployment
Procedures and
Reporting
Requirements**

Before a law enforcement agency may hire a person licensed under Occupations Code 1701 (law enforcement officers), the agency must, on a form and in the manner prescribed by the TCOLE:

1. Obtain the person's written consent for the agency to review the information required to be reviewed under Occupations Code 1701.451;
2. Request from TCOLE and any other applicable person information required to be reviewed under Occupations Code 1701.451; and
3. Submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
 - a. Contacted each entity or individual necessary to obtain the information required to be reviewed under Occupations Code 1701.451; and
 - b. Except as provided below, obtained and reviewed as related to the person, as applicable, the information listed in Occupations Code 1701.451(a)(3)(B).

Confirmation Form

The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under Occupations Code 1701.451 before submission to TCOLE. The

failure of an agency head or the agency head's designee to comply with this subsection constitutes grounds for suspension of the agency head's license under Occupations Code 1701.501.

The confirmation form submitted to TCOLE is not confidential and is subject to disclosure under Government Code Chapter 552 (Public Information Act).

Exception

If an entity or individual contacted for information required to be reviewed under Occupations Code 1701.451 refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response.

Duty to Provide Information

If a law enforcement agency receives from a law enforcement agency a request for information under Occupations Code 1701.451 and the person's consent on the forms and in the manner prescribed by TCOLE, the agency shall provide the information to the requesting agency.

Occupations Code 1701.451

Separation Report

When a person licensed by TCOLE separates from an agency, the agency shall, within 7 business days:

1. Submit a separation report (Form F5) to TCOLE; and
2. Provide a copy to the licensee in a manner prescribed by Occupations Code 1701.452 (Employment Termination Report).

37 TAC 217.7(b)

An agency must retain records kept under 37 Administrative Code 217.7 while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to TCOLE. *37 TAC 217.7(d)*

Memoranda of Understanding

A district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies. *Education Code 37.081(g)*

Required Policies

Use of Force/Duty to Render Aid

Not later than the 180th day after the date TCOLE provides the model policies described by Occupations Code 1701.269(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by TCOLE under that subsection. *Occupations Code 1701.270*

Medical and
Psychological
Exams

Each law enforcement agency in this state shall adopt the model policy described by Occupations Code 1701.167(a) or a substantively similar policy. A policy adopted by a law enforcement agency under that subsection must be submitted to TCOLE, and the commission shall maintain a copy of the policy. *Occupations Code 1701.167(b)*

Drones

“Drone” means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

1. Is controlled remotely by a human operator; or
2. Operates autonomously through computer software or other programming.

Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

1. Adopt a written policy regarding the agency’s use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and
2. Not later than January 1 of each even-numbered year, submit the policy to TCOLE in the manner prescribed by TCOLE.

Code of Criminal Procedure 2.33

[For additional information on unmanned aircraft systems, see GKA.]

**Body-Worn Camera
Programs**

For the purpose of this provision, “body-worn camera” means a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio; and worn on the person of a peace officer, which includes being attached to the officer’s clothing or worn as glasses.

A law enforcement agency that operates a body-worn camera program shall adopt a policy for the use of body-worn cameras that must ensure that a body-worn camera is activated only for a law enforcement purpose and must include guidelines and provisions required by Occupations Code 1701.655(b).

A policy may not require a peace officer to keep a body-worn camera activated for the entire period of the officer’s shift.

A policy must require a peace officer who is equipped with a body-worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer’s active participation in the investigation unless the camera has been deactivated in compliance with that policy.

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to peace officers who will wear the body-worn cameras and any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Occupations Code 1701.651(1), .655, .656

**Prohibited Release
of Recording**

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

A recording is confidential and excepted from the requirements of the Public Information Act if the recording was:

1. Not required to be made under Occupations Code Subchapter N or another law or under a policy adopted by the law enforcement agency; and
2. Does not relate to a law enforcement purpose.

"Private space" means a location in which a person has a reasonable expectation of privacy, including a person's home.

Occupations Code 1701.651(1), .661(f), (h)

Motor Vehicle Stops

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including the information required by Code of Criminal Procedure 2.133.

The chief administrator of a law enforcement agency is responsible for auditing these reports to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Code of Criminal Procedure 2.133

A law enforcement agency shall compile and analyze the information contained in each report received by the agency. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to TCOLE. *Code of Criminal Procedure 2.134*

Civil Penalty

If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2.134, the department is liable to the state

for a civil penalty in an amount not to exceed \$5,000 for each violation. *Code of Criminal Procedure 2.1385(a)*

Racial Profiling

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2.131*

Each law enforcement agency that employs peace officers who make traffic stops in the routine performance of the officer's official duties shall adopt a detailed written policy on racial profiling that complies with Code of Criminal Procedure 2.132(b). *Code of Criminal Procedure 2.132*

**Mental Health Crisis
or Substance Abuse
Issue**

A law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

1. There is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
2. It is reasonable to divert the person;
3. The offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
4. The mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

This requirement does not apply to a person who is accused of specified offenses involving intoxication.

Code of Criminal Procedure 16.23

**Administration of
Epinephrine**

A law enforcement agency may acquire and possess epinephrine auto-injectors and a peace officer may possess and administer an epinephrine auto-injector in accordance with Occupations Code Chapter 1701, Subchapter O. *Occupations Code 1701.702(a)* [See FFAC regarding district maintenance and administration of epinephrine auto-injectors.]

**Officer-Involved
Injury or Death**

"Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report to the office of the attorney general. The report must

include all information required by Code of Criminal Procedure 2.139(b).

Code of Criminal Procedure 2.139

Not later than the 30th day after the date of the occurrence of an incident in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer, the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2.1395(a). *Code of Criminal Procedure 2.1395(b)*

Failure to Report

A law enforcement agency that fails to submit the required report on or before the seventh day after the date the agency received notice of failure to report from the office of the attorney general, is liable for a civil penalty in the amount of \$1,000 for each day after the seventh day that the agency fails to submit the report. Beginning on the day after the date of receiving notice of failure to report, a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty is liable for a civil penalty for each day the agency fails to submit the required report in the amount of \$10,000 for the first day and \$1,000 for each additional day that the agency fails to submit the report. *Code of Criminal Procedure 2.13951(b), (c)*

**Complaints Against
Peace Officers**

To be considered by the head of the district's police department, a complaint against a district peace officer must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed. Disciplinary action may not be taken against the officer unless a copy of the signed complaint is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. *Gov't Code 614.021-.023; Colorado County v. Staff, 510 S.W.3d 435 (Tex. 2017); Atty. Gen. Op. GA-251 (2004)*

On the commencement of an investigation by a law enforcement agency of a complaint by an individual who believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer

who is the subject of the complaint on written request by the officer. *Code of Criminal Procedure 2.132(b)(3), (f)*

[See DGBA, FNG, and GF for appeals.]

**Legal
Representation**

A district shall provide a district employee who is a peace officer with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if legal counsel is requested by the employee, and the suit involves an official act of the employee within the scope of the employee's authority.

To defend the employee against the suit, the district may provide counsel already employed by it or may employ private counsel.

An employee may recover from a district that fails to provide counsel as required the reasonable attorney's fees incurred in defending the suit if the trier of fact finds that the fees were incurred in defending a suit covered by these provisions and the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

Local Gov't Code 180.002(b)-(d)

Note: For general provisions applicable to district security personnel, including school marshals, see CKE.

Board Authority

The board may appoint one or more school marshals for each campus. *Education Code 37.0811(a)*

Definition

A school marshal is a person who is appointed to serve as a school marshal by the board under Education Code 37.0811, is licensed under Occupations Code 1701.260, and has powers and duties described by Code of Criminal Procedure 2.127. *Occupations Code 1701.001(8)*

Eligibility

The board may select for appointment as a school marshal an applicant who is an employee of the district and certified as eligible for appointment under Occupations Code 1701.260. *Education Code 37.0811(b)*

TCOLE Licensing

To be eligible for appointment as a school marshal, an applicant shall:

1. Successfully complete all prerequisite Texas Commission on Law Enforcement (TCOLE) training;
2. Pass the state licensing exam;
3. Be employed and appointed by an authorized school district; and
4. Meet all statutory requirements, including psychological fitness.

37 TAC 227.3(a); Code of Criminal Procedure 2.127(d)

A school marshal training program is open to any employee of a district who holds a license to carry a handgun issued under Government Code Chapter 411, Subchapter H. *37 TAC 227.5(a)*

TCOLE shall license an eligible person who:

1. Completes required training to the satisfaction of TCOLE staff; and
2. Is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under Occupations Code 1701.260(d).

Occupations Code 1701.260(f)

**Psychological
Fitness**

In order for an individual to enroll in any school marshal licensing training, obtain a school marshal license, or renew or reapply for a

school marshal license, they must first demonstrate psychological fitness through a psychological examination.

The psychological examination shall be conducted by a professional selected by the district. The professional shall be either a psychologist licensed by the Texas State Board of Examiners of Psychologists or a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties of a school marshal.

The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of:

1. A review of the duties and responsibilities of a school marshal as developed by TCOLE;
2. At least two instruments, one which measures personality traits and one which measures psychopathology; and
3. A face-to-face interview conducted after the instruments have been scored.

The individual must be declared by that professional, on a form prescribed by TCOLE, to be in satisfactory psychological and emotional health to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter.

If, after examination, the professional declines to declare the individual as psychologically fit, the individual must report the outcome to TCOLE on a form prescribed by TCOLE.

An examination for license renewal or reactivation must be conducted within 90 days of the date of the application for license renewal or reactivation.

37 TAC 227.4

Reimbursement for
Training

The board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under Occupations Code 1701.260. *Education Code 37.0811(b)*

District Responsibilities

A district shall:

1. Submit and receive approval for an application to appoint a person as a school marshal;
2. Upon authorization, notify TCOLE using approved format prior to appointment;

3. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the district;
4. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the district, TCOLE standards, another state agency, or under other law;
5. Immediately report to TCOLE a school marshal's violation of any TCOLE standard, including the discharge of a firearm carried under the authorization of these provisions outside of a training environment; and
6. Immediately report to TCOLE any indication, suspicion, or allegation that a school marshal is no longer psychologically fit to carry out the duties of a school marshal.

For five years, the district must retain documentation that the district has met all requirements under law in a format readily accessible to TCOLE. This requirement does not relieve a district from retaining all other relevant records not otherwise listed.

37 TAC 227.1

Powers and Duties

A school marshal may make arrests and exercise all authority given to peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the board.

A school marshal may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of the Transportation Code.

Code of Criminal Procedure 2.127

**Reporting
Requirements**

Once appointed, a school marshal shall:

1. Immediately report to TCOLE and the district any circumstance which would render them unauthorized to act as a school marshal by virtue of their employment with the district, failure to meet the standards of TCOLE, another state agency, or under law;
2. Immediately report to TCOLE any violation of applicable TCOLE standards, including any discharge of a firearm carried under the authorization of these provisions outside of training environment; and

3. Comply with all requirements under law, including Education Code 37.0811.

37 TAC 227.3(b)

Fit for Duty Review

When TCOLE receives a report or other reliable information that a school marshal may no longer be psychologically fit to carry out the duties of a school marshal, TCOLE may:

1. Issue an emergency suspension order; or
2. Require a fit for duty review upon identifying factors that indicate the licensee may no longer be able to perform the duties of a school marshal safely and effectively.

TCOLE shall provide written notice of the psychological examination to the license holder not later than the 10th business day before the deadline to submit to the examination. Written notice shall include the reasons for the examination.

The examination shall be conducted by a psychiatrist or psychologist chosen by the licensee.

To facilitate the examination of any licensee, TCOLE will provide all appropriate documents and available information.

The examining practitioner will provide TCOLE with a report indicating whether the school marshal is fit for duty. If the school marshal is unfit for duty, the practitioner will include the reasons or an explanation why the individual is unfit for duty.

A second examination may be ordered by TCOLE if it questions the practitioner's report. The examination will be conducted by a psychiatrist or psychologist appointed by TCOLE. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the school marshal's fitness shall be decided by the executive director of TCOLE.

A school marshal who fails a psychological examination shall have their license suspended until the executive director orders it reinstated.

Any school marshal ordered to undergo a fit for duty review shall comply with the terms of the order and cooperate fully with the examining practitioner.

34 TAC 227.6

**Handgun
Possession**

A school marshal may carry a concealed handgun or possess a handgun on the physical premises of a school, but only:

	1. In the manner provided by written regulations adopted by the board; and 2. At a specific school as specified by the board.
Accessing Handgun	A school marshal may use a handgun the school marshal is authorized to carry or possess only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33.
Board Regulations	A board's written regulations must provide that a school marshal may carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location. The written regulations must also require that a handgun carried or possessed by a school marshal may be loaded only with frangible duty ammunition approved for that purpose by TCOLE.
Inactive Status	A district employee's status as a school marshal becomes inactive on: 1. Expiration of the employee's school marshal license under Occupations Code 1701.260; 2. Suspension or revocation of the employee's license to carry a handgun; 3. Termination of the employee's employment with the district; or 4. Notice from the board that the employee's services as school marshal are no longer required. <i>Education Code 37.0811(c)-(f)</i>
Identity Confidential	The identity of a school marshal is confidential and is not subject to a request under the Public Information Act, except that the person's name, date of birth, and handgun license number, and the address of the person's place of employment must be provided by TCOLE to: 1. The director of the Department of Public Safety; 2. The district; 3. The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a district located within a municipality; 4. The sheriff of the county if the person is employed at a campus of a district that is not located within a municipality; and

5. The chief administrator of any school district-commissioned peace officer, if the person is employed at a district that has commissioned peace officers.

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed as a school marshal. The notice may not disclose information that is confidential.

Education Code 37.0811(g), (h); Occupations Code 1701.260(j)

No State Benefits

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2.127(c)*

Memorandum of Understanding to Share Marshal

A district may enter into a memorandum of understanding with another district, open-enrollment charter school, or private school under which a school marshal appointed to a campus of the district may temporarily act as a school marshal at a campus of the other school for the duration of an event occurring at the campus of the other school at which both schools are participating. The memorandum of understanding must comply with the requirements for written regulations under Education Code 37.0811 [see Handgun Possession, above] and may be used to satisfy the requirement for written regulations or written authorization under Penal Code 46.03(a)(1) to allow that school marshal to carry a firearm on the premises of the school at which the event occurs. *Education Code 37.08131*

Texas Department of Agriculture Authority	The Texas Department of Agriculture (TDA) administers federal and state nutrition programs, including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq., and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. <i>Agriculture Code 12.0025</i> Note: Regulations applicable to federal nutrition programs are found at the following: 7 C.F.R. 210: National School Lunch Program 7 C.F.R. 215: Special Milk Program for Children 7 C.F.R. 220: School Breakfast Program 7 C.F.R. 225: Summer Food Service Program 7 C.F.R. 245: Free and Reduced Price Eligibility
Program Compliance	TDA shall require that school food authorities (SFAs) comply with the applicable provisions 7 C.F.R. Part 210. TDA shall ensure compliance through audits, administrative reviews, technical assistance, training guidance materials or by other means. <i>7 C.F.R. 210.19(a)(3)</i> [For the definition of “school food authority,” see COA(LEGAL).]
Administrative Review	TDA must conduct administrative reviews of all SFAs participating in the NSLP (including the Afterschool Snacks and the Seamless Summer Option) and SBP at least once during a 5-year review cycle, provided that each SFA is reviewed at least once every 6 years in accordance with the review cycle observed under 7 C.F.R. 210.18(c). “Administrative reviews” means the comprehensive evaluation of all SFAs participating in the specified programs. It includes a review of both critical and general areas in accordance with 7 C.F.R. 210.18(g) and (h), as applicable for each reviewed program. With U.S. Department of Agriculture Food and Nutrition Service approval, the administrative review may include other areas of program operations determined by TDA. <i>7 C.F.R. 210.18</i>
Appeals	Appeals related to the federal food and nutrition programs administered by TDA and any actions affecting participation in such programs are governed by 4 Administrative Code, Chapter 26, Subchapter E. <i>4 TAC 26.200-.207</i>

Note: For recordkeeping and retention information, see TDA's Food and Nutrition Division [Administrator's Reference Manual](#),¹ Section 30, *Records Retention*.

School Nutrition Professional Standards

An SFA that operates the NSLP or the SBP must establish and implement professional standards for school nutrition program directors, managers, and staff, as defined in 7 C.F.R. 210.2. 7 C.F.R. 210.30(a)

Minimum Standards for Program Directors

Each SFA must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth in 7 C.F.R. 210.30. 7 C.F.R. 210.30(b)

Note: All school nutrition program directors hired on or after July 1, 2015, must meet the required minimum educational requirements based on student enrollment. 7 C.F.R. 210.30(b)(1)

Exempt Fundraisers

Schools that participate in the NSLP or SBP may sell food and beverages that do not meet nutritional standards outlined in 7 C.F.R. Parts 210 and 220 as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. 4 TAC 26.2

Definitions

"School day" means the midnight before, to 30 minutes after the end of the official school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

4 TAC 26.1

Unpaid Meal Charges

State Law

The board of a district that allows students to use a prepaid meal card or account to purchase meals served at schools in the district shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

1. Must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a period determined by the board, to purchase meals by:
 - a. Accumulating a negative balance on the student's card or account; or

- b. Otherwise receiving an extension of credit from the district;
- 2. Must require the district to notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;
- 3. May not permit the district to charge a fee or interest in connection with meals purchased under item 1, above; and
- 4. May permit the district to set a schedule for repayment on the account balance as part of the notice to the parent or person standing in parental relation to the student.

*Education Code 33.908***Federal Law**

An SFA operating a NSLP and/or SBP must:

- 1. Have a written and clearly communicated meal charge policy in order to ensure a consistent and transparent approach to the issue of how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal.
- 2. Include policies regarding the collection of delinquent meal charge debt in the written meal charge policy.
- 3. Ensure that the policy is provided in writing to all households at the start of each school year and to households that transfer to the school during the school year.
- 4. Provide the meal charge policy to all school or SFA-level staff responsible for policy enforcement, including school food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy.

Excerpts from *USDA Memo SP 46-2016, [Unpaid Meal Charges: Local Meal Charge Policies](#)*² (July 8, 2016)

Lauren's Law

A district may not adopt any rule, policy, or program under Education Code 28.002(a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:

- 1. Children in the classroom of the child on the occasion of the child's birthday; or
- 2. Children at a school-designated function.

Education Code 28.002(l-3)(2)

Donation of Food

A district may allow a campus to elect to donate food to a nonprofit organization through a person who is directly and officially affiliated with the campus, including a teacher or counselor, or through a parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

1. Surplus food prepared for breakfast, lunch, or dinner meals or snacks served from the campus cafeteria, subject to any applicable local, state, and federal requirements; or
2. Food donated to the campus as the result of a food drive or similar event.

The type of food donated under item 1 above may include:

1. Packaged unserved food that is packaged on the campus of a district and has not been removed from the campus cafeteria;
2. Packaged served food if the packaging and food are in good condition;
3. Whole, uncut produce; and
4. Wrapped raw unserved produce.

Food that by law must be maintained at a certain temperature for safety may not be donated unless the campus has maintained the food at the required temperature.

Food donated under these provisions to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers of the nonprofit organization.

Under this program, a district may adopt a policy under which the district provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase such meals or snack.

Education Code 33.907

¹ TDA's Food and Nutrition Division *Administrator's Reference Manual*: <https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx>

² USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies*: <https://fns-prod.azureedge.us/sites/default/files/cn/SP46-2016os.pdf>

Note: For additional legal requirements applicable to purchases with federal funds, including 2 C.F.R. 200, see CBB.

For more information on U.S. Department of Agriculture (USDA) procurement requirements, see the Texas Department of Agriculture's (TDA) Food and Nutrition Division [Administrator's Reference Manual](#),¹ Sections 17, *Procurement*; 17a, *Procurement Procedures*; 17b, *Buy American*; and 17c, *Cooperative Purchasing*.

Definitions

For purposes of this policy, "2 C.F.R. Part 200" means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by the Office of Management and Budget (OMB). The part reference covers applicable: Acronyms and Definitions (Subpart A), General Provisions (Subpart B), Post Federal Award Requirements (Subpart D), Cost Principles (Subpart E), and Audit Requirements (Subpart F). [Note: Pre-Federal Award Requirements and Contents of Federal Awards (Subpart C) does not apply to the National School Lunch Program]. 7 C.F.R. 210.2, 220.2

School Food
Authority

"School food authority" (SFA) means the governing body that is responsible for the administration of one or more schools and has the legal authority to operate the program therein or be otherwise approved by the USDA Food and Nutrition Service (FNS) to operate the program.

Program

"Program" means the National School Lunch Program (NSLP) and the Commodity School Program or the School Breakfast Program (SBP), as applicable.

Nonprofit School
Food Service

"Nonprofit School Food Service" means all food service operations conducted by the SFA principally for the benefit of school children, all the revenue from which is used solely for the operation or improvement of such food services.

Nonprofit School
Food Service
Account

"Nonprofit School Food Service Account" means the restricted account in which all the revenue from all food service operations conducted by the SFA principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service.

Cost Reimbursable
Contract

"Cost reimbursable contract" means a contract that provides for payment of incurred costs to the extent prescribed in the contract, with or without a fixed fee.

7 C.F.R. 210.2, 220.2

Administration	The SFA shall be responsible for the administration of the program in schools. <i>7 C.F.R. 210.3</i>
Nonprofit School Food Service National School Lunch Program School Breakfast Program	The SFA shall maintain a nonprofit school food service. Revenues received by the nonprofit school food service are to be used only for the operation or improvement of such food service, except that such revenues shall not be used to purchase land or buildings, unless otherwise approved by FNS, or to construct buildings. Expenditures of nonprofit school food service revenues shall be in accordance with the financial management system established by the TDA under <i>7 C.F.R. 210.19(a)</i>. <i>7 C.F.R. 210.14(a)</i> Pursuant to required written agreements, the SFA shall, with respect to participating schools under its jurisdiction maintain a nonprofit school food service. In accordance with the financial management system established under <i>7 C.F.R. 220.13(i)</i>, use all revenues received by such food service only for the operation or improvement of that food service. Revenues received by the nonprofit school food service shall not be used to purchase land or buildings or to construct buildings. <i>7 C.F.R. 220.7(e)(1)(i)-(iii)</i>
Food Service Management Companies	An SFA may contract with a food service management company to manage its food service operation in one or more of its schools. However, no school or SFA may contract with a food service management company to operate an a la carte food service unless the company agrees to offer free, reduced price, and paid reimbursable lunches to all eligible children. Any SFA that employs a food service management company in the operation of its nonprofit school food service shall comply with the requirements of <i>7 C.F.R. 210.16 (NSLP)</i> or <i>7 C.F.R. 220.7(d) (SBP)</i>. <i>7 C.F.R. 210.16, 220.7</i> Note: For more information on contracts regarding consultants, food service management companies (FSMC), and vended meals, see TDA's Food and Nutrition Division <i>Administrator's Reference Manual</i>,² Section 18, <i>Food Service Contracts</i>.
USDA Procurement Requirements District Procurement Procedures	The SFA shall comply with requirements of <i>7 C.F.R. Part 210 (NSLP)</i>, <i>Part 220 (SBP)</i>, and <i>2 C.F.R. Part 200, Subpart D</i> and USDA implementing regulations <i>2 C.F.R. Part 400</i> and <i>Part 415</i>, as applicable, which implement the applicable requirements, concerning procurement of all goods and services with nonprofit school food service account funds. <i>7 C.F.R. 210.21(a), 220.16(a)</i> An SFA may use its own procurement procedures which reflect applicable state and local laws and regulations, provided that procurements made with nonprofit school food service account funds adhere to the standards set forth in <i>7 C.F.R. Part 210</i> and in

2 C.F.R. Part 200, Subpart D, as applicable. SFA procedures must include a written code of standards of conduct meeting the minimum standards of 2 C.F.R. 200.318, as applicable. [See CBB]

*Pre-issuance
Review*

TDA may impose a pre-issuance review requirement on an SFA's proposed procurement. The SFA must make available, upon request by TDA, its procurement documents, including but not limited to solicitation documents, specifications, evaluation criteria, procurement procedures, proposed contracts and contract terms. The SFA shall comply with TDA requests for changes to procurement procedures and solicitation and contract documents to ensure that, to TDA's satisfaction, such procedures and documents reflect applicable procurement and contract requirements and the requirements of 7 C.F.R. Part 210.

*Prohibited
Expenditures —
Noncompliant
Procurement*

No expenditure may be made from the nonprofit school food service account for any cost resulting from a procurement failing to meet the requirements of 7 C.F.R. Part 210 (NSLP) or Part 220 (SBP).

7 C.F.R. 210.21(c), 220.16(c)

Conflicts of Interest

A district must disclose in writing any potential conflicts of interest to the USDA awarding agency or pass-through entity (e.g., TDA).

The district must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees in the selection, award and administration of federal awards. No employee, officer or agent may participate in the selection, award, or administration of a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a federal award. The district may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district.

Districts must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. Districts are responsible for notifying the respective USDA awarding agency in writing of any conflicts of interest that may arise during the period of performance of an award, including those which have been reported by subrecipients, no later than five calendar days following discovery. Upon receipt

of such a disclosure, the respective USDA awarding agency must review and make a determination in writing if a potential or real conflict of interest exists and develop a plan for addressing or mitigating the issue, which may include remedies found at 2 C.F.R. 200.339. USDA awarding agencies must make a determination within 30 calendar days of disclosure unless a longer period of time is necessary due to the complexity of the situation.

2 C.F.R. 400.2

**Procurement
Training**

School nutrition program directors, management, and staff tasked with NSLP procurement responsibilities must complete annual training on federal procurement standards annually.

Procurement training may count towards the professional standards training standards at 7 C.F.R. 210.30. [See CO]

SFAs must retain records to document compliance with these training requirements.

2 C.F.R. 210.21(h)

**Cost Reimbursable
Contracts**

The SFA must include the provisions specified in 7 C.F.R. 210.21(f)(1) (NSLP) or 220.16(e)(1) (SBP) in all cost reimbursable contracts, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts.

Prohibited
Expenditures —
Noncompliant
Contract

No expenditure may be made from the nonprofit school food service account for any cost resulting from a cost reimbursable contract that fails to include the requirements of 7 C.F.R. 210.21 (NSLP) or 220.16 (SBP), nor may any expenditure be made from the nonprofit school food service account that permits or results in the contractor receiving payments in excess of the contractor's actual, net allowable costs.

7 C.F.R. 210.21(f), 220.16(e)

Buy American

Domestic
Commodity or
Product

“Domestic commodity or product” means an agricultural commodity that is produced in the United States, and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States under 7 C.F.R. 210.21(d) and 220.16(d).

Requirement

The USDA shall require that an SFA purchase, to the maximum extent practicable, domestic commodities or products.

7 C.F.R. 210.21(d), 220.16(d)

**Optional Geographic
Preference**

An SFA participating in the program may apply a geographic preference when procuring unprocessed locally grown or locally raised

agricultural products, including the use of “locally grown,” “locally raised,” or “locally caught” as procurement specifications or selection criteria for unprocessed or minimally processed food items. When utilizing the geographic preference to procure such products, the SFA making the purchase has the discretion to determine the local area to which the geographic preference option will be applied, so long as there are an appropriate number of qualified firms able to compete.

For the purpose of applying the optional geographic procurement preference, “unprocessed locally grown or locally raised agricultural products” means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk.

7 C.F.R. 210.21(g), 220.16(f)

Sale of Milk

An SFA participating in the program, or a person approved by a school participating in the program, must not directly or indirectly restrict the sale or marketing of fluid milk (as described in 7 C.F.R. 210.10(d)(4)) at any time or in any place on school premises or at any school-sponsored event. *7 C.F.R. 210.21(e)*

Dairy Products

A district may not purchase milk, cream, butter, cheese, or a product consisting largely of one or more of those items that has been imported from outside the United States. This provision does not apply to the purchase of milk powder if domestic milk powder is not readily available in the normal course of business. *Health & Safety Code 435.021*

Imported Beef

A district may not purchase beef or a product consisting substantially of beef that has been imported from outside the United States. *Agriculture Code 150.012*

¹ TDA's Food and Nutrition Division *Administrator's Reference Manual*: <https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx>

² TDA's Food and Nutrition Division *Administrator's Reference Manual*: <https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx>

**Free and
Reduced-Price Meals**

The school food authority (SFA) must ensure that lunches and afterschool snacks are made available free or at a reduced-price to all children who are determined by the SFA to be eligible for such benefits. The determination of a child's eligibility for free or reduced-price lunches and afterschool snacks must be made in accordance with 7 C.F.R. Part 245. 7 C.F.R. 210.23(a) [For information regarding participation in the School Breakfast Program (SBP), see 7 C.F.R. 220.7 and School Meals Program Options, below.]

[For the definition of "school food authority," see COA(LEGAL).]

Eligibility Appeals

Each local educational agency (LEA) of a school participating in the National School Lunch Program (NSLP), SBP, or the Special Milk Program (7 C.F.R. Part 215) or of a commodity-only school shall establish a hearing procedure under which:

1. A family can appeal from a decision made by the LEA with respect to an application the family has made for free or reduced-price meals or for free milk, and
2. The LEA can challenge the continued eligibility of any child for a free or reduced-price meal or for free milk. The hearing procedure shall provide for both the family and the local educational agency:
 - a. A simple, publicly announced method to make an oral or written request for a hearing;
 - b. An opportunity to be assisted or represented by an attorney or other person;
 - c. An opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal;
 - d. That the hearing shall be held with reasonable promptness and convenience, and that adequate notice shall be given as to the time and place of the hearing;
 - e. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
 - f. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
 - g. That the hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal or in any previously held conference;

- h. That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;
- i. That the parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;
- j. That a written record shall be prepared with respect to each hearing, which shall include the challenge or the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the parties concerned of the decision of the hearing official; and
- k. That the written record of each hearing shall be preserved for a period of three years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during that period.

7 C.F.R. 245.7

*“Local
Educational
Agency”*

“Local educational agency” means a public board of education legally constituted within a state for administrative control or direction of public elementary schools or secondary schools in a school district. *7 C.F.R. 245.2*

**Claims for
Reimbursement**

Internal Controls

The school food authority shall establish internal controls which ensure the accuracy of meal counts prior to the submission of the monthly claim for reimbursement under the NSLP or the SBP, as applicable. At a minimum, these internal controls shall include an on-site review of the meal counting and claiming system employed by each school within the jurisdiction of the SFA; comparisons of daily free, reduced-price, and paid meal counts against data which will assist in the identification of meal counts in excess of the number of free, reduced-price, and paid meals served each day to children eligible for such meals; and a system for following up on those meal counts which suggest the likelihood of meal counting problems. *7 C.F.R. 210.8(a), 220.11(a)*

On-Site Reviews

Every school year, each SFA with more than one school shall perform no less than one on-site review of the counting and claiming system and the readily observable general areas of review cited under *7 C.F.R. 210.18(h)* [regarding general areas of review by the Texas Department of Agriculture (TDA)] for each school under its jurisdiction under the NSLP, and for a minimum of 50 percent of schools under its jurisdiction with every school being reviewed at least once every two years under the SBP.

The on-site review shall take place prior to February 1 of each school year. Further, if the review discloses problems with a school's meal counting or claiming procedures or general review areas, the SFA shall ensure that the school implements corrective action and, within 45 days of the review, conduct a follow-up on-site review to determine that the corrective action resolved the problems. Each on-site review shall ensure that the school's claim is based on the counting system and that the counting system, as implemented, yields the actual number of reimbursable free, reduced price, and paid meals, respectively, served for each day of operation.

7 C.F.R. 210.8(a)(1), 220.11(d)(1)

**Nondiscrimination
and Confidentiality**

Nondiscrimination

In the operation of the program, no child shall be denied benefits or be otherwise discriminated against because of race, color, national origin, age, sex, or disability. SFAs shall comply with the requirements of:

1. Title VI of the Civil Rights Act of 1964,
2. Title IX of the Education Amendments of 1972,
3. Section 504 of the Rehabilitation Act of 1973,
4. The Age Discrimination Act of 1975,
5. The U.S. Department of Agriculture (USDA) regulations on nondiscrimination (7 C.F.R. Parts 15, 15a, and 15b), and
6. Food and Nutrition Service (FNS) Instruction 113-1.

7 C.F.R. 210.23(b)

Note: [FNS Instruction 113-1](#),¹ USDA [posters](#)² and [nondiscrimination statement](#)³ for use by SFAs for all FNS programs, and other information may be found on the [USDA FNS Civil Rights website](#).⁴ For information on handling civil rights complaints, see TDA's Food and Nutrition Division [Administrator's Reference Manual](#),⁵ Section 3, *Civil Rights & Confidentiality*.

SFAs participating in the NSLP, SBP, Special Milk Program, or commodity-only schools shall take all actions that are necessary to ensure compliance with the following nondiscrimination practices for children eligible to receive free and reduced-price meals or free milk:

1. The names of the children shall not be published, posted or announced in any manner;

2. There shall be no overt identification of any of the children by the use of special tokens or tickets or by any other means;
3. The children shall not be required to work for their meals or milk;
4. The children shall not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance or consume their meals or milk at a different time; and
5. When more than one lunch or breakfast or type of milk is offered which meets the requirements prescribed in applicable federal regulations, the children shall have the same choice of meals or milk that is available to those children who pay the full price for their meal or milk.

7 C.F.R. 245.8

Confidentiality

The use or disclosure of any information obtained from an application for free or reduced-price meals, or from a state or local agency referred to in 7 U.S.C. 1758(b)(3)(F), (4), or (5) shall be limited in accordance with section 9 of the Richard B. Russell National School Lunch Act. *42 U.S.C. 1758(b)(6); 7 C.F.R. 245.6(f)-(j)*

*Unauthorized
Disclosure or
Misuse of
Information*

In accordance with section 9(b)(6)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(6)(C)), any individual who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by statute or this section, any information obtained under this section will be fined not more than \$1,000 or imprisoned for up to one year, or both. *7 C.F.R. 245.6(k)*

**School Meals
Program Options**

If at least 10 percent of the students enrolled in one or more schools in a district are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. 1773), the board shall either:

1. Participate in the national program and extend its benefits to all eligible students in the school or schools; or
2. Develop and implement a locally funded program to provide free meals, including breakfast and lunch, to each student eligible for free meals under federal law and reduced-price meals, including breakfast and lunch, to each student eligible for reduced-price meals under federal law, provided that the reduced price may not exceed the maximum allowable rate under federal law.

	A district is permitted to participate in the national program at one or more campuses in the district and provide a locally funded program at one or more other campuses in the district.
Free Breakfast	A campus participating in the national school breakfast program or providing a locally funded program in which 80 percent or more of the students qualify under the national program for a free or reduced-price breakfast shall offer a free breakfast to each student.
Waiver	The commissioner of education shall grant a waiver of the free breakfast requirement, not to exceed one year, to a campus if the board votes to request the waiver at the board's annual meeting to discuss and adopt the budget and the proposed tax rate under Education Code 44.044. Before voting to request a waiver, the board shall list the waiver as a separate item for consideration on the meeting's agenda and provide an opportunity for public comment regarding the waiver at the meeting. <i>Education Code 33.901</i>
Summer Nutrition Program	Unless the Texas Department of Agriculture (TDA) grants a district a waiver, a district in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program under 42 U.S.C. Section 1751 et seq. shall provide or arrange for the provision of a summer nutrition program for at least 30 days during the period in which district schools are recessed for the summer. <i>Agriculture Code 12.0029(b)</i> "Summer nutrition program" means the Summer Food Service Program under 42 U.S.C. 1761. The term includes the seamless summer option under 42 U.S.C. 1761(a)(8). <i>Agriculture Code 12.0029(a)(2)</i>
Notice from TDA	Not later than October 31 of each year, TDA shall notify each qualifying district of the district's responsibility concerning provision of a summer nutrition program during the next period in which school is recessed for the summer. <i>Agriculture Code 12.0029(c)</i>
Notice to TDA	Each district that receives a notice from TDA shall, not later than January 31 of the year following the year in which the notice was received, inform TDA in writing that the district intends to provide or arrange for the provision of a summer nutrition program during the next period in which district schools are recessed for the summer; or request in writing that TDA grant the district a waiver of the requirement. <i>Agriculture Code 12.0029(e)</i>
Required Documentation	A district that arranges for the provision of a summer nutrition program must enter into an agreement to partner or collaborate with a local governmental entity, educational institution, or private non-profit organization to ensure meal service for children in the dis-

trict's attendance area and must provide TDA with written documentation of the arrangement no later than April 1 of each year.
4 TAC 25.601(b)

Waiver

Not later than November 30 of each year, the board of a district that intends to request a waiver must send written notice of the district's intention to the district's local school health advisory council. The notice must include an explanation of the district's reason for requesting a waiver of the requirement. *Agriculture Code 12.0029(d)*

TDA may grant a district a one-year waiver of the requirement to provide or arrange for the provision of a summer nutrition program only if:

1. The district has worked with the TDA field offices to identify another possible provider for the program in the district, and the district provides documentation, verified by TDA, showing that:
 - a. There are fewer than 100 children in the district currently eligible for the national free or reduced-price lunch program;
 - b. Transportation to enable district students to participate in the program is an insurmountable obstacle to the district's ability to provide or arrange for the provision of the program despite consultation by the district with public transit providers;
 - c. The district is unable to provide or arrange for the provision of a program due to renovation or construction of district facilities and the unavailability of an appropriate alternate provider or site; or
 - d. The district is unable to provide or arrange for the provision of a program due to another specified extenuating circumstance and the unavailability of an appropriate alternate provider or site; or
2. The cost to the district to provide or arrange for provision of a program would be cost-prohibitive, as determined by TDA using the criteria and methodology established by TDA rule.

Agriculture Code 12.0029(f); 4 TAC 25.601(d), (e)

Alternate
Provider

If a district has requested a waiver and has been unable to provide to TDA a list of possible providers for the summer nutrition program, the TDA field offices shall continue to attempt to identify an

alternate provider for the district's summer nutrition program. *Agriculture Code 12.0029(i)*

**Community
Eligibility Provision**

The community eligibility provision (CEP) is an alternative reimbursement option for eligible high-poverty districts. Each CEP cycle lasts up to four years before the LEA or school is required to recalculate their reimbursement rate. LEAs and schools have the option to recalculate sooner, if desired. An LEA may elect this provision for all of its schools, a group of schools, or an individual school. Participating LEAs must offer free breakfasts and lunches for the length of their CEP cycle, not to exceed four successive years, to all children attending participating schools and receive meal reimbursement based on claiming percentages, as described in 7 C.F.R. 245.9(f)(4)(v). 7 C.F.R. 245.9(f); 42 U.S.C. 1759a(a)(1)(F)

To be eligible to participate in the CEP, an LEA, group of schools, or school must:

1. Have an identified student percentage of at least 25 percent, as of April 1 of the school year prior to participating in the CEP, unless otherwise specified by the USDA Food and Nutrition Service (FNS). Individual schools participating in a group may have less than 25 percent identified students, provided that the average identified student percentage for the group is at least 25 percent.
2. Participate in the NSLP and SBP for the duration of the four-year cycle. Schools that operate on a limited schedule, where it is not operationally feasible to offer both lunch and breakfast, may elect CEP with FNS approval.
3. Comply with the procedures and requirements specified in 7 C.F.R. 245.9(f)(4) to participate in the CEP.

7 C.F.R. 245.9(f)(3)

[For information on other special assistance certification and reimbursement alternatives, see 7 C.F.R. 245.9.]

¹ FNS Instruction 113-1 document: <https://www.fns.usda.gov/cr/fns-instruction-113-1>

² USDA FNS "And Justice for All" posters: <https://www.fns.usda.gov/cr/justice-all-posters-guidance-translations>

³ USDA nondiscrimination statement: <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>

⁴ USDA FNS Civil Rights website: <https://www.fns.usda.gov/civil-rights>

⁵ TDA's Food and Nutrition Division *Administrator's Reference Manual*: <https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx>

**Information Required
on Website**

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Gov't Code 2051.201

Note: See GBA regarding the confidentiality of certain board member information.

Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable, post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

Education Code 11.1518

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

**Other Required
Internet Postings**

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]
2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]
3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]
4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]
5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]
6. Not later than the 10th day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]
7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

8. A district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]
9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]
10. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]
11. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]
12. A district shall post an election notice required under Election Code 85.007. [See BBBA]
13. A district shall post election information under Election Code 4.009. [See BBBA]
14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]
15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]
16. A district shall post election results under Election Code 65.016. [See BBBB]
17. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]
18. A district shall post a report filed with the district by a candidate, board member, or specific-purpose committee pursuant to Election Code Chapter 254 not later than the 10th business day after it is received under Election Code 254.0401. [See BBBC]

19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]
20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]
21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]
22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]
23. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]
24. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]
25. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]
26. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]
27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]
28. A district shall post prominently a notice informing property owners of the property tax database maintained by the appraisal district under Tax Code 26.17. [See CCG]
29. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]
30. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

31. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]
32. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]
33. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]
34. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]
35. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1-.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]
36. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]
37. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]
38. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]
39. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]
40. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]
41. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

42. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]
43. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]
44. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]
45. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]
46. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]
47. Each year, a district shall post a report on measurable outcomes for each dropout recovery education program offered by the district, under Education Code 29.081(e-6). [See EHBC]
48. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(h). [See EHBG]
49. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]
50. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]
51. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

52. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]
53. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]
54. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]
55. Each school year, the board shall post a summary of the [Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis](#)¹ on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]
56. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]
57. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]
58. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]
59. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]
60. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code 552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]
61. A board that allows requestors to use the public information request form created by the attorney general must post the

form on the district website under Government Code 552.235.
[See GBAA]

62. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district shall either post online or provide physical copies of the report on library materials under Education Code 35.006. [See EFB]
5. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
6. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]
7. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

¹ TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis:

<https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FI-NAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf>

	Note: For information on purchasing technological equipment with the instructional materials and technology allotment, see CMD.
Technology Lending Program Grant	A district may apply to the commissioner of education to participate in the technology lending grant program established under Education Code 32.301. <i>Education Code 32.301(b)</i> A district may use a grant awarded under this program or other local funds to purchase, maintain, and insure equipment for a technology lending program. Equipment purchased by a district with a grant is the property of the district. <i>Education Code 32.303</i>
Guidelines for Use of Digital Devices	The Texas Education Agency (TEA), in consultation with the Health and Human Services Commission, shall develop and distribute model health and safety guidelines that districts may use to determine best practices for the effective integration of digital devices in public schools. The board shall adopt a policy for the effective integration of digital devices in the district. In adopting the policy, the board may decide whether to adopt the guidelines for use in the district. Each district that adopts the guidelines may implement the guidelines in a manner that best meets the district's individual needs and the individual needs of students in the district, including students with intellectual or physical disabilities. If a district adopts the guidelines, the district shall post the guidelines publicly on the district's internet website. <i>Education Code 38.0231</i>
Transfer of Equipment to Students	"Data processing" means information technology equipment and related services designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means. "Electronic device" means a device that is capable of connecting to a cellular network or the internet, including a computer, smart-phone, or tablet. "Internet filter" means a software application that is capable of preventing an electronic device from accessing certain websites or displaying certain online material. <i>Education Code 32.101; Gov't Code 2054.003(3)</i>
Definitions	
Transfers	A district may transfer to a student enrolled in the district:

1. Any data processing equipment donated to the district, including equipment donated by a private donor, or a state eleemosynary institution or state agency under Government Code 2175.905 [see Fees, below];
2. Any equipment purchased by the district, to the extent consistent with the provisions at Use of Public Funds, below; and
3. Any surplus or salvage equipment owned by the district.

Education Code 32.102(a)

Before transferring data processing equipment or an electronic device to a student, a district must:

1. Adopt rules governing transfers, including provisions for technical assistance to the student by the district;
2. Determine that the transfer serves a public purpose and benefits the district;
3. Remove from the equipment any offensive, confidential, or proprietary information, as determined by the district;
4. Adopt rules establishing programs promoting parents as partners in cybersecurity and online safety that involve parents in students' use of transferred equipment or electronic devices; and
5. For the transfer of an electronic device to be used for an educational purpose, install an internet filter that blocks and prohibits pornographic or obscene materials or applications, including from unsolicited pop-ups, installations, and downloads.

Education Code 32.104

Standards

Note: In accordance with Education Code 32.1021, TEA has provided [Standards for Electronic Devices and Software Applications](#)¹ with which school districts are expected to comply.

TEA shall adopt standards for permissible electronic devices and software applications used by a district. In adopting the standards, the agency must:

1. Minimize data collection conducted on students through electronic devices and software applications;

2. Ensure direct and informed parental consent is required for a student's use of a software application, other than a software application necessary for the administration of:
 - a. An assessment instrument under Education Code Chapter 39, Subchapter B; or
 - b. An assessment relating to college, career, or military readiness for which student performance is considered in evaluating a school district's performance under Education Code 39.054;
3. Ensure software applications do not conduct mental health assessments or other assessments unrelated to educational curricula that are intended to collect information about students without direct and informed parental consent;
4. Ensure that parents are provided the resources necessary to understand cybersecurity risks and online safety regarding their child's use of electronic devices before the child uses an electronic device at the child's school;
5. Specify periods of time during which an electronic device transferred to a student must be deactivated in the interest of student safety;
6. Consider necessary adjustments by age level to the use of electronic devices in the classroom to foster development of students' abilities regarding spending school time and completing assignments without the use of an electronic device;
7. Consider appropriate restrictions on student access to social media websites or applications with an electronic device transferred to a student by a district or school;
8. Require a district, before using a social media application for an educational purpose, to determine that an alternative application that is more secure and provides the same educational functionality as the social media application is unavailable for that educational purpose;
9. Consider the required use of an internet filter capable of notifying appropriate school administrators, who are then required to notify the student's parent, if a student accesses inappropriate or concerning content or words, including content related to:
 - a. Self-harm;
 - b. Suicide;

c. Violence to others; or

d. Illicit drugs;

10. Assign to the appropriate officer of a district the duty to receive complaints or concerns regarding student use of electronic devices, including cybersecurity and online safety concerns, from district staff, other students, or parents; and

11. Provide methods by which a district may ensure an operator, as that term is defined by Education Code 32.151, that contracts with the district to provide software applications complies with Subchapter D.

Education Code 32.1021

Donations

A district may accept:

1. Donations of data processing equipment for transfer under these provisions; and
2. Gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment.

Education Code 32.102(b)

Fees

A state eleemosynary institution or institution or agency of higher education or other state agency may not collect a fee or other reimbursement from a district for surplus or salvage data processing equipment transferred to the district. *Gov't Code 2175.905(c)*

Use of Public Funds

A district may spend public funds to:

1. Purchase, refurbish, or repair any data processing equipment transferred to a student; and
2. Store, transport, or transfer data processing equipment under these provisions.

Education Code 32.105

Eligibility

A student is eligible to receive data processing equipment under these provisions only if the student does not otherwise have home access to data processing equipment, as determined by the district. A district shall give preference to educationally disadvantaged students. *Education Code 32.103*

Return of
Equipment

Except as provided below, a student who receives data processing equipment from a district under these provisions shall return the equipment to the district not later than the earliest of:

1. Five years after the date the student receives the equipment;

2. The date the student graduates;
3. The date the student transfers to another district; or
4. The date the student withdraws from school.

The requirements above do not apply if, at the time the student is required to return the equipment, the district determines that the equipment has no marketable value.

Education Code 32.106

**Prohibited
Applications on
District-Owned
Devices**

“Covered application” means the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited, or a social media application or service specified by proclamation of the governor to pose a risk to the state. *Gov’t Code 620.001(1), .005.*

A district shall adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by the district and requiring the removal of covered applications from those devices. The Department of Information Resources and the Department of Public Safety shall jointly develop a model policy for districts to use in developing the required policy. *Gov’t Code 620.003*

The district’s policy may provide for the installation and use of a covered application to the extent necessary for providing law enforcement or developing or implementing information security measures. A policy allowing the installation and use of a covered application must require the use of measures to mitigate risks posed to the state during the use of the covered application and the documentation of those measures. *Gov’t Code 620.004*

¹ TEA Standards for Electronic Devices and Software Applications:
<https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/standards-for-permissible-electronic-devices-and-software-applications.pdf>

Table of Contents	Definition	3
	Board Authority	3
	Delegation of Authority	3
	Contracts Valued at or Above \$50,000	4
	Exceptions	4
	Notice Publication	4
	Contract Selection Criteria	5
	Experience Modifier	5
	Using Method Other Than Competitive Bidding	6
	Determine Best Value	6
	Publish Criteria	6
	Make Evaluations Public.....	6
	Submission	6
	Documents Related to Evaluation and Ranking.....	6
	Uniform General Conditions for Contracts	7
	Right to Work.....	7
	Collective Bargaining	7
	Out-of-State Bidders	7
	Change Orders	7
	Unsigned Change Orders	8
	Inspection, Verification, and Testing.....	8
	Impact Fees.....	9
	Design Professionals	9
	Architects and Engineers	9
	Procuring Architectural or Engineering Services	11
	Contracts for Engineering or Architectural Services	12
	Payment and Performance Bonds	13
	Failure to Obtain Payment Bond.....	13
	Bond for Insured Loss.....	14
	Prevailing Wage on Public Works	14
	Enforcement	15
	Retainage and Reimbursement	16
	Penalty for Noncompliance	16
	Criminal Offense	16

Required Workers’ Compensation Coverage16
 Exception18
 Definitions18
Criminal Offenses.....18
Enforcement Actions18
 Defects in Facilities18
 Attorney Fees20
 Construction Liability Claims.....20

	Note: For information on the new instructional facilities allotment, see CBA. For additional legal requirements applicable to purchases with federal funds, see CBB. For information on procuring goods and services under Education Code Chapter 44, see CH. For required vendor disclosures and contract provisions, including prohibitions, see CHE. For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL). For legal requirements related to energy savings performance contracts, see CL. For facility standards, see CS.
Definition	“Public work contract” means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work. <i>Gov’t Code 2253.001(4)</i>
Board Authority	A district may adopt rules as necessary to implement Government Code Chapter 2269. <i>Gov’t Code 2269.051; 19 TAC 61.1040(e)(2)(H)</i>
Delegation of Authority	The board may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person. <i>Gov’t Code 2269.053(a)</i> The district shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request. <i>Gov’t Code 2269.053(b); Education Code 44.0312(a)</i> If the district fails to provide that notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the board in an open public meeting is advisory only. <i>Education Code 44.0312(a); 19 TAC 61.1040(e)(2)(E)</i> A superintendent shall ensure that a requirement to specify the level of delegation of authority is included in the bid specifications when procuring construction services to select a contractor, in accordance with Education Code 44.0312. <i>19 TAC 61.1040(e)(2)(F)</i>

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

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

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

1. An interlocal contract. *Education Code 44.031(a)(4)* [See CH]
2. A method provided by Government Code Chapter 2269 for construction services. *Education Code 44.031(a)(5)*
 - a. Competitive bidding. *Gov't Code 2269 Subch. C* [See CVA]
 - b. Competitive sealed proposals. *Gov't Code 2269 Subch. D* [See CVB]
 - c. Construction manager-agent method. *Gov't Code 2269 Subch. E* [See CVC]
 - d. Construction manager-at-risk method. *Gov't Code 2269 Subch. F* [See CVD]
 - e. Design-build method. *Gov't Code 2269 Subch. G* [See CVE]
 - f. Job order contracting. *Gov't Code 2269 Subch. I* [See CVF]
3. The reverse auction procedure as defined by Government Code 2155.062(d). *Education Code 44.031(a)(6)* [See CH]

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

Exceptions

*Emergency
Damage or
Destruction*

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

*Contracts
Requiring a Bond*

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

Notice Publication

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

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

Gov't Code 2269.052(a)-(b)

[See CH for additional notice publication requirements.]

Contract Selection Criteria

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

1. Any existing laws, including any criteria, related to historically underutilized businesses; and
2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

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

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

Gov't Code 2269.055

Experience Modifier Definitions

"Contract" means a contract awarded by a district that is:

1. A construction contract, as defined by Business and Commerce Code 272.0001; or
2. A contract for constructing, altering, or repairing a public building or carrying out or completing any public work.

"Contract solicitation" means a request for bids, proposals, qualifications, offers, or other responses from potential contractors under a contract.

“Experience modifier” means a factor expressed as a value that:

1. Is assigned to an employer seeking to purchase a workers’ compensation insurance policy in this state;
2. Affects the premium amount for the policy; and
3. Is based on the employer’s past loss experience.

*Voidable
Contract
Provisions*

An offer to contract or a contract solicitation may not require a specified experience modifier in order to accept the offer or respond to the contract solicitation.

A contract or an agreement collateral to or affecting a contract may not require the contractor to have a specified experience modifier.

A contract solicitation, an offer, a contract, or an agreement collateral to or affecting a contract that violates these requirements is voidable as against public policy.

Gov’t Code 2252.909

**Using Method Other
Than Competitive
Bidding**

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

Determine Best
Value

Publish Criteria

The district shall base its selection among offerors on applicable criteria listed for the particular method used. The district shall publish in the request for proposals or qualifications:

1. The criteria that will be used to evaluate the offerors;
2. The applicable weighted value for each criterion; and
3. A detailed methodology for scoring each criterion.

Make Evaluations
Public

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

Gov’t Code 2269.056

Submission

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

**Documents Related
to Evaluation and
Ranking**

An offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under Government Code Chapter 2269 may, after the contract is awarded, make a request in writing to the district to provide documents related to the evaluation of the offeror’s submission.

Not later than the 30th day after the date a request is made, the district shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission.

Gov't Code 2269.060

**Uniform General
Conditions for
Contracts**

After reviewing the uniform general conditions adopted by the Texas Facilities Commission under Government Code 2166.302, a school district may adopt uniform general conditions to be incorporated in all district building construction contracts. *Education Code 44.035*

Right to Work

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

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

Gov't Code 2269.054

**Collective
Bargaining**

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

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

Gov't Code 2269.0541(a)

Out-of-State Bidders

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

Change Orders

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

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

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

Education Code 44.0411

Unsigned Change
Orders

A vendor may elect not to proceed with additional work directed by a district under a public work contract if:

1. The vendor has not received a written, fully executed change order for the district-directed additional work; and
2. The aggregate actual or anticipated value of the additional work under the vendor's contract terms plus any previous district-directed additional work for which the vendor has not received a written, fully executed change order exceeds 10 percent of the vendor's original public work contract amount.

A subcontractor may elect not to proceed with additional work directed by a vendor under a subcontract if:

1. The subcontractor has not received a written, fully executed change order for the district-directed additional work from the vendor; and
2. The aggregate actual or anticipated value of the additional work under the subcontractor's subcontract terms plus any previous district-directed additional work for which the subcontractor has not received a written, fully executed change order exceeds 10 percent of the subcontractor's subcontract amount.

A vendor or subcontractor who elects not to proceed with additional work is not responsible for damages associated with the election not to proceed.

Gov't Code 2251.0521

**Inspection,
Verification, and
Testing**

Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for

which it contracts in accordance with Government Code 2254.004.
Gov't Code 2269.058

Note: For additional requirements related to code compliance, including fees and contracts, see 19 Administrative Code 61.1040(e)(5).

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

Design Professionals A district shall designate one design professional to be the prime design professional for a capital improvement project and shall contractually engage the prime design professional to review and coordinate the design of the project, allowing the prime design professional to rely on and contract for other design professionals where appropriate. *19 TAC 61.1040(a)(4), (e)(4)(D)*

A district shall require any design professional contractually engaged to procure professional design services from any other design professional as a subconsultant to select and subcontract the professional design services based on the qualification-based selection process established in Government Code Chapter 2254. [See Procuring Architectural or Engineering Services, below] *19 TAC 61.1040(e)(5)(B)*

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

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

Gov't Code 2269.057

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

1. A new building having construction costs exceeding \$100,000 that is to be:
 - a. Constructed and owned by a district; and

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

This provision does not prohibit an owner of a building from contracting with an architect or engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand the scope of practice of an architect or engineer beyond the scope of practice that the architect or engineer is authorized to practice under Occupations Code Chapter 1001 or 1051.

Occupations Code 1051.703; 22 TAC 1.212

*Registered
Engineer*

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

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

Occupations Code 1001.407

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

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

Occupations Code 1001.053

*Certification for
Purchases
Through
Purchasing
Cooperatives*

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

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

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

Gov’t Code 791.011(j)

Note: For legal provisions related to interlocal contracts, generally, see GRB.

For legal provisions related to using interlocal contracts for purchasing goods and services, see CH.

*Procuring
Architectural or
Engineering
Services*

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

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

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

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

Gov’t Code 2254.004

	An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. <i>Gov't Code 791.011(h)</i>
Contracts for Engineering or Architectural Services	A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the district against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.
<i>Indemnification</i>	
<i>Duty to Defend</i>	Except as provided below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the district, the district's agent, the district's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the district exercises control. A covenant or promise may provide for the reimbursement of a district's reasonable attorney's fees in proportion to the engineer's or architect's liability.
<i>District as Additional Insured</i>	A district may require in a contract for engineering or architectural services to which the district is a party that the engineer or architect name the district as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.
<i>Standard of Care</i>	A contract for engineering or architectural services to which a district is a party must require a licensed engineer or registered architect to perform services: 1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and 2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect. In a contract for engineering or architectural services to which a district is a party, a provision establishing a different standard of

care than a standard described above is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

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

Local Gov't Code 271.904

**Payment and
Performance Bonds**

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

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

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

Gov't Code 2253.021(a), (d)-(e)

The performance bond is solely for the protection of the district awarding the public work contract, in the amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents.

Gov't Code 2253.021(b)

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

**Failure to Obtain
Payment Bond**

If a district fails to obtain from a prime contractor a payment bond as required above or fails to include in a lease the lease terms required by Government Code 2252.909 [see CDB]:

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and
2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property

Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

*Gov't Code 2253.027(a)***Bond for Insured
Loss**

A district shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the district, furnishes or has furnished by a contractor:

1. A performance bond as described above for the benefit of a district; and
2. A payment bond, as described above for the benefit of the beneficiaries described above.

If the payment bond is not furnished, the district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

The bonds required to be furnished by the provisions above shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

*Exception to
Bond
Requirement*

These provisions do not apply to a district when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

*Gov't Code 2253.022***Prevailing Wage on
Public Works**

"Worker" includes a laborer or mechanic. *Gov't Code 2258.001(3)*

A worker employed on a public work by or on behalf of a district shall be paid:

1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and
2. Not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

The requirements above do not apply to maintenance work. A worker is employed on a public work for purposes of this provision if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district.

Gov't Code 2258.021

For a contract for a public work awarded by a district, the board shall determine the general prevailing rate of per diem wages in the district for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

1. Conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the district in which the public work is to be performed; or
2. Using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments.

The board shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A board shall specify in the call for bids for the contract and in the contract itself the wage rates determined under these provisions. The board's determination of the general prevailing rates of per diem wages is final.

Gov't Code 2258.022(a), (c)-(e)

Government Code 2258.022(b) applies to a public work located in a county bordering the United Mexican States or in a county adjacent to a county bordering the United Mexican States. *Gov't Code 2258.022(b)*

Enforcement

A board awarding a contract, and an agent or officer of the board, shall:

1. Take cognizance of complaints of all violations of Government Code Chapter 2258 committed in the execution of the contract; and
2. Withhold money forfeited or required to be withheld under Government Code Chapter 2258 from the payments to the contractor under the contract, except that the board may not withhold money from other than the final payment without a determination by the board that there is good cause to believe that the contractor has violated Government Code Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 [see Penalty for Noncompliance, below] by a contractor or subcontractor, a board shall make an initial determination as to whether good cause exists to believe that the violation occurred. A board must

make its determination before the 31st day after the date the board receives the information. A board shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

Gov't Code 2258.051-.052(a)-(c)

Retainage and
Reimbursement

A board shall retain any amount due under the contract pending a final determination of the violation. *Gov't Code 2258.052(d)*

Note: Arbitration of unresolved issues is governed by Government Code 2258.053-.055.

A board shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.056(a)-(b)*

Penalty for
Noncompliance

The contractor who is awarded a contract by a district or a subcontractor of the contractor shall pay not less than the rates determined under these provisions to a worker employed by it in the execution of the contract. A contractor or subcontractor who violates this provision shall pay to the district on whose behalf the contract is made, \$60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. A board awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a board awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as required by these provisions. The board shall use any money collected under this provision to offset the costs incurred in the administration of Government Code Chapter 2258. *Gov't Code 2258.023*

Criminal Offense

An officer, agent, or representative of a district commits an offense if the person willfully violates or does not comply with a provision of Government Code 2258. *Gov't Code 2258.058(a)*

**Required Workers'
Compensation
Coverage**

A district shall ensure a contract for construction services required to be procured by a method in Government Code Chapter 2269 specifies the contractor's responsibilities for site safety and requires compliance with the requirement to provide workers' compensation insurance in accordance with Labor Code 406.096, below. *19 TAC 61.1040(e)(3)(D)*

A district that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project. Each subcontractor shall provide such a certificate relating to coverage of the subcontractor's employees to the general contractor, who shall provide the subcontractor's certificate to the district. *Labor Code 406.096(a)-(b)*

A district that enters into a building or construction contract on a project shall:

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverage, using the language required by 28 Administrative Code 110.110(c)(7).
2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverage as set out in 28 Administrative Code 110.110(d).
3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person beginning work on the project.
4. Obtain from the contractor a new certificate of coverage showing extension of coverage:
 - a. Before the end of the current coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and
 - b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
6. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.
7. Use the language contained in 28 Administrative Code 110.110(c)(7) for bid specifications and contracts, without any additional words or changes, except those required to accom-

modate the specific document in which they are contained or to impose stricter standards of documentation.

28 TAC 110.110(c)

Exception	This coverage requirement does not apply to sole proprietors, partners, and corporate officers who meet the requirements of Labor Code 406.097(c), and who are explicitly excluded from coverage in accordance with Labor Code 406.097(a). <i>28 TAC 110.110(i)</i>
Definitions	“Persons providing services on the project” includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes but is not limited to independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the project. “Services” includes but is not limited to providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. “Services” does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets. <i>28 TAC 110.110(a)(7)</i> “Project” includes the provision of all services related to a building or construction contract for a district. <i>28 TAC 110.110(a)(8)</i>
Criminal Offenses	For information on criminal offenses for violations of Education Code 44.031, see CH.
Enforcement Actions	Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the 15th day after the date on which the contract is awarded. <i>Gov’t Code 2269.452</i>
Defects in Facilities	A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district facility financed by bonds shall provide the commissioner with written notice of the action by registered or certified mail, return receipt requested, not later than the 30th day after the date the action is filed. If the district fails to comply with this provision, the court or an arbitrator or other adjudicating authority shall dismiss the action without prejudice. The dismissal of an action under this provision extends the statute of limitations on the action for a period of 90 days. The notice must include a copy of the petition and an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages under the action.

In an action involving an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment), the commissioner may join in the action on behalf of the state to protect the state's share in the action.

A district that brings an action under these provisions shall use the net proceeds from the action for:

1. The repair of the defective design, construction, renovation, or improvement of the facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;
2. The replacement of the facility on which the action is brought;
3. The reimbursement of the district for a repair or replacement; or
4. Any other purpose with written approval from the commissioner.

Education Code 46.008 applies to the repair. A district shall provide to the commissioner an itemized accounting of any repairs made.

The state's share resulting from an action brought under these provisions involving an instructional facility financed by bonds for which the school district receives state assistance under Education Code Chapter 46, Subchapter A is state property. The district shall send to the comptroller any portion of the state's share not used by the district to repair the defective design, construction, renovation, or improvement of the instructional facility on which the action is brought or to replace the facility. Education Code 48.272 applies to the state's share.

Definitions

"Net proceeds" means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

"State's share" means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

Education Code 44.151

Attorney General Enforcement	If the attorney general believes that a district has violated or is violating Education Code 44.151(d), (e), or (f) (use of proceeds, accounting, and the state's share), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections. In such an action, the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of: 1. A civil penalty in an amount not to exceed \$20,000 for each violation; 2. The attorney general's reasonable costs for investigating and prosecuting the violation; or 3. If applicable, the amount of the state's share. <i>Education Code 44.152(a)-(b)</i>
Attorney Fees	A governmental contract may not provide for the award of attorney's fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute. "Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment. <i>Gov't Code 2252.904</i>
Construction Liability Claims	To assert a claim against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work in which the district has an interest, the district must comply with Government Code Chapter 2272, which may not be waived. A purported waiver of Chapter 2272 is void. <i>Gov't Code 2272.002(a), .0025</i>

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

SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
DBAA	Pre-Employment Reviews
DBB	Medical Examinations and Communicable Diseases
DBD	Conflict of Interest
DBE	Nepotism
DC	EMPLOYMENT PRACTICES
DCA	Probationary Contracts
DCB	Term Contracts
DCC	Continuing Contracts
DCD	At-Will Employment
DCE	Other Types of Contracts
DE	COMPENSATION AND BENEFITS
DEA	Compensation Plan
DEAA	Incentives and Stipends
DEAB	Wage and Hour Laws
DEB	Fringe Benefits
DEC	Leaves and Absences
DECA	Family and Medical Leave
DECB	Military Leave
DED	Vacations and Holidays
DEE	Expense Reimbursement
DEG	Retirement
DF	TERMINATION OF EMPLOYMENT
DFA	Probationary Contracts
DFAA	Suspension/Termination During Contract
DFAB	Termination at End of Year
DFAC	Return to Probationary Status
DFB	Term Contracts
DFBA	Suspension/Termination During Contract
DFBB	Nonrenewal
DFC	Continuing Contracts
DFCA	Suspension/Termination
DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFE	Reduction in Force
DFFA	Financial Exigency

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SECTION D: PERSONNEL

DFFB	Program Change
DFFC	Continuing Contracts
DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Immunity
DH	EMPLOYEE STANDARDS OF CONDUCT
DHA	Gifts and Solicitations
DHB	Reports to State Board for Educator Certification
DHC	Reports to Texas Education Agency
DHE	Searches and Alcohol/Drug Testing
DI	EMPLOYEE WELFARE
DIA	Freedom from Discrimination, Harassment, and Retaliation
DJ	EMPLOYEE RECOGNITION AND AWARDS
DK	ASSIGNMENT AND SCHEDULES
DL	WORK LOAD
DLA	Staff Meetings
DLB	Required Plans and Reports
DM	PROFESSIONAL DEVELOPMENT
DMA	Required Staff Development
DMB	Career Advancement
DMC	Continuing Professional Education
DMD	Professional Meetings and Visitations
DME	Research and Publication
DN	PERFORMANCE APPRAISAL
DNA	Evaluation of Teachers
DNB	Evaluation of Campus Administrators
DP	PERSONNEL POSITIONS
DPB	Substitute, Temporary, and Part-Time Positions

Note: This policy addresses the prohibition against discrimination, harassment, and retaliation in hiring and discharging employees and with respect to compensation, terms, conditions, or privileges of employment. For provisions related to complaints of discrimination, harassment, and retaliation based on a protected characteristic, see DIA.

Table of Contents	Unlawful Employment Discrimination3
	Federal Law3
	State Law4
	Discriminatory Practices4
	Disparate Treatment4
	Disparate Impact.....4
	Limited Exception—Bona Fide Job Qualification4
	Racial Discrimination4
	Religious Discrimination4
	Burden on Free Exercise5
	Unlawful Inquiry into Religious Affiliation5
	Sex Discrimination5
	Pregnancy.....5
	Gay and Transgender5
	Gender Stereotypes.....5
	Equal Pay5
	Age Discrimination.....5
	Bona Fide Employee Benefit Plan5
	Disability Discrimination6
	Discrimination Based on Lack of Disability6
	Definition of Disability6
	Other Definitions7
	Reasonable Accommodations8
	Discrimination Based on Relationship8
	Illegal Drugs and Alcohol8
	Qualification Standards.....9
	Service Animals9
	Genetic Information Nondiscrimination Act10

Definitions	10
Prohibited Practices	10
Manifested Condition	11
Inadvertent Acquisition	11
Exceptions	11
Requests for Medical Information	12
Confidentiality	13
Pregnant Workers Fairness Act-.....	15
Interactive Process	15
Denial of Employment Opportunities	15
Required Leave	15
Adverse Action.....	15
Definitions	15
Other Forms of Discrimination	19
Military Service	19
Bankruptcy Discrimination	19
Student Loan Repayment	19
Harassment-Free Workplace	19
Sexual Harassment	19
National Origin Harassment.....	21
Severe and Pervasive.....	21
Prevention.....	21
Responsibility for Harassment by Third Parties	21
Prohibition on Retaliation.....	22
Notices	22
Section 504 Notice.....	22
Employment Postings	22

**Unlawful
Employment
Discrimination**

It is an unlawful employment practice for a district to fail or refuse to hire or to discharge or to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's:

1. Race, color, or national origin;
2. Religion;
3. Sex;
4. Age;
5. Disability;
6. Genetic information; or
7. Pregnancy.

Federal Law

Section 1981 of the Civil Rights Act of 1866 (Section 1981) — race. *42 U.S.C. 1981*

Title VII of the Civil Rights Act of 1964 (Title VII) — race, color, religion, sex, and national origin. *42 U.S.C. 2000e et seq.*

Age Discrimination in Employment Act of 1967 (ADEA) — age, over 40. *29 U.S.C. 621 et seq.*

Section 504 of the Rehabilitation Act of 1973 (Section 504) — disability in programs receiving federal funds. *29 U.S.C. 794*

Title I of the Americans with Disabilities Act of 1990 (ADA) — disability. *42 U.S.C. 12101 et seq.*

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) — genetic information. *42 U.S.C. 2000ff et seq.*

Title IX of the Education Amendments of 1972 (Title IX) — sex. *20 U.S.C. 1681*

Pregnant Workers Fairness Act (PWFA) — pregnancy. *42 U.S.C. 2000gg et seq.*

Note: Title VII, the ADA, GINA, and PWFA do not apply to employers unless the employer has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. *42 U.S.C. 2000e(b); 42 U.S.C. 12111(5); 42 U.S.C. 2000ff(2)(B); 42 U.S.C. 2000gg(2)(B)*

State Law	Texas Commission on Human Rights Act (TCHRA)—race, color, disability, religion, sex, national origin, age, and genetic information. <i>Labor Code 21.051, .402</i> State policy on employment of persons with disabilities. <i>Human Resources Code 121.003(f)</i>
Discriminatory Practices	Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). <u><i>Wards Cove Packing Co. v. Atonio</i></u>, 490 U.S. 642 (1989)
Disparate Treatment	Disparate treatment (intentional discrimination) occurs when members of a protected group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. 29 C.F.R. 1607.11
Disparate Impact	Disparate impact occurs when an employer uses a particular employment practice that causes a disparate (disproportionate) impact on a protected group and the employer fails to demonstrate that the challenged practice is job-related and consistent with business necessity. 42 U.S.C. 2000e-2(k)(1)(A); <i>Labor Code 21.115, .122</i>
Limited Exception — Bona Fide Job Qualification	A district may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. 42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f); <i>Labor Code 21.119</i>
Racial Discrimination	The prohibition against discrimination because of race or on the basis of race includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race. A district commits an unlawful employment practice if the district adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. “Protective hairstyle” includes braids, locks, and twists. <i>Labor Code 21.1095</i>
Religious Discrimination	The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless a district demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the district's business. “Undue hardship” means more than a <i>de</i>

minus (minimal) cost. 42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108

Burden on Free Exercise
A district may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

Unlawful Inquiry into Religious Affiliation
A person employed or maintained to obtain or aid in obtaining positions for public school employees may not directly or indirectly ask about, orally or in writing, the religion or religious affiliation of anyone applying for employment in a public school of this state. A violation of this provision is a Class B misdemeanor. A person who violates this provision is subject to civil penalties. *Education Code 22.901*

Sex Discrimination

Pregnancy
The prohibition against discrimination because of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. A district shall treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees for all employment-related purposes, including receipt of benefits under fringe benefit programs. 42 U.S.C. 2000e(k); 29 C.F.R. 1604.10; Labor Code 21.106

Gay and Transgender
The prohibition against discrimination because of sex includes discrimination on the basis of an individual being gay or transgender. *Bostock v. Clayton County, Georgia, 140 S. Ct. 1731 (2020)*

Gender Stereotypes
A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. *Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)*

Equal Pay
A district may not pay an employee at a rate less than the rate the district pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. 29 U.S.C. 206(d) (*Equal Pay Act*); 34 C.F.R. 106.54 (*Title IX*)

Age Discrimination

The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. 29 U.S.C. 631; Labor Code 21.101

Bona Fide Employee Benefit Plan
A district may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall

	require or permit the involuntary retirement of any individual because of age. <i>29 U.S.C. 623(f); Labor Code 21.102</i>
Disability Discrimination	A district may not discriminate against a qualified individual on the basis of disability in job application procedures, hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment. <i>42 U.S.C. 12112(a); 29 C.F.R. 1630.4; Labor Code 21.051</i> In addition, each district that receives assistance under the Individuals with Disabilities Education Act (IDEA) must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted by the IDEA. <i>34 C.F.R. 300.177(b)</i>
Discrimination Based on Lack of Disability	The ADA and the TCHRA do not provide a basis for a claim that an individual was subject to discrimination because of the individual's lack of disability. <i>42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b); Labor Code 21.005(c)</i>
Definition of Disability	"Disability" means: 1. An actual disability: a physical or mental impairment [see definition, below] that substantially limits one or more of an individual's major life activities; 2. A record of having such an impairment; or 3. Being regarded as having such an impairment. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
<i>"Regarded as" Having an Impairment</i>	An individual meets the requirement of being "regarded as" having an impairment if the individual establishes that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
Transitory and Minor	The "regarded as" prong of the definition does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or less. The "transitory" exception does not apply to the "actual disability" or "record of disability" prongs of the definition.
<i>Mitigating Measures</i>	The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices, prosthetics, hearing aids, mobility de-

vices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

The ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Ordinary eyeglasses and contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

42 U.S.C. 12102(1), (3), (4); 29 C.F.R. 1630.2(g), (j)(1); Labor Code 21.002, .0021

Other Definitions

*Physical or
Mental
Impairment*

“Physical or mental impairment” means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

29 C.F.R. 1630.2(h)

*Major Life
Activities*

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

“Major life activities” also include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.

42 U.S.C. 12102(2); 29 C.F.R. 1630.2(i); Labor Code 21.002

*Qualified
Individual*

“Qualified individual” means an individual who:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and

2. With or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to a district's judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job's essential functions.

42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)

Reasonable
Accommodations

A district is required, absent undue hardship, to make a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the "actual disability" or "record of disability" prongs. A district is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the "regarded as" prong. *42 U.S.C. 12112(b)(5); 29 C.F.R. 1630.2(o)(4), .9; 29 U.S.C. 794; 34 C.F.R. 104.11; Labor Code 21.128* [See DBB regarding medical examinations and inquiries under the ADA]

"Reasonable accommodation" includes:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 C.F.R. 1630.2(o); 34 C.F.R. 104.12(b)

"Undue hardship" means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the district, and other factors set out in law. *42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c)*

Discrimination
Based on
Relationship

A district shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. *42 U.S.C. 12112(b)(4); 29 C.F.R. 1630.8; 34 C.F.R. 104.11*

Illegal Drugs and
Alcohol

The term "qualified individual with a disability" does not include any employee or applicant who is currently engaging in the illegal use of drugs, when a district acts on the basis of such use.

<i>Drug Testing</i>	A district is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests. <i>42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A) [See DHE]</i>
<i>Alcohol Use</i>	The term “qualified individual with a disability” does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. <i>42 U.S.C. 12114(a); 29 U.S.C. 705(20)(C); 29 C.F.R. 1630.3(a); 28 C.F.R. 35.104; Labor Code 21.002(6)(A)</i>
Qualification Standards	It is unlawful for a district to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the district, is shown to be job related for the position in question and is consistent with business necessity. <i>29 C.F.R. 1630.10(a)</i>
<i>Direct Threat to Health or Safety</i>	As a qualification standard, a district may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. “Direct threat” means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. <i>42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)</i>
<i>Vision Standards and Tests</i>	A district shall not use qualification standards, employment tests, or other selection criteria based on an individual’s uncorrected vision unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity. <i>42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)</i>
<i>Communicable Diseases</i>	A district may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. <i>42 U.S.C. 12113(e); 29 U.S.C. 705(20)(D); 29 C.F.R. 1630.16(e); Labor Code 21.002(6)(B)</i>
Service Animals	A district that is subject to the jurisdiction of Title I of the ADA (employment discrimination) or to Section 504 of the Rehabilitation Act (employment discrimination) shall comply with the reasonable accommodation requirements of those laws with respect to service animals. [See Reasonable Accommodations, above] A district that is not subject to either Title I or Section 504 shall comply with Title II of the ADA (discrimination by public entity). An

	employer that is subject to Title II shall comply with 28 C.F.R. Part 35, including the requirements relating to service animals at 28 C.F.R. 35.136 [see FBA]. <i>28 C.F.R. 35.140</i>
Genetic Information Nondiscrimination Act	For the purpose of compliance with the Genetic Information Nondiscrimination Act (GINA), see 29 C.F.R. 1635.3(c) for the definition of “genetic information.”
Definitions	“Genetic information” does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family members that is not derived from a genetic test. <i>29 C.F.R. 1635.3(c)</i> [For the definition of “genetic tests” under GINA, see 29 C.F.R. 1635.3(f).] A test for the presence of alcohol or illegal drugs is not a genetic test. However, a test to determine whether an individual has a genetic predisposition for alcoholism or drug use is a genetic test. <i>29 C.F.R. 1635.3(f)</i>
Prohibited Practices	A district shall not discriminate against an individual on the basis of genetic information in regard to hiring, discharge, compensation, or terms, conditions, or privileges of employment. Notwithstanding the foregoing, a cause of action for disparate impact is not available under GINA. <i>42 U.S.C. 2000ff-1(a); 29 C.F.R. 1635.4</i>
Discrimination	
Acquisition	Except as set forth below or otherwise provided in the GINA regulations, a district shall not request, require, or purchase genetic information of an individual or family member of the individual. <i>42 U.S.C. 2000ff-1(b); 29 C.F.R. 1635.8(a)</i> “Request” includes: 1. Conducting an internet search on an individual in a way that is likely to result in a district’s obtaining genetic information; 2. Actively listening to third-party conversations or searching an individual’s personal effects for the purpose of obtaining genetic information; and 3. Making requests for information about an individual’s current health status in a way that is likely to result in a district’s obtaining genetic information. <i>29 C.F.R. 1635.8(a)</i>
Disclosure	A district that possesses genetic information, regardless of how the district obtained the information, shall not disclose the information

except as set forth in the GINA regulations. 29 C.F.R. 1635.9(b)
[See Confidentiality, below]

Manifested
Condition

A district shall not be considered to be in violation of the GINA regulations based on the use, acquisition, or disclosure of medical information about a manifested disease, disorder, or pathological condition of an employee or member, even if the disease, disorder, or pathological condition has or may have a genetic basis or component. However, genetic information about a manifested disease, disorder, or pathological condition is subject to the requirements and prohibitions of GINA. 29 C.F.R. 1635.12.

[For additional information about manifested disease, see 29 C.F.R. 1653.3(g).]

Inadvertent
Acquisition

The general prohibition against requesting, requiring, or purchasing genetic information does not apply where a district inadvertently requests or requires genetic information of the individual or family member of the individual. This exception applies in situations where a manager or supervisor learns genetic information about an individual by:

1. Overhearing a conversation between the individual and others;
2. Receiving the information during a casual conversation, including in response to an ordinary expression of concern that is the subject of the conversation. This exception does not apply where a manager or supervisor follows up with questions that are probing in nature, such as whether other family members have the condition or whether the individual has been tested for the condition, because the supervisor or official should know that these questions are likely to result in the acquisition of genetic information;
3. Receiving unsolicited information (e.g., where a manager or supervisor receives an unsolicited email about the health of an employee's family member from a co-worker); or
4. Accessing a social media platform that the manager or supervisor was given permission to access by the creator of the profile at issue (e.g., a supervisor and employee are connected on a social networking site and the employee provides family medical history on their page).

29 C.F.R. 1635.8(b)(1)(ii)

Exceptions
Leave Requests

The general prohibition against requesting, requiring, or purchasing genetic information does not apply where the district requests family medical history to comply with the certification provisions or the

Family and Medical Leave Act (FMLA) or state or local family and medical leave laws, or pursuant to a policy (even in the absence of requirements of federal, state, or local leave laws) that permits the use of leave to care for a sick family member and that requires all employees to provide information about the health condition of the family member to substantiate the need for leave. 29 C.F.R. 1635.8(b)(3)

[For additional exceptions to the general prohibition against requesting, requiring, or purchasing genetic information, see 29 C.F.R. 1635.8(b)(2)-(5).]

Requests for
Medical Information

If a district acquires genetic information in response to a lawful request for medical information, the acquisition of genetic information will not generally be considered inadvertent unless the district directs the individual and/or health-care provider from whom it requested medical information not to provide genetic information [see Safe Harbor, below]. 29 C.F.R. 1635.8(b)(1)(i)(A)

Situations involving lawful requests for medical information include, for example:

1. Requests for documentation to support a request for reasonable accommodation under federal, state, or local law;
2. Requests for medical information as required, authorized, or permitted by federal, state, or local law, such as where an employee requests leave under the FMLA to attend to the employee's own serious health condition or where an employee complies with the FMLA's employee return to work certification requirements; or
3. Requests for documentation to support leave that is not governed by federal, state, or local laws requiring leave, as long as the documentation required to support the request otherwise complies with the requirements of the ADA and other laws limiting a district's access to medical information.

29 C.F.R. 1635.8(b)(1)(i)(D)

Safe Harbor

Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent if a district uses language such as the following:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for

medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

A district's failure to give such a notice or to use this or similar language will not prevent the district from establishing that a particular receipt of genetic information was inadvertent if the request for medical information was not likely to result in a district's obtaining genetic information (for example, where an overly broad response is received in response to a tailored request for medical information).

29 C.F.R. 1635.8(b)(1)(i)(B), (C)

*Employment
Examinations*

The prohibition on acquisition of genetic information applies to medical examinations related to employment. A district shall tell health-care providers not to collect genetic information, including family medical history, as part of a medical examination intended to determine the ability to perform a job.

*Remedial
Measures*

A district shall take additional reasonable measures within its control if it learns that genetic information is being requested or required in medical examinations related to employment. Such reasonable measures may depend on the facts and circumstances under which a request for genetic information was made, and may include no longer using the services of a health-care professional who continues to request or require genetic information during medical examinations after being informed not to do so.

29 C.F.R. 1635.8(d)

Confidentiality

A district that possesses genetic information in writing about an employee must maintain such information on forms and in medical files (including where the information exists in electronic forms and files) that are separate from personnel files. A district must treat such information as a confidential medical record. A district may maintain genetic information about an employee in the same file in which it maintains confidential medical information under the ADA.

Genetic information placed in personnel files before November 21, 2009, need not be removed. A district will not be liable under the GINA regulations for the mere existence of the information in the file. However, the prohibitions on use and disclosure of genetic information apply to all genetic information that meets the statutory

definition, including genetic information requested, required, or purchased before November 21, 2009.

Genetic information that a district receives orally need not be reduced to writing but may not be disclosed, except as permitted by 29 C.F.R. part 1635.

Genetic information that a district acquires through sources that are commercially and publicly available, as provided by 29 C.F.R. 1635.8(b)(4), is not considered confidential genetic information but may not be used to discriminate against an individual.

29 C.F.R. 1635.9(a)

*Disclosure
Permitted*

A district that possesses any genetic information, regardless of how the district obtained the information (except for genetic information acquired through commercially and publicly available sources), may disclose the information:

1. To the employee (or family member if the family member is receiving genetic services) about whom the information pertains upon receipt of the employee's written request;
2. To an occupational or other health researcher if the research is conducted in compliance with the regulations and protections at 45 C.F.R. part 46;
3. In response to an order of a court. The district may disclose only the genetic information expressly authorized by the order. If the order was secured without the knowledge of the employee to whom the information refers, the district shall inform the employee of the order and any genetic information that was disclosed pursuant to the order;
4. To government officials investigating compliance with Title II of GINA if the information is relevant to the investigation;
5. To the extent the information is disclosed in support of an employee's compliance with the certification provisions of the FMLA or certification requirements under state family and medical leave laws; or
6. To a federal, state, or local public health agency, only with regard to information about the manifestation of a disease or disorder that concerns a contagious disease that presents an imminent hazard of death or life-threatening illness, provided that the individual whose family member is the subject of the disclosure is notified of such disclosure.

29 C.F.R. 1635.9(b)

<i>Relationship to HIPAA Privacy Regulations</i>	The GINA regulations do not apply to the use or disclosure of genetic information that is protected health information subject to regulation under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). 29 C.F.R. 1635.9(c) [See CRD(LEGAL)]
Pregnant Workers Fairness Act	It is an unlawful employment practice for a district not to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity. 42 U.S.C. 2000gg-1(1); 29 C.F.R. 1636.3(a)
Interactive Process	It is an unlawful employment practice for a district to require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in 42 U.S.C. 2000gg(7) and described in 29 C.F.R. 1636.3(k). 42 U.S.C. 2000gg-1(2); 29 C.F.R. 1636.4(b)
Denial of Employment Opportunities	It is an unlawful employment practice for a district to deny employment opportunities to a qualified employee if such denial is based on the need, or potential need, of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee. 42 U.S.C. 2000gg-1(3); 29 C.F.R. 1636.4(c)
Required Leave	It is an unlawful employment practice for a district to require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee that does not result in an undue hardship for the covered entity; but nothing in this provision prohibits leave as a reasonable accommodation if that is the reasonable accommodation requested or selected by the employee, or if it is the only reasonable accommodation that does not cause an undue hardship. 42 U.S.C. 2000gg-1(4); 29 C.F.R. 1636.4(d)
Adverse Action	It is an unlawful employment practice for a district to take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee. 42 U.S.C. 2000gg-1(5); 29 C.F.R. 1636.4(e)
Definitions <i>Known Limitation</i>	“Known limitation” means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee’s representative has

communicated to the district whether or not such condition meets the definition of disability specified in the ADA (42 U.S.C. 12102).

“Known,” in terms of limitation, means the employee or the employee’s representative has communicated the limitation to the employer.

“Limitation” means a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, of the specific employee in question.

42 U.S.C. 2000gg(4); 29 C.F.R 1636.3(a)

*Communicated to
the Employer*

“Communicated to the employer,” with respect to a known limitation, means an employee or the employee’s representative has made the employer aware of the limitation by communicating with a supervisor, a manager, someone who has supervisory authority for the employee or who regularly directs the employee’s tasks (or the equivalent for an applicant), human resources personnel, or another appropriate official, or by following the steps in the district’s policy to request an accommodation. The communication may be made orally, in writing, or by another effective means. The communication need not be in writing, be in a specific format, use specific words, or be on a specific form in order for it to be considered “communicated to the employer.” *29 C.F.R. 1636.3(d)*

*Consideration of
Mitigating
Measures*

The determination of whether an employee has a limitation shall be made without regard to the ameliorative effects of mitigating measures. The non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an employee has a limitation. *29 C.F.R. 1636.3(e)*

*Qualified
Employee*

The term ‘qualified employee’ means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if:

1. Any inability to perform an essential function is for a temporary period, where “temporary” means lasting for a limited time, not permanent, and may extend beyond “in the near future.”
2. The essential function(s) could be performed in the near future. This determination is made on a case-by-case basis. If the employee is pregnant, it is presumed that the employee could perform the essential function(s) in the near future because they could perform the essential function(s) within generally 40 weeks of its suspension.

3. The inability to perform the essential function(s) can be reasonably accommodated. This may be accomplished by temporary suspension of the essential function(s) and the employee performing the remaining functions of their position or, depending on the position, other arrangements, including, but not limited to: the employee performing the remaining functions of their position and other functions assigned by the covered entity; the employee performing the functions of a different job to which the covered entity temporarily transfers or assigns the employee; or the employee being assigned to light duty or modified duty or participating in the covered entity's light or modified duty program.

42 U.S.C. 2000gg(6); 29 C.F.R. 1636.3(f)

Exception

An employee with known limitations related to pregnancy, childbirth, or related medical conditions is not required to accept an accommodation. However, if such employee rejects a reasonable accommodation that is necessary to enable the employee to perform an essential function of the position held or desired or to apply for the position, or rejects temporary suspension of an essential function if the employee is qualified under 29 C.F.R. 1636.3(f)(2), and, as a result of that rejection, cannot perform an essential function of the position, or cannot apply, the employee will not be considered "qualified." 29 C.F.R. 1636.3(a)(2)

*Reasonable
Accommodation*

With respect to an employee or applicant with a known limitation under the PWFA, reasonable accommodation includes:

1. Modifications or adjustments to a job application process that enable a qualified application with a known limitation under the PWFA to be considered for the position such qualified applicant desires;
2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified employee with a known limitation under the PWFA to perform the essential functions of the position;
3. Modifications or adjustments that enable a district's employee with a known limitation under the PWFA to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without known limitations; or
4. Temporary suspension of essential functions and/or modifications or adjustments that permit the temporary suspension of essential functions.

42 U.S.C. 2000gg(7); 29 C.F.R. 1636.3(h)

Unnecessary
Delay

An unnecessary delay in providing a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee may result in a violation of the PWFA even if the covered entity eventually provides the reasonable accommodation. In determining whether there has been an unnecessary delay, factors to be considered are described in 29 C.F.R. 1636.4(a)(1)(i)-(vii). 29 C.F.R. 1636.4(a)(1)

Undue Hardship

Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of the following factors:

1. The nature and net cost of the accommodation needed under the PWFA;
2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
3. The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type, and location of its facilities;
4. The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and
5. The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

42 U.S.C. 2000gg(7); 29 C.F.R. 1636.3(j)

Temporary
Suspension of
an Essential
Function

If an employee with a known limitation under the PWFA meets the definition of "qualified employee" under this provision and needs one or more essential functions of the relevant position to be temporarily suspended, the covered entity must provide the accommodation unless doing so would impose an undue hardship on the covered entity when considered in light of the factors provided in 29 C.F.R. 1636.3(j)(2)(i) through (v) of this provision as well as the factors described in 29 C.F.R. 1636.3(j)(3)(i)-(vi). 29 C.F.R. 1636.3(j)(3)

Predictable Assessments	The individualized assessment of whether a modification listed in 29 C.F.R. 1636.3(j)(4)(i) through (iv) of this provision is a reasonable accommodation that would cause undue hardship will, in virtually all cases, result in a determination that the four modifications are reasonable accommodations that will not impose an undue hardship under the PWFA when they are requested as workplace accommodations by an employee who is pregnant. Therefore, with respect to these modifications, the individualized assessment should be particularly simple and straightforward: 1. Allowing an employee to carry or keep water near and drink, as needed; 2. Allowing an employee to take additional restroom breaks, as needed; 3. Allowing an employee whose work requires standing to sit and whose work requires sitting to stand, as needed; and 4. Allowing an employee to take breaks to eat and drink, as needed. <i>29 C.F.R. 1636.3(j)(4)</i>
Other Forms of Discrimination Military Service	A district shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. A district shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act (USERRA). <i>38 U.S.C. 4311</i> [See also DECB]
Bankruptcy Discrimination	A district may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under federal bankruptcy laws, solely because the bankrupt or debtor is or has been a debtor under federal bankruptcy laws; was insolvent before the commencement of a bankruptcy case or during the case but before the debtor was granted or denied a discharge; or has not paid a debt that is dischargeable in the bankruptcy case or that was discharged under the bankruptcy laws. <i>11 U.S.C. 525(a)</i>
Student Loan Repayment	A district that issues a license may not take disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract including by:

1. Denying the person's application for a license or license renewal;
2. Suspending the person's license; or
3. Taking other disciplinary action against the person.

Occupations Code 56.001, .003

**Harassment-Free
Workplace**

Harassment on the basis of a protected characteristic is a violation of Title VII. A district has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 C.F.R. 1604.11(a), 1606.8(a)*

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

29 C.F.R. 1604.11(a), (g); Labor Code 21.141

An employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring and fail to take immediate and appropriate corrective action. *Labor Code 21.142; 40 TAC 819.12(k)*

**Same-Sex
Harassment**

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

**Criminal Offense
— Official
Oppression**

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

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

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

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

Unpaid Interns

A district commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the district or its agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring and fail to take immediate and appropriate corrective action. *Labor Code 21.1065*

*Prohibition on
Use of Public
Funds*

A district may not use public money to settle or otherwise pay a sexual harassment claim made against a person who is an elected or appointed member of the board or an officer or employee of the district. *Local Gov't Code 180.009*

National Origin
Harassment

Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

29 C.F.R. 1606.8(b)

Severe and
Pervasive

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders*, 542 U.S. 129 (2004)

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sun-downer Offshore Services, Inc.*, 523 U.S. 75 (1998)

Prevention

A district should take all steps necessary to prevent unlawful harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the is-

	sue of harassment under Title VII, and developing methods to sensitize all concerned. <i>29 C.F.R. 1604.11(f)</i>
Responsibility for Harassment by Third Parties	A district is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the district, its agents, or its supervisory employees knew or should have known of the conduct, unless the district takes immediate and appropriate corrective action. <i>29 C.F.R. 1604.11(d), (e), 1606.8(d), (e)</i> When no tangible employment action is taken, a district may raise the following affirmative defense: 1. That the district exercised reasonable care to prevent and promptly correct any harassing behavior; and 2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise. <i>Burlington Indus., Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775 (1998)</i>
Prohibition on Retaliation	A district may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. <i>29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 42 U.S.C. 12203 (ADA); 42 U.S.C. 2000ff-6(f) (GINA); 42 U.S.C. 2000gg-2(f) (PWFA); Labor Code 21.055; 40 TAC 819.12(e)</i>
Notices	A district shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. <i>29 U.S.C. 627; 42 U.S.C. 2000e-10</i>
Section 504 Notice	A district that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability. The notice shall state: 1. That the district does not discriminate in employment in its programs and activities; and 2. The identity of the district's 504 coordinator. Methods of notification may include: 1. Posting of notices;

2. Publication in newspapers and magazines;
3. Placing notices in district publications; and
4. Distributing memoranda or other written communications.

If a district publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

34 C.F.R. 104.8

Employment
Postings

A district shall not print or publish any notice or advertisement relating to district employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, disability, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b); Labor Code 21.059*

School Bus Drivers	A person shall not drive a school bus, school activity bus, or multi-function school activity bus unless he or she is physically qualified to do so. Each school bus driver shall undergo and successfully complete an annual physical examination in accordance with the requirements of 49 C.F.R. 391.41 and 391.43, which list those physical and mental conditions for which the medical examiner is directed to disqualify an applicant. A driver shall not operate a school bus, school activity bus, or multifunction school activity bus unless he or she has in his or her possession the original, or photographic copy, of the medical examiner's certificate stating that the driver is physically qualified to drive a school bus, school activity bus, or multifunction school activity bus. <i>Transp. Code 521.022; 37 TAC 14.12</i> A person disqualified on the basis of the medical examination may request special consideration in accordance with 37 Administrative Code 14.13.
Definitions	The definitions related to individuals with disabilities and exceptions to those definitions included in policy DAA shall be used in applying and interpreting this policy and any local policy adopted in conjunction with this policy.
Bloodborne Pathogen Control	A district that employs employees who provide services in a public or private facility providing health care-related services, or who otherwise have a risk of exposure to blood or other material potentially containing bloodborne pathogens in connection with exposure to sharps shall comply with the minimum standards set by the Texas Department of State Health Services (TDSHS). This includes a district that operates a public school health clinic.
"Sharp" Defined	A "sharp" is an object used or encountered in a health-care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including a needle device, a scalpel, a lancet, a piece of broken glass, a broken capillary tube, an exposed end of a dental wire, or a dental knife, drill, or bur.
Exposure Control Plan	The TDSHS has developed an exposure control plan as a model plan to achieve the minimum standards in Health and Safety Code 81.304. The plan is designed to minimize exposure of employees to bloodborne pathogens and includes policies relating to occupational exposure to bloodborne pathogens, training and educational requirements for employees, measures to increase vaccination of employees, and increased use of personnel protective equipment by employees. The TDSHS Bloodborne Pathogens Exposure Control Plan requires a district to:

1. Develop, review annually, update as necessary, and document its actions regarding a comprehensive exposure control plan appropriate to the district and its particular facilities;
2. Provide, at district expense, personal protective equipment and Hepatitis B vaccinations to affected employees, and if an employee declines to be vaccinated, maintain a record of the employee's written refusal;
3. Provide to affected employees pre-service and annual refresher training as described in the TDSHS Exposure Control Plan;
4. Record all exposure incidents (e.g., "sticks" by needles or other "sharps") in a sharps injury log and report the sharps injury to TDSHS on a standardized form; and
5. Provide a post-exposure evaluation and follow up with an employee who has a sharps injury.

Health and Safety Code 81.301-.306; 25 TAC Ch. 96

Cost of Testing

If certified emergency medical services personnel, an emergency response employee or volunteer, or a first responder who renders assistance at the scene of an emergency or during transport to the hospital is accidentally exposed to blood or other body fluids of a patient, the hospital to which the patient is transported shall take reasonable steps to test the patient for hepatitis B, hepatitis C, HIV, or any reportable disease. A district that employs the person, or for which the person works as a volunteer in connection with rendering the assistance, is responsible for paying the costs of the test.

Health and Safety Code 81.095(b)

Genetic Information

Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent if a district uses language such as that at 29 C.F.R. 1635.8(b)(1)(i)(B). 29 C.F.R. 1635.8(b)(1)(i)(A) [See DAA]

Note: The following provisions are cited to Section 504 of the Rehabilitation Act of 1973 and state law, and apply to districts that employ fewer than 15 persons.

**Pre-employment
Inquiries and
Employment
Entrance
Examinations**

A district shall not conduct a pre-employment medical examination or make a pre-employment inquiry of an applicant as to whether the applicant is a person with disabilities or as to the nature or severity of the disability, except as provided below. However, a district is permitted to make pre-employment inquiries into an applicant's ability to perform job-related functions. 29 U.S.C. 794; 34 C.F.R. 104.14(a)

A district may condition an offer of employment on the results of a medical examination conducted prior to the employee's beginning job duties, provided that all entering employees are subjected to such an examination regardless of disability and that the results of such an examination are used only to determine an applicant's ability to perform job-related functions. *29 U.S.C. 794; 34 C.F.R. 104.14(c)*

Confidentiality

Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and shall be accorded confidentiality as medical records. However, supervisors and managers may be informed regarding necessary restrictions on the person's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the condition might require emergency treatment. *29 U.S.C. 794; 34 C.F.R. 104.14(d)*

**Examination During
Employment**

A board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the board's judgment and in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. Such a policy must reserve to the educator the right to present to the board testimony or other information relevant to the educator's fitness to continue the performance of regular duties. *Education Code 21.409(c)*

Note: The following provisions, cited to Title I of the Americans with Disabilities Act (ADA) and state law, apply to districts that employ 15 or more persons.

**Pre-employment
Inquiries and
Employment
Entrance
Examinations**

A district shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of a disability, except as provided below. However, a district is permitted to make pre-employment inquiries into the ability of an applicant to perform job-related functions, such as asking an applicant to describe or demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions. *42 U.S.C. 12112(d)(2); 29 C.F.R. 1630.14(a)*

A district may require a medical examination (and/or inquiry) after an offer of employment has been made to a job applicant and prior to the beginning of employment duties and may condition the offer on the results of such examination (and/or inquiry), provided all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.

The results of an employment entrance medical examination shall be used only to determine the applicant's ability to perform job-related functions.

42 U.S.C. 12112(d)(3); 29 C.F.R. 1630.14(b)

Confidentiality

Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential medical records. However, supervisors and managers may be informed regarding necessary restrictions on the employee's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment. *29 C.F.R. 1630.14(b), (c)*

Examination During Employment

A district may require a medical examination (and/or inquiry) of an employee that is job-related and consistent with business necessity and may make inquiries into the ability of an employee to perform job-related functions.

Placement on Temporary Disability

A board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the board's judgment and in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. Such a policy must reserve to the educator the right to present to the board testimony or other information relevant to the educator's fitness to continue the performance of regular duties. [See DEC]

The results of an employee's medical examination shall be used only to determine the applicant's ability to perform job-related functions.

42 U.S.C. 12112(d)(3)-(4); 29 C.F.R. 1630.14(c); Education Code 21.409(c)

Note: This policy summarizes the Family and Medical Leave Act (FMLA) and implementing regulations, including FML for an employee seeking leave because of a relative’s military service. For provisions on leaves in general, see DEC. For provisions addressing leave for an employee’s military service, see DECB.

Table of Contents

General Provisions.....2

Covered Employer2

Eligible Employee2

Qualifying Reasons for Leave.....2

Definitions3

Leave Entitlement and Use.....5

Amount of Leave.....5

Intermittent or Reduced Leave Schedule6

Special Rules for Instructional Employees7

Leave at the End of a Semester8

Substitution of Paid Leave9

Maintenance of Health Benefits10

Right to Reinstatement11

Notices and Medical Certification.....12

Employer Notices.....12

Employee Notice.....14

Certification of Leave15

Miscellaneous Provisions18

Records18

General Provisions

Covered Employer

All public elementary and secondary schools are “covered employers” under the FMLA, without regard to the number of employees employed. The term “employer” includes any person who acts directly or indirectly in the interest of a district to any of the district's employees. *29 U.S.C. 2611(4), 2618(a); 29 C.F.R. 825.104(a)*

Eligible Employee

“Eligible employee” means an employee who:

1. Has been employed by a district for at least 12 months. The 12 months need not be consecutive;
2. Has been employed by a district for at least 1,250 hours of service during the 12-months immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the district within 75 miles of that worksite.

29 U.S.C. 2611(2); 29 C.F.R. 825.110

[A district that has no eligible employees must comply with the requirements at General Notice, below.]

**Qualifying Reasons
for Leave**

A district shall grant leave to eligible employees:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care [For the definitions of “adoption” and “foster care,” see 29 C.F.R. 825.122.];
3. To care for the employee's spouse, son or daughter, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job [For the definition of “serious health condition,” see 29 C.F.R. 825.113.];
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) [For the definition of “military member,” see 29 C.F.R. 825.126(b). For the definition of “covered active duty” and “call to covered active duty status,” see 29 C.F.R. 825.102.]; and
6. To care for a covered service member with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the service

member. [For the definitions of “covered service member” and “serious injury or illness,” see 29 C.F.R. 825.102, .122.]

29 U.S.C. 2612(a); 29 C.F.R. 825.112

For provisions regarding treatment for substance abuse, see 29 C.F.R. 825.119.

*Qualifying
Exigency*

An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

1. Short-notice deployment.
2. Military events and related activities.
3. Childcare and school activities.
4. Financial and legal arrangements.
5. Counseling.
6. Rest and recuperation.
7. Post-deployment activities.
8. Parental care.
9. Additional activities, provided that the district and employee agree that the leave shall qualify as an exigency and agree to both the timing and duration.

29 C.F.R. 825.126

*Pregnancy or
Birth*

Both parents are entitled to FMLA leave to be with a healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. In addition, the expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health-care provider during the absence and even if the absence does not last for more than three consecutive calendar days. A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated, during her prenatal care, or following the birth of a child if the spouse has a serious health condition. [For the definition of “needed to care for,” see 29 C.F.R. 825.124.] *29 C.F.R. 825.120*

Definitions
*“Equivalent
Position”*

An “equivalent position” is one that is virtually identical to the employee’s former position in terms of pay, benefits, and working conditions, including privileges, perquisites, and status. It must involve the same or substantially similar duties and responsibilities, which

must entail substantially equivalent skill, effort, responsibility, and authority. 29 C.F.R. 825.215(a)

“Next of Kin”

“Next of kin of a covered service member” (for purposes of military caregiver leave) means:

1. The blood relative specifically designated in writing by the covered service member as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. The designated individual shall be deemed to be the covered service member’s only next of kin; or
2. When no such designation has been made, the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority:
 - a. Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions,
 - b. Brothers and sisters,
 - c. Grandparents,
 - d. Aunts and uncles, and
 - e. First cousins.

If there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member’s next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

29 C.F.R. 825.127(d)(3)

“Parent”

“Parent” (for purposes of family, medical, and qualifying exigency leave) means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include parents “in law.” 29 C.F.R. 825.122

For the definition of “parent of a covered service member” for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(2).

“Son or Daughter”

“Son or daughter” (for purposes of family and medical leave) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence. 29 C.F.R. 825.122

For the definition of “son or daughter on active duty or call to active duty status” for purposes of qualifying exigency leave, see 29 C.F.R. 825.122.

For the definition of “son or daughter of a covered service member” for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(1).

“Spouse”

“Spouse” means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.

This definition includes an individual in a same-sex or common law marriage that either:

1. Was entered into in a state that recognizes such marriages; or
2. If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

29 C.F.R. 825.102, .122

**Leave Entitlement
and Use**

Amount of Leave

Except in the case of military caregiver leave, an eligible employee's FMLA leave entitlement is limited to a total of 12 work-weeks of leave during a 12-month period for any one or more of the qualifying reasons.

Spouses who are employed by the same district may be limited to a combined total of 12 weeks of FMLA leave during any 12-month period if leave is taken for the birth of a son or daughter, the placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

29 U.S.C. 2612(a), (f); 29 C.F.R. 825.120(a)(3), .200, .201

*Determining the
12-Month Period*

Except with respect to military caregiver leave, a district may choose any one of the following methods for determining the “12-month period” in which the 12 weeks of leave entitlement occurs:

1. The calendar year;
2. Any fixed 12-month “leave year,” such as a fiscal year or a year starting on an employee's “anniversary” date;
3. The 12-month period measured forward from the date any employee's first FMLA leave begins; or

4. A “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

29 C.F.R. 825.200(b)

*Military Caregiver
Leave*

In the case of military caregiver leave, an eligible employee's FMLA leave entitlement is limited to a total of 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” is measured forward from the date an employee's first FMLA leave to care for the covered service member begins, regardless of the method used by a district to determine the 12-month period for other FMLA leaves. During the “single 12-month period,” an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *29 C.F.R. 825.200(f), (g)*

Spouses who are employed by the same district may be limited to a combined total of 26 weeks of FMLA leave during the “single 12-month period” if leave is taken as military caregiver leave, for the birth of a son or daughter, for the placement of a child for adoption or foster care, or to care for a parent with a serious health condition. *29 C.F.R. 825.127(e)(3)*

*Summer
Vacation and
Other Extended
Breaks*

If a district's activity temporarily ceases and employees generally are not expected to report for work for one or more weeks (e.g., a school closing for two weeks for the Christmas/New Year holiday), those days do not count against the employee's FMLA leave entitlement. Similarly, the period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.200(h), .601(a)*

*Intermittent or
Reduced Leave
Schedule*

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. “Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason. A “reduced leave schedule” is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

For leave taken because of the employee's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or military caregiver leave, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. Leave due to a qualifying exigency may also be taken on an intermittent or reduced schedule basis.

When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may

take leave intermittently or on a reduced leave schedule only if the district agrees.

29 U.S.C. 2612(b); 29 C.F.R. 825.102, .202

*Transfer to
Alternative
Position*

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, a district may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *29 U.S.C. 2612(b)(2); 29 C.F.R. 825.204*

*Calculating
Leave Use*

When an employee takes leave on an intermittent or reduced schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. A district must account for intermittent or reduced schedule leave using an increment no greater than the shortest period of time that the district uses to account for use of other forms of leave, provided the increment is not greater than one hour. *29 C.F.R. 825.205*

Special Rules for
Instructional
Employees

Special rules apply to certain employees of school districts. These special rules affect leave taken intermittently or on a reduced schedule, or taken near the end of an academic term (semester) by instructional employees.

"Instructional employees" are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

29 C.F.R. 825.600

*Failure to Provide
Notice of
Foreseeable
Leave*

If an instructional employee does not give required notice of foreseeable leave to be taken intermittently or on a reduced schedule, a district may require the employee to take leave of a particular duration or to transfer temporarily to an alternative position. Alternatively, a district may require the employee to delay the taking of leave until the notice provision is met. *29 C.F.R. 825.601(b)*

20 Percent Rule

If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered service member, or for the employee's own serious health condition; the leave is foreseeable based on planned medical treatment; and the employee would be on leave for more than 20 percent of the total

number of working days over the period the leave would extend, a district may require the employee to choose:

1. To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
2. To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

"Periods of a particular duration" means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave. If an employee chooses to take leave for "periods of a particular duration" in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

29 U.S.C. 2618(c); 29 C.F.R. 825.601, .603

**Leave at the End of
a Semester**

As a rule, a district may not require an employee to take more FMLA leave than the employee needs. The FMLA recognizes exceptions where instructional employees begin leave near the end of a semester. As set forth below, the district may in certain cases require the employee to take leave until the end of the semester.

The school semester, or "academic term," typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of the FMLA.

If a district requires the employee to take leave until the end of the semester, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the district to the end of the semester is not counted as FMLA leave; however, the district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the end of the leave.

29 U.S.C. 2618(d); 29 C.F.R. 825.603

***More Than Five
Weeks Before
End of Semester***

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave more than five weeks before the end of the semester;
2. The leave will last at least three weeks; and

3. The employee would return to work during the three-week period before the end of the semester.

*During Last Five
Weeks of
Semester*

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave during the last five weeks of the semester for any reason other than the employee's own serious health condition or a qualifying exigency;
2. The leave will last more than two weeks; and
3. The employee would return to work during the two-week period before the end of the semester.

*During Last
Three Weeks of
Semester*

A district may require an instructional employee to continue taking leave until the end of the semester if the employee begins leave during the three-week period before the end of the semester for any reason other than the employee's own serious health condition or a qualifying exigency.

29 C.F.R. 825.602

*Substitution of Paid
Leave*

Generally, FMLA leave is unpaid leave. However, an employee may choose to substitute accrued paid leave for unpaid FMLA leave. If an employee does not choose to substitute accrued paid leave, a district may require the employee to do so. The term "substitute" means that the paid leave provided by the district, and accrued pursuant to established policies of the district, will run concurrently with the unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the district's normal leave policy. *29 U.S.C. 2612(d); 29 C.F.R. 825.207(a)*

*Compensatory
Time*

If an employee requests and is permitted to use accrued compensatory time to receive pay during FMLA leave, or if a district requires such use, the compensatory time taken may be counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.207(f)*

*FMLA and
Workers'
Compensation*

A serious health condition may result from injury to the employee "on or off" the job. If a district designates the leave as FMLA leave, the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, neither the employee nor the district may require the substitution of paid leave. However, a district and an employee may agree, where state law permits, to have paid leave supplement workers' compensation benefits.

If the health-care provider treating the employee for the workers' compensation injury certifies that the employee is able to return to a "light duty job" but is unable to return to the same or equivalent job, the employee may decline the district's offer of a "light duty job." As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the district may require the use of accrued paid leave.

29 C.F.R. 825.207(e)

Maintenance of
Health Benefits

During any FMLA leave, a district must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

An employee may choose not to retain group health plan coverage during FMLA leave. However, when the employee returns from leave, the employee is entitled to be reinstated on the same terms as before taking leave without any qualifying period, physical examination, exclusion of pre-existing conditions, and the like.

29 U.S.C. 2614(c); 29 C.F.R. 825.209

*Payment of
Premiums*

During FMLA leave, the employee must continue to pay the employee's share of group health plan premiums. If premiums are raised or lowered, the employee would be required to pay the new premium rates. *29 C.F.R. 825.210*

*Failure to Pay
Premiums*

Unless a district has an established policy providing a longer grace period, a district's obligations to maintain health insurance coverage cease if an employee's premium payment is more than 30 days late. In order to terminate the employee's coverage, the district must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. Coverage for the employee may be terminated at the end of the 30-day grace period, if the required 15-day notice has been provided.

Upon the employee's return from FMLA leave, the district must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed. The employee may not be required to meet any qualification requirements imposed by the

plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage.

29 C.F.R. 825.212

*Recovery of
Benefit Cost*

If an employee fails to return to work after FMLA leave has been exhausted or expires, a district may recover from the employee its share of health plan premiums during the employee's unpaid FMLA leave, unless the employee's failure to return is due to one of the reasons set forth in the regulations. A district may not recover its share of health insurance premiums for any period of FMLA leave covered by paid leave. *29 C.F.R. 825.213*

*Right to
Reinstatement*

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. *29 C.F.R. 825.214, .216(a)*

*Moonlighting
During Leave*

If a district has a uniformly applied policy governing outside or supplemental employment, the policy may continue to apply to an employee while on FMLA leave. A district that does not have such a policy may not deny FMLA benefits on the basis of outside or supplemental employment unless the FMLA leave was fraudulently obtained. *29 U.S.C. 2618(e); 29 C.F.R. 825.216(e)*

*Reinstatement of
School
Employees*

A district shall make the determination of how an employee is to be restored to "an equivalent position" upon return from FMLA leave on the basis of established school board policies and practices. The "established policies" must be in writing, must be made known to the employee before the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to "an equivalent position" must provide substantially the same protections as provided in the FMLA. For example, an employee may not be restored to a position requiring additional licensure or certification. *29 C.F.R. 825.604*

*Pay Increases
and Bonuses*

An employee is entitled to any unconditional pay increases that may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with a district's policy or practice with respect to other employees on an

equivalent leave status for a reason that does not qualify as FMLA leave.

Equivalent pay includes any bonus or payment, whether it is discretionary or non-discretionary. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then an employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

29 C.F.R. 825.215(c)

Key Employees

A district may deny job restoration to a key employee if such denial is necessary to prevent substantial and grievous economic injury to the operations of the district. *29 U.S.C. 2614(b); 29 C.F.R. 825.217-.219*

**Notices and Medical
Certification**

Employer Notices

General Notice

Every covered employer must post on its premises a notice explaining the FMLA's provisions and providing information concerning the procedures for filing complaints with the Department of Labor's Wage and Hour Division. The notice must be posted prominently where it can be readily seen by employees and applicants for employment. Covered employers must post this general notice even if no employees are eligible for FMLA leave.

If a district has any eligible employees, it shall also:

1. Include the notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if such written materials exist; or
2. Distribute a copy of the general notice to each new employee upon hiring.

Electronic posting is sufficient if it meets the other requirements of this section.

If a district's workforce is comprised of a significant portion of workers who are not literate in English, the district shall provide the general notice in a language in which the employees are literate.

A district may use Department of Labor (DOL) form WHD 1420 or may use another format so long as the information provided includes, at a minimum, all of the information contained in that notice.

29 C.F.R. 825.300(a)

Eligibility Notice

When an employee requests FMLA leave, or when a district acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the district must notify the employee of the employee's eligibility to take FMLA leave. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.

A district must provide the eligibility notice within five business days, absent extenuating circumstances. Notification of eligibility may be oral or in writing. The district may use DOL form WH-381 to provide such notification to employees. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(b)

*Rights and
Responsibilities
Notice*

Each time a district provides an eligibility notice to an employee, the district shall also provide a written rights and responsibilities notice. The rights and responsibilities notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(c)(1).

A district may use DOL form WH-381 to provide such notification to employees. A district may adapt the prototype notice as appropriate to meet these notice requirements. The notice may be distributed electronically if it meets the other requirements of this section. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(c)

*Designation
Notice*

When a district has enough information to determine whether leave is being taken for an FMLA-qualifying reason, the district must notify the employee whether the leave will be designated as FMLA leave. If the district determines that the leave will not be designated as FMLA-qualifying, the district must notify the employee of that determination. Absent extenuating circumstances, a district must provide the designation notice within five business days.

A district may use DOL form WH-382 to provide such notification to employees. If the leave is not designated as FMLA leave because it does not meet the requirements of the Act, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement.

The designation notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(d)(1) (substitution of paid leave), (d)(3) (fitness for duty certification), and (d)(6) (amount

of leave charged against FMLA entitlement). For further provisions on designation of leave, see 29 C.F.R. 825.301.

29 C.F.R. 825.300(d)

*Retroactive
Designation*

A district may retroactively designate leave as FMLA leave, with appropriate notice to the employee, if the district's failure to timely designate leave does not cause harm or injury to the employee. In addition, a district and an employee may agree that leave will be retroactively designated as FMLA leave. *29 C.F.R. 825.301(d)*

Employee Notice

An employee giving notice of the need for FMLA leave must state a qualifying reason for the leave and otherwise satisfy the requirements for notice of foreseeable and unforeseeable leave, below. The employee does not need to expressly assert rights under the Act or even mention the FMLA. *29 C.F.R. 825.301*

*Foreseeable
Leave*

An employee must provide at least 30 days' advance notice before FMLA leave is to begin if the need for leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment of the employee, a family member, or a covered service member. If 30 days' notice is not practicable, the employee must give notice as soon as practicable. For leave due to a qualifying exigency, the employee must provide notice as soon as practicable regardless of how far in advance the leave is foreseeable.

When planning medical treatment, the employee must consult with the district and make a reasonable effort to schedule the treatment so as not to disrupt unduly the district's operations, subject to the approval of the health-care provider.

29 C.F.R. 825.302

*Unforeseeable
Leave*

When the approximate timing of leave is not foreseeable, an employee must provide notice to a district as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the district's usual and customary notice requirements applicable to such leave. *29 C.F.R. 825.303*

*Compliance with
District
Requirements*

A district may require an employee to comply with its usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. If an employee does not comply with usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA leave may be delayed or denied. *29 C.F.R. 825.302(d), .303(c)*

Certification of Leave	A district may require that an employee's FMLA leave be supported by certification, as described below. The district must give notice of a requirement for certification each time certification is required. At the time the district requests certification, the district must advise the employee of the consequences of failure to provide adequate certification. 29 C.F.R. 825.305(a)
Timing	In most cases, a district should request certification at the time the employee gives notice of the need for leave or within five business days thereafter or, in the case of unforeseen leave, within five business days after the leave commences. The district may request certification at a later date if the district later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the district within 15 calendar days after the district's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. 29 C.F.R. 825.305(b)
Incomplete or Insufficient Certification	A district shall advise an employee if it finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The district must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent, good faith efforts) to cure any such deficiency. A certification is "incomplete" if one or more of the applicable entries have not been completed. A certification is "insufficient" if it is complete, but the information provided is vague, ambiguous, or non-responsive. A certification that is not returned to the district is not considered incomplete or insufficient, but constitutes a failure to provide certification. 29 C.F.R. 825.305(c)
Medical Certification of Serious Health Condition	When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, a district may require the employee to obtain medical certification from a health-care provider. A district may use DOL optional form WH-380-E when the employee needs leave due to the employee's own serious health condition and optional form WH-380-F when the employee needs leave to care for a family member with a serious health condition. A district may not require information beyond that specified in the FMLA regulations. An employee may choose to comply with the certification requirement by providing the district with an authorization, release, or waiver allowing the district to communicate directly with the health-care provider.

For the definition of “health-care provider,” see 29 C.F.R. 825.125.

29 C.F.R. 825.306

*Genetic
Information*

A district subject to the Genetic Information Nondiscrimination Act (GINA) shall comply with the GINA rules with respect to a request for medical information. *29 C.F.R. 1635.8(b)(1)(i)(A)* [See DAA]

*Authentication
and Clarification*

If an employee submits a complete and sufficient certification signed by the health-care provider, a district may not request additional information from the health-care provider. However, the district may contact the health-care provider for purposes of clarification and authentication of the certification after the district has given the employee an opportunity to cure any deficiencies, as set forth above. To make such contact, a district must use a health-care provider, a human resources professional, a leave administrator, or a management official. Under no circumstances may the employee’s direct supervisor contact the employee’s health-care provider.

“Authentication” means providing the health-care provider with a copy of the certification and requesting verification that the information on the form was completed and/or authorized by the health-care provider who signed the document; no additional medical information may be requested.

“Clarification” means contacting the health-care provider to understand the handwriting on the certification or to understand the meaning of a response. A district may not ask the health-care provider for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually identifiable health information of an employee is shared with a district by a HIPAA-covered health-care provider.

29 C.F.R. 825.307(a)

*Second and Third
Opinions*

If a district has reason to doubt the validity of a medical certification, the district may require the employee to obtain a second opinion at the district’s expense. If the opinions of the employee’s and the district’s designated health-care providers differ, the district may require the employee to obtain certification from a third health-care provider, again at the district’s expense. *29 C.F.R. 825.307(b), (c)*

*Foreign Medical
Certification*

If the employee or a family member is visiting another country, or a family member resides in another country, and a serious health condition develops, the district shall accept medical certification as well as second and third opinions from a health-care provider who practices in that country. If the certification is in a language other

than English, the employee must provide the district with a written translation of the certification upon request. 29 C.F.R. 825.307(f)

Recertification

A district may request recertification no more often than every 30 days and only in connection with an absence by the employee, except as set forth in the FMLA regulations. The district must allow at least 15 calendar days for the employee to provide recertification.

As part of the recertification for leave taken because of a serious health condition, the district may provide the health-care provider with a record of the employee's absence pattern and ask the health-care provider if the serious health condition and need for leave is consistent with such a pattern.

29 C.F.R. 825.308

*Certification —
Qualifying
Exigency Leave*

The first time an employee requests leave because of a qualifying exigency, a district may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service.

A district may also require that the leave be supported by a certification that addresses the information at 29 C.F.R. 825.309(b). The district may use DOL optional form WH-384, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations.

29 C.F.R. 825.309

*Certification —
Military Caregiver
Leave*

When an employee takes military caregiver leave, a district may require the employee to obtain a certification completed by an authorized health-care provider of the covered service member. In addition, the district may request that the employee and/or covered service member address in the certification the information at 29 C.F.R. 825.310(c). The district may also require the employee to provide confirmation of a covered family relationship to the seriously injured or ill service member.

A district may use DOL optional form WH-385, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations. A district must accept as sufficient certification "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill service member at his or her bedside.

A district may seek authentication and/or clarification of the certification under the procedures described above. Second and third opinions, and recertifications, are not permitted for leave to care for a covered service member.

29 C.F.R. 825.310

*Intent to Return
to Work*

A district may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The district's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation. *29 C.F.R. 825.311*

*Fitness for Duty
Certification*

As a condition of restoring an employee who took FMLA leave due to the employee's own serious health condition, a district may have a uniformly applied policy or practice that requires all similarly situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health-care provider that the employee is able to resume work. A district may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. *29 C.F.R. 825.312*

*Failure to Provide
Certification*

If the employee fails to provide the district with a complete and sufficient certification, despite the opportunity to cure, or fails to provide any certification, the district may deny the taking of FMLA leave. This provision applies in any case where a district requests a certification, including any clarifications necessary to determine if certifications are authentic and sufficient. *29 C.F.R. 825.305*

For failure to provide timely certification of foreseeable leave, see *29 C.F.R. 825.313(a)*. For failure to provide timely certification of unforeseeable leave, see *29 C.F.R. 825.313(b)*. For failure to provide timely recertification, see *29 C.F.R. 825.313(c)*. For failure to provide timely fitness-for-duty certification, see *29 C.F.R. 825.313(d)*.

**Miscellaneous
Provisions**

Records

A district shall make, keep, and preserve records pertaining to its obligations under the FMLA in accordance with the recordkeeping requirements of the Fair Labor Standards Act (FLSA) and the FMLA regulations. A district shall keep these records for no less than three years and make them available for inspection, copying, and transcription by representatives of the DOL upon request.

If the district is preserving records electronically, the district must comply with *29 C.F.R. 825.500(b)*. A district that has eligible employees must maintain records with the data set forth at *29 C.F.R. 825.500(c)*. A district that has no eligible employees must maintain

just the data at 29 C.F.R. 825.500(c)(1). For districts in a joint employment situation, see 29 C.F.R. 825.500(e).

Records and documents relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files.

If the Genetic Information Nondiscrimination Act (GINA) is applicable, records and documents created for purposes of FMLA leave that contain family medical history or genetic information shall be maintained in accordance with the confidentiality requirements of GINA (see 29 C.F.R. 1635.9), which permit such information to be disclosed consistent with the requirements of the FMLA. [For information regarding GINA, see DAA(LEGAL).]

If the Americans with Disabilities Act (ADA) is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements [see 29 C.F.R. 1630.14(c)(1)], except as set forth in this section of the regulations.

29 C.F.R. 825.500

*Prohibition
Against
Discrimination
and Retaliation*

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. 29 U.S.C. 2615; 29 C.F.R. 825.220

Note: This policy addresses leave for an employee's military service. For provisions on leaves in general, see DEC. For provisions regarding the Family and Medical Leave Act (FMLA), including family and medical leave for an employee seeking leave because of a relative's military service, see DECA.

**Federal Military
Leave**

Reemployment

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301-4335, and its regulations at 20 C.F.R. Part 1002 if:

1. Unless notice is precluded by military necessity or is otherwise unreasonable or impossible, the person, or an appropriate officer of the uniformed service in which such service is performed, has given advance written or verbal notice of such service to such person's employer;
2. The cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years, calculated in accordance with 38 U.S.C. 4312(c); and
3. The person reports to or submits an application for reemployment to such employer in accordance with the provisions of 38 U.S.C. 4312(e) and (f) and 20 C.F.R. Part 1002, Subpart C.

38 U.S.C. 4312(a)-(c); 20 C.F.R. 1002.5(1)

For purposes of federal military leave, the term "uniformed services" means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; the commissioned officer corps of the National Oceanic and Atmospheric Administration (NOAA); system members of the National Urban Search and Rescue Response System during a period of appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; intermittent personnel who are appointed into Federal Emergency Management Agency service under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and any other category of persons designated by the president in time of war or emergency.

The term “service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty; active duty for training; initial active duty for training; inactive duty training; full-time National Guard duty; state active duty for a period of 14 days or more; state active duty in response to a national emergency declared by the president under the National Emergencies Act, 50 U.S.C. 1601 et seq.; state active duty in response to a major disaster declared by the president under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170; a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty; a period for which a system member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; a period for which a person is absent from a position of employment due to an appointment into service in the Federal Emergency Management Agency as intermittent personnel under section 306(b)(1) of the Robert B. Stafford Disaster Relief and Emergency Assistance Act; and a period for which a person is absent from employment for the purpose of performing funeral honors duty.

The term “state active duty” means training or other duty, other than inactive duty, performed by a member of the National Guard of a state not under 32 U.S.C. 502 or under U.S.C. Title 10; in service to the governor of a state; and for which the member is not entitled to pay from the federal government.

A person who is reemployed under USERRA is entitled to the seniority, and other rights and benefits determined by seniority, that the person had on the date of the commencement of uniformed service, plus the additional seniority, rights, and benefits that such person would have attained if the person had remained continuously employed.

38 U.S.C. 4303(13), (15)-(16), 4316(a)

Exceptions

An employer, including a school district is not required to reemploy a person if:

1. The employer’s circumstances have so changed as to make reemployment impossible or unreasonable;
2. The person is entitled to reemployment under 38 U.S.C. 4313(a)(3), 4313(a)(4), or 4313(b)(2)(B), and the reemployment of the person would impose an undue hardship on the employer; or

3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

38 U.S.C. 4312(d)

A person's entitlement to the benefits of 38 U.S.C. Chapter 43 by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

1. A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.
2. A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the U.S. secretary concerned.
3. A dismissal of such person permitted under or a dropping of such person from the rolls pursuant to 10 U.S.C. 1161(a) (dismissal of commissioned officers).

38 U.S.C. 4304

Notice

Each employer shall provide to persons entitled to rights and benefits under 38 U.S.C. Chapter 43 a notice of the rights, benefits, and obligations of such persons and such employers. The requirement for the provision of notice may be met by the posting of the notice where employers customarily place notices for employees. The U.S. Secretary of Labor shall provide to employers the text of the notice. *38 U.S.C. 4334*

**State Protections for
Member of Military or
Rescue Team**

Paid Leave of
Absence

A person who is an officer or employee of the state, a municipality, a county, or another political subdivision of the state, including a school district, who is a member of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person's duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. *Gov't Code 437.202(a)*

In addition to the leave provided under Government Code 437.202(a), a person described by Section 437.202(a) called to state active duty by the governor or another appropriate authority in response to a disaster is entitled to a paid leave of absence from

the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year. During a leave of absence under this provision, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. For purposes of this provision, "disaster" has the meaning assigned by Government Code 418.004. *Gov't Code 437.202(a-1)*

Notice

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall provide written notice of the number of workdays of paid leave to which an officer or employee is entitled each fiscal year under Government Code 437.202(a) on employment, in the case of an employee, or as soon as practicable after appointment or election, in the case of an officer.

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall, on the request of an officer or employee described by Government Code 437.202(a), provide to that officer or employee a statement that contains the number of workdays for which the officer or employee claimed paid leave under section 437.202(a) in that fiscal year.

Gov't Code 437.202(e)-(f)

Return to
Employment

An employee of this state or a municipality, a county, or another political subdivision of this state with at least five full-time employees who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team and who is ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. An employer, including a school district, may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment. *Gov't Code 437.202(d), .204(a)*

Reemployment

A public employee, other than a temporary employee, who leaves a state position or a position with a local governmental entity, including a school district, to enter active military service is entitled to be reemployed by the state or the local governmental entity in the same department, office, commission, or board of this state, a state institution, or local governmental entity in which the employee

was employed at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position.

“Military service” means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard, or the Texas State Guard.

Gov’t Code 613.001(2)-(3), .002

Exception

A public employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the department, office, commission, or board of the state, a state institution, or a local governmental entity in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay. *Gov’t Code 613.003*

Application

To be reemployed, a veteran must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. The application must be made in writing to the head of the department, office, commission, or board of this state, the state institution, or the local governmental entity and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions. *Gov’t Code 613.004*

Discharge

A person reemployed under Government Code Chapter 613 shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov’t Code 613.005*

Application of
Federal Laws to
Texas Military
Members Called to
Duty

A service member of the Texas military forces who is ordered to state active duty or to state training or other duty by the governor, the adjutant general, or another proper authority under the law of this state is entitled to the same benefits and protections provided to persons:

1. Performing service in the uniformed services as provided by 38 U.S.C. 4301-4313 and 4316-4319 (USERRA); and
2. In the military service of the United States as provided by 50 U.S.C. 3901-3959, 3991, and 4011-4026 (Servicemembers Civil Relief Act).

Gov’t Code 437.213

LEAVES AND ABSENCES
MILITARY LEAVE

DECB
(LEGAL)

Use of Personal
Leave

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

A district may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

Education Code 22.003(d), (e)

**Employee Free
Speech**

District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

Garcetti v. Ceballos, 547 U.S. 410 (2006); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) [See also GKD]

**Whistleblower
Protection**

A board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by a district or another public employee to an appropriate law enforcement authority.

A “report” is made to an “appropriate law enforcement authority” if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

Gov’t Code 554.002

A supervisor who suspends or terminates the employment of or takes an adverse personnel action against an employee for reporting a violation of law shall be subject to civil penalties. *Gov’t Code 554.008*

Definitions

“Employee” means an employee or appointed officer who is paid to perform services for a district. It does not include independent contractors. *Gov’t Code 554.001(4)*

“Law” means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov’t Code 554.001(1)*

A “good faith” belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and

2. The employee's belief was reasonable in light of the employee's training and experience.

Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:
 - a. Regulate under or enforce the law alleged to be violated in the report, or
 - b. Investigate or prosecute a violation of criminal law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dep't of Transp. v. Needham, 82 S.W.3d 314 (Tex. 2002)

Whistleblower Complaints

An employee who alleges a violation of whistleblower protection may sue a district for injunctive relief, actual damages, court costs, and attorney's fees, as well as other relief specified in Government Code 554.003. *Gov't Code 554.003*

Initiate Grievance

Before suing, an employee must initiate action under a district's grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action.

The employee must invoke a district's grievance procedure not later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

Legal Action

If a board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

1. Exhaust a district's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or
2. Terminate district grievance procedures and sue within the timelines established by Government Code 554.005 and 554.006.

Gov't Code 554.005, 554.006 [See DGBA regarding grievance procedures]

Burden of Proof	If the employee brings a lawsuit, the employee has the burden of proof unless the suspension, termination, or adverse personnel action occurred within 90 days after the employee reported a violation of law, in which case the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.
Affirmative Defense	It is an affirmative defense to a whistleblower suit that the district would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under the whistleblower law. <i>Gov't Code 554.004</i>
Notice of Rights	A board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. <i>Gov't Code 554.009</i>
Right to Report a Crime	A district employee may report a crime witnessed at the school to any peace officer with authority to investigate the crime. A district may not adopt a policy requiring a school employee to refrain from reporting a crime witnessed at the school or to report a crime witnessed at the school only to certain persons or peace officers. <i>Education Code 37.148</i>
Protection for Reporting Child Abuse	A district may not suspend or terminate the employment of, discriminate against, or take other adverse employment action against a professional employee who in good faith: 1. Reports child abuse or neglect to: a. The person's supervisor, b. An administrator of the facility where the person is employed, c. A state regulatory agency, or d. A law enforcement agency; or 2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect. "Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.

A person may sue for injunctive relief, damages, or both if the person is suspended or terminated from the person's employment; is discriminated against; or suffers any other adverse employment action.

A district employee who has a cause of action under the provisions at Whistleblower Protection, above, may not bring an action under Protection for Reporting Child Abuse.

Family Code 261.110(a)-(c), (l)

Protection from Disciplinary Proceedings

For purposes of the following provisions, "disciplinary proceeding" means discharge or suspension of a professional employee, or termination or nonrenewal of a professional employee's term contract. [See DGC regarding immunity] *Education Code 22.0512(b)*

Reporting Child
Abuse or
Maltreatment

A district employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with Education Code 38.0041 [prevention of child abuse and other maltreatment, see FFG]. *Education Code 38.0041(g)*

Use of Physical
Force

A professional employee may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Penal Code 9.62. This provision does not prohibit a district from enforcing a policy relating to corporal punishment or bringing a disciplinary proceeding against a professional employee of the district who violates the district policy relating to corporal punishment. *Education Code 22.0512(a); Tex. Atty. Gen. Op. GA-0202 (2004)*

Penal Code 9.62 provides that the use of force, other than deadly force, against a person is justified:

1. If the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and
2. When and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.

Penal Code 9.62

Failure to Follow Scope, Sequence, and Instructional Materials

A district may not penalize a teacher who does not follow the pacing of recommended or designated instructional materials or the pacing of the recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level based on the teacher's determination that the teacher's students need more or less time in a specific area to demonstrate proficiency in the essential knowledge and skills for that subject and grade level [see EHAA].

A district may take appropriate action with respect to a teacher for conduct described above based on documented evidence of a deficiency in classroom instruction obtained through observation or substantiated and documented third-party information.

Education Code 28.0027(b), (c)

A classroom teacher employed by a district may not be subject to disciplinary proceedings for an allegation that the teacher violated Education Code 28.0022, the Establishment Clause of the First Amendment of the United States Constitution, or a related state or federal law if:

1. The teacher used only instructional material included on the list of approved instructional material maintained by the State Board of Education under Education Code 31.022 and adopted by the district; and
2. The allegation does not dispute that the teacher delivered instruction from the instructional material with fidelity.

This immunity is in addition to, and may not be construed to interfere with, any other immunity provided by law.

Education Code 22.05125

**Instructional
Materials and
Technological
Equipment**

A board may not require an employee who acts in good faith to pay for instructional materials or technological equipment that is damaged, stolen, misplaced, or not returned. An employee may not waive this provision by contract or any other means.

Exception

A district may enter into a written agreement with an employee whereby the employee assumes financial responsibility for electronic instructional material or technological equipment usage off school property or outside of a school-sponsored event in consideration for the ability of the employee to use the electronic instructional material or technological equipment for personal business.

The written agreement shall be separate from the employee's contract of employment, if applicable, and shall clearly inform the employee of the amount of the financial responsibility and advise the employee to consider obtaining appropriate insurance. An employee may not be required to enter into such an agreement as a condition of employment.

Education Code 31.104(e); 19 TAC 66.107(c)

Controversial Topics

For any course or subject, including an innovative course, for a grade level from kindergarten through grade 12, a teacher may not be compelled to discuss a widely debated and currently controver-

sial issue of public policy or social affairs. *Education Code 28.0022(a)*

Note: For instructional requirements and prohibitions, including requirements for student discussion, see EMB.

Jury Duty

A district may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. An employee who is discharged, threatened with discharge, intimidated, or coerced is entitled to return to the same employment that the employee held when summoned for jury or grand jury service if the employee, as soon as practical after release from jury or grand jury service, gives the employer actual notice that the employee intends to return. *Civ. Prac. & Rem. Code 122.001*

A district may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against a school district employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a non-salaried employee serves in any phase of jury service, a school district shall pay the employee the employee's normal daily compensation [see DEC]. *Education Code 22.006(a), (b)*

Voting

A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly refuses to permit the other person to be absent from work on election day or while early voting is in process for the purpose of attending the polls to vote, or subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote. Penalty means a loss of wages or another benefit of employment.

It is an exception to the application of this provision that the person's conduct occurs in connection with an election in which the polls are open on election day or while early voting is in progress for voting for two consecutive hours outside of the voter's working hours.

Election Code 276.004

Breaks for Nursing Mothers

A district shall provide a reasonable break time for an employee to express breast milk for the employee's nursing child for one year after the child's birth each time the employee has need to express the milk.

A district shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

A district shall not be required to compensate an employee receiving reasonable break time for any time spent during the workday for such purpose unless otherwise required by federal or state law or municipal ordinance.

Break time provided shall be considered hours worked if the employee is not completely relieved from duty during the entirety of the break.

A district that employs less than 50 employees is not subject to these requirements, if the requirements would impose an undue hardship by causing the district significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the district.

This requirement does not preempt a state law or municipal ordinance that provides greater protections to employees.

29 U.S.C. 218d

Right to Express Breast Milk

A district employee is entitled to express breast milk at the employee's workplace. *Gov't Code 619.002*

The district shall develop a written policy on the expression of breast milk by employees under Government Code Chapter 619. The policy must state that the district shall support the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk.

A district shall provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk. The district shall provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

A district may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under Government Code Chapter 619. Government Code Chapter 619 does not create a private or state cause of action against a district.

Gov't Code Ch. 619

Charitable Contributions

A board or a district employee may not directly or indirectly require or coerce any district employee to:

1. Make a contribution to a charitable organization or in response to a fund-raiser; or
2. Attend a meeting called for the purpose of soliciting charitable contributions.

A board or district employee may not directly or indirectly require or coerce any district employee to refrain from the same acts.

Education Code 22.011

Protection of Nurses

A district may not suspend, terminate, or otherwise discipline or discriminate against a nurse who refuses to engage in an act or omission relating to patient care that:

1. Would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter I;
2. Constitutes a minor incident, as defined at Occupations Code 301.419; or
3. Would violate Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners, if the nurse notifies the district at the time of the refusal that this is the reason for refusing to engage in the act or omission.

Occupations Code 301.352(a)

**Reporting Workplace
Violence**

A district shall post a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to the Department of Public Safety (DPS). The notice must be posted in a conspicuous place, in sufficient locations to be convenient to all employees, and in English and Spanish, as appropriate.

A notice complies with Labor Code Chapter 104A, if, at a minimum, the information contained in the graphic at 40 Administrative Code 800.600(d) is conveyed:

The Texas Workforce Commission will make an electronic copy of the [Reporting Workplace Violence poster](#)¹ available on its website, which will be free of charge and allow employers to print a copy of the poster.

40 TAC 800.600(b)(2), (c)-(e); Labor Code 104A.002, .003

**Hazard
Communication Act**

A district shall perform the following duties in compliance with the Hazard Communication Act:

Notice

A district shall post and maintain adequate notice, at locations where notices are normally posted, informing employees of their rights under the Hazard Communication Act. *Health and Safety Code 502.017(a)*

Education and
Training

A district shall provide an education and training program for employees who use or handle hazardous chemicals. "Employee" means a person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of these requirements. *Health and Safety Code 502.003(10), .009(a)*

A district shall keep the written hazard communication program and a record of each training session given to employees, including the date, a roster of the employees who attended, the subjects covered in the training session, and the names of the instructors. Records shall be maintained for at least five years. *Health and Safety Code 502.009(g)*

Workplace
Chemical List

A district shall compile and maintain a workplace chemical list that contains required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the executive commissioner of the Health and Human Services Commission for certain highly toxic or dangerous hazardous chemicals. The list must be readily available to employees and their representatives. All employees shall be made aware of the list before working with or in a

work area containing hazardous chemicals. *Health and Safety Code 502.005(a), (c)*

The district shall update the list as necessary but at least by December 31 of each year, and shall maintain the list for at least 30 years. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information. *Health and Safety Code 502.005(b), (d)*

Safety Data Sheets A district shall maintain a legible copy of a current manufacturer's safety data sheets (SDS) for each hazardous chemical. If the district does not have a current SDS for a hazardous chemical when the chemical is received, the district shall request an SDS in writing from the manufacturer or distributor in a timely manner or otherwise obtain a current SDS. Safety data sheets shall be readily available, on request, for review by employees or designated representatives at each workplace. *Health and Safety Code 502.006*

Protective Equipment Employees shall be provided with appropriate personal protective equipment. *Health and Safety Code 502.017(b)*

Labeling A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement. Primary and secondary containers must be relabeled in accordance with Health and Safety Code 502.007(a). An employee may not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer. *Health and Safety Code 502.007*

Pest Control Treatment Notice The chief administrator or building manager shall notify persons who work in a district building of an indoor pest control treatment by:

1. Posting the sign made available by the certified applicator or technician in an area of common access that the persons are likely to check on a regular basis at least 48 hours before each planned treatment; and
2. Providing the pest control information sheet made available by the certified applicator or technician to a person working in the building on request.

Occupations Code 1951.455; 4 TAC 7.146, .147 [See CLB]

¹ Reporting Workplace Violence poster:
<https://www.twc.texas.gov/sites/default/files/fdcm/docs/workplace-violence-poster-twc.pdf>

Note: This policy addresses complaints of discrimination, harassment, and retaliation of employees based on a protected characteristic identified in DAA(LEGAL).

For provisions related to discrimination, harassment, and retaliation of students, including the district's response to sexual harassment as defined by Title IX, see FFH.

**Grievance
Procedures**

Section 504

A district that receives federal financial assistance and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. *34 C.F.R. 104.7(b), .11*

ADA

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Americans with Disabilities Act (ADA). *28 C.F.R. 35.107, .140*

Title IX

A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. *34 C.F.R. 106.8(c); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)* [For legally referenced material relating to Title IX grievance procedures, see FFH(LEGAL).]

**Compliance
Coordinators**

Section 504

A district that employs 15 or more persons shall designate at least one person to coordinate its efforts to comply with Section 504 of the Rehabilitation Act. The district's Section 504 notification [see DAA] shall also identify the responsible employee so designated. *34 C.F.R. 104.7(a), .8(a)*

ADA

A district that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the ADA, including any investigation of any complaint communicated to it alleging its noncompliance with the ADA or alleging any actions that would be prohibited by the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee or employees so designated. *28 C.F.R. 35.107(a)*

ADEA

A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Age Discrimination in Employment Act (ADEA), including investigation of any complaints that the district receives alleging any actions that are prohibited by the ADEA. A district shall notify its employees of

the identity of the responsible employee by name or title, address, and telephone number. *34 C.F.R. 110.25(a), (b)*

Title IX

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator." The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district of the name or title, office address, electronic mail address, and telephone number of the employee(s) so designated. *34 C.F.R. 106.8(a)*

Staff Development

Educator

The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.

Principal

The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]

Education Code 21.451(a), (a-1)

Professional
Development Policy

A board shall annually review the SBEC continuing education and training clearinghouse published under Education Code 21.4514 and adopt a professional development policy that must:

1. Be guided by the recommendations for training in the clearinghouse;
2. Note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse; and
3. Include a schedule of all training required for educators or other school personnel at the district or school.

To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the professional development policy.

Education Code 21.4515(a), (b)

**Requirements for
Training**

In designing staff development for educators other than principals, a district must use procedures that, to the greatest extent possible, ensure the training included in the staff development:

1. Incorporates proactive instructional planning techniques using a framework that:
 - a. Provides flexibility in the ways:
 - (1) Information is presented;
 - (2) Students respond or demonstrate knowledge and skills; and
 - (3) Students are engaged;
 - b. Reduces barriers in instruction;
 - c. Provides appropriate accommodations, supports, and challenges; and

- d. Maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and
2. Integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

Education Code 21.451(a-2), (b), (c)

Optional Training

Staff development may include training in:

1. Technology and digital learning; and
2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct.

Technology and digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and
2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

Education Code 21.451(d)(1), (d-3), (g)

Required Training

Staff development must include training on:

1. Suicide prevention;
2. Strategies for establishing and maintaining positive relationships among students, including conflict resolution; and
3. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided in accordance with the board's professional development policy and use a best practice-based program recommended by the Health and Human Services

Commission under Education Code 38.351 [see FFEB]. Required training may include two or more topics listed together.

Education Code 21.451(d)(3), (d-1)

*Instruction of
Students with
Disabilities*
Definition

“Student with a disability” means a student who is:

1. Eligible to participate in a school district’s special education program under Education Code 29.003;
2. Covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or
3. Covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

Education Code 21.001(3-a)

Requirements

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

Education Code 21.451(d)(2), (e)-(f)

*Suicide
Prevention*

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by the Texas Education Agency (TEA) and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;
2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and
4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district shall require completion in accordance with the district's professional development policy and maintain records that include district employees who participated in the training.

A district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under Education Code 38.040. [See EHAC]

Education Code 38.351(e), (g), (g-1), (h); 19 TAC 153.1013

Staff Development
Account

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

**Child Abuse,
Trafficking, and
Maltreatment**

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided in accordance with the district's professional development policy and as part of new employee orientation to all new employees.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include staff members who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

Education Code 38.0041(c)-(f); 19 TAC 61.1051(d)

**Trauma-Informed
Care**

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees in accordance with the district's professional development policy. [See BQ, FFBA] *Education Code 38.036(c)*

Mental Health

A district shall require each district employee who regularly interacts with students enrolled at the district to complete an evidence-

based mental health training program designed to provide instruction to participants regarding the recognition and support of children and youth who experience a mental health or substance use issue that may pose a threat to school safety.

A district may not require a district employee who has previously completed mental health training offered by a local mental health authority under Health and Safety Code 1001.203 to complete the required training.

Education Code 22.904

Student Discipline

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

Education Code 37.0181

Test Administration

The commissioner may require training for district employees involved in the administration of assessment instruments. The commissioner may only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1), (b-2)*

Cybersecurity

Employees identified by the district with access to a district computer system or database and who use a computer to perform at least 25 percent of the employee's required duties must complete a cybersecurity training program selected by the board. The district, in consultation with its cybersecurity coordinator, shall determine how frequently employees must complete the training. [See CQB] *Gov't Code 2054.5191(a-1); Education Code 11.175(h-1)*

Special Programs

Teacher Literacy
Achievement
Academies
(Reading
Academies)

A district shall ensure that:

1. Not later than the 2022-23 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and
2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2022-23 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 by the end of the teacher's or principal's first year of placement in that grade level or campus.

Education Code 28.0062(a)(2)

[See EHAB for kindergarten-grade 3 reading standards.]

Gifted and Talented
Education

A district shall ensure that:

1. Prior to assignment in the program or within one semester of assignment, teachers who provide instruction and services that are a part of the program for gifted/talented students [see EHBB] have a minimum of 30 hours of professional learning that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted/talented students;
2. Teachers who provide instruction and services that are a part of the program for gifted/talented students receive a minimum of six hours annually of professional learning in gifted/talented education; and
3. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional learning that includes nature and needs of gifted/talented students and program options with an update after legislative sessions.

19 TAC 89.2

Elective Bible
Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a certificate in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered with, where practical, a minor in religious or biblical studies. The teacher must successfully complete staff development training developed by the commissioner for elective Bible courses. An elective Bible course may be taught only by a teacher who has successfully completed the com-

missioner's training under Education Code 21.459. *Education Code 28.011(f)*

Texas English
Language
Proficiency
Assessment
System Training

The employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System (TELPAS) at a district campus may, with discretion, require other district employees involved in administering the TELPAS to complete training or online calibration activities described by Education Code 21.4571(a). An employee may not be required to complete a training or online calibration activity in one sitting. *Education Code 21.4571(b), (c)*

**Automated External
Defibrillators**

A district shall, in accordance with its professional development policy, make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and
2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Education Code 22.902

**Extracurricular
Activity Safety**

The following persons must satisfactorily complete an extracurricular activity safety training program in accordance with the district's professional development policy:

1. A coach, trainer, or sponsor for an extracurricular athletic activity; and
2. A director responsible for a school marching band.

The safety training program must include:

1. Certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League;
2. Current training in:
 - a. Emergency action planning;
 - b. Communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and

- c. Recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and
3. A safety drill that incorporates the training and simulates various injuries described above.

Education Code 33.202(b), (c); 19 TAC 76.1003

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

Education Code 33.206; 19 TAC 76.1003(e)

Steroids

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or
2. A comparable program developed by the district or a private entity with relevant expertise.

Education Code 33.091(c-1)

Concussions

At least once every two years, the following employees shall take a training course from an authorized provider:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL that provides for not less than two hours of training in the subject matter of concussions, including evaluation, prevention, symptoms, risks, and long-term effects.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course concerning the subject matter of concussions that meets the requirements set by the Texas Department of Licensing and Regulation (TDLR).
3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by

the UIL for coaches or that meets the requirements set by TDLR for athletic trainers, or a course concerning the subject matter of concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

Education Code 38.158

**Seizure Recognition
and Related First Aid**

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

Education Code 38.033(a), (b)

[See FFAF for information about a seizure management and treatment plan.]

Pledges of Allegiance

A board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags.

On written request from a student's parent or guardian, a district shall excuse the student from reciting a pledge of allegiance.

[See FNA for more information regarding patriotic observances.]

Minute of Silence

A board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.

Education Code 25.082

Kindergarten Program

A public school kindergarten may be operated on a half-day or full-day basis as determined by the board. *Education Code 29.152*

Grant Programs

A district may use funds from grants administered by the commissioner to operate an existing half-day kindergarten on a full-day basis. *Education Code 29.155(a)*

Interruptions

A board shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.

Loss of Class Time

A board shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose. [See EHBC for provisions on tutorial services.]

Education Code 25.083

School Library

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library
Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Bd. of Educ. v. Pico, 457 U.S. 853 (1982)

Standards

The *School Library Programs: Standards and Guidelines for Texas* are adopted by the Texas State Library and Archives Commission. The standards and guidelines are applicable to local Texas school districts. *13 TAC 4.1*

A district shall consider the standards in developing, implementing, or expanding library services. *Education Code 33.021(b)*

Collection
Development

A district shall adhere to the standards for school library collection development in developing or implementing the district's library collection development policies. *Education Code 33.021(c)*

**Library Material
Definitions**

Obscene

"Obscene" means material or a performance:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
2. Depicts or describes:
 - a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
3. Taken as a whole, lacks serious literary, artistic, political, and scientific value.

Penal Code 43.21(a)(1)

Patently Offensive	“Patently offensive” means so offensive on its face as to affront current community standards of decency. <i>Penal Code 43.21(a)(4)</i>
Harmful Material	“Harmful material” means material whose dominant theme taken as a whole: 1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion; 2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and 3. Is utterly without redeeming social value for minors. <i>Penal Code 43.24(a)</i>
Library Collection Development Standards	A district must approve and institute a collection development policy that describes the processes and standards by which a school library acquires, maintains, and withdraws materials. A school library collection should include materials that are age appropriate and suitable to the campus and students it serves and include a range of materials. A school library collection should: 1. Enrich and support the Texas Essential Knowledge and Skills (TEKS) and curriculum established by Education Code 28.002 [see EHAA], while taking into consideration students’ varied interests, maturity levels, abilities, and learning styles; 2. Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards; 3. Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis; and 4. Represent the ethnic, religious, and cultural groups of the state and their contribution to Texas, the nation, and the world. <i>13 TAC 4.2(a)-(b)</i>
Responsibility	A district is responsible for ensuring its school libraries implement and adhere to these collection development standards. <i>13 TAC 4.2(j)</i> A district should ensure a professional librarian certified by the State Board for Educator Certification or other dedicated professional library staff trained on proper collection development standards is responsible for the selection and acquisition of library materials. <i>13 TAC 4.2(f)</i>

Procedures

A district must develop collection assessment and evaluation procedures to periodically appraise the quality of library materials in the school library to ensure the library's goals, objectives, and information needs are serving its school community and should stipulate the means to weed or update the collection. *13 TAC 4.2(g)*

A district may add procedures to these minimum requirements to satisfy local needs so long as the added procedures do not conflict with these minimum requirements. *13 TAC 4.2(i)*

Policy
Requirements

A school library collection development policy must:

1. Describe the purpose and collection development goals;
2. Designate the responsibility for collection development;
3. Establish procedures for the evaluation, selection, acquisition, reconsideration, and deselection of materials;
4. Consider the distinct age groups, grade levels, and possible access to materials by all students within a campus;
5. Include a process to determine and administer student access to material rated by library material vendors as "sexually relevant" as defined by Education Code 35.001 consistent with any policies adopted by the Texas Education Agency (TEA) and local school board requirements; *[This regulation is inoperable; see Book People, Inc. v. Wong, 91 F.4th 318 (5th Cir. 2024).]*
6. Include an access plan that, at a minimum, allows efficient parental access to the district's library and online library catalog; and
7. Comply with all applicable local, state, and federal laws and regulations. Specifically, a collection development policy must:
 - a. Recognize that parents are the primary decision makers regarding their student's access to library material;
 - b. Prohibit the possession, acquisition, and purchase of harmful material, as defined by Penal Code 43.24, library material rated sexually explicit material by the selling library material vendor under Education Code 35.002 *[inoperable; see Book People, Inc. v. Wong, 91 F.4th 318 (5th Cir. 2024)]*, or library material that is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982);

- c. Recognize that obscene content is not protected by the First Amendment to the United States Constitution;
- d. Be required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs;
- e. Ensure schools provide library catalog transparency, including, but not limited to:
 - (1) Online catalogs that are publicly available; and
 - (2) Information about titles and how and where material can be accessed;
- f. Recommend schools communicate effectively with parents regarding collection development, including, but not limited to:
 - (1) Access to district/campus policies relating to school libraries;
 - (2) Consistent access to library resources; and
 - (3) Opportunities for students, parents, educators, and community members to provide feedback on library materials and services; and
- g. Prohibit the removal of material based solely on the ideas contained in the material or the personal background of the author of the material or characters in the material.

Evaluation of
Materials

Evaluation of materials as referenced in this provision includes a consideration of the factors described at 13 Administrative Code 4.2(b), consideration of local priorities and district standards, and at least two of the following:

- 1. Consideration of recommendations from parents, guardians, and local community members;
- 2. Consultation with the district's educators and library staff and/or consultation with library staff of similarly situated districts and their collections and collection development policies;
- 3. An extensive review of the text of item;
- 4. The context of a work, including consideration of the contextual characteristics, overall fit within existing school library collection, and potential support of the school curriculum; or

5. Consideration of authoritative reviews of the items from sources such as professional journals in library science, recognized professional education or content journals with book reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.

Policy Review

A district's collection development policy should be reviewed at least every three years and updated as necessary.

13 TAC 4.2(c)-(d), (h)

**Reconsideration of
Library Material**

A reconsideration process as referenced in this provision should ensure that any parent or legal guardian of a student currently enrolled in the district or employee of the district may request the reconsideration of a specific item in their school district's library catalog.

A reconsideration process should:

1. Establish a uniform procedure an individual must follow when filing a request;
2. Require a district to include a form to request a reconsideration of an item on the school's public internet website if the school has a public internet website or ensure the form is publicly available at a district administrative office;
3. Require that the completed request for reconsideration form be distributed to the superintendent or superintendent designee, school librarian, and the board at the time of submission;
4. Include a reasonable timeframe, approved by the board, for the review and final decision by a committee charged with the review of the item in its entirety. A district should convene a review committee in accordance with criteria established by the district to ensure a thorough and fair process. A reasonable timeframe should take into account:
 - a. The time necessary to convene a committee to meet and review the item;
 - b. Flexibility that may be necessary depending on the number of pending reconsideration requests; and
 - c. Other factors relevant to a fair and consistent process, including informing the requester on the progress of the review in a timely fashion;

5. Establish a uniform process approved by the board for the treatment of any library material undergoing reconsideration;
6. Include a review and appeal process approved by the board; and
7. Provide that if an item has gone through the reconsideration process and remains in the collection, a district may not be required to reconsider an item within two calendar years of the final decision.

13 TAC 4.2(e)

Liability

A district or a teacher, librarian, or other staff member employed by a district is not liable for any claim or damage resulting from a library material vendor's violation of Education Code Chapter 35.
Education Code 35.004

Joint Facilities

A district may enter into contracts with a county or municipality in which the district is located to provide joint library facilities. The board and the commissioner's court of the county or governing body of the municipality must conduct public hearings before entering into such a contract. The hearings may be held jointly. *Education Code 33.022*

Purpose

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.

A district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. In providing instruction required by the State Board of Education (SBOE) under Education Code 28.002(h-1), regarding the founding documents of the United States, a district shall use those documents as part of the instructional materials for the instruction.

Education Code 28.002(h), (h-6)

Required Curriculum

Foundation
Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

Enrichment
Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
 - a. Physical health, including the importance of proper nutrition and exercise;
 - b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
3. Physical education;
4. Fine arts;
5. Career and technical education;
6. Technology applications;
7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

Digital Citizenship

The SBOE by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Positive Character
Traits

Districts are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills at least once in the following grade bands: kindergarten-grade 2, grades 3-5, grades 6-8, and grades 9-12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.3(a), .5(a), .7(a), .9(a)

Local Credit

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

Local Instructional Plan

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and SBOE rule.

Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

Education Code 28.002(g)

Common Core State Standards

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

Scope and Sequence and Instructional Materials

In adopting a recommended or designated scope and sequence or instructional materials for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

Coordinated Health Programs

The Texas Education Agency (TEA) shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and

3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Student/Teacher
Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

Classification for
Physical Education

A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted — not limited in activities.
2. Restricted — excludes the more vigorous activities. Restricted classification is of two types:
 - a. Permanent — A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
 - b. Temporary — Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial — specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

**School Health
Advisory Council**

A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements.]

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
 - a. Health education in kindergarten through grade 8; and
 - b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
 - a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
 - b. Physical education and physical activity;
 - c. Nutrition services;
 - d. Parental involvement;
 - e. Instruction on substance abuse prevention;
 - f. School health services, including mental health services;
 - g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
 - h. A safe and healthy school environment; and
 - i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:

- a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;
 - b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
 - c. A safe and healthy school environment; and
 - d. School employee wellness;
5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;
6. Strategies to increase parental awareness regarding:
 - a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
 - b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.
7. Appropriate grade levels and curriculum for instruction regarding the dangers of opioids, including instruction on:
 - a. Opioid addiction and abuse, including addiction to and abuse of synthetic opioids such as fentanyl; and
 - b. Methods for administering an opioid antagonist; and
8. Appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local SHAC's recommendations under this provision do not conflict with the essential knowledge and skills developed by the SBOE.

Education Code 28.004(c), (n)

Policy
Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concern-

	ing the importance of daily recess for elementary school students. <i>Education Code 28.004(l)</i> The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. <i>Education Code 28.004(o)</i>
Complaints	A parent may use the grievance procedure at FNG concerning a complaint of a violation of Education Code 28.004. <i>Education Code 28.004(i-1)</i>
Human Sexuality Instruction	“Human sexuality instruction,” “instruction in human sexuality,” and “instruction relating to human sexuality” include instruction in reproductive health. “Curriculum materials” includes the curriculum, teacher training materials, and any other materials used in providing instruction. <i>Education Code 28.004(p)</i>
Definitions	
Board Selection	The board shall determine the specific content of a district's instruction in human sexuality. <i>Education Code 28.004(h)</i> The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must: 1. Present abstinence as the preferred choice of behavior for unmarried persons of school age; 2. Devote more attention to abstinence than to any other behavior; 3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity; 4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and 5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum. <i>Education Code 28.004(e)</i>

- Notice to Parents Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:
1. A statement informing the parent of the human sexuality instruction requirements under state law;
 2. A detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;
 3. A statement of the parent's right to:
 - a. At the parent's discretion, review or purchase a copy of curriculum materials as provided by Education Code 28.004(j) [see EFA];
 - b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
 - c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
 4. A statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's internet website, if the district has an internet website, and the internet website address at which the curriculum materials are located; and
 5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

Education Code 28.004(i)

Condoms A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

Separate Classes If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX.]

Adoption of
Instructional
Materials

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's human sexuality instruction. The policy must require:

1. The board to adopt a resolution convening the local SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The local SHAC to:
 - a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
 - b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the local SHAC's recommendations under item 2, above, to take action on the adoption of the recommendations by a record vote at a public meeting.

Before adopting curriculum materials for the district's human sexuality instruction, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

Education Code 28.004(e)-(e-1), (e-3)

**Abuse Prevention
Instruction**

Adoption of
Instructional
Materials

Any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking shall be selected by the board with the advice of the local SHAC.

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. The policy must require:

1. The board to adopt a resolution convening the SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The SHAC to:

- a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
 - b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the SHAC's recommendations, to take action on the adoption of the recommendations by a record vote at a public meeting.

Board Selection

Before adopting curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

The board shall determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including the essential knowledge and skills addressing these topics developed by the SBOE.

Education Code 28.004(q)-(q-1), (q-3)-(q-4)

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students. If instruction will be provided. The notice must include:

1. A statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
2. A detailed description of the content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
3. A statement of the parent's right to:
 - a. At the parent's discretion, review or purchase a copy of curriculum materials [see below at Availability of Instructional Materials];

- b. Remove the student from any part of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
 - c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's instruction regarding the prevention of child abuse, family violence, dating violence, and sex trafficking must be posted on the district's internet website address at which the curriculum materials are located; and
5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including information regarding the local SHAC.

**Parent Consent
Before Instruction**

Before a student may be provided with instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, a district must obtain the written consent of the student's parent. A request for written consent:

1. May not be included with any other notification or request for written consent provided to the parent, other than the notice described above; and
2. Must be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking begins.

Education Code 28.004(q-5)-(q-6)

**Availability of
Materials for Human
Sexuality Instruction
and Abuse Prevention
Instruction**

Curriculum materials proposed to be adopted for the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking must be made available as provided below, except copyrighted materials must be provided as described by items (2)(a) or (2)(c), as applicable.

A district shall make all curriculum materials used in human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking available by:

1. For curriculum materials in the public domain:
 - a. Providing a copy of the curriculum materials by mail or email to a parent of a student enrolled in the district on the parent's request; and
 - b. Posting the curriculum materials on the district's internet website, if the district has an internet website; and
2. For copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:
 - a. Review the curriculum materials at the student's campus at any time during regular business hours;
 - b. Purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials; or
 - c. Review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law.

For purchase agreements entered into, amended, or renewed on or after September 1, 2021, if a district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

If a district purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

Education Code 28.004(e-2), (j)-(j-2), (q-2)

Character Education

A district must adopt a character education program that includes the following positive character education traits and personal skills:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;

3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, self-management skills, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, charity, and interpersonal skills;
8. Good citizenship, including patriotism, concern for the common good and the community, responsible decision-making skills, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

Courses in the foundation and enrichment curriculum in grades 6-12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. A district is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

Grades 6-8

A district that offers grades 6-8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

**Physical Activity
Requirements**

A district shall require students in grades 6-8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum.

A district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

Exemptions

A district must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

A district may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The board must certify the activity; and

3. The student must provide proof of participation in the activity.

A “structured activity” is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and
2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the board.

Education Code 28.002(l)-(l-1); 19 TAC 103.1003

Fine Arts
Requirement

The school district must ensure that, beginning with students who enter grade 6 in the 2010-11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students. *19 TAC 74.3(a)(3)*

Instruction in High
School, College,
and Career
Preparation

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;
2. The distinguished level of achievement described by Education Code 28.025(b-15);
3. Each endorsement described by Education Code 28.025(c-1);
4. College readiness standards; and
5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board

of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

Middle School
Advanced Math
Program

A district shall develop a middle school advanced mathematics program for students in grades 6-8 to enable students to enroll in Algebra I in grade 8.

*Required Local
Measure*

A district shall identify a local measure for use in determining student eligibility for automatic enrollment in a middle school advanced mathematics program.

*Automatic
Enrollment*

A district shall automatically enroll in a middle school advanced mathematics program each grade 6 student whose performance was either:

1. In the 60th percentile or higher on statewide scores for the grade 5 mathematics state assessment instrument; or
2. In the top 40 percent on a local measure that includes the student's grade 5 class ranking or a demonstrated proficiency in the student's grade 5 mathematics coursework.

No Results

A local measure shall be used to determine enrollment of grade 6 students for whom there are no results on the state grade 5 mathematics assessment.

Public Notice

A district shall make public the criteria for automatic enrollment in a middle school advanced mathematics program, including any criteria for a local measure, before the start of each school year.

Parent Notice

A district shall provide a written notice to the parent or guardian of each student entering grade 6 who will be automatically enrolled in a middle school advanced mathematics program. The written notification shall be provided no later than 14 days before the first day of instruction for the school year. The required notice shall include a description of:

1. The purpose of the program;
2. The middle school advanced mathematics program offered by the district, including an overview of the content addressed at each grade level;
3. Resources offered to support student success;
4. The right of the parent or guardian to opt their child out of the middle school advanced mathematics program; and
5. The process for a parent or guardian to opt their child out of the program and any associated deadlines.

<i>Opt Out</i>	The parent or guardian of a student who will be automatically enrolled in a middle school advanced mathematics program may opt the student out of automatic enrollment in an advanced mathematics program. A district shall obtain written approval from the parent or guardian to remove a student from the middle school advanced mathematics program.
<i>Annual Report</i>	A district shall annually report to the Texas Education Agency (TEA) data related to student enrollment and performance in the middle school advanced mathematics program in a manner and time to be determined by TEA.
<i>Other Process</i>	These provisions do not prohibit a district from establishing a process to initially enroll grade 7 or 8 students in a middle school advanced mathematics program. <i>19 TAC 74.2101; Education Code 28.029</i>
High School Courses at Earlier Grades	A district may offer courses designated for grades 9-12 in earlier grade levels. <i>19 TAC 74.26(b)</i>
Grades 9-12 Course Offerings	A district that offers grades 9-12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. A district shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. <i>19 TAC 74.3(b)(1)</i> A district shall offer the courses listed below in grades 9-12 and shall maintain evidence that students have the opportunity to take these courses: 1. English language arts — English I, II, III, IV, and at least one additional advanced English course. 2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications. 3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Principles of Engineering. a. The requirement to offer two additional courses may be reduced to one by the commissioner upon application of

- a district with a total high school enrollment of less than 500 students.
- b. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.
- 4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, Economics with Emphasis on the Free Enterprise System and Its Benefits, and Personal Financial Literacy and Economics. The requirement to offer both Economics with Emphasis on the Free Enterprise System and Its Benefits and Personal Financial Literacy and Economics may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.
- 5. Physical education — at least two courses selected from:
 - a. Lifetime Fitness and Wellness Pursuits;
 - b. Lifetime Recreation and Outdoor Pursuits; or
 - c. Skill-Based Lifetime Activities.
- 6. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:
 - a. Art I, II, III, IV;
 - b. Music I, II, III, IV;
 - c. Theatre I, II, III, IV; or
 - d. Dance I, II, III, IV.
- 7. Career and technical education [see EEL] — three or more career and technical education courses for four or more credits with at least one advanced course aligned with a specified number of Texas Education Agency (TEA)-designated programs of study determined by enrollment as follows:
 - a. One program of study for a district with fewer than 500 students enrolled in high school;
 - b. Two programs of study for a district with 501-1,000 students enrolled in high school;
 - c. Three programs of study for a district with 1,001-2,000 students enrolled in high school;

- d. Four programs of study for a district with 1,001-5,000 students enrolled in high school;
 - e. Five programs of study for a district with 5,001-10,000 students enrolled in high school; and
 - f. Six programs of study for a district with more than 10,000 students enrolled in high school.
- 8. Languages other than English — Levels I, II, and III or higher of the same language.
 - 9. Computer science — one course selected from Fundamentals of Computer Science, Computer Science I, or Advanced Placement (AP) Computer Science Principles.
 - 10. Speech — Communication Applications.

19 TAC 74.3(b)(2)

A district must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If a district will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact.

A district shall teach any course a student is specifically required to take for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, a district shall either teach the course every year or use alternate delivery systems, as described in 19 Administrative Code Chapter 74, Subchapter C, to enable students to earn credit for the course and shall maintain evidence thereof.

19 TAC 74.3(b)(4)

A district may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements.

19 TAC 74.3(b)(3)

A district may allow a student to enroll concurrently in Algebra I and geometry. *Education Code 28.025(b-6)*

**Personal Financial
Literacy**

Each district shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit, using materials approved by the SBOE. The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the Department of Education. In fulfilling the requirement to provide financial literacy instruction, a district may use an existing state, federal, private, or

	nonprofit program that provides students without charge the described instruction. <i>Education Code 28.0021(b)</i>
Applied Courses	A school district may offer the foundation curriculum in an applied manner. The courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument. <i>Education Code 28.025(b-4)</i>
Research Writing Component	For students entering grade 9 beginning with the 2007-08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced/Distinguished Achievement High School Programs include a research writing component. <i>19 TAC 74.3(b)(5)</i>
Parenting Awareness Program	A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.
High School	
Middle and Junior High School	A district may use the program in the district's middle or junior high school curriculum.
Program Requirements	Implementation of this requirement shall comply with the requirement that the board establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction. A district may add elements at its discretion but must include the following areas of instruction: 1. Parenting skills and responsibilities, including child support; 2. Relationship skills, including money management, communication, and marriage preparation; and 3. Skills relating to the prevention of family violence, only if the district's middle, junior high, or high schools do not have a family violence program. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.
Local Programs and Materials	A district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in: 1. Child development; 2. Parenting skills, including child abuse and neglect prevention; and

3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

Parent Permission

A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.

Education Code 28.002(p); 19 TAC 74.35(a)

Alcohol Awareness Instruction

A district shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.

A district shall choose an evidence-based alcohol awareness program to use in the district's middle school, junior high school, and high school health curriculum from a list of programs approved by the commissioner for this purpose.

"Evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

Fentanyl Abuse and Drug Poisoning Instruction

A district shall annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

The instruction must include:

1. Suicide prevention;
2. Prevention of the abuse of and addiction to fentanyl;
3. Awareness of local school and community resources and any processes involved in accessing those resources; and
4. Health education that includes information about substance use and abuse, including youth substance use and abuse.

The required instruction may be provided by an entity or an employee or agent of an entity that is:

1. A public or private institution of higher education;
2. A library;
3. A community service organization;
4. A religious organization;

5. A local public health agency; or
6. An organization employing mental health professionals.

Education Code 38.040

**CPR and AED
Instruction**

A district shall provide instruction to students in grades 7-12 in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation.

CPR instruction must include training in cardiopulmonary resuscitation techniques and the use of an AED that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR or AED certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association. If the instruction is not intended to result in certification, an instructor of this training is not required to be certified in CPR.

**Waivers for
Students with
Disabilities**

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR or AED requirements must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code Chapter 29, Subchapter A; or
2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Applicability

The requirement to receive instruction in CPR applies to any student who entered grade 7 in the 2010-11 school year and thereafter. The requirement to receive instruction in the use of an AED

applies to any student who entered grade 7 in the 2024-25 school year and thereafter.

Education Code 28.0023(c)-(e), (g); 19 TAC 74.38

Donations

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR and the use of an AED. A district may accept other donations, including donations of equipment, for use in providing CPR instruction and the use of an AED. *Education Code 29.903*

**Proper Interaction
with a Peace Officer**

For any student entering grade 9 in the 2018-19 school year and thereafter, a district shall provide instruction in one or more courses to students in grades 9-12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction may be provided as part of any course or courses and must be provided to each student at least once before graduation from high school.

The instruction must include all the information required by 19 Administrative Code 74.39(b). A district shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the SBOE, and TEA. A district may tailor the instruction developed under this section as appropriate for the district's community. In tailoring the instruction, the district shall solicit input from local law enforcement agencies, driver training schools, and the community.

A district shall clearly indicate on the transcript or academic achievement record the year in which the instruction was provided to the student.

19 TAC 74.39; Education Code 28.012

**Driving With
Disability Program**

For information regarding the required notice for students who are receiving special education services or who are covered by Section 504, see EHBAD.

**Parental Notice of
Assistance for
Learning Difficulties**

Each school year, a district shall notify a parent of each child, other than a child enrolled in a special education program under Education Code Chapter 29, Subchapter A, who receives assistance from the district for learning difficulties, including through the use of intervention strategies, that the district provides that assistance to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;
2. Be written in English or, to the extent practicable, the parent's native language; and
3. Include:
 - a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
 - b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;
 - c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
 - d. The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and
 - e. A copy of the explanation provided under Education Code 26.0081(c) of the options and requirements for students who have learning difficulties or who need or may need special education. [See FB]

This required notice may be provided to a child's parent at a meeting of the team established for the child under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable.

Education Code 26.0081(d)-(e)

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies. *Education Code 26.004(a)*

Dyslexia and Related Disorders

Definitions

“Dyslexia” means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.

“Related disorders” includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Education Code 38.003(d)

“Screening a student for dyslexia or a related disorder” means the administration of a universal screening instrument required for students in kindergarten and grade 1.

“Testing a student for dyslexia or a related disorder” means a comprehensive evaluation as required under the Individuals with Disabilities Education Act (IDEA) [see EHBAA], and includes evaluation components as stated in the [*Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*](#),¹ for the identification of dyslexia or a related disorder.

“Treatment for a student identified with dyslexia or a related disorder” means any instructional accommodations through an accommodation plan under Section 504 or instructional accommodations, modifications, and/or the provision of dyslexia instruction in accordance with a student’s individualized education program (IEP).

“Direct dyslexia instruction, or dyslexia instruction” means evidence-based dyslexia instruction that includes the required components of dyslexia instruction and instructional delivery methods as outlined in the *Dyslexia Handbook* and as described by a student’s IEP.

“Provider of dyslexia instruction (PDI)” means a provider who meets the requirements of Education Code 29.0032, see below.

19 TAC 74.28(a)

IDEA Requirements

Dyslexia is an example of and meets the definition of a specific learning disability under the IDEA [see EHBAA]. If a district suspects or has a reason to suspect that a student may have dyslexia, including after evaluation or use of a reading diagnosis under Education Codes 28.006 [see EKC] or 38.003 [see below], and that the student may be a child with a disability under IDEA, the district must:

1. Provide to the student’s parent or a person standing in parental relation to the student a form developed by the Texas Education Agency (TEA) explaining the rights available

under the IDEA that may be additional to the rights available under Section 504 [see FB];

2. Comply with all federal and state requirements, including the *Dyslexia Handbook*, as adopted by the State Board of Education (SBOE), and its subsequent amendments, regarding any evaluation of the student; and
3. If the student is evaluated for dyslexia or a related disorder, also evaluate the student in any other areas in which the district suspects the student may have a disability.

Education Code 29.0031(a)

Board Action
Required

The board must adopt and implement a policy requiring the district to comply with 19 Administrative Code 74.28, inclusive of the *Dyslexia Handbook* and the provision of dyslexia instruction for students identified with dyslexia or a related disorder as determined by the student's admission, review, and dismissal (ARD) committee.

A district's policy must be implemented according to the *Dyslexia Handbook*.

19 TAC 74.28(b)-(c); Education Code 38.003(b)

Compliance
Monitoring

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28. Districts will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by Education Code 38.003(c-1). *19 TAC 74.28(g)*

Special Education
Evaluation

The multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services [see EHBAA] must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. The member must:

1. Hold a licensed dyslexia therapist license under Occupations Code Chapter 403;
2. Hold the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, the program and rules adopted under Education Code 7.102 and 38.003; or

3. If a person qualified under item 1 or 2 is not available, meet the applicable training requirements adopted by the SBOE in the *Dyslexia Handbook*.

A member of a multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services must sign a document describing the member's participation in the evaluation of the student and any resulting individualized education program developed for the student.

Education Code 29.0031(b)-(c); 19 TAC 74.28(h)

Screening, Testing,
and Identification

Students enrolling in public schools in Texas shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade. *Education Code 38.003(a)*

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of the screening for dyslexia and related disorders required for each student in kindergarten and each student in grade 1. *19 TAC 74.28(e)*

Parent Education

A district shall provide to parents of students enrolled in the district information on:

1. Characteristics of dyslexia and related disorders;
2. Evaluation and identification of dyslexia and related disorders;
3. Effective instructional strategies for teaching students with dyslexia and related disorders;
4. Qualifications of and contact information for PDIs at each campus or school;
5. Instructional accommodations and modifications;
6. The steps in the special education process, as described in the form developed by TEA explaining the rights available under the IDEA that may be additional to the rights available under Section 504; and
7. How to request a copy and access the electronic version of the *Dyslexia Handbook*.

19 TAC 74.28(f)

Instruction	A district must provide evidence-based dyslexia instruction by a PDI for students with dyslexia or a related disorder that includes the required instructional and delivery components found <i>Dyslexia Handbook</i> . 19 TAC 74.28(d)
Progress Reports	At least once each grading period, and more often if provided for in a student's individualized education program, a district shall provide the parent of or person standing in parental relation to a student receiving dyslexia instruction with information regarding the student's progress as a result of the student receiving that instruction. <i>Education Code 29.0031(d)</i>
Providers of Dyslexia Instruction	A PDI to students with dyslexia and related disorders must be fully trained in the district's adopted instructional materials for students with dyslexia and is not required to hold a certificate or permit in special education issued under Education Code Chapter 21, Subchapter B unless the provider is employed in a special education position that requires the certification. The completion of a literacy achievement academy under Education Code 21.4552 by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements of this provision. <i>Education Code 29.0032</i>
Reassessment	Unless otherwise provided by law, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student. <i>Education Code 38.003(b-1)</i>
Audiobook Program Notification	A district shall notify the parent or guardian of each student determined, on the basis of a dyslexia or related disorder screening or other basis, to have dyslexia or a related disorder, or determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties of the program maintained by the Texas State Library and Archives Commission providing students with reading disabilities the ability to borrow audiobooks free of charge. The notification shall be done in accordance with the program developed by the commissioner. <i>Education Code 28.006(g-2)</i>

¹ *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*: <https://tea.texas.gov/academics/special-student-populations/dyslexia-and-related-disorders>

Note: The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program.

Nondiscrimination

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794(a); 34 C.F.R. 104.4(a)* [See also FB]

**Free Appropriate
Public Education
(FAPE)**

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a)*

"Free appropriate public education" (FAPE) means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by the Texas Education Agency (TEA);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student's individualized education program (IEP).

20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36

**Least Restrictive
Environment**

A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)*

**Policies, Procedures,
Programs, and
Practices**

A district must develop policies, procedures, programs, and practices that are consistent with the state's established policies, procedures, programs, and services to implement the Individuals with Disabilities Education Act (IDEA). *19 TAC 89.1075(b)*

**Interventions and
Sanctions**

TEA has established a system of interventions and sanctions in accordance with IDEA; Education Code 29.010; Chapter 39; and Chapter 39A, that include, but are not limited to, the following:

1. Onsite review for failure to meet program or compliance requirements;
2. Required program or compliance audits, paid for by the district;
3. Required submission of corrective actions, including, but not limited to, compensatory services, paid for by the district;
4. Required technical assistance and support, paid for by the district;
5. Public release of program or compliance review or audit findings;
6. Special investigation and/or follow-up verification visits;
7. Required public hearing conducted by the local school board;
8. Assignment of a monitor, conservator, or management team, as these terms are defined in Education Code Chapter 39A [see AIC], paid for by the district;
9. Hearing before the commissioner of education or designee;
10. Placing specific conditions on grant funds, reduction in payment, required redirection of funds, or withholding of funds;
11. Lowering of the special education monitoring/compliance status and/or the accreditation rating of the district; and/or
12. Other authorized interventions and sanctions as determined by the commissioner.

19 TAC 89.1076

**Instructional
Arrangements and
Settings**

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following.

Mainstream

The mainstream instructional arrangement/setting is for providing special education and related services to a student in the general education classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student and/or the student's general education classroom teacher(s) necessary to enrich the general education classroom and enable student success. The student's

IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP.

Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, educational aides, curricular or instructional modifications/accommodations, special materials/equipment, positive classroom behavioral interventions and supports, consultation with the student and his/her general education classroom teacher(s) regarding the student's progress in general education classes, staff development, and reduction of ratio of students to instructional staff. Monitoring student progress in and of itself is not a special education service; this cannot be listed as the only specially designed instruction documented in a student's IEP.

Homebound

The homebound instructional arrangement/setting, also referred to as home-based instruction, is for providing special education and related services to students who are served at home or hospital bedside.

Medical Reasons

Homebound instruction is used for a student whose admission, review, and dismissal (ARD) committee has received medical documentation from a physician licensed to practice in the United States that the student is expected to incur full-day absences from school for a minimum of four weeks for medical reasons, which could include psychological disorders, and the ARD committee has determined that this is the most appropriate placement for the student. The weeks do not have to be consecutive. For the ARD committee to approve this placement, the committee will review documentation related to anticipated periods of student confinement to the home, as well as whether the student is determined to be chronically ill or any other unique medical circumstances that would require this placement in order to provide FAPE to the student. Documentation by a physician does not guarantee the placement of a student in this instructional arrangement/setting, as the student's ARD committee shall determine whether the placement is necessary for the provision of FAPE, and, if so, will determine the amount of services to be provided to the student at home in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations.

Children Ages 3-5

Home-based instruction may be used for children ages three through five when determined appropriate by the child's ARD committee and as documented in the student's IEP. While this setting would generate the same weight as the homebound instructional

arrangement/setting, the data on this setting may be collected differently than the medical homebound arrangement/setting.

Hospital Class

The hospital class instructional arrangement/setting is for providing special education and related services by school personnel in a hospital or other medical facility, or at a residential care and treatment facility not operated by the district. If a student residing in the facility is provided special education and related services at a district campus and the parent, including a surrogate parent, is a district resident, the student's instructional arrangement/setting would be assigned based on the services that are provided at the campus on the same basis as a resident student residing with his or her parents.

Speech Therapy

The speech therapy instructional arrangement/setting is for providing speech therapy services whether in a general education classroom or in a setting other than a general education classroom. When the only special education service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement. If a student's IEP indicates that a special education teacher is involved in the implementation of the student's IEP but there is no indication of how that teacher provides a special education service, the student is in the speech therapy instructional arrangement/setting.

When a student receives speech therapy and a related service but no other special education service, the student is in the speech therapy instructional arrangement/setting.

Resource
Room/Services

The resource room/services instructional arrangement/setting is for providing special education and related services to a student in a setting other than general education for less than 50 percent of the regular school day. For funding purposes, this will be differentiated between the provision of special education and related services to a student in a setting other than general education for less than 21 percent of the instructional day and special education and related services provided to a student in a setting other than general education for at least 21 percent of the instructional day but less than 50 percent of the instructional day.

Self-Contained
(Mild, Moderate, or
Severe) Regular
Campus

The self-contained (mild, moderate, or severe) regular campus instructional arrangement/setting is for providing special education and related services to a student who is in a setting other than general education for 50 percent or more of the regular school day on a regular school campus. For funding purposes, mild/moderate will be considered at least 50 percent but no more than 60 percent of the student's instructional day, and severe will be considered more than 60 percent of the student's instructional day.

Off-Home Campus	The off-home campus instructional arrangement/setting is for providing special education and related services to the following: 1. A student at South Texas Independent School District or Windham School District; 2. A student who is one of a group of students from one or more districts served in a single location in another district when a FAPE is not available in the sending district; 3. A student in a community setting, facility, or environment operated by a district that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives; 4. A student in a community setting or environment not operated by a district that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals, with regularly scheduled instruction or direct involvement provided by district personnel; 5. A student in a facility not operated by a district with instruction provided by district personnel; or 6. A student in a self-contained program at a separate campus operated by the district that provides only special education and related services.
Nonpublic Day School	The nonpublic day school instructional arrangement/setting is for providing special education and related services to students through a contractual agreement with a nonpublic school for special education when the district is unable to provide FAPE for the student. This instructional arrangement/setting includes the providers listed in 19 Administrative Code 89.1094 [see Off-Camps Program, below].
Vocational Adjustment Class/Program	Although referred to as a class, the vocational adjustment class/program instructional arrangement/setting is a support program for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. This instructional arrangement/setting shall be used in conjunction with the student's transition plan, as documented in the student's IEP, and may include special education services received in career and technical education work-based learning programs.

Residential Care and Treatment Facility (Not District Resident)	The residential care and treatment facility (not district resident) instructional arrangement/setting refers to a facility at which a student with a disability currently resides, who was not placed at the facility by the student's ARD committee, and whose parent or guardian does not reside in the district providing educational services to the student. This instructional arrangement/setting is for providing special education and related services to a student on a district campus who resides in a residential care and treatment facility and whose parents do not reside within the boundaries of the district that is providing educational services to the student. If the instruction is provided at the facility, rather than on a district campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement, or if the student resides at a state-supported living center, the instructional arrangement will be considered the state school arrangement/setting. Students with disabilities who reside in these facilities may be included in the average daily attendance of the district in the same way as all other students receiving special education.
State-Supported Living Center	The state-supported living center (referred to as state school in Education Code 48.102) instructional arrangement/setting is for providing special education and related services to a student who resides at a state-supported living center when the services are provided at the state-supported living center location. If services are provided on a local district campus, the student is considered to be served in the residential care and treatment facility arrangement/setting. <i>19 TAC 89.1005(e)</i>
Other Program Options	While the above provision uses the names of the instructional arrangements/settings as they are described in Education Code 48.102, there may be additional instructional arrangement/setting codes that are created by TEA. Other program options that may be considered for the delivery of special education and related services to a student may include contracts with other districts and other programs approved by TEA. <i>19 TAC 89.1005(d), (h)</i>
Contracts for Services	A district that contracts for services from nonpublic day schools or residential placements must do so in accordance with 34 C.F.R. 300.147, and 19 Administrative Code 89.1092 and 89.1094. <i>19 TAC 89.1075(g)</i>
Instructional Day	Students with disabilities must have available an instructional day commensurate with that of students without disabilities. The ARD

committee must determine the appropriate instructional setting and length of day for each student, and these must be specified in the student's IEP. *19 TAC 89.1075(f)*

A student's ARD committee shall determine the student's instructional arrangement/setting based on the percentage of the student's instructional day that the student receives special education and related services in a setting other than general education. *19 TAC 89.1005(c)*

Related Services

"Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

20 U.S.C. 1401(26); 34 C.F.R. 300.34

Extended School Year Services

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities. A district shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

ESY shall be provided in accordance with 19 Administrative Code 89.1065.

34 C.F.R. 300.106(a); 19 TAC 89.1065(a)

Off-Campus Program An off-campus program includes special education and related services provided during school hours in a facility other than a school district campus.

Program Provider An off-campus program provider is an entity that provides the services identified above and includes:

1. A county system operating under application of former law as provided in Education Code 11.301;
2. A regional education service center established under Education Code, Chapter 8;
3. A nonpublic day school; or
4. Any other public or private entity with which a school district enters into a contract under Education Code 11.157(a), for the provision of special education services in a facility other than a district campus operated by a district.

19 TAC 89.1094(a)(2)-(3)

Program Placement A district may contract with an off-campus program provider to provide some or all of the special education and related services to a student in accordance with the requirements in 19 Administrative Code 89.1094.

Before the district places a student with a disability in, or refers a student to, an off-campus program, the district shall initiate and conduct:

1. An onsite review to ensure that the off-campus program is appropriate for meeting the student's educational needs; and
2. A meeting of the student's ARD committee to develop an IEP for the student in accordance with 34 C.F.R. 300.320-.325, state statutes, and commissioner of education rules in 19 Administrative Code Chapter 89 (Commissioner's Rules Concerning Special Education Services).

The appropriateness of the off-campus program for each student placed shall be documented in the IEP annually. The student's ARD committee may only recommend an off-campus program placement for a student if the committee determines that the nature and severity of the student's disability and special education needs are such that the student cannot be satisfactorily educated in the district. The district must follow the requirements of 19 Administrative Code 89.1094(b)(3)(A)-(C), regarding the review of the placement of the off-campus program for each student.

The placement of more than one student in the same off-campus program facility may be considered in the same on-site visit to a facility. However, the IEP of each student must be individually reviewed, and a determination of appropriateness of placement and services must be made for each student.

19 TAC 89.1094(b)

Notification and
Review

Within 30 calendar days from an ARD committee's decision to place or continue the placement of a student in an off-campus program, a district must electronically submit to TEA notice of, and information regarding, the placement in accordance with submission procedures specified by TEA.

If the off-campus program is on the commissioner's list of approved off-campus programs, TEA will review the student's IEP and placement as required by 34 C.F.R. 300.120, and, in the case of a placement in or referral to a private school or facility, 34 C.F.R. 300.146. After review, TEA will notify the district whether federal or state funds for the off-campus program placement are approved. If TEA does not approve the use of funds, it will notify the district of the basis for the non-approval.

If the off-campus program is not on the commissioner's list of approved off-campus programs, TEA will begin the approval procedures described below. Districts must ensure there is no delay in implementing a child's IEP in accordance with 34 C.F.R. 300.103(c).

If an off-campus program placement is ordered by a special education hearing officer or court of competent jurisdiction, the district must notify TEA of the order within 30 calendar days. The off-campus program serving the student is not required to go through the approval procedures described in 19 Administrative Code 89.1094 for the ordered placement. If, however, the district or other districts intend to place other students in the off-campus program, the off-campus program will be required to go through the approval procedures to be included on the commissioner's list of approved off-campus programs.

19 TAC 89.1094(c)

Approval

Off-campus programs must have their educational programs approved for contracting purposes by the commissioner in accordance with 19 Administrative Code 89.1094(d).

Funding Procedures

The cost of off-campus program placements will be funded according to Education Code 48.102 and 19 Administrative Code 89.1005(e).

Contracts

Contracts between districts and approved off-campus programs must not exceed a district's fiscal year and shall not begin prior to July 1 of the contracted fiscal year.

Amendments to a contract must be electronically submitted to TEA in accordance with submission procedures specified by TEA no later than 30 calendar days from the change in placement or services within the school district's fiscal year.

19 TAC 89.1094(e)(1)-(2)

Change of
Residence

If a student who is placed in an off-campus program by a district changes his or her residence to another Texas district during the school year, the district must notify TEA within 10 calendar days of the date on which the district ceased contracting with the off-campus program for the student's placement. The student's new district must meet the requirements of 34 C.F.R. 300.323(e), by providing comparable services to those described in the student's IEP from the previous district until the new district either adopts the student's IEP from the previous district or develops, adopts, and implements a new IEP. The new district must comply with all procedures described in 19 Administrative Code 89.1094 for continued or new off-campus program placement. *19 TAC 89.1094(e)(3)*

Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

*Private School
Students*

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)-(iv) [See EHBAC regarding students in nondistrict placement.]

*Preschool
Students*

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

**Requests and
Referrals for
Evaluation**

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Multi-tiered System

Referral of students for a full individual and initial evaluation (FIIE) must be a part of the district's multi-tiered system of academic and behavioral supports. Students not making progress in the general education classroom should be considered for all interventions and support services available to all students; such as tutorial, compensatory, response to evidence-based intervention, and other academic or behavior support services.

The district cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE being conducted.

District Obligation to Refer	If the student continues to experience difficulty in the general education classroom with the provision of interventions and support services or at any time district personnel suspect a disability and a possible need for special education and related services, district personnel must refer the student for an FIIE. A referral or request for an FIIE may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. While an FIIE is being conducted, a student must continue to receive any necessary interventions and support services to target their academic or behavioral needs. <i>19 TAC 89.1011(a)</i>
Prior Written Notice <i>Parent</i>	If a parent submits a written request to a district's director of special education services or to a district administrative employee, such as a campus principal, for a FIIE of a student, the district shall, not later than the 15th school day after the date the district receives the request: 1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, a copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA), and an opportunity to give written consent for the evaluation; or 2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the Overview of Special Education for Parents form created by TEA, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.
<i>District</i>	When a district initiates the referral for an FIIE of a student, the district must provide the parent with the information and materials described at item 1 above. <i>19 TAC 89.1011(b)-(c); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301</i>
Notice of Rights	A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. <i>20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)</i> [See EHBAE]

Initial Evaluation Required	A district shall conduct an FIE before the initial provision of special education and related services. <i>20 U.S.C. 1414(a)(1)(A)</i>
<i>Consent for Initial Evaluation</i>	Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent. If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent. Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services. <i>20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)</i>
Wards of the State	If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless: 1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent; 2. The rights of the parent have been terminated; or 3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation. <i>20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)</i>
<i>Time Frame for Completion of Written Report</i>	A district must complete the written report of a full individual and initial evaluation: 1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or 2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a FIIE of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year but the student was absent three or more school days between the time that the school district received written consent and the last instructional day of the school year, the timeline in item 1 above applies to the date the written report of the FIIE must be completed.

If the district received the written consent for the evaluation from the student's parent less than 35 school days before the last day of the school year, the timeline in item 1, above, applies to the date the written report of the FIIE must be completed.

19 TAC 89.1011(d)-(e)

For purposes of the timelines under this provision, "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. In the case of a school that operates under a school year calendar without spring and fall terms, a school day does not include a day that falls after the last instructional day of one school year and before the first instructional day of the subsequent school year. *19 TAC 89.1011(i)-(j)*

These time frames do not apply if the parent repeatedly fails or refuses to produce the child for the evaluation. *34 C.F.R. 300.301(d)(1)*

Transfer
Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. *34 C.F.R. 300.304(c)(5)*

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another district before the previous district completed the FIIE, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school district agree to a specific time when the evaluation will be completed.

19 TAC 89.1011(f); Education Code 29.004; 20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)-(e)

*Student
Communication*

The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication. *Education Code 29.004(b)*

*Psychological
Examinations*

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

**Eligibility and
Reevaluations**

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code Subchapter A, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040(a)*

[For additional information on special education of students with dyslexia and related disorders, see EHB.]

Visual and Auditory Impairments	Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. <i>19 TAC 89.1035(b); Education Code 30.002(e), .081</i>
<i>Birth Through Age Two</i>	Children from birth through the age of two with visual impairments (VI), who are deaf or hard of hearing (DHH), or who are deaf-blind (DB) must be enrolled at the parent's request by a district when the district becomes aware of a child needing services. The appropriate instructional arrangement [see EHBA] for students from birth through the age of two with VI, DHH, or DB shall be determined in accordance with the individualized family services plan, current attendance guidelines, and the agreement memorandum between TEA and Texas Health and Human Services Commission Early Childhood Intervention (ECI) Services. <i>19 TAC 89.1005(d)</i>
Determination of Initial Eligibility	Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child. A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. <i>20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)</i> The admission, review, and dismissal (ARD) [see EHBAB] committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written FIIE report. If the 30th day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate, IEP and placement. If the 30th day falls during the summer and school is not in session but an FIIE report indicates that the student would need extended school year services during that summer, the ARD committee must meet as expeditiously as possible after completion of the report.
<i>Parent Copy</i>	A copy of the written FIIE report must be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility, or not later than June 30 if the district received the written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year. <i>19 TAC 89.1011(g)-(h); Education Code 29.004(a-1)</i>

[For additional information regarding the evaluation and identification process when dyslexia is a suspected disability, see EHB.]

Consent for
Services

*Initial Provision of
Services*

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

*Revoking
Consent*

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and
4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and

2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for
Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). *19 TAC 89.1070(g)*

Independent
Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

*At Public
Expense*

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or

	2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.
<i>At Private Expense</i>	If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense. <i>34 C.F.R. 300.502</i>
Prescription Medication	An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.
Observations	An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services. <i>20 U.S.C. 1412(a)(25)</i>

Table of Contents	Admission, Review, and Dismissal Committee.....2
	Committee Members3
	Meetings6
	Written Notice7
	Students New to a District.....7
	In-State Transfers7
	Transfers from Another State7
	Transfer During the Summer7
	Students Who Are Homeless or in Substitute Care.....8
	Military Dependents9
	Individualized Education Program9
	Content of the IEP11
	Supplemental Special Education Services12
	Behavioral Intervention Plan13
	Translation of IEP into Native Language13
	Written Copy14
	Dyslexia or a Related Disorder14
	Autism/Pervasive Developmental Disorder14
	Visual Impairment or Hard of Hearing16
	Collaborative Process16
	Modification of Existing IEP18
	Eligibility Folder18
	Teacher Access to IEP18
	Teacher Request to Review IEP18

**Admission, Review,
and Dismissal
Committee**

A district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation [see EHBAA] is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the following:

1. 34 C.F.R. 300.320-300.325, and Education Code 29.005 (individualized education programs, below);
2. 34 C.F.R. 300.145-300.147 (relating to placement of eligible students in private schools by a school district [see EHBAC]);
3. 34 C.F.R. 300.132, 300.138, and 300.139 (relating to the development and implementation of service plans for eligible students placed by parents in private school who have been designated to receive special education and related services [see EHBAC]);
4. 34 C.F.R. 300.530 and 300.531, and Education Code 37.004 (disciplinary placement of students with disabilities [see FOF]);
5. 34 C.F.R. 300.302-300.306 (relating to evaluations, re-evaluations, and determination of eligibility [see EHBAA]);
6. 34 C.F.R. 300.114-300.117 (relating to least restrictive environment [see EHBAA]);
7. Education Code 28.006 (reading diagnosis [see EKC]);
8. Education Code 28.0211 (satisfactory performance on assessments; accelerated instruction [see EHBCA]);
9. Education Code 28.0212 (junior high or middle school personal graduation plan [see EIF]);
10. Education Code 28.0213 (intensive program of instruction [see EHBC]);
11. Education Code Chapter 29, Subchapter I (programs for students who are deaf or hard of hearing [see EHBH]);
12. Education Code 30.002 (education for children with visual impairments [see EHBAA]);

13. Education Code 30.003 (support of students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf [see EHBAC]);
 14. Education Code 33.081 (extracurricular activities [see FM]);
 15. Education Code 37.004 (disciplinary placement of students with disabilities [see FOF]);
 16. Education Code 37.307 (placement and review of a registered sex offender who is a student with a disability [see FOE]);
 17. Education Code Chapter 39, Subchapter B (state assessment [see EKB]); and
 18. Education Code 48.102 (special education funding).
- 19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

Committee
Members

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents, as defined by 34 C.F.R. 300.30, of a student with a disability;
2. At least one general education teacher of the student (if the student is, or may be, participating in the general education environment), who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2-5;

7. The student, if appropriate;
8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;
9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;
10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;
11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
12. For a student who is suspected or identified with dyslexia, when determining initial or continued eligibility, a professional who meets the requirements of Education Code 29.0031(b), and 19 Administrative Code 74.28, including any handbook adopted in the rule. [See EHB]
13. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
14. When considering initial or continued placement of a student in a career and technical education (CTE) program, a representative from CTE, preferably the teacher.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.156.

19 TAC 75.1023(d)(1), 89.1050(c); 20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the

district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)(1)-(2); 19 TAC 89.1050(c)(4)

*Regular
Education
Teacher*

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

*Parent
Participation*

A district must take steps to ensure that one or both parents are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend; and
2. Scheduling the meeting at a mutually agreed on time and place.

Parent Notice

The district must provide the parents with written notice of the ARD committee meeting at least five school days before the meeting unless the parents agree to a shorter timeframe.

The notice must:

1. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
2. Inform the parents of the provisions in 34 C.F.R. 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child), and 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP team meeting for a child previously served under Part C).
3. For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team:
 - a. Indicate:
 - (1) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with 34 C.F.R. 300.320(b); and
 - (2) That the district will invite the student; and

- b. Identify any other agency that will be invited to send a representative.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)-(b); 19 TAC 89.1050(d)

*Alternative
Means of
Meeting
Participation*

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *19 TAC 89.1050(d); 20 U.S.C. 1414(f); 34 C.F.R. 300.322(c)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

*Meeting at
Parent's Request*

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures above at Parent Participation and Parent Notice or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

A district must provide the parent with a written notice regarding the ARD committee meeting required above at Parent Participation and Parent Notice or notice explaining why the district refuses to

convene a meeting in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Students New to a District

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district, the new district must meet the requirements of 34 C.F.R. 300.323(e) by either adopting the student's IEP from the previous district or developing, adopting, and implementing a new IEP. The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

Transfers from Another State

When a student transfers from a district in another state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district, the new district must, if determined necessary, conduct a full individual and initial evaluation and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP, within the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation) [see EHBA]. If the district determines that an evaluation is not necessary, the timeline for the new district to develop, adopt, and implement a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1055(s)(1)-(2); 20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g)

Transfer During the Summer

The above provisions regarding transfer apply to students who register in a new district in the state during the summer when students are not in attendance for instructional purposes, based on whether the students are coming from an in-state or out-of-state district.

Records

In accordance with 34 C.F.R. 300.323(g), the new district must take reasonable steps to promptly obtain the student's records from the previous district, and the previous district must furnish the new district with a copy of the student's records, including the student's special education records, not later than the 10th working day after the date a request for the information is received by the previous district.

Verification

For the purposes of these provisions, "verify" means that the new district has received a copy of the student's IEP that was in effect

in the previous district. The first school day after the new district receives a copy of the student's IEP that was in effect in the previous district begins the timelines associated with 19 Administrative Code 89.1055(s)(1)-(2), above.

If a parent hasn't already provided verification of eligibility and the new district has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date a request for the records was submitted by the new district to the previous district, the new district must seek verification from the student's parent. If the parent provides verification, the new district must comply with all these provisions. The new district is encouraged to ask the parent to provide verification of eligibility before the 15th working day after the date a request for the records was submitted by the new district to the previous district. If the parent is unwilling or unable to provide such verification, the new district must continue to take reasonable steps to obtain the student's records from the previous district and provide any services comparable to what the student received at the previous district if they communicate those to the new district.

*Services Before
Verification*

While the new district waits for verification, the new school district must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous district if the new district has been informed by the previous district of the student's special education and related services and placement.

*Comparable
Services*

Once the new district receives verification that the student had an IEP in effect at the previous district, comparable services must be provided to a student during the timelines established under 19 Administrative Code 89.1055(s)(1)-(2), above.

Comparable services include provision of extended school year (ESY) services if those services are identified in the previous IEP or if the new district has reason to believe that the student would be eligible for ESY services.

19 TAC 89.1055(s)(3)-(8)

**Students Who Are
Homeless or in
Substitute Care**

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation is completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation).

When a student who is homeless or in substitute care is eligible for special education and transfers into a new district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

**Individualized
Education Program**

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term “individualized education program” means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;

8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;
10. If the ARD committee determines that a student is in need of ESY services, identification of the goals and objectives that will be addressed during ESY services;
11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];
12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];
13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;
14. The date of the meeting;
15. The name, position, and signature of each member participating in the meeting; and
16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by the Texas Education Agency (TEA) under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

Content of the IEP <i>Goals</i>	To be considered a measurable annual goal under 34 C.F.R. 300.320(a)(2), a goal must include the components of a timeframe, condition, behavior, and criterion. While at least one measurable annual goal is required, the number of annual goals will be determined by the ARD committee after examination of the student's present levels of academic achievement and functional performance and areas of need. Annual goals are also required in the following circumstances: 1. When the content of a subject/course is modified, whether the content is taught in a general or special education setting, in order to address how the content is modified; and 2. When a student is removed from the general education setting for a scheduled period of time but the content of the subject/course is not modified (e.g., a student who is progressing on enrolled grade level curriculum but requires a more restrictive environment for a period of time due to behavioral concerns).
<i>Benchmarks</i>	Short-term objectives/benchmarks, used as intermediary steps or milestones toward accomplishing an annual goal, may be included in a measurable annual goal. Short-term objectives/benchmarks: 1. Must be included in an annual goal if the ARD committee has determined that a student will not participate in the general state assessment; and 2. Regardless of whether the objectives/benchmarks are related to a student not participating in the general state assessment, cannot be used as the criterion to indicate mastery of the annual goal.
<i>Assessments</i>	The IEP must include a statement of any individual appropriate and allowable accommodations in the administration of state assessment instruments [see EKB], or districtwide assessments of student achievement (if the district administers such optional assessments) that are necessary to measure the academic achievement and functional performance of the student on the assessments. If the ARD committee determines that the student will not participate in a general statewide or districtwide assessment of student achievement (or part of an assessment), the following requirements must be met. 1. The IEP must include a statement explaining: a. Why the student cannot participate in the general assessment; and

- b. Why the particular alternate assessment selected is appropriate for the student, and
2. TEA's alternate assessment participation requirements form, if one is made available to districts, must be included in the student's IEP to document the statement required under this provision.

*Extended School
Year*

If the ARD committee determines that the student is in need of ESY services, as described in 19 Administrative Code 89.1065 [see EHBA], then the IEP must identify which of the goals and objectives in the IEP will be addressed during ESY services.

19 TAC 89.1055(b)-(e)

Supplemental
Special Education
Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and
2. Instructions regarding accessing the account.

Education Code 29.048

A district shall notify families of their eligibility for the program and, unless the district has verified that a parent has already received or applied for a program grant, shall provide the following at the student's ARD committee meeting: instructions and resources on accessing the online accounts, including the application window established by TEA, and information about the types of goods and services that are available through the program grant.

A student's ARD committee may not consider a student's current or anticipated eligibility for any materials or services that may be provided under these provisions when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

19 TAC 102.1601(j)-(k)

Behavioral
Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:
 - a. The placement of the student in a different educational setting;
 - b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
 - c. A pattern of unexcused absences; or
 - d. An unauthorized, unsupervised departure from an educational setting; or
2. The safety of the student or others.

19 TAC 89.1055(j); Education Code 29.005(h)

Translation of IEP
into Native
Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language.

Education Code 29.005(d)

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral

translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Written Copy

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1055(r)

Dyslexia or a
Related Disorder

For students identified with the specific learning disability of dyslexia or a related disorder eligible under 19 Administrative Code 89.1040(c)(9), the IEP must also be developed and implemented in accordance with the requirements under 19 Administrative Code 74.28 [see EHB]. *19 TAC 89.1055(i)*

Autism/Pervasive
Developmental
Disorder

For students with autism eligible under 19 Administrative Code 89.1040(c)(1) (relating to Eligibility Criteria), the strategies described in this provision must be considered, at least annually based on peer-reviewed, research-based educational programming practices to the extent practicable, and, when needed, addressed in the IEP:

1. Extended educational programming (for example: extended day and/or extended school year services that consider the duration of programs/settings based on data collected related to behavior, social skills, communication, academics, and self-help skills);
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social, behavioral, communication, and self-help skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);

4. Positive behavior support strategies based on relevant information (for example: antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and a behavioral intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings and is implemented and reviewed);
5. Beginning at any age, futures planning for integrated learning and training, living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments, including self determination and self-advocacy skills;
6. Parent/family training and support, provided by qualified personnel with experience in autism, that, for example:
 - a. Provides a family with skills necessary for a student to succeed in the home/community setting;
 - b. Includes information regarding resources (for example: parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching/management techniques related to the student's curriculum); and
 - c. Facilitates parental carryover of in-home training (for example: strategies for behavior management and developing structured home environments and/or communication training so that parents are active participants in promoting the continuity of interventions across all settings);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence as determined by, for example:
 - a. Adaptive behavior evaluation results;
 - b. Behavioral accommodation needs across settings; and
 - c. Transitions within the school day;
8. Communication interventions, including language forms and functions that enhance effective communication across set-

tings (for example: augmentative, incidental, and naturalistic teaching);

9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings (e.g., peer-based instruction and intervention, video modeling, social narratives, and role playing);
10. Professional educator/staff support (for example: training provided to personnel who work with the student to assure the correct implementation of techniques and strategies described in the IEP); and
11. Teaching strategies based on peer-reviewed, research-based practices for students with autism (for example: those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).

If the ARD committee determines that services are not needed in one or more of the areas in 1-11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(g)-(h)

Visual Impairment
or Hard of Hearing

For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan must also meet the requirements of Education Code 30.002(e). *19 TAC 89.1055(f)*

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(c)*

For a student from birth through two years of age with a visual impairment or who is deaf or hard of hearing, an individualized family services plan meeting must be held in place of an ARD committee meeting in accordance with the memorandum of understanding between TEA and the Texas Health and Human Services Commission. For students three years of age and older, a district must develop an IEP. *19 TAC 89.1050(b)*

Collaborative
Process

All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing the IEP. The district must take all reasonable actions necessary to ensure that the parent understands the proceedings of the ARD committee meeting, including arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is a language

other than English. A decision of the ARD committee concerning required elements of the IEP must be made by mutual agreement if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed 10 school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, the district must implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

The written statement of the IEP must document the decisions of the ARD committee with respect to issues discussed at each ARD committee meeting. The written statement must also include:

1. The date of the meeting;
2. The name, position, and signature of each member participating in the meeting; and

3. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee

19 TAC 89.1055(p)-(q)

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. *Education Code 29.005(c)*

**Modification of
Existing IEP**

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)-(F); 34 C.F.R. 300.324(a)(4)-(6)

Eligibility Folder

A district must maintain an eligibility folder for each student receiving special education and related services, in addition to the student's cumulative record. The eligibility folder must include, but will not be limited to, copies of referral data; documentation of notices and consents; evaluation reports and supporting data; ARD committee reports; and the student's IEPs and supporting data. *19 TAC 89.1075(a)*

**Teacher Access to
IEP**

A district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, such as goals and objectives, and of needed accommodations, modifications, and supports for the student; and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(d)*

**Teacher Request to
Review IEP**

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a general education classroom setting:

1. To request a review of the student's IEP;

2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(e)

Private School — District Placed	If a district places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, the district shall ensure that the child is provided special education and related services, in accordance with an individualized education program (IEP), at no cost to the parents. <i>20 U.S.C. 1412(a)(10)(B)(i)</i>
Student Receives IEP	
Private School — Parent Placed	When a parentally placed child with a disability is referred to a district, the district shall convene an admission, review, and dismissal (ARD) committee to determine whether the district can offer the child a free appropriate public education (FAPE). If the district determines that it can offer FAPE, it is not responsible for providing educational services to the child, except that the district must develop and implement an individualized services plan (ISP). <i>19 TAC 89.1096(b)</i>
Offer of FAPE Rejected	If a district made FAPE available to a child with a disability and the parents elected to place the child in a private school or facility, the district is not required to pay for the cost of education, including special education and related services. However, the district must develop and implement an ISP. <i>20 U.S.C. 1412(a)(10)(C)(i); 34 C.F.R. 300.148(a)</i>
Student Receives ISP	
FAPE Offered but Not Provided	If the parents of a child with a disability, who previously received special education and related services under the authority of a district, enroll the child in a private school without the consent or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made FAPE available to the child in a timely manner before the enrollment. This right of reimbursement is subject to the notice and other requirements set forth at <i>34 C.F.R. 300.148(d)</i> . <i>20 U.S.C. 1412(a)(10)(C)(ii); 34 C.F.R. 300.148(c)</i>
Reimbursement	
Home School Students	A home school student is considered a private school student, for purposes of a district's obligations under IDEA, if the home school provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress. <i>19 TAC 89.1096(a)(2)</i>
Individualized Services Plan (ISP)	Each parentally placed private school child with a disability who has been designated to receive services shall have an ISP that describes the specific special education and related services that a district will provide the child.
	Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in

public schools. No parentally placed private school child has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about the services that will be provided must be made in accordance with 34 C.F.R. 300.134(c) (consultation process) and 300.137(c) (attendance of private school representatives at services plan committee meetings). A district must make the final decisions with respect to the services to be provided.

34 C.F.R. 300.137, .138

Dual Enrollment

Parents shall have the right to “dual enroll” an eligible student age three or four in both the public school and a private school beginning on the student’s third birthday and continuing until the end of the school year in which the student turns five, or until the student is eligible to attend a district’s kindergarten program, whichever comes first, subject to the following:

1. The student’s ARD committee shall develop an IEP designed to provide the student with FAPE in the least restrictive environment (LRE).
2. From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE and the policies and procedures of the district.
3. The district shall be responsible for employing and supervising the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the district.

19 TAC 89.1096(c)

Responsible District

The district where a student resides is responsible for providing special education and related services to a student whose parents choose dual enrollment.

If the parents decline dual enrollment, but request an ISP, the district where the private school is located is responsible for development of the ISP for a student designated to receive services.

19 TAC 89.1096(c), (d)

Transportation	If a student has been placed by his or her parents in a private school or facility, a district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. <i>19 TAC 89.1096(e)</i>
District Charter Schools	A district shall serve children with disabilities attending district charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. <i>20 U.S.C. 1413(a)(5); 34 C.F.R. 300.209(b)</i>
Residential Facilities Identification of Students	A school must initiate Child Find outreach activities to locate, evaluate, and identify eligible students in any residential facility within its boundaries. If a student is eligible, a district must provide the required special education and related services to the student unless, after contacting the facility to offer those services to eligible students with disabilities, the facility can demonstrate that the services are provided by another educational program provider, such as a charter school, approved nonpublic school, or a facility operated private school. However, the district shall, at minimum, contact the facility at least twice per year to conduct Child Find activities and to offer services to eligible students with disabilities. Residential facility refers to a facility defined by Education Code, 5.001(8), which includes any person, facility, or entity that provides 24-hour custody or care of a person residing in the facility for detention, treatment, foster care, or any noneducational purpose. <i>19 TAC 89.1001(c)</i>
District Placements <i>Day Program</i>	A district may contract with a nonpublic or nondistrict operated day program provider in accordance with the requirements in 19 Administrative Code 89.104.
<i>Residential Placement</i>	A district may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for a student with a disability when the ARD committee determines that a residential placement is necessary for the student to receive FAPE. Contracts for residential placement must be approved by the commissioner. <i>Education Code 29.008(a); 19 TAC 89.1092(b)</i> If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents. <i>34 C.F.R. 300.104</i>

If a district contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. *Education Code 29.008(d)*

Notification

Within 30 calendar days from an ARD committee's decision to place or continue the placement of a student in a nonpublic residential program, a district must electronically submit to the Texas Education Agency (TEA) notice of and information regarding the placement in accordance with submission procedures specified by TEA. *19 TAC 89.1092(c)*

School for the Blind and Visually Impaired and School for the Deaf

A district shall share the cost of education (excluding the summer program) for each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf.

Before considering the student's educational placement for special education services, a district shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired:

1. The availability of programs offered.
2. The eligibility and admissions requirements.
3. The student's rights to admission and to appeal admission decisions.

Education Code 30.003(a), .004(a); 19 TAC 89.62

A student's ARD committee may place the student at the Texas School for the Blind and Visually Impaired (TSBVI) or the Texas School for the Deaf (TSD) in accordance with the provisions at 19 Administrative Code 89.1085 and .1090. *19 TAC 89.1085, .1090*

Adult Prisons

If a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's ARD committee may modify the child's IEP or placement, notwithstanding the LRE requirements, if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons:

1. Federal requirements pertaining to participation of students with disabilities in general assessments;

2. Requirements concerning transition planning and transition services, if the children's eligibility will end, because of their age, before they will be released from prison.

20 U.S.C. 1414(d)(7)

**Transition Services
Defined**

“Transition services” means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

20 U.S.C. 1401(34); 34 C.F.R. 300.43

**Individual Transition
Planning**

14 Years of Age

Not later than the first individualized education program (IEP) to be in effect when a student turns 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the IEP:

1. Appropriate student involvement in the student’s transition to life outside the public school system;
2. Appropriate involvement in the student’s transition by the student’s parents and other persons invited to participate by the student’s parents or the district in which the student is enrolled;
3. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
4. An appropriate functional vocational evaluation;
5. Appropriate circumstances for facilitating a referral of a student or the student’s parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act [42 U.S.C. 1396n(c)]; and
6. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and supports and services to foster the student’s independence and self-deter-

mination, including a supported decision-making agreement under Estates Code Chapter 1357.

Beginning not later than the first IEP to be in effect when the student turns 14 years of age, or younger if determined appropriate by the ARD committee, the IEP must include:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals .

18 Years of Age

Beginning not later than the first IEP to be in effect when the student turns 18 years of age, the ARD committee must consider and, if appropriate, address the following issues in the student's IEP:

1. Involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:
 - a. Is invited to participate by the student or the district in which the student is enrolled; or
 - b. Has the student's consent to participate pursuant to a supported decision-making agreement under Estates Code Chapter 1357; and
2. The availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives.

Annual Review

A student's ARD committee shall review at least annually the issues described above and, if necessary, update the portions of the student's IEP that address those issues.

[See EHBAB regarding membership of ARD committee for transition services meetings.]

19 TAC 89.1055(k)-(o); 20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.011(a-1), .0111

Transition and
Employment
Designee

The transition and employment designee required of each district must complete the required training as developed by the commissioner of education and provide information about transition requirements and coordination among parents, students, and appro-

Transition and
Employment Guide

priate state agencies to ensure that school staff can communicate and collaborate effectively. *19 TAC 89.1075(i)*

The Texas Education Agency (TEA) is required to develop a transition and employment guide for students enrolled in special education programs and their parents to provide information on statewide services and programs that assist in the transition to life outside the public school system. A school district shall:

1. Post the transition and employment guide on the district's website if the district maintains a website;
2. Provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:
 - a. The first meeting of the student's ARD committee at which transition is discussed; and
 - b. The first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and
3. On request, provide a printed copy of the guide to a student or parent.

Education Code 29.0112(a), (e)

Graduation

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (b)(3)(D), (f)(1), (f)(2), (f)(3) or (f)(4)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C), the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. *19 TAC 89.1070(a), (j)* [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

A district is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall in-

clude recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2)

**Driving with
Disability Program**

A district shall provide information regarding the Texas Driving with Disability Program to students who have a health condition or disability that may impede effective communication with a peace officer and who receive special education services or who are covered by Section 504 and their parents.

The information shall be provided to each student who is 16 years of age or older and annually until the earlier of the student's graduation from high school or 21st birthday.

Education Code 29.0113(a)-(b)

**Procedural
Safeguards**

A district shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). *20 U.S.C. 1415(a)*

These procedures shall include the following:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 C.F.R. 300.501*
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 C.F.R. 300.502*
3. Protecting the rights of a child when no parent can be identified, a district cannot locate the parents, or the child is a ward of the state, which may include the assignment of an individual to act as a surrogate parent. *34 C.F.R. 300.519*
4. Prior written notice to the parents when a district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 C.F.R. 300.503* [See Prior Notice and Consent, below]
5. Procedures to allow parties to resolve disputes through a mediation process. *34 C.F.R. 300.506*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. [See Dispute Resolution, below] *34 C.F.R. 300.507*
7. Procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which shall remain confidential). *34 C.F.R. 300.508*

Consent

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, the district is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 C.F.R. 300.9

Language of Notices

The procedural safeguards and prior notices described below must be written in language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 C.F.R. 300.503(c), .504(d)*

Electronic Delivery of Notices

A parent may elect to receive the procedural safeguards notice, prior notice, or notice of due process complaint by electronic mail if a district makes that option available. *34 C.F.R. 300.505*

Notice of Procedural Safeguards

A district shall provide a copy of the procedural safeguards to parents only one time a year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

A district may place a current copy of the procedural safeguards notice on its website, if it has one.

Contents of Notice

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;

5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
 - a. The time period in which to file a complaint;
 - b. The opportunity for the district to resolve the complaint; and
 - c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

20 U.S.C. 1415(a)-(b), (d); 34 C.F.R. 300.504

**Prior Notice and
Consent**

Whenever a district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of FAPE to the student, the district must provide prior written notice, including providing the notice in the parent's native language or other mode of communication. This notice must be provided to the parent at least five school days before the district proposes or refuses the action unless the parent agrees to a shorter timeframe. 19 *TAC* 89.1050(g), .1075(h); 34 *C.F.R.* 300.503(a)

Contents of Notice

The notice must include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the district proposes or refuses to take the action;

3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Act (IDEA) rules;
6. A description of other options the admission, review, and dismissal (ARD) committee [see EHBAB] considered and the reasons why those options were rejected; and
7. A description of other factors that are relevant to the district's proposal or refusal.

34 C.F.R. 300.503(b)

Consent to Initial Evaluation	Before a district conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation the district proposes to conduct, and obtain informed consent for the evaluation from the parents. <i>20 U.S.C. 1414(a)(1)(D), (E); 34 C.F.R. 300.304(a)</i>
Consent to Services	A district shall seek informed consent from the parent before providing special education and related services to a child. <i>20 U.S.C. 1414(a)(1)(D) [See EHBAA]</i>
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. <i>20 U.S.C. 1414(c)(3)</i>
Psychological Examinations and Tests	On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, a district shall provide to the child's parent: 1. The name and type of the examination or test; and 2. An explanation of how the examination or test will be used to develop an appropriate individualized education program (IEP) for the child. If a district determines that an additional examination or test is required for the evaluation of a child's need for special education, the district shall provide the information above to the parent regarding

the additional examination or test and shall obtain additional consent for the examination of test.

Education Code 29.0041(a), (b)

Dispute Resolution

The possible options for resolving disputes that arise between a parent and a school district relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by the district, under 19 Administrative Code 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to the district's policies, with the campus principal, special education director, superintendent, or board;
4. Requesting state IEP facilitation in accordance with 19 Administrative Code 89.1197;
5. Requesting mediation through the Texas Education Agency (TEA) in accordance with 19 Administrative Code 89.1193;
6. Filing a complaint with TEA in accordance with 19 Administrative Code 89.1195; or
7. Requesting a due process hearing through TEA in accordance with 19 Administrative Code 89.1151-.1191.

19 TAC 89.1150

**Due Process
Complaint**

Whenever a due process complaint has been received by a district, the parent or the district shall have an opportunity for an impartial due process hearing, which shall be conducted by an impartial hearing officer selected by TEA. [For TEA rules on due process hearings, see 19 Administrative Code 89.1151-.1191.] *20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(a), .1170(a)*

Timeline

Beginning September 1, 2022, a parent or a district must request a hearing within two years of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled, as described below.

Prior to September 1, 2022, a parent or public education agency must request a hearing within one year of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled

pursuant to 50 U.S.C. 3936, as set forth in 19 Administrative Code 89.1151(e), below.

19 TAC 89.1151(c)

Tolled Timeline

TEA will include in the Notice of Procedural Safeguards a statement that the statute of limitations for the parent of a student to request an impartial due process hearing may be tolled if:

1. The parent is an active-duty member of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the United States Public Health Service; and
2. 50 U.S.C. 3936 (statute of limitations for military service) applies to the parent.

19 TAC 89.1151(e)

*Timeline
Exception*

This timeline shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by a district that it had resolved the problem forming the basis of the complaint; or
2. A district's withholding of information from the parent that the district was required by the IDEA to provide.

20 U.S.C. 1415(f)(3)(D); 34 C.F.R. 300.511(f); 19 TAC 89.1151(d)

"Stay Put"

During the pendency of any proceeding conducted under IDEA part B (except proceedings to challenge a disciplinary change of placement or manifestation determination), the child shall remain in the then-current educational placement unless the district and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 C.F.R. 300.518, .533*

Exception

When a due process hearing has been requested by a parent or district concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 C.F.R. 300.533 [See FOF]*

Resolution Process

Within 15 calendar days of receiving notice of a parent's due process complaint, and before initiating a due process hearing, a district shall convene a meeting with the parent and the relevant

member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute.

The meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use the mediation process.

If the district has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's request for a hearing.

34 C.F.R. 300.510; 19 TAC 89.1183

**Transfer of Rights to
Adult Students**

Before the 18th
Birthday

Beginning at least one year before a student reaches 18 years of age, the student's IEP must include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code Chapter XIII, Guardianship, all rights granted to the parent under IDEA, Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18.

The IEP must also state that the student has been provided information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code Chapter 1357, and other supports and services that may enable the student to live independently.

If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the district, the district shall provide to the student or parent information and resources on supported decision-making agreements under Estates Code Chapter 1357.

After the 18th
Birthday

After the student reaches the age of 18, the district shall provide any notice required under IDEA, Part B, to both the adult student and the parent.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code Chapter 31 shall have the same right to make educational decisions as a student without a disability. All other

rights accorded to parents under Education Code Chapter 29, Subchapter A or 20 U.S.C. 1415 transfer to the student.

19 TAC 89.1049(a), (c); 34 C.F.R. 300.520; Education Code 29.017(a), (c)-(c-2)

Notice

A district must notify in writing the adult student and parent of the transfer of parental rights, as described above, at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice of 300 C.F.R. 300.503 [see Prior Notice and Consent, above], but must include a statement that parental rights have transferred to the adult student. The notice must also include information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code Chapter 1357, and other supports and services that may enable the student to live independently, and must provide contact information for the parties to use in obtaining additional information.

A notice under IDEA, Part B, which is required to be given to an adult student and parent, does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an ARD committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, the adult student or the district may invite individuals who have knowledge or special expertise regarding the student, including the parent.

19 TAC 89.1049(c); 34 C.F.R. 300.520(a)(3); Education Code 29.017(c);

**Special Education
Decision-Making for
Children in Foster
Care**

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. Section 1415(b) and its subsequent amendments, if:

1. The Department of Family and Protective Services (DFPS) is appointed as the temporary or permanent managing conservator of the child;
2. The rights and duties of the department to make decisions regarding education provided to the child under Family Code 153.371 have not been limited by court order; and
3. The foster parent agrees to:
 - a. Participate in making special education decisions on the child's behalf; and

- b. Complete a training program that complies with minimum standards established by agency rule.

Training

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled ARD committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

A district may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. DFPS;
2. A school district;
3. An education service center; or
4. Any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent by a school district may file a complaint with TEA in accordance with federal law and regulations.

Not later than the fifth day after the date a child with a disability is enrolled in a school, DFPS must inform the appropriate school district if the child's foster parent is unwilling or unable to serve as a parent.

Education Code 29.015; 19 TAC 89.1047

**Appointment of
Surrogate Parent for
Certain Children**

These provisions apply to a child with a disability for whom:

1. DFPS is appointed as the temporary or permanent managing conservator of the child; and
2. The rights and duties of the department to make decisions regarding the child's education under Family Code 153.371 have not been limited by court order.

A school district must appoint an individual to serve as the surrogate parent for a child if the district is unable to identify or locate a parent for a child with a disability or the foster parent of a child is unwilling or unable to serve as a parent for the purposes of this subchapter.

Education Code 29.0151(a)-(b)

Eligibility and Duties
of a Surrogate
Parent

A surrogate parent appointed by a school district may not be an employee of TEA, the school district, or any other agency involved in the education or care of the child; or have any interest that conflicts with the interests of the child.

A surrogate parent appointed by a district must:

1. Be willing to serve in that capacity;
2. Exercise independent judgment in pursuing the child's interests;
3. Ensure that the child's due process rights under applicable state and federal laws are not violated;
4. Complete a training program that complies with minimum standards established by agency rule within the time specified in Education Code 29.015(b);
5. Visit the child and the school where the child is enrolled;
6. Review the child's educational records;
7. Consult with any person involved in the child's education, including the child's:
 - a. Teachers;
 - b. Caseworkers;
 - c. Court-appointed volunteers;
 - d. Guardian ad litem;
 - e. Attorney ad litem;
 - f. Foster parent; and
 - g. Caregiver; and
8. Attend meetings of the child's ARD committee.

The district may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate, as provided under Section 107.031(c), Family Code, as the child's surrogate parent.

Education Code 29.0151(c)-(d); 19 TAC 89.1047

Notice of
Appointment

As soon as practicable after appointing a surrogate parent, a district shall provide written notice of the appointment to the child's educational decision-maker and caseworker as required under Education Code 25.007(b)(10)(H) [see FFC]. *Education Code 29.0151(e-1)*

Failure to Properly
Perform

If a court appoints a surrogate parent for a child with a disability under Family Code 263.0025, and the school district determines that the surrogate parent is not properly performing the duties, the district shall consult with DFPS regarding whether another person should be appointed to serve as the surrogate parent for the child.
Education Code 29.0151(f); 19 TAC 89.1047

Using criteria established by the State Board of Education, a district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. Under this provision, a district may establish a shared services arrangement with other districts.

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

Education Code 29.122

Definition

"Gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. Exhibits high performance capability in an intellectual, creative, or artistic area;
2. Possesses an unusual capacity for leadership; or
3. Excels in a specific academic field.

Education Code 29.121

**Identification
Policies**

A district shall develop written policies on student identification that are approved by the board and disseminated to parents. The policies must include:

1. Provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in Education Code 29.121.
2. Assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students.
3. Data and procedures designed to ensure that students from all populations in a district have access to assessment and, if identified, services for the gifted/talented program.
4. Provisions for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students.
5. Provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

The policy must not limit the number of students the district may identify as gifted/talented or served under the district's program for gifted/talented students.

19 TAC 89.1

Fiscal Policy

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

The policy must:

1. Ensure that 100 percent of state funds allocated for gifted/talented education are spent on providing gifted/talented services or enhancing the district's gifted and talented program; and
2. Establish a method to account for the expenditure of the gifted and talented allotment in alignment with the Texas Education Agency's financial compliance guidance.

19 TAC 89.4

**Program
Accountability**

A district shall ensure that:

1. Student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented (State Plan);
2. It annually certifies to the commissioner of education that the district's program for gifted/talented students is consistent with the State Plan and that the district's use of funds complies with 19 Administrative Code 89.4 [see Fiscal Policy, above]; and
3. The board annually measures the performance of the district in providing gifted/talented services in alignment with the State Plan.

19 TAC 89.5

**Learning
Opportunities**

A district shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently.
2. A continuum of learning experiences that leads to the development of advanced-level products and performances.

3. In-school, and when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year.
4. Opportunities to accelerate in areas of strength.

19 TAC 89.3

Note: See DMA(LEGAL) for training requirements for teachers of gifted and talented education.

**Accelerated
Instruction**

To ensure that each student achieves at least satisfactory performance on each state assessment instrument, a district shall ensure that the district's curricular and instructional systems provide instruction to all students that is consistently aligned with the essential knowledge and skills for the applicable subject area and grade level; and strategically and timely addresses deficiencies in the prerequisite essential knowledge and skills for the applicable subject area and grade level. *Education Code 28.0211(a)*

Each time a student fails to perform satisfactorily on an assessment instrument administered in grades 3-8 or on an end-of-course assessment instrument, other than an assessment instrument developed or adopted based on alternative academic achievement standards, the district the student attends shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and, subject to the limitations at Exceptions, below, either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or
2. Provide the student supplemental instruction under Education Code 28.0211(a-4) [see Supplemental Instruction Requirements, below].

The assessments in this provision include a state assessment instrument administered under Education Code 39.023(a) [see EKB] in third through eighth grade or an end-of-course assessment instrument. The assessments also include a Spanish assessment for emergent bilingual students but exclude an assessment instrument developed or adopted based on alternative academic achievement standards.

19 TAC 104.1001; Education Code 28.0211(a-1)

Exceptions

Accelerated instruction requirements do not apply to a student who is retained at a grade level for the school year in which those requirements would otherwise apply.

A district may not be required to provide supplemental instruction to a student in more than two subject areas per school year. If the district would otherwise be required to provide supplemental instruction to a student in more than two subject areas for a school year, the district shall prioritize providing supplemental instruction to the student in mathematics and reading, or Algebra I, English I, or English II, as applicable, for that school year.

Education Code 28.0211(a-7)-(a-8)

A district is not required to provide accelerated instruction to a student who, instead of being administered an assessment instrument specified above, was administered a substitute assessment instrument in accordance with other law or Texas Education Agency (TEA) rule authorizing the use of the substitute assessment instrument for purposes of satisfying the requirements concerning the applicable assessment instrument. *Education Code 28.0211(a-10)*

Off-Campus
Arrangements

If a student who attends school in a homebound or other off-campus instructional arrangement, including at a residential treatment campus or state hospital, is unable to participate in an accelerated instruction program due to the student's condition, the district may determine that the student be provided the accelerated instruction when the student attends school in an on-campus instructional setting. If the student's condition prevents the student from attending school in an on-campus instructional setting for the school year during which the accelerated instruction is required to be provided to the student, the district is not required to provide the accelerated instruction to the student for that school year. *Education Code 28.0211(i-1)*

Participation
Requirements

Accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. *19 TAC 104.1001(c)*

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 for the grade level in which the student is enrolled [see EHA series]; or
2. Recess or other physical activity that is available to other students enrolled in the same grade level.

Education Code 28.0211(a-3)

The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for accelerated instruction.

19 TAC 104.1001(c)(1)

Supplemental
Instruction
Requirements

If a district receives funding under Education Code 29.0881 or Education Code 48.104 [see EHBC], the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a district must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;
3. Be provided during the subsequent summer or school year:
 - a. To each student for no less than:
 - (1) 15 hours; or
 - (2) 30 hours for a student whose performance on the applicable assessment instrument was significantly below satisfactory, as below; and
 - b. Unless the instruction is provided fully during summer, include instruction no less than once per week during the school year, except as otherwise provided by commissioner rule to account for school holidays or shortened school weeks;
4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
5. Include effective instructional materials designed for supplemental instruction;
6. Be provided to a student individually or in a group of no more than four students, unless the parent or guardian of each student in the group authorizes a larger group;
7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the district; and
8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

Education Code 28.0211(a-4); 19 TAC 104.1001

Significantly Below Satisfactory	A district shall provide students who fail to perform satisfactorily on an applicable state assessment instrument no less than 15 hours of supplemental instruction or no less than 30 hours of supplemental instruction for students who scored Low Did Not Meet Grade Level as indicated by state-provided district-level data files or failed to perform satisfactorily on any grade 3 assessment. <i>19 TAC 104.1001(d)</i>
Parent Choice	A parent or guardian of a student to whom supplemental instruction will be provided and who either was administered and failed to perform satisfactorily on an assessment instrument specified above or was administered a beginning-of-year assessment instrument aligned with the essential knowledge and skills for the applicable subject area, including a student to whom an accelerated education plan applies, may elect to modify or remove a requirement for that instruction under Education Code 28.0211(a-4) by submitting a written request to an administrator of the campus at which the student is enrolled. A district may not encourage or direct a parent or guardian to make an election under this provision that would allow the district to not provide supplemental instruction to the student or provide supplemental instruction in a group larger than authorized. <i>Education Code 28.0211(a-9)</i>
Transportation	A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours, unless the district does not operate, or contract or agree with another entity to operate, a transportation system. <i>Education Code 28.0211(j)</i>
Unlisted Service Provider	A district may use a service provider that is not on a list of service providers approved by TEA if the district can demonstrate to the commissioner that use of the service provider results in measurable improvement in student outcomes. <i>Education Code 28.0211(a-12)</i>
Optional Assessment	A school district that is required to provide to a student accelerated instruction or supplemental instruction is not required to provide additional instruction under either provision to the student based on the student's failure to perform satisfactorily on an assessment instrument administered as an optional assessment in the same subject area in which the district is required to provide the student the accelerated or supplemental instruction. <i>Education Code 28.0211(a-13)</i>
Notice to Parents	A district shall provide to the parent or guardian of a student who fails to perform satisfactorily on a state assessment instrument

specified above notice that the student is not performing on grade level in the applicable subject area. The district must provide the notice at a parent-teacher conference or, if the district is unable to provide the notice at a parent-teacher conference, by another means. TEA shall develop and provide to districts a model notice in plain language for use under this provision. *Education Code 28.0211(a-14)*

In each instance in which a district is specifically required to provide notice or a written copy to a parent or guardian of a student, the district shall make a good faith effort to ensure that such notice or copy is provided either in person or by regular mail and that the notice or copy is clear and easy to understand and is written in English or the parent or guardian's native language. *Education Code 28.0211(h)*

Parent Request

A district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily a state assessment instrument under Education Code 28.0211(a-1) [see above] to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available. *Education Code 28.0211(a-5); 19 TAC 104.1001(g)*

**Assessments Not
Required**

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or
2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course (EOC) assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of fail-

ure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

Education Code 28.0211(o)-(p)

Students At Risk

A district shall provide accelerated instruction to an enrolled student who has taken an EOC assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school [see EHBC].

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

No Available Test Score

The superintendent of each district shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis. This provision may not be used to excuse a student from appropriate accelerated instruction. *19 TAC 104.1001(b)(4)*

Accelerated Education Plan

For each student who does not perform satisfactorily on a state assessment instrument specified above for two or more consecutive school years in the same subject area, the district the student attends shall develop an accelerated education plan and provide the student at least 30 hours of supplemental instruction. *19 TAC 104.1001; Education Code 28.0211(b)*

Not later than the start of the subsequent school year, a district shall develop an accelerated education plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level or course by the conclusion of the school year.

The plan must:

1. Identify the reason the student did not perform satisfactorily on the applicable assessment instrument; and
2. Require the student to be provided with no less than 30 hours, or a greater number of hours if appropriate, of supplemental instruction for each consecutive school year in which the student does not perform satisfactorily on the assessment instrument in the applicable subject area.

The plan may require that, as appropriate to ensure the student performs satisfactorily on the assessment instrument in the applicable subject area at the next administration of the assessment instrument:

1. The district expand the times in which supplemental instruction is available to the student;
2. The student be assigned for the school year to a specific teacher who is better able to provide accelerated instruction; and
3. The district provide any necessary additional resources to the student.

The accelerated education plan must be documented in writing, and a copy must be provided to the student's parent or guardian.

During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the accelerated education plan.

The board shall adopt a policy consistent with the grievance procedure adopted under Education Code 26.011 [see FNG] to allow a parent to contest the content or implementation of an accelerated education plan.

Education Code 28.0211(f)-(f-3)

Parent Conference

A district shall make a good faith attempt to provide to the parent or guardian of a student to whom an accelerated education plan applies a parent-teacher conference with the student's primary teacher at the start and end of the subsequent school year.

At the conference, the district shall provide the student's parent or guardian with:

1. The notice required under Education Code 28.0211(a-14); and
2. An explanation of:

- a. The accelerated instruction to which the student is entitled under this provision, and
- b. The accelerated education plan that must be developed for the student and the manner in which the parent or guardian may participate in developing the plan.

Education Code 28.0211(b-1); 19 TAC 104.1001(e)

**Classroom
Assignment**

Except as requested under Education Code 28.0211(a-5), a student for whom an accelerated instructional plan must be developed must be assigned, in each school year and subject covered by the accelerated education plan, to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

In a manner consistent with federal law and notwithstanding any other law, the commissioner may waive the requirement regarding the assignment of a student to an appropriately certified classroom teacher on the request of a district.

Education Code 28.0211(n)-(n-1)

**ARD Committee
Review**

The admission, review, and dismissal (ARD) committee of a student who does not perform satisfactorily on a state assessment instrument described above shall, at the student's next annual review meeting, review the student's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan.

The student's parent may request, or the district may schedule, an additional committee meeting if a committee member believes that the student's individualized education program needs to be modified based on the accelerated instruction requirements. If the district refuses to convene a committee meeting requested by the student's parent, the district shall provide the parent with written notice explaining the reason the district refuses to convene the meeting.

Education Code 28.0211(i)

**Repeating a High
School Course**

For courses taken for high school credit, a student who is required to repeat any course in which the student was enrolled in during the previous school year and who is eligible for accelerated instruction for the current school year is exempt from accelerated instruction requirements for that specific course if that course is retaken in its entirety (i.e., to earn a full credit). However, a student who is participating in credit recovery is still required to receive accelerated instruction.

For the purpose of this provision, credit recovery means completing a certain number of assignments to satisfy the course requirements after failure or a certain number of seat hours after excessive absences.

19 TAC 104.1001(i)

**Commissioner
Waiver**

The commissioner may waive the requirements regarding accelerated instruction for a district for each school year in which at least 60 percent of the students who received accelerated instruction during the school year immediately preceding the previous school year, including at least 60 percent of students whose performance on the applicable assessment instrument was significantly below satisfactory, as defined by commissioner rule, performed satisfactorily in the previous school year on the assessment instrument in each subject in which the student previously failed to perform satisfactorily. For purposes of determining whether a school district qualifies for a waiver, the commissioner shall:

1. If a student received accelerated instruction in more than one subject during the applicable school year, consider the student's performance on the assessment instrument in each subject separately from the student's performance on the assessment instrument for each other subject; and
2. By rule provide that a district may not qualify for a waiver if students who are receiving special education services or are educationally disadvantaged are overrepresented among the students in the district who received accelerated instruction during the school year immediately preceding the previous school year and did not perform satisfactorily in the previous school year on the assessment instrument in each applicable subject.

Education Code 28.0211(q); 19 TAC 104.1001(h)

Ratio Waiver

A district may provide accelerated instruction using a product on the Ratio Waiver List on the TEA website with information related to accelerated instruction. The 4:1 student-to-teacher ratio requirement above does not apply to a district using a listed product to provide accelerated instruction to its students.

The Ratio Waiver List consists of products that use an automated, computerized, or other augmented method for providing accelerated instruction under Education Code 28.0211(a-1)(2), that may be used in lieu of some or all of the individual or group supplemental instruction, as appropriate for the applicable grade level and subject area and a student's academic deficiency.

A district shall:

1. Notify the parent or guardian of the use of a product on the Ratio Waiver List for providing the required accelerated instruction;
2. Ensure that the required hours of supplemental instruction are completed prior to the subsequent State of Texas Assessments of Academic Readiness (STAAR®) administration;
3. Use a product on the Ratio Waiver List remotely, regardless of primary mode of instruction (i.e., in-person, virtual, or hybrid) only if the district ensures that time spent by the student engaged in the product is aligned with approved product usage expectations documented by the district;
4. Adhere to the product usage fidelity requirements by product as approved by TEA to waive ratio requirements. A district not fulfilling usage fidelity with a product will be required to revert to the 4:1 ratio for supplemental instruction; and
5. Be responsible for contracting and funding the selected vendors included on the TEA list of approved vendors.

19 TAC 104.1001(g)

Note: Only districts that identify 15 or more eligible students are required to provide prekindergarten programs.

**Tuition-Free
Prekindergarten
Program**

A district shall offer prekindergarten classes if it identifies 15 or more eligible students who are at least four years of age. A district may offer prekindergarten if it identifies 15 or more eligible children who are at least three years of age.

A district may not charge tuition for a prekindergarten program offered under these provisions.

Definitions

In this section:

1. "Child" includes a stepchild.
2. "Parent" includes a stepparent.

Eligibility

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless [see FD] regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty;
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201 or foster care in another state or territory, if the child resides in Texas; or
7. Is the child of a person eligible for the Star of Texas Award as:
 - a. A peace officer under Government Code 3106.002;
 - b. A firefighter under Government Code 3106.003; or

- c. An emergency medical first responder under Government Code 3106.004.

A child who is eligible for enrollment for free prekindergarten at the age of three and enrolls in prekindergarten class at the age of three remains eligible for enrollment in a prekindergarten class for the following school year.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

Education Code 29.153(a)-(b), (e-1), (f)

Parent Election	Subject to a district's decision to convene a retention committee [see EIE], a parent or guardian may elect for a student to enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under the eligibility described above and the student has not yet enrolled in kindergarten, or to repeat prekindergarten. <i>Education Code 28.02124(a)(1)-(2)</i>
Notice	A district shall develop a system to notify the population in the district with children who are eligible for enrollment in a free prekindergarten program of the availability of the program. The system must include public notices issued in English and Spanish. <i>Education Code 29.153(e)</i>
Half-Day or Full-Day	A prekindergarten class may be operated on a half-day basis for children under four years of age and shall be operated on a full-day basis for children who are at least four years of age.
Transportation	A district is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system. <i>Education Code 29.153(c)</i>
High-Quality Prekindergarten Required	A prekindergarten class for children who are least four years of age must comply with the program standards required for high-quality prekindergarten programs under Education Code Chapter 29, Subchapter E-1. [See High-Quality Prekindergarten Program, below]
Exemption	The commissioner of education shall exempt a district from the application of all or any part of Education Code Chapter 29, Subchapter E-1 for a prekindergarten class for children who are at least four years of age, if the commissioner determines that: 1. The district would be required to construct classroom facilities in order to provide prekindergarten classes; or

2. Implementing any part of this section would result in fewer eligible children being enrolled in a prekindergarten class under this section.

A district may not receive an exemption unless the district has solicited proposals for partnerships with public or private entities regarding prekindergarten classes required under this section in accordance with guidance provided by the Texas Education Agency (TEA) and considered submitted proposals at a public meeting. A decision of the board regarding a partnership described by this provision is final.

An exemption may not be granted for a period longer than three school years and may be renewed only once.

Education Code 29.153(c-1)-(d-2)

Constructing,
Repurposing, or
Leasing a Facility

Before a district may construct, repurpose, or lease a classroom facility, or issue bonds for the construction or repurposing of a classroom facility, to provide the prekindergarten classes required under Education Code 29.153, the district must solicit and consider proposals for partnerships to provide those classes with community-based child-care providers who:

1. Are a Texas Rising Star Program provider with a three-star certification or higher;
2. Are nationally accredited;
3. Are a Head Start program provider;
4. Are a Texas School Ready! participant; or
5. Meet the requirements under Education Code 29.1532.

Education Code 29.153(g)

**Tuition-Supported or
District-Financed**

A district may offer on a tuition basis or use district funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten who are under four years of age; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

A district may not adopt a tuition rate that is higher than necessary to cover the added costs of the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 29.1532(c) (PEIMS data for prekindergarten programs).

A district must submit its proposed tuition rate to the commissioner for approval.

Education Code 29.1531

Program Design

A district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills. *Education Code 29.1532(a)*

Shared Site

Before establishing a new prekindergarten program, a district shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site. *Education Code 29.1533*

**Prekindergarten
Licensing Standards**

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042 and the class size requirements for prekindergarten classes imposed under Education Code 25.112(a) [see EEB]. *Education Code 29.1532(b)*

**Daily Physical
Activity**

A district shall require students in full-day prekindergarten to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of the district's physical education program or through structured activity during a campus's daily recess.

To the extent practicable, a district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

If a district determines, for any particular grade level, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

A district must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

Education Code 28.002(l)

**High-Quality
Prekindergarten
Program**

Eligibility

A district providing a prekindergarten program must provide high-quality educational services established under Education Code Chapter 29, Subchapter E-1, to qualifying students.

A student is qualified to participate in a high-quality prekindergarten program if the student is four years of age on September 1 of the year the student begins the program and meets the eligibility requirements for tuition-free prekindergarten [see above].

19 TAC 102.1003(a)

A district shall select and implement a curriculum for a prekindergarten program that:

1. Includes the prekindergarten guidelines established by TEA;
2. Measures the progress of students in meeting the recommended learning outcomes; and
3. Does not use national curriculum standards developed by the Common Core State Standards Initiative.

Education Code 29.164, .167(a)

A school district shall implement a curriculum for a high-quality prekindergarten program that addresses the Texas Prekindergarten Guidelines in the domains listed in 19 Administrative Code 102.1003(b).

The district shall measure student progress and kindergarten preparation in accordance with 19 Administrative Code 102.1003(c). *19 TAC 102.1003*

Teacher
Requirements

Each teacher for a prekindergarten program class must be certified under Education Code Chapter 21, Subchapter B and have one of the following additional qualifications:

1. A Child Development Associate (CDA) credential or another early childhood education credential approved by TEA;
2. Certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
3. At least eight years' experience of teaching in a nationally accredited child-care program or a Texas Rising Star Program;
4. An associate or baccalaureate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;

5. Documented completion of the Texas School Ready Training Program (TSR Comprehensive); or
6. Be employed as a prekindergarten teacher in a district that has met the requirements of 19 Administrative Code 102.1003(d)(6).

A district may allow a teacher employed by the district to receive the training required to be awarded a CDA credential from a regional education service center. Training may not include national curriculum standards developed by the Common Core State Standards Initiative.

A district or an entity with which the district contracts to provide a prekindergarten program must attempt to maintain an average ratio in any prekindergarten program class of not less than one qualified teacher or teacher's aide for each 11 students.

19 TAC 102.1003(d), (h); Education Code 29.167(b)-(d)

Supervisor
Requirements

Each teacher in a high-quality prekindergarten program class provided by an entity with which a district contracts to provide a prekindergarten program must be supervised by a person who meets the teacher requirements above and must have one of the following additional qualifications:

1. At least two years' experience of teaching in a nationally accredited child-care program or a Texas Rising Star Program and:
 - a. A CDA credential or another early childhood education credential approved by TEA; or
 - b. A certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
2. An associate or baccalaureate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;
3. At least eight years' experience teaching in a nationally accredited child care program or a Texas Rising Star Program; or
4. Be employed as a prekindergarten teacher in a partnership program that meets the requirements of 19 Administrative Code 102.1003(e)(4).

A teacher of a bilingual or English as a second language (ESL) program class provided by an entity with which a district contracts to provide a prekindergarten program must be appropriately certified for the grade and content and with the appropriate supplemental certification (either bilingual or ESL).

A prekindergarten partnership supervisor:

1. Shall meet the requirements under 19 Administrative Code 102.1003(d);
2. May supervise multiple prekindergarten classrooms; and
3. Shall ensure programmatic compliance and support classroom instruction, the developmental needs of students, and continuous quality improvement, including professional development.

19 TAC 102.1003(e)-(g); Education Code 29.167(b-1)-(b-2)

Family Engagement
Plan

A district shall develop, implement, and make available on the district or campus website by November 1 of each school year, a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. An effective family engagement plan creates a foundation for the collaboration of mutual partners, embraces the individuality and uniqueness of families, and promotes a culture of learning that is child centered, age appropriate, and family driven.

The family engagement plan shall include a primary point of contact and contact information.

The family engagement plan shall meet the requirements of 19 Administrative Code 102.1003(e)(2).

19 TAC 102.1003(h); Education Code 29.168(a)

Report and
Evaluation

In a format prescribed by TEA, a district shall report information in compliance with 19 Administrative Code 102.1003(i).

A district shall:

1. Select and implement appropriate methods for evaluating the district's high-quality prekindergarten program by using data from a student progress monitoring instrument from the commissioner's list of approved prekindergarten instruments;
2. Make data from the results of program evaluations available to parents; and
3. Plan for data-driven program improvements annually by using information from the district's program evaluation to ensure

the district's prekindergarten program is meeting all high-quality prekindergarten indicators.

A district may administer diagnostic assessments to students in a program class to evaluate student progress but may not administer a state standardized assessment instrument.

An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

19 TAC 102.1003(j), (l); Education Code 29.169

Eligible Private
Providers

A district that offers a high-quality prekindergarten program may enter into a contract with an eligible private provider to provide services or equipment for the program.

To be eligible to contract with a district to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. A private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license during the 24-month period preceding the date of a contract with a district. The private provider must also:

1. Be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;
2. Be a Texas Rising Star Program provider with a three-star certification or higher;
3. Be a Texas School Ready! participant;
4. Have an existing partnership with a district to provide a prekindergarten program not provided under Subchapter E-1; or
5. Be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

A prekindergarten program provided by a private provider under Education Code 29.171 is subject to the requirements of Education Code Chapter 29, Subchapter E-1 and the class size requirement for prekindergarten classes imposed by Education Code 25.112(a) [see EEB].

Education Code 29.171

**Prekindergarten
Expansion Grant**

A district may use funds from grants administered by the commissioner to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program.

A district may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs.

A district may use funds granted under this program in contracting with another entity, including a private entity.

Education Code 29.155(a), (b), (i)

Ready to Read Grant

A district that operates a prekindergarten program is eligible to apply for a Ready to Read grant if at least 75 percent of the children enrolled in the program are low-income students, as determined by commissioner rule.

Grants shall be used to provide scientific, research-based pre-reading instruction for the purpose of directly improving pre-reading skills and for identifying cost-effective models for pre-reading intervention. Grants funds shall be used for:

1. Professional staff development in pre-reading instruction;
2. Pre-reading curriculum and materials;
3. Pre-reading skills assessment materials; and
4. Employment of pre-reading instructors.

Education Code 29.157(b), (c)

**Statewide
Information Referral
Network**

A district shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services for inclusion in the statewide information referral network. A district shall provide the information in a form determined by the executive commissioner of the Texas Health and Human Services Commission. *Gov't Code 531.0312*

“Child-care and education services” includes child-care and education services provided by a district through a prekindergarten or after-school program. *Gov't Code 531.03131(a)*

Staff of the Texas Information and Referral Network shall send an electronic mail message to each appropriate entity containing the name of and contact information for each applicant and a description of the services for which the applicant is applying.

On receipt of such an electronic mail message, a district shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services. On certifying eligibility, a district shall match the applicant with entities providing those services in the applicant's community, including local work-force development boards, local child-care providers, or a Head Start or Early Head Start program provider.

A district shall cooperate with the Texas Information and Referral Network as necessary in the administration of this project.

Gov't Code 531.0312(c)-(e)

Notice to Parents

Each school year, a district shall notify the parent of each student enrolled in grade 9 or above of the availability of:

1. Programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;
2. Career and technology education programs or other work-based education programs in the district, including any internship, externship, or apprenticeship programs or a P-TECH (Pathways in Technology Early College High School) program;
3. Subsidies based on financial need available for fees paid to take college advanced placement tests or international baccalaureate examinations under Education Code 28.054; and
4. Funding for enrollment in dual credit courses under the FAST (Financial Aid for Swift Transfer) program [see below].

Districts must also notify parents of the qualifications for enrolling in programs described by items 1, 2, and 4 above.

The notice must include the name and contact information of any public or private entity offering such a program in the district.

A district may provide the notice on the district's internet website.

Education Code 28.010

Note: For information on dual credit courses available through the [Texas Virtual School Network](#)¹ (TXVSN), see EHDE.

College Credit Program

A district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the district, a public institution of higher education in this state shall assist the district in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, a district shall report to the Texas Education Agency (TEA):

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and
2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

The program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board (THECB); and
2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A dual credit course must be:

1. In the core curriculum of the public institution of higher education providing college credit;
2. A career and technical education course; or
3. A foreign language course.

The requirements above do not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

A district is not required to pay a student's tuition or other associated costs for taking a course under this section.

College-Level Courses

A board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools;
2. Middle States Association of Colleges and Schools;

3. New England Association of Colleges and Schools;
4. North Central Association of Colleges and Schools;
5. Western Association of Colleges and Schools; or
6. Northwest Association of Colleges and Schools.

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by a district. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

19 TAC 74.25

**Dual Credit
Programs**

Dual credit includes a course for which a high school student may earn credit only at an institution of higher education (previously referred to as a dual enrollment course) if the course meets the requirements of this provision.

Eligible Courses

“Dual credit course” or “dual enrollment course” means a course that meets the following requirements:

1. The course is offered pursuant to an agreement under 19 Administrative Code 4.84, see below.
2. A course for which the student may earn one or more of the following types of credit:
 - a. Joint high school and junior college credit under Education Code 130.008, or
 - b. Another course offered by an institution of higher education, for which a high school student may earn semester credit hours or equivalent of semester credit hours toward satisfaction of:
 - (1) A career and technical education course as defined by 19 Administrative Code 4.83(3) that satisfies a requirement necessary to obtain an industry-recognized credential, certificate, or an associate degree;
 - (2) A foreign language requirement at an institution of higher education;
 - (3) A requirement in the core curriculum, as that term is defined by Education Code 61.821, at an institution of higher education; or

- (4) A requirement in a field of study curriculum developed by the Coordinating Board under Education Code 61.823.

A student may earn a single grade toward both the college course and the high school credit or may earn two separate grades where the high school grade only reflects a student's mastery of secondary content.

Each dual credit course must meet the requirements of Chapter 4, Subchapter D.

19 TAC 4.83(10)

Partnership
Agreements with
Public Colleges

A district may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

*Community
College
Jurisdiction*

A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008.

A course offered for joint high school and junior college credit must be:

1. In the core curriculum of the public junior college;
2. A career and technical education course; or
3. A foreign language course.

These requirements do not apply to a course offered for joint high school and junior college credit to a student as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 130.008(a-1), (a-2), (d)

Student Eligibility

A high school student is eligible to enroll in dual credit courses if the student:

1. Is not a degree-seeking student as defined in 19 Administrative Code 4.83(10);
2. Demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth in 19 Administrative Code 4.54;

3. Demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative on relevant section(s) of an assessment instrument; or
4. Meets the eligibility requirements for a Texas First Diploma under 19 Administrative Code 21.52 (relating to Eligibility for Texas First Diploma).

An institution may impose additional requirements for enrollment in specific dual credit courses that do not conflict with 19 Administrative Code, Chapter 4, Subchapter D.

An institution is not required under these provisions to offer dual credit courses for high school students.

19 TAC 4.85(b)

Transcript

An institution or high school shall immediately transcript the credit earned by a student upon a student's completion of the performance required in the course. *19 TAC 4.85(h)*

Faculty Selection,
Supervision, and
Evaluation

An institution shall apply the standards for selection, supervision, and evaluation for instructors of dual credit courses as required by the institution's accreditor. A high school teacher may only teach a high school course offered through a dual credit agreement if the teacher is approved by the institution offering the dual credit course. *19 TAC 4.85(e)*

*Qualified
Instructor*

A course offered for joint high school and junior college credit must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

1. A doctoral or master's degree in the discipline that is the subject of the course;
2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or
3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:
 - a. A degree described above;
 - b. A baccalaureate degree in the discipline that is the subject of the course; or
 - c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the THECB.

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the district with which the junior college entered into an agreement to offer the course.

Education Code 130.008(g), (h)

Attendance
Accounting

The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(g)* [See FEB]

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

*Reporting Off-
Campus
Programs*

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-

time student in average daily attendance. *Education Code 48.005(h)*

**Dual Credit
Agreement**

For any dual credit partnership between a district and an institution, an agreement must be approved by the governing boards or designated authorities (e.g., superintendent) of both the public district and the institution prior to the offering of such courses.

Any agreement entered into or renewed between an institution and a district, including a memorandum of understanding or articulation agreement, shall include the following elements.

Any dual credit agreement must also address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and grading;
7. Academic policies and student support services;
8. Transcribing of credit;
9. Funding, including the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees, instructional materials, or textbooks for students participating in the program, including for students eligible to take dual credit courses at no cost to the student under the FAST program [see below];
10. All requirements for joint implementation of the FAST program, including ensuring the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course, for eligible public schools and students participating in the FAST program;
11. Defined sequences of courses that apply to academic or career and technical education program requirements at the institution or industry-recognized credentials, where applicable;
12. Specific program goals aligned with the statewide goals developed under Education Code 28.009(b-1), 130A.004, and 130A.101(c)(3);

13. Coordinated advising strategies and terminology related to dual credit and college readiness, including strategies to assist students in selecting courses that will satisfy applicable high school and college requirements for the student's intended program;
14. Provision for the alignment of endorsements described in EIF, offered by the district and dual credit courses offered under the agreement that apply toward those endorsements with postsecondary pathways and credentials at the institution and industry-recognized credentials;
15. Identification of tools, including online resources developed by TEA, the Coordinating Board, or the Texas Workforce Commission, to assist counselors, students, and families in selecting endorsements offered by the district and college courses offered by the institution under the agreement;
16. A procedure for establishing the course credits that may be earned under the agreement, including developing a course equivalency crosswalk or other method of identifying the number of high school and college credits that may be earned for each course completed through the program;
17. A description of the academic supports and, if applicable, other support that will be provided to students participating in the program (e.g., transportation to and from a college campus);
18. The respective roles and responsibilities of the institution of higher education and the district in providing the program and ensuring the quality of instruction and instructional rigor of the program;
19. A requirement that the district and the institution consider the use of free or low-cost open educational resources in courses offered under the program; and
20. Designation of at least one employee of the district or private school, or the institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course.

19 TAC 4.84(a)-(b)

Website Posting of
Agreement

Each agreement must be posted each year on the institution of higher education's and the district's respective internet websites.
19 TAC 4.84(c)

FAST Program

Eligibility

A student is eligible to enroll at no cost in a dual credit course under the Financial Aid for Swift Transfer (FAST) program if the student is enrolled in and eligible for Foundation School Program funding at a high school in a Texas school district and in a dual credit course at a participating institution of higher education that has entered into a dual credit agreement with the student's district as set out in 19 Administrative Code 4.84 and the student was educationally disadvantaged at any time during the four school years preceding the student's enrollment in the dual credit course as certified to the institution by the eligible student's district, or other means authorized by rule.

A district's notice to the institution regarding a student's status as educationally disadvantaged shall occur through the district's notice to TEA, unless otherwise provided by rule.

19 TAC 13.503(a)-(b)

To be considered educationally disadvantaged, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 United States Code 1751, et seq. A district may use the following approved methods for determining student eligibility for the FAST program:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility under this subsection;
2. Direct certification, where eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

A district with one or more campuses not participating in the NSLP may derive an eligible student count by an alternative method as determined by TEA.

19 TAC 102.1097

"Dual credit course" is defined by 19 Administrative Code 4.83.

District
Determination

A district shall, on a high school student's enrollment in a dual credit course, determine whether the student meets the above criteria for the program and notify the institution of higher education that offers the dual credit course in which the student is enrolled of the district's determination.

A district may make the determination based on the district's records, TEA's records, or any other method authorized by commissioner or THECB rule. If the district bases the determination on a method other than TEA's records, the district shall report the method used and the data on which the method is based to TEA for purposes of verification.

Education Code 28.0095(a)(3), (c), (3)

For more information about the FAST Program, see 19 Administrative Code 102.1097.

**Instructional
Partnerships with
Community College
Districts**

Types of instructional partnerships between a district and a community college district include:

1. Award of High School Credit Only (see High School Credit-Only Courses, below).
2. Award of Dual Credit (see Dual Credit Programs, above).
3. Tech-Prep Programs (see Tech-Prep Programs, below).
4. Remedial or Developmental Instruction for High School Graduates (see Remedial Programs, below).
5. College Preparatory Courses for High School Students (see College Preparatory Courses, below)

19 TAC 9.143

Agreement

For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcribing of credit.
8. Funding provisions.

19 TAC 9.144

High School Credit-Only Courses	A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The district and college district shall negotiate an agreed cost for instruction. <i>19 TAC 9.125, .143(a)</i>
Tech-Prep Programs	A district may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. <i>19 TAC 9.143(c)</i>
Remedial Programs	A board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college. Community colleges may provide instruction to high school students for either remedial course work to prepare students to pass the required State of Texas Assessments of Academic Readiness End-of-Course (STAAR EOC) assessments or developmental course work to prepare the students to pass an assessment instrument approved by the board under 19 Administrative Code 4.56 (Assessment Instruments). High school students who have passed all of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a community college at the college's discretion if a need for such course work is indicated by student performance on an assessment instrument approved by the board under 19 Administrative Code 4.56 (see below). The district and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit. <i>Education Code 130.090; 19 TAC 9.125, .143(d), .146</i>
College Preparatory Courses	College preparatory courses are locally developed through a memorandum of understanding created between school districts and community colleges. <i>19 TAC 9.147</i>
Certain Academies	A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University — Beaumont), the Texas Academy of Mathematics and Science (at

	the University of Texas — Brownsville or University of North Texas — Denton), or the Texas Academy of International Studies (at Texas A&M University — Laredo). <i>Education Code 28.024</i>
Off-Campus Program Provided by an Institution of Higher Education	The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. <i>Education Code 48.007(a)</i>
Reporting Off-Campus Programs	A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses). To be eligible, a student must: 1. Be in grade 11 or 12; 2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the <i>Student Attendance Accounting Handbook</i>; 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. <i>19 TAC 129.1031(a), (b), (e)</i> Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. <i>Education Code 48.005(h)</i>

¹ Texas Virtual School Network: <https://www.txvsn.org>

Award of Credit	The award of credit for a course affirms that a student has satisfactorily met state and local requirements. Any course for which credit is awarded must be provided according to 19 TAC 74.26(a)(1) and (a)(2) [see FDA]. 19 TAC 74.26(a)
Early Award of Credit	A district may offer courses designated for grades 9-12 in earlier grade levels. A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9-12 and have been awarded state graduation credits. 19 TAC 74.26(b)
Partial Award	In accordance with a district's local policy, a student who is able to successfully complete only half of a course can be awarded credit proportionately. 19 TAC 74.26(d) A district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. 19 TAC 74.26(e)
Attendance for Credit or Final Grade	Unless credit is awarded by the attendance committee or regained in accordance with a principal's plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. <i>Education Code 25.092</i>
Homeless or Substitute Care	A district shall adopt a local policy to ensure credit, including proportionate credit, has been awarded appropriately to a student who is homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district in accordance with 19 Administrative Code 74.26 (Award of Credit). A district must ensure that student records or transcripts provided by the previous district or charter school are evaluated promptly and are complete, accurate, and up to date. The receiving district must develop, maintain, and regularly update local records and documentation, including transcripts if applicable, for a student who is homeless or in substitute care. A district must ensure that the records or transcripts of a student who is homeless or in substitute care and transferring from out of state, out of country, or a Texas nonpublic school are evaluated and the award of credit is determined in a timely manner, as required by 19 Administrative Code 74.26(a)(2). [See FDA]

A district must award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. Districts must evaluate the student record upon a student's enrollment and ensure that proportionate credit has been awarded appropriately.

If a district determines that there are courses in which a student was enrolled but for which the student has not earned credit, the district may use a variety of methods to determine whether the student may be eligible for full or proportionate credit for coursework completed. The award of credit must be based on demonstrated proficiency in all state and local requirements for a course in accordance with 19 Administrative Code 74.26.

A district must provide opportunities for a student who is homeless or in substitute care who enrolls in the district after the start of the school year to be administered credit by examination at any point during the school year, as required by 19 Administrative Code 74.24 (Credit by Examination) [see EHDB and EHDC].

Districts must:

1. Develop processes for students who have credit deficits or incomplete coursework that would impede on-time promotion or graduation to earn credit and implement appropriate academic interventions to address any credit deficiencies identified;
2. Develop and administer a personal graduation plan in accordance with Education Code 28.0212 (see EIF) for each student in junior high or middle school who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district, or does not perform satisfactorily on a state assessment instrument;
3. Review personal graduation plan options with each student entering grade 9 and with that student's parent or guardian as required by Education Code 28.02121 [see EIF]. Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student;
4. Ensure that school staff actively engage with the student and the student's parent or guardian, as applicable, to develop a plan to recover credits if the student has credit deficits or incomplete coursework that would impede on-time promotion or graduation; and

5. Comply with Education Code 28.025(i) [see EIF], concerning the award of diplomas for students who are homeless or in substitute care who are in grade 11 or 12.

19 TAC 89.1607

[For information on transition assistance for students who are homeless or in substitute care, including enrollment and placement in education programs and courses, see FFC.]

**Graduation
Requirements**

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. *19 TAC 74.26(a)(1), (c)*

**Academic
Achievement Record**

Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)-(d)

Transcript Seals

Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*

Endorsement

Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).

Performance Acknowledgment	Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).
Distinguished Level of Achievement	Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).
Speech Requirements	Students who demonstrate proficiency in speech as specified in 19 Administrative Code 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record (transcript).
CPR	Students who complete the required instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as specified in 19 Administrative Code 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR and the use of an AED instruction clearly indicated on the academic achievement record (transcript).
Proper Interaction with Peace Officers	Students who complete the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record (transcript). A district shall clearly indicate on the academic achievement record the year in which the instruction was provided to the student.
Languages Other Than English	Students who satisfy a language other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with 19 Administrative Code 74.12 shall have the credit clearly indicated on the academic achievement record (transcript).
FAFSA/TASFA Completion	A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record.
Texas First Early High School Completion Program	A student who earns a high school diploma by satisfying the requirements of the Texas First Early High School Completion Program shall have completion of the program and the distinguished level of achievement clearly indicated on the academic achievement record. [See EIF] <i>Education Code 28.025; 19 TAC 74.5(f)-(n), .11(b), .39(e)</i>
Notation on Transcript or Diploma	A district shall ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete:

1. The recommended or advanced high school curriculum; or
2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district's high school.

The district must include this information on the student's transcript not later than the end of the student's junior year.

Education Code 56.308(b)(2)

Certificate of
Coursework
Completion

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record (transcript) shall include a notation of the date a certificate of completion was issued to the student. *19 TAC 74.5(o)* [See FMH for participation in the graduation ceremony.]

**Student
Advancement**

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. [See EI]

In determining promotion, a district shall consider:

1. The recommendation of the student's teacher;
2. The student's grade in each subject or course;
3. The student's score on an assessment instrument administered under Education Code 39.023(a), (b), or (l), to the extent applicable; and
4. Any other necessary academic information, as determined by the district.

Education Code 28.021(a), (c)

**Advancement
Requirements**

By the start of the school year, a district shall make public the requirements for student advancement under Education Code 28.021. *Education Code 28.021(d)*

**Retention After
Assessment**

A district is not precluded from retaining, in accordance with state law or board policy, a student who performs satisfactorily on a state assessment. *Education Code 28.0211(g)*

**Parental Option to
Retain**

A parent or guardian may elect for a student to:

1. Repeat prekindergarten;
2. Enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Education Code 29.153(b) [see EHBG] and the student has not yet enrolled in kindergarten;
3. Repeat kindergarten;
4. Enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or
5. For grades 1 through 8, repeat the grade in which the student was enrolled during the previous school year.

For courses taken for high school credit, a parent or guardian may elect for a student to repeat any course in which the student was enrolled during the previous school year. A parent or guardian may not elect for a student to repeat a course if the district determines the student has met all of the requirements for graduation.

A parent or guardian may make an election for a student in grades 1-8 or for a high school course, or both.

	An election made by a parent or guardian shall be made in writing to a district.
Retention Committee	If a district disagrees with the election, the district must convene a retention committee and meet with the parent or guardian to discuss retention. The meeting shall be conducted in person unless an alternative means is agreeable to the parent or guardian. A student may not be retained for a grade or retake a course under this provision if the parent or guardian does not meet with the retention committee. A retention committee shall be composed of: 1. The principal or the principal's designee; 2. The student's parent or guardian; 3. The teacher who taught the grade or course for which the parent wants the student retained or repeated; and 4. Additional teachers at the discretion of the principal, if the student will potentially repeat multiple courses. A retention committee shall: 1. Discuss the merits of and concerns with advancement and retention; and 2. Review and consider the student's grade in each subject or course, the results of any formative or summative assessments administered to the student, and any other available academic information to determine the student's academic readiness for the next grade or a given course. If established, after the parent or guardian has participated in a retention committee meeting, the parent or guardian shall decide whether the student should be retained or retake a grade or course. The district must abide by the decision of the parent or guardian.
Passing Grade	A student who receives a passing grade or who earns credit for a high school course shall retain a district's original assignment of a grade or award of credit when a student is retained under this section, unless the district adopts a policy to a different effect.
Retention Considerations	Except as provided by this provision or other law, retention of a student pursuant to a parent's or guardian's election under this provision shall be considered the same as retention of a student by a district.

Transfer of Rights	The rights of a parent or guardian under this provision transfer to a student if the student is 18 years of age or older or has had the disabilities of a minor removed, unless the student is under a form of guardianship imposed by law or court order that continues after the student turns 18 years of age. <i>Education Code 28.02124</i>
Students with Dyslexia	In measuring the academic achievement or proficiency of a student who has dyslexia, the student's potential for achievement or proficiency in the area must be considered. <i>Education Code 28.021(b)</i> [See policies at EHB, EKB, and FB]
Optional Extended-Year Program	An optional extended year program may extend the day, the week, or the year to provide additional support and instruction for eligible students. The program shall be conducted beyond the required instructional days, which may include intercessions for year-round programs. <i>19 TAC 105.1001(b)</i> A student is eligible for services in accordance with Education Code 29.082(a)(1)-(2). A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services. <i>19 TAC 105.1001(c); Education Code 29.082(a)(1)-(2)</i> A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the school counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or school counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the district shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years. If a district provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention. <i>Education Code 29.082(e)-(f)</i> [See EHBC]

Table of Contents	High School Diploma2
	FAFSA Required.....2
	Individual Graduation Committee4
	Special Education6
	Posthumous Diploma.....6
	Diplomas for Veterans7
	Texas First Early High School Completion Program7
	Notice Upon Enrollment.....7
	Personal Graduation Plan8
	Junior High or Middle School PGP8
	High School PGP8
	Early Graduation9
	State Graduation Requirements10
	Students Entering Grade 910
	Students Who Entered Grade 9 Before the 2014-15 School Year17
	Transfers from Out-of-State or Nonpublic Schools20
	Graduation of Students Receiving Special Education Services21
	Modified Curriculum and Content21
	Employability and Self-Help Skills21
	Summary of Academic Achievement and Evaluation21
	Graduation of Military Dependents.....23
	Course Waiver23
	Transfers During Senior Year23
	Substitute Passing Standard23
	Graduation of Student Who Is Homeless or in Conservatorship of DFPS24

- High School Diploma** A student may graduate and receive a diploma only if the student:
1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or
 2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]
- Education Code 28.025(c)*

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021-22 school year.

- FAFSA Required** Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), except as provided below.
- A student is not required to comply with the above provision if:
1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
 2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or
 3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district to comply with the commissioner's rules.

A school counselor may not indicate that a student has not complied with this section if the district fails to provide the required form

to the student or the student's parent or other person standing in parental relation to the student.

Education Code 28.0256; 19 TAC 74.11(b)

Opt-Out Form

The board shall adopt the standard opt-out form provided by the Texas Education Agency (TEA).

The opt-out form shall be available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the district. A district is responsible for translations not provided by TEA.

The opt-out form must include the student's signature of intent to decline to complete a financial aid application prior to the student's anticipated graduation date.

19 TAC 74.1023(c)

Notification

A district shall provide students with the notifications regarding the financial aid application requirement, in accordance with 19 Administrative Code 74.1023(d).

*Proof of
Submission*

A district shall require one of the following methods of proof that a student has completed and submitted the FAFSA or TASFA.

For completion and submission of the FAFSA:

1. ApplyTexas Counselor Suite FAFSA data;
2. Notification from the U.S. Department of Education that demonstrates a student has completed and submitted a FAFSA; or
3. A local policy developed by a district for the method by which a student must provide proof that the student has completed a FAFSA.

A district shall develop a local policy for the method by which a student must provide proof that the student has completed a TASFA.

19 TAC 74.1023(e)

*Information
Submission and
Confidentiality*

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) not later than December 1 of each school year for students awarded diplomas in the previous school year the number of students who completed and submitted a financial aid application and the number of students who submitted an exception.

A district shall maintain student financial aid application information securely and ensure compliance with federal law regarding the

confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information [see FL].

19 TAC 74.1023(f)-(g)

Individual
Graduation
Committee

A student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
 - a. The student's parent or person standing in parental relation to the student;
 - b. A designated advocate if the parent is unable to serve; or
 - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)-(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

*Alternate
Members*

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)-(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

*Curriculum
Requirements*

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

<i>Additional Requirements to Graduate</i>	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. <i>Education Code 28.0258(f), (g)</i> 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. <i>Education Code 28.0258(i)</i>
<i>Emergent Bilingual Students</i>	For provisions related to an IGC and emergent bilingual students, see EKBA.
Special Education	A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. <i>19 TAC 101.3023(a)</i> [See Graduation of Students Receiving Special Education Services, below, and EKB]
Posthumous Diploma	Beginning with students who would have graduated at the end of the 2019-20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.

<i>Exception</i>	A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Penal Code Title 5 or 6 or adjudicated as having engaged in conduct constituting a felony offense under Penal Code Title 5 or 6. <i>Education Code 28.0254</i>
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. <i>Education Code 28.0251</i>
Texas First Early High School Completion Program	A district shall allow a student to graduate and receive a high school diploma under the Texas First Early High School Completion Program if, using the standards established by TEA and the Texas Higher Education Coordinating Board and eligible institutions of higher education, the student demonstrates mastery of and early readiness for college in each of the subject areas described by the standards and in a language other than English, notwithstanding any other local or state requirements. A student who earns a high school diploma through the program is considered to have earned a distinguished level of achievement.
Notice Upon Enrollment	On a student's initial enrollment in high school in a grade level below grade 12 in a district, the district shall provide to the student and the student's parent or guardian information regarding the requirements to earn a high school diploma under the Texas First Early High School Completion Program and the Texas First Scholarship Program. <i>Education Code 28.0253(e)-(g); 19 TAC 21.52(a)</i> The notice must include information about the requirement that a student must provide an official copy of their assessment results

and transcripts, as applicable, to receive credit for the assessments and credits required to receive early graduation from the program. *19 TAC 21.54*

Personal Graduation Plan

Junior High or
Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

*Students
Receiving
Special
Education
Services*

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The

PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)* [See FMH, FNG]

State Graduation Requirements	Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007-08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.
Students Entering Grade 9	To receive a high school diploma, a student entering grade 9 in the 2014-15 school year and thereafter must complete: 1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below]; 2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and 3. Demonstrated proficiency, in grade 8 or higher, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations. A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement. <i>Education Code 28.025(c); 19 TAC 74.11(a), (d)</i>
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. <i>19 TAC 74.12(a)-(b)</i>

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110-117, 127, and 130 are followed.

19 TAC 74.13(a)-(d); Education Code 28.025

For more information on endorsements, including the requirements for specific endorsements, see 19 Administrative Code 74.13(e)-(g).

Exception	A student may graduate under the foundation high school program without earning an endorsement if, after the student’s sophomore year: 1. The student and the student’s parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and 2. The student’s parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.
	19 TAC 74.11(e)
Distinguished Level of Achievement	A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. 19 TAC 74.11(f)
Algebra II Notification	Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for: 1. Automatic college admission under Education Code 51.803; and 2. Certain financial aid authorized under Title 3 of the Education Code.
	Education Code 28.02123
Prerequisites	A student may not be enrolled in a course that has a required prerequisite unless: 1. The student has completed the prerequisite course(s); 2. The student has demonstrated equivalent knowledge as determined by the district; or

3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(j)-(k)

*Dual Credit
Courses*

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(i)*

*Core Curriculum
College Courses*

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and
3. Is entitled to receive a high school diploma.

19 TAC 74.11(o)

*Languages Other
Than English*

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other than English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

*Physical
Education*

The required credit may be selected from one full credit or a combination of two half credits from two different courses from the following courses:

1. Lifetime Fitness and Wellness Pursuits;
2. Lifetime Recreation and Outdoor Pursuits; and
3. Skill-Based Lifetime Activities.

*Other Physical
Education
Activities*

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that meets the requirement for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. Junior Reserve Officer Training Corps (JROTC); and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
 - b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the required physical education courses may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Credit may not be earned more than once for the Lifetime Fitness and Wellness Pursuits course or the Skill-Based Lifetime Activities course. Credit may not be earned more than twice for the Lifetime Recreation and Outdoor Pursuits course.

Student with
Disability or
Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies, or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

19 TAC 74.12(b)(6); Education Code 28.025(b-10)-(b-11)

*Community-
Based Fine Arts
Programs*

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

*Performance
Acknowledgments*

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
 - a. In a dual credit course;
 - b. In bilingualism and biliteracy;
 - c. On a College Board advanced placement test or international baccalaureate examination;

- d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who
Entered Grade 9
Before the 2014-15
School Year

*Minimum High
School Program*

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

A student entering grade 9 prior to the 2014-15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the 10th grade one or more times as determined by the school district.

Students with
Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009-10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements

A student must earn at least 22 credits to complete the Minimum High School Program.

A student who entered grade 9 in the 2012-13 or 2013-14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

A student who enters grade 9 before the 2012-13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D-F.

Education Code 28.025; 19 TAC 74.62, .72

*Recommended
High School
Program*

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*

*Advanced /
Distinguished
Achievement
High School
Program*

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*

Substitutions

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP or IB Courses

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

Reading

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(h), .71(f)

College Courses A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. 19 TAC 74.61(l), .71(j)

Physical Education Substitutions In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

Other Physical Activity

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
 - b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions	All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity. No more than four substitution credits may be earned through any combination of substitutions listed above.
<i>Student with Disability or Illness</i>	A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by: 1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A; 2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or 3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.
<i>Student with Physical Limitations</i>	If a student entering grade 9 during the 2007-08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity. <i>Education Code 28.025(b-10)-(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)</i>
Transfers from Out-of-State or Nonpublic Schools	Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspon-

	dence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. <i>19 TAC 74.11(g)</i> [See EHDB, EHDC, EHDE, and EI]
Graduation of Students Receiving Special Education Services	Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110-117, 126-128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. <i>19 TAC 89.1070(k)</i>
Modified Curriculum and Content	
Employability and Self-Help Skills	Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. <i>19 TAC 89.1070(i)</i>
Summary of Academic Achievement and Evaluation	All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. <i>19 TAC 89.1070(g)-(h)</i>
<i>Students Entering Grade 9 in or After the 2014-15 School Year</i>	A student entering grade 9 in the 2014-15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions: 1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments. 2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative

Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
 - a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
 - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.
 - c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
 - d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (j)

Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:
 - a. The curriculum requirements identified by the SBOE for the foundation high school program; and
 - b. The additional endorsement curriculum requirements prescribed by the SBOE; and
2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:
 - a. Without modification of the curriculum; or
 - b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)-(c-8), 19 TAC 89.1070(c)

*Students
Entering Grade 9
Before the 2014-
15 School Year*

A student receiving special education services who entered grade 9 before the 2014-15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

**Graduation of
Military Dependents**
Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During
Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

Substitute Passing
Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for

graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the 10th-grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

**Graduation of
Student Who Is
Homeless or in
Conservatorship of
DFPS**

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

Definitions

“Recent unschooled immigrant” means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the language proficiency assessment committee (LPAC). *Education Code 39.027(g)*

“Unschooled asylee or refugee” means a student who:

1. Initially enrolled in a school in the United States as:
 - a. An asylee as defined by 45 C.F.R. 400.41; or
 - b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with “Asylee,” “Refugee,” or “Asylum”; and
3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063. [See EHBE]

Education Code 39.027(a-1); 19 TAC 101.1005(c)

“Inadequate schooling outside the United States” is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

English Language Proficiency Assessment

In kindergarten-grade 12, an emergent bilingual (EB) student, as defined as a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork, shall be administered state English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state requirements under Education Code, Chapter 39, Subchapter B, and federal requirements. *19 TAC 101.1003(a)*

Language
Proficiency
Assessment
Committee

The LPAC shall select the appropriate assessment option for each EB student in grade 3 or higher. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by the Texas Education Agency (TEA).

Documentation	The LPAC shall document in the student's permanent record file: 1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003; 2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005; and 3. In conjunction with the admission, review, and dismissal (ARD) committee [see EHBAB], the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005. <i>19 TAC 101.1003(b), (c), .1005(a), (c)</i>
State Assessment Grades 3-8	An EB student shall participate in the grades 3-8 assessments, with or without allowable testing accommodations, and, except as provided below, shall be administered the general form of the English-version state assessment.
<i>Spanish-Version Assessment</i>	An EB student in grades 3-5 may be administered the Spanish-version state assessment, with or without allowable testing accommodations, if the assessment in Spanish is the most appropriate measure of the student's academic progress.
Linguistically Accommodated Assessments	An EB student in grade 3 or higher who receives special education services based on the most significant cognitive disabilities may be administered an alternate assessment instrument based on alternative achievement standards, in accordance with Education Code 39.023(b) [see EKB], if the student meets the participation requirements. <i>19 TAC 101.1005(b)</i>
Exemption for Asylee or Refugee	An unschooled asylee or refugee (as defined above) who meets the criteria at Spanish-Version Assessment and Linguistically Accommodated Assessments above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. <i>19 TAC 101.1005(c)</i>
End-of-Course Assessments	An EB student shall participate in the end-of-course assessments, with or without allowable testing accommodations, as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. <i>19 TAC 101.1005(b)</i>

An EB student shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

Exception

If an EB student is enrolled in an English I course or an English for Speakers of Other Languages (ESOL) I course has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Assessment, above] and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then the student shall not be required to retake the applicable English I assessment each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

**Individual
Graduation
Committees**

An EB student who qualifies for the English I special exception in 19 Administrative Code 101.1007, above, may graduate without an individual graduation committee (IGC) if the student achieves satisfactory performance on the remaining end-of-course (EOC) assessments that the student is required to take.

The qualifying EB student becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

If a qualifying EB student does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

19 TAC 101.3022(e)(2)

**Emergent Bilingual
Students**

A district may administer the assessment of academic skills in Spanish to a student who is not identified as an EB student but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(f)*

**Limitations on
Exemptions**

**First Year After
Enrollment**

An EB student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English

	as determined by the assessment system developed to evaluate academic progress of an EB student. <i>Education Code 39.027(a)(1)</i>
Subsequent Years	An EB student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to: 1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or 2. An additional four years if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee. The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student's academic progress in a valid, reliable manner.
Minimum Days for Enrollment	Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive calendar days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3). <i>Education Code 39.027(a)(1)-(2), (a-1), (a-2), (g); 19 TAC 101.1001</i>
Special Education Selecting Assessments	For each EB student who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments. The LPAC shall document the decisions and justifications in the student's permanent record file, and the ARD committee shall document the decisions and justifications in the student's individualized education program (IEP). Assessment decisions shall be made on an individual student basis and in accordance with administrative procedures established by TEA. <i>19 TAC 101.1005(a)</i> In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an EB student in grades 2-12 who receives special education services to participate in the general required English language proficiency assessment [see English Language Proficiency Assessment, above] for reasons associated with the student's particular disability. Students with the most significant cognitive disabilities who cannot participate in the

general English language proficiency assessment, even with allowable accommodations, and meet the participation requirements for the alternate English language proficiency assessment shall participate in the alternate English language proficiency assessment to meet federal requirements. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*

In the case of an EB student who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*

Testing
Accommodations

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*

Note: The following provisions address requirements for a charter partnership to receive the benefits of Education Code 11.174 and 48.252. For the general campus charter requirements applicable to partnership charters, see EL(LEGAL).

**Contract Regarding
Operation of District
Campus**

The board may contract with a partner to operate a campus. The partner may be an open-enrollment charter school or, on approval by the commissioner of education, an entity granted a charter by the district under Chapter 12, Subchapter C that is eligible to be awarded a charter under Education Code 12.101(a). The campus must be granted a charter under Chapter 12, Subchapter C. *Education Code 11.174(a), (d)*

A campus operated under a contract qualifies for an exemption from intervention as provided below and qualifies for funding as provided by Education Code 48.252 [see Funding for Certain Students, below].

The board may enter into a contract only if:

1. The charter of the open-enrollment charter school has not been previously revoked;
2. For the three school years preceding the school year of the proposed operation of the campus, the open-enrollment charter school has received:
 - a. An overall performance rating of acceptable or higher; and
 - b. A financial accountability rating indicating financial performance of satisfactory or higher; or
3. The entity considered for a district-authorized charter has not previously operated an open-enrollment charter school in which the charter expired or was revoked or surrendered.

Education Code 11.174(a)-(b)

Intervention Pause

For a campus under a contract that received an overall performance rating of unacceptable under Education Code Chapter 39, Subchapter C for the school year before operation under the contract began, the commissioner may not impose a sanction or take action against the campus under Education Code 39A for failure to satisfy academic performance standards during the first two school years of operation of a campus under the contract. [See AIA, AIC]

A campus is eligible for an exemption from applicable sanctions or actions if the campus and the partnership to operate the campus

meet all applicable requirements and the campus was operated under the partnership from the first to the last day of the school year of the campus. A school year must include, at a minimum, all minutes of operation and instructional time conducted on the campus, and all the days for which the instructional workforce of the campus that provides education services for students are employed.

The overall performance rating received by the campus during those first two school years is not included in calculating consecutive school years and is not considered a break in consecutive school years.

Education Code 11.174(f); 19 TAC 97.1077

Applicability

A campus shall not qualify for an intervention pause unless during the school year prior to the operation of a partnership charter the campus received an unacceptable performance rating, except as provided by 19 Administrative Code 97.1077(e) (campus that operates a partnership charter for less than a year). 19 TAC 97.1062(b)

The Texas Education Agency (TEA) will not withdraw or postpone issuing any orders or determinations required or authorized that arise due to the performance rating from the school year prior to the school year in which the campus qualifies for the intervention pause, and any order or determination will resume upon expiration of the intervention pause.

Any intervention or sanction not covered by the intervention pause shall continue.

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

TEA will not pursue interventions under Education Code 39A.101-39A.109 and 39A.111 for a campus eligible for an intervention pause if one of the school years eligible for an intervention pause results in an acceptable or higher overall rating.

If after the expiration of the intervention pause a campus receives an unacceptable rating, TEA will apply the requisite interventions that apply to the consecutive year that corresponds to the campus's actual number of consecutive years of unacceptable performance minus the number of intervention pause years and, if applicable, accounting for the modification under 19 Administrative Code 97.1062(c).

If a campus qualifies for an intervention pause for a school year after the conclusion of the school year in which an order is authorized under Education Code 39A.111, the intervention under Education Code 39A.111 will not pause.

A campus that receives an intervention pause will still receive an accountability rating for that school year.

Performance of students at a campus that receives an intervention pause shall be considered in the accountability rating of the district and the application of an intervention pause to a campus shall not pause or alter any intervention applicable to the district or other campuses.

Appeal

A determination under this section that arises from the application of Education Code 28.020 is final and may not be appealed.

19 TAC 97.1062(d), (f)-(m)

*Additional
Exemption*

A campus that receives an exemption from a sanction or other action may receive another exemption while operating under a subsequent contract only if the campus receives approval for the exemption from the commissioner. *Education Code 11.174(g)*

Funding for Certain
Students

A district that enters into a contract is entitled to receive for each student in average daily attendance at the campus an amount equivalent to the difference, if the difference results in increased funding, between the amount described by Education Code 12.106 and the amount to which the district would be entitled under this Education Code Chapter 48. This section applies only to a district that does not appoint a majority of the governing body of the charter holder. *Education Code 48.252*

Consultation with
Campus Personnel

Before entering into a contract, the district must consult with campus personnel regarding the provisions to be included in the contract between the district and the open-enrollment charter school. All rights and protections afforded by current employment contracts or agreements may not be affected by the contract entered into between a district and an open-enrollment charter school. *Education Code 11.174(c)*

Notice to
Commissioner

A district proposing to enter into a contract with a campus or program charter shall notify the commissioner of the district's intent to enter into the contract according to commissioner rules. The commissioner shall notify the district whether the proposed contract is approved not later than the 60th day after the date the commissioner receives notice of the proposed contract and all information required by the commissioner to be submitted. If the commissioner fails to notify the district that the proposed contract has been approved or denied within the period prescribed by this subsection,

the proposed contract is considered approved. *Education Code 11.174(k)*

Enrollment Eligibility The contract must include a provision addressing student eligibility for enrollment.

The contract must provide that any student residing in the attendance zone of the campus as the attendance zone existed before operation of the campus under the contract shall be admitted for enrollment at the campus. The contract must establish enrollment preference for students who do not reside in the attendance zone as follows:

1. Other students residing in the school district in which the campus is located; and
2. Students who reside outside the school district.

Education Code 11.174(h), (i)

Operating Partner An operating partner means a state authorized open-enrollment charter school or an eligible entity as defined by Education Code 12.101(a). *19 TAC 97.1075(b)(1)*

*Conferred
Authority*

The district must confer, at a minimum, the following enhanced authorities to the operating partner:

Staffing
Authorities

1. The operating partner must have authority to employ and manage the campus chief operating officer, including the initial and final non-delegable authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment, and establish any other terms of employment.
2. The operating partner must have authority over the employees of the operating partner, including initial and final non-delegable authority for the operating partner to employ and/or manage all of the operating partner's own administrators, educators, contractors, or other staff. Such authority includes the authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment and establish any other terms of employment.
3. The operating partner must have sole authority over the assignment of all district employees to the campus, including initial and final authority to approve the assignment of all district employees or contractors to the campus.
4. The operating partner must have initial, final, and sole authority to supervise, manage, evaluate, and rescind the assignment of any district employee or district contractor from the

campus. If the operating partner rescinds the assignment of any district employee or district contractor, the district must grant the request within 20 working days.

5. The operating partner must directly manage the campus principal or chief operating officer, including having the sole responsibility for evaluating the performance of the campus principal or chief operating officer.

19 TAC 97.1075(c)(1)

Other Authorities

The operating partner must have:

1. Initial, final, and sole authority to approve all curriculum decisions beyond the minimum requirements outlined in 19 Administrative Code 74.2 and 74.3 (required elementary and secondary curriculum), lesson plans, instructional strategies, and instructional materials as defined by law, to be used at that campus;
2. Initial, final, and sole authority over educational programs for specific, identified student groups, such as gifted and talented students, students of limited English proficiency, students at risk of dropping out of school, special education students, and other statutorily defined populations;
3. Initial, final, and sole authority to set the school calendar and daily schedule, which may differ from those in other district campuses;
4. Initial, final, and sole authority to select and determine the use of any and all assessments to be used on the campus that are not required by the state of Texas;
5. Initial, final, and sole authority to determine how the entire campus budget, including any and all federal and state grant funds due the campus, is allocated. The governing body of the operating partner shall approve the campus budget in a meeting held under the Texas Open Meetings Act [see BE]. Notwithstanding such budget authority, the operating partner's expenditures must comply with the applicable restrictions on the use of state and federal funds; and
6. Initial, final, and sole authority to implement and adjust the campus budget.

19 TAC 97.1075(c)(2)

Performance
Contract

To contract to partner to operate under Education Code 11.174, the district's board must grant the operating partner a campus charter under Education Code Chapter 12, Subchapter C. The

charter must include performance expectations memorialized in a performance contract as required by law. The performance contract must include, at a minimum, the following:

1. A clear and unambiguous description of enhanced authorities as outlined above;
2. Academic performance expectations and goals, which shall include, but are not limited to;
 - a. For campuses that are paired for accountability purposes, specific annual targets for improved student academic performance;
 - b. For campuses issued an accountability rating under Education Code 39.054, a specific annual target for the overall campus academic rating; and
 - c. Specific consequences in the event that the operating party does not meet the academic performance expectations and goals described in the performance contract;
3. Annual financial performance expectations and goals, which shall include, but are not limited to:
 - a. The completion of an annual independent financial report, including an audit, of the operating partner organization, limited to matters directly related to the management or operation of the campus or campuses;
 - b. Receipt of an unqualified audit opinion, in connection with the annual financial report required above; and
 - c. Specific consequences in the event that the operating partner does not meet the annual financial performance expectations and goals described in the performance contract;
4. A description of the campus enrollment and expulsion policies that must comply with Education Code 11.174(i);
5. A contract term of up to 10 years as required by Education Code 12.0531, with a provision(s) specifying a requirement for a public hearing at least 30 days prior to any district action to terminate or extend if required by 19 Administrative Code 97.1075(d)(5);
6. A contract term stating that the campus is exempt from laws and rules to the fullest extent allowed by the Education Code, Chapter 12, Subchapter C, and is exempt from all district policies except for laws, rules, and policies that are specifically

identified as applicable to the campus in the performance contract;

7. A section that describes the funding structure of the partnership as required by 19 Administrative Code 97.1075(d)(7);
8. Service-level agreements that list the resources and services the operating partner intends to purchase from the district and the specific costs of such services by pupil, square foot, campus, or the percentage of the total district budget for the specific resource or service. The resources and services may include:
 - a. Facility use and related matters;
 - b. Transportation;
 - c. Specific education program services, such as providing special education services; and
 - d. Access to other resources and services as agreed between the parties;
9. A section that describes the educational plan or academic model that the operating partner will implement on the campus or campuses;
10. An assurance that the district has consulted with campus personnel regarding the provisions included in the performance contract and that the rights and protections afforded by current employment contracts or agreements shall not be affected by this contract as required by Education Code 11.174(c), unless the district is partnering with an entity described in Education Code 11.174(a)(2); and
11. A description of the specific and material consequence(s) in the instance that either the district or the operating partner breaches the contract.

19 TAC 97.1075(d); Education Code 12.0531

Eligible partnerships must notify TEA of amendments to performance contracts within 30 calendar days of the amendment of the contract. *19 TAC 97.1075(g)*

TEA Monitoring

The commissioner shall continue to evaluate and assign overall and domain performance ratings under Education Code 39.054 to the campus. In order to qualify for ongoing benefits subsequent to initial eligibility validation or approval, the eligible partnership campus must comply with all information requests or monitoring visits

	deemed necessary by the TEA staff to monitor the ongoing eligibility of the partnership. <i>19 TAC 97.1075(h)-(i)</i>
Entity Granted a Charter by the District	Title 19 Administrative Code 97.1079 applies only to districts that intend to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2).
Definitions	
<i>Eligible Entity</i>	“Eligible entity” means an institution of higher education, a non-profit organization, or a governmental entity. For applicants seeking approval of an institution of higher education, which has been granted a charter in accordance with Education Code Chapter 12, Subchapter E, the commissioner will treat the institution of higher education as an open-enrollment charter.
<i>Campus</i>	“Campus” means an organizational unit operated by a district that is eligible to receive a campus performance rating in the state accountability system, including a rating of Not Rated or Not Rated: Data Integrity Issues. This definition includes a charter school campus.
<i>Applicant</i>	“Applicant” means a district seeking approval to receive benefits for an eligible entity to contract to partner to operate a campus.
<i>Proposed Operating Partner</i>	“Proposed operating partner” means an eligible entity seeking approval in coordination with a district to contract to partner to operate a campus.
	<i>19 TAC 97.1079(b)-(c), .1051(3); Education Code 12.101(a)</i>
Eligibility Approval Process	TEA shall review application packages submitted under this provision. If TEA determines that an application package is not complete and/or the applicant does not meet the eligibility criteria, TEA shall notify the applicant and allow 10 business days for the applicant to submit any missing or explanatory documents.
	Upon written notice to TEA, an applicant may withdraw an application package.
	<i>19 TAC 97.1079(e)(2)-(3)</i>
<i>Public Information</i>	All parts of the district's eligibility approval request are releasable under the Texas Public Information Act [see GBA] and will be posted to the TEA website. Information described in 19 Administrative Code 97.1079(e)(4) must be excluded or redacted from an eligibility approval request. <i>19 TAC 97.1079(e)(4)</i>
<i>Criteria for Approval</i>	The commissioner shall consider the criteria described in 19 Administrative Code 97.1079(e)(9) when determining approval to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2). <i>19 TAC 97.1079(e)</i>

Threat Assessment

Definitions

“Harmful, threatening, or violent behavior” includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or
4. The student’s expulsion or removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

“Team” means a threat assessment and safe and supportive school team established by the board under Education Code 37.115.

Education Code 37.115(a)

Threat Assessment
and Safe and
Supportive Schools
Team

The board shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams.

The team is responsible for developing and implementing the safe and supportive school program in compliance with Texas Education Agency (TEA) rules at the district campus served by the team.

The policies and procedures adopted under Education Code 37.115 must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC) [see Education Code 37.220];
2. Require each team to complete training provided by the TxSSC or a regional education service center (ESC) regarding evidence-based threat assessment programs;
3. Require each team established under this section to report the required information regarding the team’s activities to TEA [see Reporting to TEA, below];
4. Require each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee; and

5. Provide for:
 - a. A district employee who reports a potential threat to a team to elect for the employee's identity to be confidential and not subject to disclosure Government Code Chapter 552 (Public Information Act), except as necessary for the team, the district, or law enforcement to investigate the potential threat; and
 - b. The district to maintain a record of the identity of a district employee who elects for the employee's identity to be confidential.

Membership The superintendent shall ensure, to the greatest extent practicable, that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a district, provided that each district campus is assigned a team.

Oversight
Committee The superintendent may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

Team Duties Each team shall:

1. Conduct a threat assessment that includes assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with district policies and procedures; and gathering and analyzing data to determine the level of risk and appropriate intervention, including:
 - a. Referring a student for mental health assessment; and
 - b. Implementing an escalation procedure, if appropriate, based on the team's assessment, in accordance with district policy;
2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and

3. Support the district in implementing the district's multihazard emergency operations plan [see CKC].

Parental
Participation

Before a team may conduct a threat assessment of a student, the team must notify the parent of or person standing in parental relation to the student regarding the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to participate in the assessment, either in person or remotely, and to submit to the team information regarding the student.

After completing a threat assessment of a student, the team shall provide to the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.

*Consent for
Mental Health-
Care Service*

A team may not provide a mental health-care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or the person standing in parental relation to the student before providing the mental health-care service. The consent must be submitted on a form developed by the district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

Education Code 37.115(c)-(g)

Determination of
Risk

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the parent or person standing in parental relation to the student. These requirements do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

Education Code 37.115(h)-(j)

Recordkeeping	Materials and information provided to or produced by a team during a threat assessment of a student under this provision must be maintained in the student's school record until the student's 24th birthday. <i>Education Code 37.115(j-1)</i> [For information regarding the transfer of threat assessment records between school districts, see FD and FDA.]
Reporting to TEA	A team must report to TEA in accordance with TEA-developed guidelines the following information regarding the team's activities and other information for each campus the team serves: 1. The occupation of each person appointed to the team; 2. The number of threats and description of the type of threats reported to the team; 3. The outcome of each assessment made by the team, including: a. Any disciplinary action taken, including a change in school placement; b. Any action taken by law enforcement; or c. A referral to or change in counseling, mental health, special education, or other services; 4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team: a. Citations issued for Class C misdemeanor offenses; b. Arrests; c. Incidents of uses of restraint; d. Changes in school placement, including placement in a JJAEP or DAEP; e. Referrals to or changes in counseling, mental health, special education, or other services; f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion; g. Unexcused absences of 15 or more days during the school year; and

- h. Referrals to juvenile court for truancy; and
- 5. The number and percentage of school personnel trained in:
 - a. A best-practices program or research-based practice under Education Code 38.351 [see FFEB], including the number and percentage of school personnel trained in suicide prevention or grief and trauma-informed practices;
 - b. Mental health or psychological first aid for schools;
 - c. Training relating to the safe and supportive school program; or
 - d. Any other program relating to safety identified by the commissioner.

Education Code 37.115(k)

**Policy and Program
to Address Sexual
Abuse, Trafficking,
and Maltreatment**

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 103.1401(b)(3)

Definitions

Child Abuse

"Abuse" includes the following acts or omissions by a person:

1. Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
2. Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
3. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
4. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

5. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Penal Code 21.02, indecency with a child under Penal Code 21.11, sexual assault under Penal Code 22.011, or aggravated sexual assault under Penal Code 22.021;
6. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;
7. Compelling or encouraging the child to engage in sexual conduct as defined by Penal Code 43.01, compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Penal Code 20A.02(a)(7) or (8), solicitation of prostitution under Penal Code 43.021, or compelling prostitution under Penal Code 43.05(a)(2);
8. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Penal Code or pornographic;
9. The current use by a person of a controlled substance as defined by Health and Safety Code Chapter 481, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
10. Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Health and Safety Code Chapter 481;
11. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Penal Code 43.25;
12. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Penal Code 20A.02(a)(5), (6), (7), or (8), or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or
13. Forcing or coercing a child to enter into a marriage.

Neglect

"Neglect" means an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that re-

sults in harm to the child or that creates an immediate danger to the child's physical health or safety.

Neglect includes:

1. The leaving of a child in a situation where the child would be exposed to an immediate danger of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
2. The following acts or omissions by a person:
 - a. Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or an immediate danger of harm to the child;
 - b. Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
 - c. The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 - d. Placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or
 - e. Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse as defined above at items 5-9 committed against another child;
3. The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or
4. A negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment

plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

Neglect does not include:

1. The refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:
 - a. The child has a severe emotional disturbance;
 - b. The person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and
 - c. The person has exhausted all reasonable means available to the person to obtain the mental health services described at item b, above;
2. Allowing the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture; or
3. A decision by a person responsible for a child's care, custody, or welfare to:
 - a. Obtain an opinion from more than one medical provider relating to the child's medical care;
 - b. Transfer the child's medical care to a new medical provider; or
 - c. Transfer the child to another health care facility.

Family Code 261.001(1), (4)

Other Maltreatment	This term has the meaning assigned by Human Resources Code 42.002.
Trafficking of a Child	The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004. <i>19 TAC 103.1401(a)</i>
Duty to Report Report by Any Person	Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. <i>Family Code 261.101(a)</i>

Report by Any
Professional

Any professional who has reasonable cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is the victim of an offense of indecency with a child.

A professional may not delegate to or rely on another person to make the report.

A “professional” is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, juvenile probation officers, and juvenile detention or correctional officers.

Family Code 261.101(b)

Abuse of Persons
with Disabilities

A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, .052, .054

Adult Victims of
Abuse

A person or professional shall make a report in the manner required above if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

**Restrictions on
Reporting**

Psychotropic Drugs
and Psychological
Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFEB]

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The individual making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child;
3. The facts that caused the individual to believe the child has been abused or neglected and the source of the information;
4. The individual's name and telephone number;
5. The individual's:
 - a. Home address; or
 - b. If the individual is a professional as defined by Family Code 261.101(b) [see Report by Any Professional, above], the individual's business address and profession; and
6. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

**Confidentiality of
Report**

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act) and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)-(a)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confiden-

**Abuse and Neglect
Involving School
Personnel and Those
Responsible for Care**

tial and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made to a state agency under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 103.1401(b)(1)-(2)

“Person responsible for a child’s care, custody, or welfare” means a person who traditionally is responsible for a child’s care, custody, or welfare, including:

1. A parent, guardian, managing or possessory conservator, or foster parent of the child;
2. A member of the child’s family or household as defined by Family Code Chapter 71;
3. A person with whom the child’s parent cohabits;
4. School personnel or a volunteer at the child’s school;
5. Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or
6. An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Human Resources Code Chapter 42.

Family Code 261.001(5)

**Reporting Abuse,
Neglect, or
Exploitation in a
JJAEP**

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term “juvenile justice program” includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

**Immunity from
Liability**

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

Criminal Offenses

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

Family Code 261.109

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

Coercion

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

**SBEC Disciplinary
Action**

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the cir-

cumstances and in the manner required by Education Code 21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)-(f). 19 TAC 249.15(b)(4)

Note: The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. See 40 Administrative Code Chapter 707, Subchapter B for more information regarding investigations of abuse or neglect in a school setting.

Investigations

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

Interference with Investigation

A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. 19 TAC 103.1401(b)

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined

by the board, after learning of facts giving rise to the suspicion. *19 TAC 103.1401(b)(1)*

The policies must be consistent with the Family Code Chapter 261 and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:
 - a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and
 - b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Oral reports made to DFPS are recorded;
5. Confidentiality provisions relating to a report of suspected child abuse or neglect, including the following:
 - a. The requirement for the individual making the report to provide his or her name and telephone number;
 - b. The requirement for the individual making the report to provide his or her home address or, if the individual making the report is a school employee, agent, or contractor, provide his or her business address and profession; and
 - c. The limited circumstances under which the identity of the individual making a report may be disclosed;
6. Any disciplinary action that may result from noncompliance with a district's reporting policy; and

7. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 103.1401(b)(2)

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and
3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 103.1401(b)(5)-(8)

Annual Distribution
and Staff
Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 103.1401(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

Required Poster

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS [Texas Abuse Hotline website](#)¹ for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Pro-

protective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 103.1401(e)-(f)

¹ Texas Abuse Hotline website: <https://www.txabusehotline.org/>

Table of Contents	Dating Violence	2
	Policy Requirements	2
	Student Resources	2
	Sexual Harassment	2
	Designation of Title IX Coordinator	3
	Parties Entitled to Notice	3
	Reporting	3
	Notification of Policy	3
	Publication Requirements	3
	Adopting and Publishing Complaint Procedures	4
	Response to Sexual Harassment	4
	Title IX Coordinator Response	6
	Process for Title IX Formal Complaint	8
	Recordkeeping	15
	Retaliation Prohibited	16
Confidentiality	17	

	Note: The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.
Dating Violence Policy Requirements	A district shall adopt and implement a dating violence policy to be included in the district improvement plan. A dating violence policy must include: 1. A definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021; 2. A clear statement that dating violence is not tolerated at school; and 3. Reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence. A dating violence policy must also address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade 6 or higher, counseling for affected students, and awareness education for students and parents. <i>Education Code 37.083, .0831 [See BQ]</i>
Student Resources	To the extent possible, a district shall make available to students age-appropriate educational materials that include information on the dangers of dating violence and resources to students seeking help. <i>Education Code 37.0831(c)</i>
Sexual Harassment	A district may develop and implement a sexual harassment policy to be included in the district improvement plan. <i>Education Code 37.083 [See BQ]</i> 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. <i>U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)</i>

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. *20 U.S.C. 1681 (Title IX)*

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. *34 C.F.R. 106.45; 20 U.S.C. 1681* [See also FB regarding Title IX]

Designation of
Title IX Coordinator

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."

Parties Entitled to
Notice

The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

34 C.F.R. 106.8(a)

Reporting

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. *34 C.F.R. 106.8(a)*

Notification of Policy

A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state that the requirement not to discriminate in the education program or activity extends to employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both. *34 C.F.R. 106.2(d), .8(b)(1)*

Publication
Requirements

A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if

any, and in each handbook that it makes available to the Parties Entitled to Notice, above.

A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX.

34 C.F.R. 106.8(b)(2)

Note: To distinguish the process described below from the district's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of Title IX sexual harassment in an education program or activity and against a person in the United States as the district's "Title IX formal complaint process."

Adopting and
Publishing
Complaint
Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)-(d)

Response to Sexual
Harassment
Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. "Notice" as

used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Consent” is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

“Supportive measures” means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.2, .30(a)

*Deliberate
Indifference*

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

*Education
Program or
Activity*

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], “education program or activity” includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

34 C.F.R. 106.44(a)

*Title IX Coordinator
Response*

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

<i>Supportive Measures Required</i>	A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]
<i>Constitutional Restrictions</i>	The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment. 34 C.F.R. 106.44(a)
<i>Response to a Formal Complaint</i>	In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. 34 C.F.R. 106.44(b)(1)
<i>Emergency Removal</i>	The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district: 1. Undertakes an individualized safety and risk analysis; 2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and 3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. 34 C.F.R. 106.44(c)
<i>Administrative Leave</i>	The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. 34 C.F.R. 106.44(d)
<i>Process for Title IX Formal Complaint</i>	For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for han-

ding formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;
2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal res-

olution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;

4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;
5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;
6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;
8. Include the procedures and permissible bases for the complainant and respondent to appeal;
9. Describe the range of supportive measures available to complainants and respondents; and
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

34 C.F.R. 106.45(b)(1)

*Notice of
Allegations*

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identities of the parties involved in the incident, if known;
 - b. The conduct allegedly constituting sexual harassment; and
 - c. The date and location of the alleged incident, if known.

The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

*Dismissal of a
Formal Complaint*

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allega-

tions therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

*Consolidation of
Formal
Complaints*

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

34 C.F.R. 106.45(b)(3)-(4)

*Investigation of a
Formal Complaint*

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, in-

cluding the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
7. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

Hearings

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to

submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. 34 C.F.R. 106.45(b)(6)(ii)

*Determination
Regarding
Responsibility*

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is

filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

34 C.F.R. 106.45(b)(7)(i)-(ii)

*Implementation
of Remedies*

The Title IX Coordinator is responsible for effective implementation of any remedies. *34 C.F.R. 106.45(b)(7)(iv)*

Appeals

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Title IX Formal Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

*Informal
Resolution*

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

Retaliation
Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohibited.

ited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71(a)-(b)

Confidentiality

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

Table of Contents	UIL Rules and District Policies3
	Athletic Activities3
	UIL Forms3
	Notices3
	Records3
	Unsafe Practices.....3
	Safety Precautions.....4
	Concussions4
	Football Helmet Safety Requirements7
	Steroid Testing.....7
	Cardiac Assessment.....7
	Safety of Official.....8
	Interscholastic Athletic Competition Based on Biological Sex9
	Water Activities9
	Definitions9
	Parent Affirmation9
	Flotation Device Required9
	Failure to Comply.....10
	Rodeos10
	Educational Program10
	Restriction on Participation10
	Protective Gear for Bull Riding10
	Eligibility11
	Military Dependents11
	Attendance and Participation.....11
	SBOE Rules.....11
	Extracurricular Activities11
	Exceptions12
	Limits on Participation and Practice.....12
	Record of Absences13
	Students Receiving Outpatient Mental Health Services13
	Participation by Homeschooled Students14
	Suspension from Extracurricular Activities17
	Length of Suspension17

Grade Evaluation Period.....17

School Week.....17

Exempt Courses17

Students with Disabilities18

Practice or Rehearsal18

Reinstatement.....18

Suspension for Certain Conduct Involving Extracurricular Offi-
cials.....18

Spectator Suspension19

Parental Notice and Consent19

 Anonymous Evaluations19

 Videotaping and Recording20

Discriminatory Club20

Special Olympics Recognition.....20

Student Election Clerks20

Before-School and After-School Programs20

**UIL Rules and
District Policies**

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

Athletic Activities

UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation — Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201-33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

Education Code 33.207(b), .208

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

Education Code 33.206

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

Safety Precautions	A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that: 1. Each student participant is adequately hydrated; 2. Any prescribed asthma medication for a student participant is readily available to the student; 3. Emergency lanes providing access to the practice or competition area are open and clear; and 4. Heatstroke prevention materials are readily available. If a student participating in a practice or competition becomes unconscious during the activity, the student may not: 1. Return to the activity during which the student became unconscious; or 2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.
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Education Code 33.205

Concussions	“Interscholastic athletic activity” includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL. <i>Education Code 38.152</i>
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“Concussion” means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness.
Education Code 38.151(4)

<i>Concussion Oversight Team</i>	The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. <i>Education Code 38.153(a)</i> Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight
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team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

A district may include a licensed chiropractor or physical therapist as a member of the district concussion oversight team, provided that the person meets the training requirements.

Education Code 38.154

*Training
Requirements*

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158. *Education Code 38.154(c), .158(f)*

A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. *Education Code 38.158(g)*

*Return-to-Play
Protocol*

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion. *Education Code 38.153(b)*

*Required Annual
Form*

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

*Removal from
Play*

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed health-care professional, as defined by Education Code 38.151(5); a licensed chiropractor or physical therapist; a school nurse; or the student's parent or guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

Return to Play

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to

practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;
2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;
3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and
4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:
 - a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;
 - b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;
 - c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and
 - d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play

protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

Education Code 38.157

Immunity

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;
2. Create any liability for a cause of action against a district or against district officers or employees;
3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or
4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

Education Code 38.159

Football Helmet
Safety
Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

Education Code 33.094(a)-(c)

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

Education Code 33.091(d)-(e)

Cardiac
Assessment

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned

by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is appropriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as established by the health-care professional's Texas licensing act.

Immunity

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

Education Code 33.096

Safety of Official

A district that holds an extracurricular athletic activity or a UIL athletic competition on district property shall provide a peace officer, a school resource officer, an administrator, or security personnel to ensure the safety of a referee, judge, or other official of the activity or competition until the official departs district property if:

1. A participant or spectator of the activity or competition engages in, attempts to engage in, or threatens violent conduct against the official or otherwise disrupts the duties or free movement of the official; or
2. The district reasonably suspects that an incident described above may occur at the activity or competition.

Education Code 33.099

[For information regarding the suspension of an individual who causes bodily injury to an official, see Suspension for Certain Conduct Involving Extracurricular Officials and Spectator Suspension, below.]

**Interscholastic
Athletic Competition
Based on Biological
Sex**

An interscholastic athletic team sponsored or authorized by a district may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the district that is designated for the biological sex opposite to the student's biological sex as correctly stated on the student's official birth certificate, as described below, or if the student's official birth certificate is unobtainable, another government record.

Exception

An interscholastic athletic team sponsored or authorized by a district may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.

*Birth Certificate
Statement*

For purposes of this provision, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct any type of scrivener or clerical error in the student's biological sex.

Education Code 33.0834

Water Activities**Definitions**

"Body of water" means an artificial or natural body of water, including a swimming pool, lake, or river, typically used for recreational swimming, bathing, or play. The term does not include a wading pool.

"Child" means an individual younger than 12 years of age.

"Organized water activity" means an activity an organization conducts in which a participant will enter or travel on a body of water as part of the activity.

"Wading pool" means a pool, including a pool that contains a public interactive water feature and fountain as defined by department rule, with a maximum water depth of not more than 18 inches.

Parent Affirmation

An organization, including a school, that authorizes a child to engage in an organized water activity shall require the child's parent or legal guardian to affirm in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing a body of water.

**Flotation Device
Required**

The organization shall provide to each child who is unable to swim or is at risk of injury or death when swimming or otherwise entering a body of water a properly fitted and fastened Type I, II, or III United States Coast Guard approved personal flotation device or a device the executive commissioner of Texas Health and Human Services determines is equivalent. The organization shall ensure

the child is wearing the personal flotation device and the device is properly fitted and fastened for the child.

The organization is not required to provide a child with a flotation device or ensure the child is wearing the device if the child is actively participating in swim instruction or a competition and the organization ensures each child participating in the instruction or a competition is closely supervised during the instruction or competition.

Failure to Comply

An organization that violates this provision or rules adopted under this provision is subject to disciplinary action.

Health and Safety Code 341.0646(a)-(e)

Rodeos

This section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate.

“Rodeo” means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including:

1. Riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider;
2. Riding a bull;
3. Roping an animal, including roping as part of a team;
4. Wrestling a steer; and
5. Riding a horse in a pattern around preset barrels or other obstacles.

Educational Program

A primary or secondary school to which this section applies shall, before the first rodeo associated with the school in each school year, conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo, in accordance with 25 Administrative Code 104.4. The educational program may consist of an instructional video, subject to the Department of State Health Services approval.

Restriction on Participation

A child may not participate in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.

Protective Gear for Bull Riding

A child may not engage in bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless

the child is wearing a protective vest and bull riding helmet in accordance with 25 Administrative Code 104.3.

Health and Safety Code 768.001(6), .003; 25 TAC 104.2-.4

Eligibility

A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. *Education Code 33.087*

Military Dependents

The district shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified. *Education Code 162.002 art. VI, § B* [See FDD]

Attendance and Participation

The State Board of Education (SBOE) by rule shall limit participation in and practice for extracurricular activities during the school day and the school week.

The board of a district may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the district, UIL, or an organization sanctioned by board resolution. The policy must permit a student to be absent from class at least 10 times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE.

Education Code 33.081(a), .0811

SBOE Rules

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exceptions

Public Performances

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

State-Approved Music Courses

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

19 TAC 76.1001(a)

Limits on Participation and Practice

During the School Week

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.
3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day

or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3-11.

19 TAC 76.1001(d); Education Code 33.081(a)

*During the
School Day*

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.
2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.
3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.
5. Regardless of the schedule type in place (traditional or non-traditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 TAC 76.1001(e); Education Code 33.081(a)

Record of Absences

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

Students Receiving
Outpatient Mental
Health Services

A district may not adopt or enforce policies that restrict participation in UIL activities by a student who receives outpatient mental health services from a mental health facility and is enrolled in the district or otherwise receives public education services from a district based solely on the student's receipt of outpatient mental health services from a mental health facility or the student's absence during instructional time while receiving outpatient mental health services from a mental health facility.

This provision does not exempt a student to whom this section applies from any eligibility requirement for participation in UIL activi-

	ties other than an eligibility requirement based solely on the criteria of receipt of outpatient mental health services from a mental health facility. <i>Education Code 33.0833(c)-(d)</i>
Participation by Homeschooled Students	A public school that participates in an activity sponsored by UIL may provide a non-enrolled student, who otherwise meets UIL eligibility standards to represent that school in a UIL activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school. "Non-enrolled student" means a student who receives instruction as a homeschooled student as described by Education Code 29.916(a)(1) from a nonpublic school [see EK].
<i>Relevant Policies</i>	A non-enrolled student who seeks to participate or participates in a UIL activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school: 1. Registration for UIL activities; 2. Age eligibility; 3. Fees; 4. Insurance; 5. Transportation; 6. Physical condition; 7. Qualifications; 8. Responsibilities; 9. Event schedules; 10. Standards of behavior; and 11. Performance.
<i>Residency Requirements</i>	A non-enrolled student may only participate in a UIL activity for the school in the district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a UIL activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Education Code 25.001 [see FD].
<i>Academic Requirements</i>	The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic standards relating

to the student's participation in a UIL activity. As a condition of eligibility to participate in a UIL activity during the first six weeks of a school year, a non-enrolled student must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. A non-enrolled student demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. A district shall accept assessment results administered or reported by a third party.

A non-enrolled student's demonstration of academic proficiency is sufficient for the school year in which the student achieves the required score and the subsequent school year.

After the first six weeks of a school year, the parent or person standing in parental relation to a non-enrolled student participating in a UIL activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

Previous Enrollment in Public School

A non-enrolled student is not authorized by this section to participate in a UIL activity during the remainder of any school year during which the student was previously enrolled in a public school.

Prohibitions

With respect to a non-enrolled student's education program, nothing in these provisions shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a non-enrolled student or a parent or person standing in parental relation to a non-enrolled student beyond the control, regulatory authority, or supervision required to participate in a UIL activity.

Subject only to eligibility requirements, the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be changed in order for the non-enrolled student to participate in a UIL activity. Subject only to eligibility requirements, for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

UIL Classification

When assigning league classification to a public school based on student enrollment, the UIL must use the same student enrollment

calculation formula for a school that allows a non-enrolled student to participate in a league activity as the formula used to determine the student enrollment of a school that does not allow a nonenrolled student to participate in the league activity.

Education Code 33.0832

UIL Allotment

For each nonenrolled student who participates in a UIL activity for a school in a district that allows participation of nonenrolled students, the district is entitled to an annual allotment of \$1,500 per UIL activity in which the nonenrolled student participates. *Education Code 48.305*

Definitions

“Activity season” means the period established by a school or the UIL in which practices, rehearsals, and interschool competitions or contests take place.

“Nonenrolled student” means a student who predominantly receives instruction in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through the child’s home. This may include a student who is designated as enrolled, not in membership.

“Participation” means the active involvement of a student in a minimum of 75 percent of a combined total of practices, rehearsals, or preparation activities and associated competitions and contests, including selection as an alternate, for a specific UIL activity.

“University Interscholastic League or UIL activity” means any official UIL activity identified in the UIL Constitution and Contest Rules, not including pilot activities.

UIL activities shall:

1. Be overseen by a school district-approved coach or sponsor;
2. Provide for a minimum of four weeks of coach- or sponsor-led practice, rehearsal, or preparation specific to the activity within the designated activity season; and
3. Provide opportunities for students to take part in formal, interschool competitions or contests in the associated activity during the designated activity season.

A district may still receive the allotment if a student began the activity season without injury or illness and later experienced an injury or prolonged illness that prevented participation.

For audit purposes, a district shall maintain documentation to support the requirements of this provision.

	A district will be provided with estimated funding during a school year for nonenrolled students in accordance with 19 Administrative Code 105.1031(g). <i>19 TAC 105.1031</i>
Suspension from Extracurricular Activities	A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.
Length of Suspension	A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.
Grade Evaluation Period	“Grade evaluation period” means: 1. The six-week grade reporting period; or 2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.
	<i>Education Code 33.081(c)</i>
School Week	The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. <i>19 TAC 76.1001(b)</i>
Exempt Courses	The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. <i>Education Code 33.081(d-1)</i> Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a). Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

19 TAC 74.30

Students with
Disabilities

In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b).

Education Code 33.081(e)

Practice or
Rehearsal

A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance. This provision does not apply to a student prohibited from participation for certain conduct involving extracurricular officials [see below]. *Education Code 33.081(f)*

Reinstatement

Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

Suspension for
Certain Conduct
Involving
Extracurricular
Officials

A student who is enrolled in a district in Texas or who participates in a UIL competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the district or the UIL if the state executive committee of the league determines that the student intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

*Reinstatement
After Conduct*

A student prohibited from participation may submit to the UIL a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the UIL. The request must be submitted at least one year after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in eighth grade or below at the time of the conduct or two years after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in ninth grade or above at the time of the conduct.

Education Code 33.081(e-1)-(e-2)

**Spectator
Suspension**

A district shall prohibit a spectator of an extracurricular athletic activity or competition, including a parent or guardian of a student participant, from attending any future extracurricular athletic activity or competition sponsored or sanctioned by the district or the UIL if the spectator engages in conduct that intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular athletic activity or competition in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular athletic activity or competition.

A district may establish an appeals process by which a person may appeal the prohibition to the district and the district may determine the facts associated with the conduct for which the district imposed the prohibition.

A prohibition imposed under this provision must be for not less than one year after the date on which the prohibition is imposed but may not exceed five years from the date on which the prohibition is imposed.

Education Code 33.081(f-1)-(f-3)

**Parental Notice and
Consent**

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)*

**Anonymous
Evaluations**

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

Videotaping and Recording	A district employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. <i>Education Code 26.009(b)(2)</i>
Discriminatory Club	An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex. "Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members. <i>Education Code 33.082</i>
Special Olympics Recognition	If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. <i>Education Code 33.093</i>
Student Election Clerks	Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. <i>Education Code 33.092</i>
Before-School and After-School Programs	The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours. A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district. A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract

with a child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

Education Code 33.9031

First Amendment

A district shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition a board for a redress of grievances.
U.S. Const. Amend. I

Freedom of Speech

Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. At school and school events, students have First Amendment rights, applied in light of the special characteristics of the school environment.

Student expression that is protected by the First Amendment may not be prohibited absent a showing that the expression will materially and substantially interfere with the operation of the school or the rights of others.

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
[See also FNCI]

The special characteristics of the school environment and the governmental interest in stopping student drug abuse allow a district to restrict student expression that it reasonably regards as promoting illegal drug use. *Morse v. Frederick*, 551 U.S. 393 (2007)

When a student threatens violence against a student body, such specific threatening speech to a school or its population is unprotected by the First Amendment: school officials may punish such speech without first collecting evidence sufficient to prove a reasonable belief that disruption would occur as a result of the speech. *Ponce v. Socorro Indep. Sch. Dist.*, 508 F.3d 765 (5th Cir. 2007)

The inculcation of fundamental values necessary to the maintenance of a democratic society is part of the work of the school. The First Amendment does not prevent school officials from determining that particular student expression is vulgar and lewd, and therefore contrary to the school's basic educational mission. *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675 (1986)

Public schools may have a special interest in regulating some off-campus student speech, however, the interest must be sufficient to overcome the student's interest in free expression. Circumstances that may implicate a school's regulatory interests include serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices. *Mahanoy Area School District v. B.L.*, 141 S.Ct. 2038 (2021)

<i>Prayer at School Activities</i>	A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A student shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any school activity. <i>Education Code 25.901</i> Nothing in the Constitution as interpreted by the U.S. Supreme Court prohibits any public school student from voluntarily praying at any time before, during, or after the school day. But the religious liberty protected by the Constitution is abridged when a district affirmatively sponsors the particular religious practice of prayer. A district shall not adopt a policy that establishes an improper majoritarian election on religion and has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events. <u><i>Santa Fe Indep. Sch. Dist. v. Doe</i>, 530 U.S. 290 (2000)</u> (addressing school-sponsored, student-led prayer delivered over the public address system at high school football games) [For invocations and benedictions at commencement, see FMH.]
<i>Federal Funds</i>	As a condition of receiving federal funds under the Elementary and Secondary Education Act (ESEA), a district shall certify in writing to the Texas Education Agency (TEA) that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools, as detailed in the guidance from the United States secretary of education regarding constitutionally protected prayer. The certification shall be provided by October 1 of each year. By November 1 of each year, TEA shall report to the secretary a list of districts that have not filed the certification or against which complaints have been made to TEA that the district is not in compliance with this section. The secretary may issue and secure compliance with rules or orders with respect to a district that fails to certify, or is found to have certified in bad faith, that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools. <i>20 U.S.C. 7904</i>
Expression of Religious Viewpoints	A district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious view-

point expressed by the student on an otherwise permissible subject. *Education Code 25.151*

Policies

A district shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints. If a district voluntarily adopts and follows the model policy governing voluntary religious expression in public schools at Education Code 25.156, the district is in compliance with the provisions of Education Code Chapter 25, Subchapter E covered by the model policy.

A district shall adopt a policy that includes the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. The policy regarding the limited public forum must also require a district to:

1. Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
2. Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;
3. Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
4. State, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the district.

Student expression on an otherwise permissible subject may not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

Disclaimer

The disclaimer required by item 4, above, must be provided at all graduation ceremonies. A district must continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the district's non-sponsorship of the student's speech.

Education Code 25.152, .155

Class Assignments

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by a district. Students may not be

penalized or rewarded on account of the religious content of their work. *Education Code 25.153*

[For information on the study of religion, see EMI. For information on student religious groups and activities, see FNAB.]

**Patriotic
Observances**

A district may officially encourage students to express love for the United States by reciting historical documents or singing official anthems that contain religious references; such patriotic or ceremonial occasions do not constitute a school-sponsored religious exercise. *Engel v. Vitale*, 370 U.S. 421 (1962)

A district shall not, however, compel students to participate in patriotic observances. *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943) (holding unconstitutional a requirement that students salute the United States flag and recite the Pledge of Allegiance)

[See EC for more information regarding the pledge of allegiance.]

Winter Celebrations

A district may educate students about the history of traditional winter celebrations, and allow students and district staff to offer traditional greetings regarding the celebrations, including:

1. "Merry Christmas";
2. "Happy Hanukkah"; and
3. "Happy holidays."

A district may display on school property scenes or symbols associated with traditional winter celebrations, including a menorah or a Christmas image such as a nativity scene or Christmas tree, if the display includes a scene or symbol of more than one religion or one religion and at least one secular scene or symbol.

A display relating to a traditional winter celebration may not include a message that encourages adherence to a particular religious belief.

Education Code 29.920

**Students with
Disabilities Under
Section 504**

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

Note: The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

**Students Receiving
Special Education
Services**

ARD Committee
Required

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004(a)-(b)*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

DAEP Placement
Not Solely for
Educational
Purposes

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)-(d)*

**Removal for 10 Days
or Less**

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, to the extent those alternatives are applied to children without disabilities. *20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)*

Services During Removal	A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. <i>34 C.F.R. 300.530(d)</i>
Subsequent Removals of 10 Days or Less	School personnel may remove the student for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). <i>34 C.F.R. 300.530(b)(1)</i>
Services During Removal	After a student has been removed from his or her current placement for 10 school days in the same school year, during any subsequent removal of 10 consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program (IEP). <i>20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)</i>
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]. <i>20 U.S.C. 1415(k)(1)(H)</i>
Removals That Are a Change in Placement	Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review [see Manifestation Determination, below]. <i>Education Code 37.004(b)</i>
Behavior Assessment and Intervention	If a district takes a disciplinary action regarding a student with a disability who receives special education services that constitutes a change in placement under federal law, the district shall: 1. Not later than the 10th school day after the change in placement: a. Seek consent from the student's parent or person standing in parental relation to the student to conduct a functional behavioral assessment of the student, if a functional behavioral assessment has never been conducted

on the student or the student's most recent functional behavioral assessment is more than one year old; and

- b. Review any previously conducted functional behavioral assessment of the student and any behavior improvement plan or behavioral intervention plan developed for the student based on that assessment; and
2. As necessary, develop a behavior improvement plan or behavioral intervention plan for the student if the student does not have a plan or, if the student has a behavior improvement plan or behavioral intervention plan, revise the student's plan.

Education Code 37.004(b-1)

Change in
Placement

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than 10 consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because:
 - a. The series of removals total more than 10 school days in a school year;
 - b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and
 - c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

34 C.F.R. 300.536

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. *20 U.S.C. 1415(k)(1)(A)*

Manifestation
Determination

Within 10 school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any

teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or
2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

If the district, the parent, and relevant members of the ARD committee determine the conduct was the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.

20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

Expulsion

In a county with a juvenile justice alternative education program (JJAEP) [see FODA], a district must invite the administrator of the JJAEP or the administrator's designee to an ARD committee meeting convened to discuss the discretionary expulsion under Education Code 37.007 of a student with a disability. The district must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. A copy of the student's current IEP must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP. *19 TAC 89.1052*

*Services During
Removal*

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.

2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)-(2)

For a student with a disability who was expelled under a discretionary expulsion under Education Code 37.007, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the district of specific concerns that the student's education or behavioral needs cannot be met in JJAEP.

The district must invite the JJAEP administrator or the administrator's designee to the meeting and must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP may participate in the meeting to the extent that the meeting relates to the student's continued placement in JJAEP.

19 TAC 89.1052

Manifestation

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)

**Special
Circumstances**

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the Texas Education Agency (TEA) or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

**Services During
Removal**

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)

Appeals

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. *20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151* [See EHBAE]

**Placement During
Appeals**

When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever oc-

curs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533*

Reporting Crimes

Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). *20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535* [See FL]

Students Not Yet Identified

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. *20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)*

District Knowledge

A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.

20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)

Exception

A district shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)

**Behavior
Management
Techniques**

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

[For restrictions on aversive techniques, see FO.]

**Rules on Restraint
and Seclusion**

The commissioner by rule shall adopt procedures for the use of restraint and time-out by a district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services. The procedures must be consistent with Education Code 37.0021(d). *Education Code 37.0021(d)*

**School Peace
Officers**

This provision and any rules or procedures adopted under this provision apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a district; or
2. Provides, as a school resource officer, a regular police presence on a district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h); 19 TAC 89.1053(l)

Exceptions

Education Code 37.0021 (use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by

Education Code 37.0021(i) [see Restraint, Documentation, below];

2. Juvenile probation, detention, or corrections personnel; or
3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

*Law Enforcement
Duties*

“Law enforcement duties” means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)

Further, Education Code 37.0021 does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, “weapon” includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

Education Code 37.0021(f)

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a)*

Seclusion

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

“Seclusion” means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

Restraint

“Restraint” means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student’s body. *19 TAC 89.1053(b)(2)*

The following provisions do not apply to the use of physical force or a mechanical device that does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced above does not include:

1. Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
2. Limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
3. Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the IEP as required by 34 C.F.R. 300.324(a)(2)(i) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
4. Seat belts and other safety equipment used to secure students during transportation.

19 TAC 89.1053(f)

*Limitations on
Use of Restraint*

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

19 TAC 89.1053(c)

Emergency

"Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

19 TAC 89.1053(b)(1)

<i>Training</i>	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).
<i>Documentation</i>	In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation and notification requirements set forth at 19 Administrative Code 89.1053(e). A district shall report electronically to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities. <i>Education Code 37.0021(i)</i>
Time-Out	“Time-out” means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting: 1. That is not locked; and 2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object. <i>19 TAC 89.1053(b)(3)</i>
<i>Limitations on Use of Time-Out</i>	A school employee, volunteer, or independent contractor may use time-out with the following limitations: 1. Physical force or threat of physical force shall not be used to place a student in time-out. 2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student’s IEP and/or behavior improvement plan or behavioral intervention plan if it is utilized on a recurrent basis to increase or decrease targeted behavior. 3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately

toward attaining the annual goals specified in the student's IEP.

19 TAC 89.1053(g)

Training

Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

Documentation

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP and/or behavior improvement plan or behavioral intervention plan. If a student has a behavior improvement plan or behavioral intervention plan, the district must document each use of time-out prompted by a behavior of the student specified in the student's behavior improvement plan or behavioral intervention plan, including a description of the behavior that prompted the time-out. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

19 TAC 89.1053(i)

Nondiscrimination

No person shall, on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any district program or activity. *42 U.S.C. 2000d*

An officer or employee of a district who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the district;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the district;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civil Practices and Remedies Code 106.001(a)

Individuals with Disabilities**Federal Prohibition**

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by a district. Nor shall a district exclude or otherwise deny equal services, programs, or activities to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association. *42 U.S.C. 12132; 28 C.F.R. 35.130(g)*

Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2); 28 C.F.R. 35.104*

Reasonable Modification

A district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7)*

Communications

A district shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, a district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal

opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the district. In determining what type of auxiliary aid or service is necessary, a district shall give primary consideration to the requests of the individual with disabilities. *28 C.F.R. 35.160*

**Auxiliary Aids
and Services**

“Auxiliary aids and services” includes:

1. Qualified interpreters, note-takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments;
2. Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments;
3. Acquisition or modification of equipment or devices; and
4. Other similar services and actions.

28 C.F.R. 35.104

**Limits of
Required
Modification**

A district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that compliance with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity or unduly burden a district shall be made by a board after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion. *28 C.F.R. 35.164*

Notice

A district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such manner as the board and superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA. *28 C.F.R. 35.106*

**Compliance
Coordinator**

*A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under the ADA. A district shall make available to all interested individuals the name, office address, and tele-

phone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. 28 C.F.R. 35.107

*Applies only to districts that employ 50 or more persons.

State Prohibition*Nondiscrimination*

No person with a disability may be denied admittance to any public facility in the state because of the person's disability. No person with a disability may be denied the use of a white cane, assistance animal, wheelchair, crutches, or other device of assistance.

The discrimination prohibited by this section includes a refusal to allow a person with a disability to use or be admitted to any public facility, a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a public facility and a failure to:

1. Comply with Government Code Chapter 469;
2. Make reasonable accommodations in policies, practices, and procedures; or
3. Provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility.

Regulations

Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their disabilities or use of assistance animals or other devices for assistance in travel, would fall within the designated class.

Human Resources Code 121.003(c)-(e)

Religious Freedom

A district may not substantially burden a person's free exercise of religion, unless it is acting in furtherance of a compelling governmental interest and has used the least restrictive means of furthering that interest. *Civil Practices and Remedies Code 110.003* [See also DAA and FB]

A district may not penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister, because the organization or individual refuses to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or

individual to violate a sincerely held religious belief. *Family Code 2.601-.602*

Adverse Action
Prohibited

Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. *Gov't Code 2400.002*

Definitions

"Adverse action" means any action taken by a district to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or
6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

"Benefit program" means any program administered or funded by a governmental entity or federal agency that provides assistance in the form of payments, grants, loans, or loan guarantees.

"Person" has the meaning assigned by Government Code 311.005, except the term does not include:

1. An employee of a governmental entity acting within the employee's scope of employment;
2. A contractor of a governmental entity acting within the scope of the contract; or
3. An individual or a medical or residential custodial health-care facility while the individual or facility is providing medically necessary services to prevent another individual's death or imminent serious physical injury.

"Religious organization" means an organization that is a religious organization under Civil Practice and Remedies Code 110.011(b).

Gov't Code 2400.001

*Exception for
Prohibited
Contracts or
Investments*

This prohibition does not apply to an investment or contract with a company that boycotts Israel prohibited under Government Code Chapters 808 or 2271. [See CH] *Gov't Code 2400.0015*

Interpretation

This prohibition may not be construed to:

1. Preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs; or
2. Prevent a district from providing, either directly or through a person who is not seeking protection under this prohibition, any benefit or service authorized under state or federal law.

Gov't Code 2400.005

**Web Content and
Mobile App
Accessibility**

Note: Using the population estimate for the district as calculated by the United States Census Bureau in the most recent Small Area Income and Poverty Estimates, a district with a total population of 50,000 or more shall comply with these requirements beginning April 24, 2026. A district with a total population of less than 50,000 shall comply beginning April 26, 2027. *28 C.F.R. 35.104, .200(b)*

A district shall ensure that web content and mobile apps that it provides or makes available, directly or through contractual, licensing, or other arrangements, are readily accessible to and usable by individuals with disabilities.

A district shall ensure that its web content and mobile apps comply with Level A and Level AA success criteria and conformance requirements specified in WCAG 2.1, unless the district can demonstrate that compliance would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

28 C.F.R. 35.200

Exceptions

These accessibility requirements do not apply to the following:

1. Archived web content as defined in 28 C.F.R. 35.104.

2. Conventional electronic documents that are available as part of a district's web content or mobile apps before the date the district is required to comply with 28 C.F.R. Part 35, Subpart H, unless such documents are currently used to apply for, gain access to, or participate in the district's services, programs, or activities.
3. Content posted by a third party, unless the third party is posting due to contractual, licensing, or other arrangements with the district.
4. Conventional electronic documents that are:
 - a. About a specific individual, their property, or their account; and
 - b. Password-protected or otherwise secured.
5. A district's social media posts that were posted before the date the district is required to comply with 28 C.F.R. Part 35, Subpart H.

*28 C.F.R. 35.201*Conforming
Alternate Versions

A district may use conforming alternate versions of web content, as defined by WCAG 2.1, to comply with these requirements only where it is not possible to make web content directly accessible due to technical or legal limitations. *28 C.F.R. 35.202*

Equivalent
Facilitation

Nothing in 28 C.F.R. Part 35, Subpart H prevents the use of designs, methods, or techniques as alternatives to those prescribed, provided that the alternative designs, methods, or techniques result in substantially equivalent or greater accessibility and usability of the web content or mobile app. *28 C.F.R. 35.203*

Fundamental
Alteration and
Undue Burden

Where a district can demonstrate that compliance with these requirements would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, compliance is required to the extent that it does not result in a fundamental alteration or undue financial and administrative burdens.

In those circumstances where personnel of the district believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a district has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a district or their designee after considering all resources available for use in the funding and operation of the ser-

vice, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.

If an action would result in such an alteration or such burdens, a district shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the district to the maximum extent possible.

28 C.F.R. 35.204

**Noncompliance with
Minimal Impact on
Access**

A district that is not in full compliance with these requirements will be deemed to have met the requirements in the limited circumstance in which the district can demonstrate that the noncompliance has such a minimal impact on access that it would not affect the ability of individuals with disabilities to use the district's web content or mobile app to do any of the following in a manner that provides substantially equivalent timeliness, privacy, independence, and ease of use:

1. Access the same information as individuals without disabilities;
2. Engage in the same interactions as individuals without disabilities;
3. Conduct the same transactions as individuals without disabilities; and
4. Otherwise participate in or benefit from the same services, programs, and activities as individuals without disabilities.

28 C.F.R. 35.205

**Social Security
Numbers**

It shall be unlawful for a district to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her Social Security number.

Exceptions

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or

- 3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

5 U.S.C. 552a Note; PL 93-579, § 7, 88 Stat. 1896 (1974)

**Interlocal
Cooperation Act**

General Authority

A district may contract or agree with another local government or a federally recognized Indian tribe, as listed by the United States secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of Texas to perform governmental functions and services in accordance with Government Code Chapter 791 (the Interlocal Cooperation Act).

A party to an interlocal contract may contract with a state agency, as that term is defined by Government Code 771.002, or similar agency of another state.

An interlocal contract may:

1. Study the feasibility of the performance of a governmental function or service by interlocal contract; or
2. Provide a governmental function or service that each party to the contract is authorized to perform individually.

Gov't Code 791.011(a), (b), (c)

"Governmental functions and services" means all or part of a function or service in any of the following areas:

1. Police protection and detention services;
2. Fire protection;
3. Streets, roads, and drainage;
4. Public health and welfare;
5. Parks and recreation;
6. Library and museum services;
7. Records center services;
8. Waste disposal;
9. Planning;
10. Engineering;
11. Administrative functions;
12. Public funds investment;
13. Comprehensive health care and hospital services; or
14. Other governmental functions in which the contracting parties are mutually interested.

Gov't Code 791.003(3)

Requirements	An interlocal contract must: 1. Be authorized by the governing body of each party to the contract unless a party to the contract is a municipally owned electric utility; 2. State the purpose, terms, rights, and duties of the contracting parties; and 3. Specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. An interlocal contract may be renewed and may have a specified term of years. <i>Gov't Code 791.011(d), (e), (f), (i)</i> Note: For legal provisions related to using interlocal contracts for purchasing goods and services, see CH. For legal provisions related to using cooperative purchasing for construction-related goods and services, see CV.
Health Care and Hospital Services	A district may contract with another local government authorized to provide health care and hospital services to provide those services for the district's officers and employees and their dependents. <i>Gov't Code 791.030</i> A hospital district may contract with a school district included in the hospital district to provide nursing services and assistance to employees or students of the district. <i>Health and Safety Code 281.0465</i>
Transportation System Outside the District	A board may establish and operate an economical public school transportation system outside the district if the district enters into an interlocal contract as provided by Government Code Chapter 791. <i>Education Code 34.007(a)(2)</i> [See CNA]
School Crossing Guards	A municipality with a population greater than 1.3 million may contract with one or more school districts to provide school crossing guards. Under such a contract, a district may provide school crossing guard services to areas of the municipality that are not part of the district. <i>Local Gov't Code 343.011, .012</i>

**State Hospital for
Accountability
Purposes**

A memorandum of understanding between a district and a state hospital under which the district provides educational services to a student who resides in the state hospital must provide that the district include the performance of the student on an assessment instrument or other achievement indicator adopted under Education Code 39.053 or a reporting indicator adopted under Education Code 39.301 in determining the performance of the district. *Education Code 39.0552*

**Intergovernmental
Support Agreements**

A district may enter into an intergovernmental support agreement with a branch of the armed forces of the United States under the National Defense Authorization Act (10 U.S.C. Section 2679) to provide installation-support services to a military installation located in this state. *Gov't Code 793.002*

“Installation-support services” means those services, supplies, resources, and support typically provided by a local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security guard or fire-fighting functions. *10 U.S.C. 2679(f)(1)*



BOARD OF TRUSTEES AGENDA

Date: August 27, 2024
Presented By: Lisa Ray
Subject: Update 124– Local Policies

Discussion Item

Executive Summary:

Update 124 encompasses changes in law from the 88th Regular Legislative Session that have an immediate effect on the governance and management of the District. See the explanatory notes for a full listing of the legal policies affected. Changes to local policies offered for consideration address the following:

- Financial Ethics
- Investments
- Intellectual Property
- Employee Standards of Conduct
- Special Programs
- Gifted and Talented Students
- Child Abuse and Neglect
- Conduct on School Premises

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

CDA(LOCAL): OTHER REVENUES: INVESTMENTS

CFC(LOCAL): ACCOUNTING: AUDITS

CY(LOCAL): INTELLECTUAL PROPERTY

DH(LOCAL): EMPLOYEE STANDARDS OF CONDUCT

EHB(LOCAL): CURRICULUM DESIGN: SPECIAL PROGRAMS

EHBB(LOCAL): SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

FFG(LOCAL): STUDENT WELFARE: CHILD ABUSE AND NEGLECT

GKA(LOCAL): COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES



BOARD OF TRUSTEES AGENDA

Administrative Recommendations:

First read review. Administration made very slight changes to TASB recommended DH (Local), and its included as part of this update.

Recommended Motion for Action Items:

N/A

Financial Impact and Funding Source:

N/A if does not apply

FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

CAA
(LOCAL)

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

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

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

**Fraud and Financial
Impropriety**

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

Definition

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

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

CAA
(LOCAL)

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

FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

CAA
(LOCAL)

may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

*Protection from
Retaliation*

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

Fraud Investigations

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

Response

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

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

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

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

Federal Awards
Disclosure

~~The In connection with federal awards, the~~ District shall promptly disclose, in a timely manner in writing ~~to the federal awarding agency or pass-through entity, all violations~~ whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations ~~potentially affecting~~ found in federal law, including the Civil False Claims Act. This provision applies to any activities or subawards of a federal ~~grant~~ award. [See CBB]

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

FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

CAA
(LOCAL)

appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

OTHER REVENUES
INVESTMENTS

CDA
(LOCAL)

Investment Authority

The Superintendent or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds as directed by the Board and in accordance with the District's written investment policy and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be settled on a delivery versus payment basis.

**Approved
Investment
Instruments**

From those investments authorized by law and described further in CDA(LEGAL) under Authorized Investments, the Board shall permit investment of District funds, including bond proceeds and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. A securities lending program as permitted by Government Code 2256.0115.
5. Banker's acceptances as permitted by Government Code 2256.012.
6. Commercial paper as permitted by Government Code 2256.013.
7. No-load mutual funds, except for bond proceeds, and no-load money market mutual funds, as permitted by Government Code 2256.014.
8. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
9. Public funds investment pools as permitted by Government Code 2256.016.

Safety

The primary goal of the investment program is to ensure safety of principal, to maintain liquidity, and to maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance of the

OTHER REVENUES
INVESTMENTS

CDA
(LOCAL)

portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

**Investment
Management**

In accordance with Government Code 2256.005(b)(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

**Liquidity and
Maturity**

Any internally created pool fund group of the District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other individual investment owned by the District shall not exceed one year from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

Diversity

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

**Monitoring Market
Prices**

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done at least quarterly, as required by law, and more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

**Monitoring Rating
Changes**

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

Funds/Strategies

Investments of the following fund categories shall be consistent with this policy and in accordance with the applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

OTHER REVENUES
INVESTMENTS

CDA
(LOCAL)

Operating Funds	Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Custodial Funds	Investment strategies for custodial funds shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Debt Service Funds	Investment strategies for debt service funds shall have as their primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.
Capital Project Funds	Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.
Safekeeping and Custody	The District shall retain clearly marked receipts providing proof of the District's ownership. The District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with District funds by the investment pool.
Sellers of Investments	Prior to handling investments on behalf of the District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law. [See Sellers of Investments, CDA(LEGAL)] Representatives of brokers/dealers <u>and representatives with distributors of investment pools</u> shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA). <u>Distributors of investment pools shall also be a registrant in good standing with the Municipal Securities Rulemaking Board (MSRB).</u>
Soliciting Bids for CDs	In order to get the best return on its investments, the District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.
Interest Rate Risk	To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification. The District shall monitor interest rate risk using weighted average maturity and specific identification.

Internal Controls

A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the District's independent auditing firm.

Annual Review

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

Annual Audit

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

INTELLECTUAL PROPERTY

CY
(LOCAL)

Intellectual Property	All copyrights, trademarks, and other intellectual property rights <u>belonging to the District</u> shall remain with the District at all times. <u>Except as provided by law, policy, or written authorization from the Superintendent, the use of District intellectual property shall be limited to District-related purposes.</u>
Students	A student shall retain all rights to <u>their own</u> work created as part of instruction or using District technology resources.
Employees	As an agent of the District, an employee, including a student employee, shall not have rights to work he or she creates <u>created</u> on District time or using District technology resources. The District shall own any work or work product created by a District employee in the course and scope of his or her <u>District</u> employment, including the right to obtain <u>patents or</u> copyrights.
District Ownership	
Employee Ownership	If the employee obtains a patent for such work, the employee shall grant a non-exclusive, non-transferable, perpetual, royalty-free, Districtwide license to the District for use of the patented work. A District employee shall own any work or work product produced on his or her own personal <u>time, away from his or her job</u> and with personal equipment and materials, including the right to obtain patents or copyrights.
Permission A District employee may apply to the Exception	The Superintendent or designee <u>shall have the authority to permit</u> use of District materials and equipment in his or her creative <u>developing the employee's own</u> projects, provided the employee agrees either in writing <u>to grant to the District a non-exclusive, non-transferable</u> nonexclusive, nontransferable , perpetual, royalty-free, District-wide license to use the work, or permits the District to be listed as co-author or co-inventor if the District contribution to the work is substantial. District materials do not include student work, all rights to which are retained by the student.
Works Made for Hire Independent Contractors	The District may hire an independent contractor for specially commissioned work(s) <u>works</u> under a written works-made-for-hire agreement that provides that the District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.
Return of Intellectual Property	Upon the termination of any person's association with the District, all permission to possess, receive, or modify the District's intellectual property shall also immediately terminate. All such persons shall return to the District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

Copyright

Unless the proposed use of a copyrighted work is an exception under the “fair use” guidelines maintained by the Superintendent ~~or designee~~, the District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder’s work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

Technology Use

~~All persons are prohibited from using~~ Use of District technology in violation of any law, including copyright law, ~~is prohibited~~. Only appropriately licensed images, applications, programs, or other software may be used with District technology resources. ~~No person shall use the~~ The District’s technology resources ~~shall not be used~~ to post, publicize, or duplicate information in violation of copyright law. The ~~Board shall direct the~~ Superintendent ~~or designee to shall~~ employ all reasonable measures to prevent the use of District technology resources in violation of the law. ~~All persons~~ Any person using District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CQ]

Electronic Media

~~Unless a license or permission is obtained, electronic media in the classroom~~ Performances and Displays

The display and performance of copyrighted material, including motion pictures ~~and other audiovisual, dramatic~~ works, ~~must be used in musical performances, or other audio and visual works,~~ may only occur as part of instructional activities and in accordance with the following:

- As a regular part of teaching and directly related to the course of curriculum;
- During face-to-face teaching activities ~~as defined by law;~~
- When viewed in a classroom or designated place of instruction; and
- With a lawfully made copy or through authorized access.

Designated Agent

The District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent’s identity. The District shall include on its ~~Web site~~ website information on how to contact the District’s designated agent and a copy of the District’s copyright policy. Upon notification, the District’s designated agent shall take all actions necessary to remedy any violation. The District shall provide the designated agent appropriate training and resources necessary to protect the District.

INTELLECTUAL PROPERTY

CY
(LOCAL)

If a content owner reasonably believes that the District's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

Trademark

The District protects all District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

School-Related Use

The District grants permission to students, student organizations, parent organizations and other District-affiliated school-support or booster organizations to use, without charge, District and campus trademarks to promote a group of students, an activity or event, a campus, or the District, if the use is in furtherance of a school-related business or activity. The Superintendent or designee shall determine what constitutes use in furtherance of a school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

Public Use

Members of the general-public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use District trademarks without the written permission of authorization from the Superintendent or designee. Any production of merchandise with District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

Any individual, organization, or business that uses District or campus trademarks without appropriate authorization shall may be subject to legal action.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

**Violations of
Standards of
Conduct**

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action. ~~[See the CKE series]~~ [see the CKE series];
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

**Electronic
Communication**

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

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.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Disclosing Personal Information	An employee shall not be required to disclose his or her personal email address or personal phone number to a student.
Safety Requirements	Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.
Harassment or Abuse	An employee shall not engage in prohibited harassment, including sexual harassment, of: 1. Other employees. [See DIA] 2. Students. [See FFH; see FFG regarding child abuse and neglect.] While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents. An employee shall report child abuse or neglect as required by law. [See FFG]
Relationships with Students	An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH] As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]
Relationships with Former Students	An employee shall not engage in a romantic relationship with a former District student who: 1. Is not yet 21 years of age; and 2. Has graduated from the District within the past two years. A romantic relationship is characterized by a pattern of exclusivity and shall be determined using criteria outlined in DF(LEGAL).
<u>Tobacco and Nicotine Products and E-Cigarettes</u>	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] <u>An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches while on District property, in a</u>

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

**Alcohol and Drugs /
Notice of Drug-Free
Workplace**

District vehicle, or while attending an off-campus school-related activity.

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;

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

3. Termination from employment with the District; and/or
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

**Arrests, Indictments,
Convictions, and
Other Adjudications**

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
 - Dishonesty; fraud; deceit; theft; misrepresentation;
 - Deliberate violence;
 - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
 - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
 - Felony driving while intoxicated (DWI); or
 - Acts constituting abuse or neglect under the Texas Family Code.

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Dyslexia and Related Disorders

The District shall comply with all applicable state rules and standards adopted by the State Board of Education and guidance published by the commissioner of education to implement the program to test regarding students ~~for~~with dyslexia and related disorders, including the “Dyslexia Handbook” and the provision of dyslexia instruction for students with dyslexia or a related disorder as determined by the student’s admission, review, and dismissal committee.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

SPECIAL PROGRAMS
GIFTED AND TALENTED STUDENTS

EHBB
(LOCAL)

Referral	Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.
Screening and Identification Process	The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year. The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the assessmentidentification procedures and services for the program prior to beginning the screening and identification process.
Parental Consent	The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.
Identification Criteria	The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.
Assessments	Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.
Selection	A selection placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.
Notification	The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

SPECIAL PROGRAMS
GIFTED AND TALENTED STUDENTS

EHBB
(LOCAL)

Reassessment

If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict

When a student identified as gifted by a previous school district enrolls in the District, the ~~selection~~placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict

A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs

The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions

The District shall monitor student performance in response to gifted and talented program services. If at any time the ~~selection~~placement committee or a parent determines ~~it is in the best interest of the student to exit~~ the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals

A parent, student, or educator may appeal any final decision of the ~~selection~~placement committee regarding ~~selection for or exit from services in~~ the gifted and talented program. Appeals shall be made first to the ~~selection~~placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation

The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus improvement plans. The District shall include parents in

SPECIAL PROGRAMS
GIFTED AND TALENTED STUDENTS

EHBB
(LOCAL)

the evaluation process and shall share the information with Board members, administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The ~~District's Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program shall address effective use of funds for programs are spent providing and services consistent with the standards in the state plan~~enhancing the District's program and that a method accounting for expenditures related to the gifted and talented ~~students~~program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

Learning Opportunities

Programs for identified gifted and talented students shall be provided at all campuses. In addition, the District shall provide full-time magnet programs for students in kindergarten through grade 12 who meet locally developed criteria. Student participation is voluntary; however, once a parent has signed the child's choice of school form for attendance at a magnet school, that choice shall be binding for the school year for which it was designated. Any exceptions must be made by the Superintendent ~~or designee~~ in accordance with the criteria defined by the federal district court.

STUDENT WELFARE
CHILD ABUSE AND NEGLECT

FFG
(LOCAL)

**Program to Address
Child Sexual Abuse,
Trafficking, and
Maltreatment**

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

**Reporting Child
Abuse and Neglect**

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a

STUDENT WELFARE
CHILD ABUSE AND NEGLECT

FFG
(LOCAL)

child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of ~~the Texas Department of Family and Protective Services (DFPS)~~ at ~~(800)-~~252-5400 or the [Texas Abuse Hotline Website](#)¹;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers. [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee

STUDENT WELFARE
CHILD ABUSE AND NEGLECT

FFG
(LOCAL)

to first report his or her suspicion to a District or campus administrator.

Confidentiality

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

~~In accordance with state law, the~~The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

**Failing to Report
Suspected Child
Abuse or Neglect**

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

**Responsibilities
Regarding
Investigations**

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

¹ Texas Abuse Hotline ~~Website~~website: <http://www.txabusehotline.org>

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LOCAL)

**Access to District
Property**

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

**Ejection or
Exclusion under
Education Code
37.105**

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

**Off-Campus
Activities**

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and
E--Cigarettes

The District prohibits smoking and the use of tobacco products ~~and, e--cigarettes,~~ or other electronic vaporizing devices on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Lisa Ray, General Counsel
Darrell Dodds, Chief Financial Officer

Subject: CH Local – First read

Action Item

Executive Summary:

Allows for administration to raise the authority to make budget purchase for goods or services from \$75,000.00 to \$150,000.00 in line with comparably-sized districts.

Additionally, the proposed revision delegates the authority to accept or reject all bids and proposals for special education staffing to address critical staffing needs such as speech language therapists, LSSPs, diagnosticians or any other assessment staff.

Finally, the proposed revisions reflect the current title of the head of the Purchasing department.

Administrative Recommendations:

For discussion.

Recommended Motion for Action Items:

N/A

Financial Impact and Funding Source:

N/A

PURCHASING AND ACQUISITION

CH
(LOCAL)

Purchasing Authority	The Board delegates to the Superintendent or <u>Executive Director of Purchasing</u> director the authority to make budgeted purchases for goods or services <u>and reject all bids or proposals</u>. However, any single, budgeted purchase of goods or services that costs, in the aggregate, \$<u>15075</u>,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.
Exceptions	Renewal of contracts shall not require Board approval unless material changes occur after the initial approval. [See CH(REGULATION)] The Board delegates to the Superintendent or <u>Executive Director of Purchasing</u> director the authority to accept or reject all bids and proposals for the purchase of food items <u>and special education staffing</u>. A purchase utilizing an interlocal contract, or a cooperative or state purchasing program approved by the Board, shall be approved by the Superintendent or purchasing director.
Exception for Emergency Contracts	In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)] The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]
Purchasing Procedures	The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]
Purchasing Method	The Board delegates to the Superintendent or <u>Executive Director of Purchasing</u> purchasing director the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.
<i>Competitive Bidding</i>	If competitive bidding is chosen as the purchasing method, the Superintendent <u>Executive Director of Purchasing</u> or purchasing director shall prepare bid specifications. All bids shall be in

PURCHASING AND ACQUISITION

CH
(LOCAL)

accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

The District may reject any and all bids in accordance with state or federal law, as applicable.

*Competitive
Sealed Proposals*

If competitive sealed proposals are chosen as the purchasing method, the Superintendent or Executive Director of Purchasing ~~purchasing director~~ shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals in accordance with state or federal law, as applicable.

*Unsealed
Competitive
Proposals*

A request for proposals may also be used as a procurement option to generate an unsealed competitive proposal. In this instance, the District may open the proposal upon receipt and begin the negotiation process for the goods or services. Results of such negotiations shall be made public after the contract has been awarded.

*Electronic Bids or
Proposals*

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

The Board authorizes the use of Oracle iSourcing to transmit and receive electronic bids and proposals.

**Responsibility for
Debts**

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

PURCHASING AND ACQUISITION

CH
(LOCAL)

	not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.
Purchase Commitments	All purchase commitments shall be made by the Superintendent or Executive Director of Purchasing purchasing director in accordance with administrative procedures, including the District's purchasing procedures.
Personal Purchases	District employees shall not be permitted to make purchases for personal use through the District's business office.
Historically Under-Utilized Business Program	The Board supports a historically under-utilized business program that ensures that the District will promote and encourage the participation of minority-owned businesses, women-owned businesses, and small businesses in the purchasing of all goods and services, including all construction services. The Superintendent and/or staff shall implement a business program to ensure that small, women-owned, and minority businesses are informed of current and future purchasing activities and that goals of this program are achieved.
Implementation	Nothing herein shall be construed to authorize or require expenditure of funds for goods and services apart from normal statutory purchasing processes.
Definitions	For the purpose of this action plan: • "Small business" is defined as a concern that is independently owned and operated and that is not dominant in its field of operation. The business employs fewer than 50 employees and/or has less than \$3 million in annual business volume from this local operation. • "Minority business" is a business concern that is at least 51 percent owned by one or more minority individual(s) or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more of the minority individual(s) and whose management and daily business operations are controlled by one or more of the minority individual(s) who own it. "Minority individuals" means residents of the United States who are members of the following groups: African Americans, Hispanics, American Indians, Asian Americans, Alaska natives, Pacific Islanders, and other individuals found to be economically and socially disadvantaged by the Small Business Administration under section (a) of the Small Business Act. • "Women business enterprise" means a business concern that follows the same guidelines as a minority business enterprise but that is owned by women.

PURCHASING AND ACQUISITION

CH
(LOCAL)

- “Certification.” Any business wishing to be identified by the District as a small, women-owned, or minority business shall be certified. [See CH(REGULATION)]



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Dr. Ricardo López, Superintendent

Subject: Trustees' Report

Discussion Item

Executive Summary:

Trustees report to other trustees, the administrative staff and the public of activities that impact the Board's governance of the District. Trustees may report on the following subjects:

1. Trustee attendance at recent district and community events.
2. Announcement of upcoming district and community events.
3. Recognition of outstanding performance by district staff and students.
4. Recognition of new programs and special activities.
5. Message from Board President.

Administrative Recommendations:

Provided for your information and discussion.

February 24, 2025 - March 2, 2025

February 2025							March 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1							1
2	3	4	5	6	7	8	2	3	4	5	6	7	8
9	10	11	12	13	14	15	9	10	11	12	13	14	15
16	17	18	19	20	21	22	16	17	18	19	20	21	22
23	24	25	26	27	28		23	24	25	26	27	28	29
							30	31					

Monday, February 24

- 10:00am - 7:00pm PTA Rally Day (Texas Capitol Steps-Austin, Texas)
- 11:30am - 1:00pm Garland Chamber State of the City Luncheon (Dallas College Garland Center (675 W Walnut St, Garland, TX 75040, United States)) - Ricardo Lopez

Tuesday, February 25

- 5:00pm - 8:00pm Board Meeting (Board Room)

Wednesday, February 26

- 4:00pm - 5:30pm CALDWELL ELEM SCHOOL SOCCER PRESENTATION [In-person] (Caldwell Elementary School (3400 Saturn Rd, Garland, TX 75041, United States)) - Amber Freeland

Thursday, February 27

- 6:00pm - 8:00pm USL Dallas Fan Forum (Bombones 11917 E. Northwest HWY Dallas, Texas 75218)

Friday, February 28

Saturday, March 1

Sunday, March 2

March 3, 2025 - March 9, 2025

March 2025							April 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, March 3

Tuesday, March 4

Wednesday, March 5

Thursday, March 6

Friday, March 7

Saturday, March 8

- 9:00am - 2:00pm GISD Dance Festival (Lakeview HS)
- 7:00pm - 8:30pm GISD Inaugural Jazz Festival Concert (Naaman Forest HS Auditorium)

Sunday, March 9

March 10, 2025 - March 16, 2025

March 2025							April 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, March 10

7:00pm - 9:00pm Goldie Locke Excel Awards (Elementary) (4999 Naaman Forest Blvd, Garland, TX 75040) - Lakisha Culpepper

Tuesday, March 11

3:00pm - 5:00pm Finance, Facilities and Operations Committee Meeting (Board Room)

3:00pm - 5:00pm Finance, Facilities and Operations Committee Meeting (Board Room) - Mechelle Hogan

4:30pm - 6:00pm Board Bond Special Meeting (Boardroom) - GISD Board of Trustees

6:00pm - 8:00pm Academic and District Affairs Committee Meeting (Board Room) - Mechelle Hogan

Wednesday, March 12

10:00am - 11:30am Council PTA Meeting (Harris Hill Administration (Garland/Rowlett Room)) - Mechelle Hogan

11:30am - 1:00pm Rowlett Chamber of Commerce (Rowlett Community Center) - Ricardo Lopez

7:00pm - 9:00pm Joe Garcia Awards (4999 Naaman Forest Blvd, Garland, TX 75040) - Lakisha Culpepper

Thursday, March 13

9:00am - 2:00pm Special Olympics HS Basketball 3-on-3 Tournament (Tentative) (Rowlett HS) - Christi Davis

7:00pm - 8:30pm Goldie Locke Excel Awards - Middle School (Update) (Mt Hebron Missionary Baptist Church (1233 Highway 66, Garland, TX 75040-7278, United States)) - Lakisha Culpepper

Friday, March 14

Saturday, March 15

Sunday, March 16

March 17, 2025 - March 23, 2025

March 2025							April 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, March 17

- ☐ 12:00am Spring Break →
- ☐ St. Patrick's Day (United States)

Tuesday, March 18

- ☐ ← Spring Break →

Wednesday, March 19

- ☐ ← Spring Break →

Thursday, March 20

- ☐ ← Spring Break →

Friday, March 21

- ☐ ← 12:00am Spring Break

Saturday, March 22

Sunday, March 23

March 24, 2025 - March 30, 2025

March 2025							April 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, March 24

Tuesday, March 25

- 9:00am - 12:00pm GISD 3rd Annual Mental Health Convening (GRCTC) - Ricardo Lopez
- 5:00pm - 8:00pm Board Meeting (Board Room)

Wednesday, March 26

Thursday, March 27

Friday, March 28

Saturday, March 29

- 10:00am - 11:00am Evening Study Center Graduation (South Garland High School Auditorium)

Sunday, March 30

March 31, 2025 - April 6, 2025

March 2025							April 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, March 31

Tuesday, April 1

Wednesday, April 2

Thursday, April 3

Friday, April 4

- 9:00am - 12:00pm Special Olympics - Challenge Day Competition (MTI Classes) (Naaman Forest HS) - Christi Davis
- 11:00am - 1:00pm AP Appreciation Luncheon (Gilbreath-Reed Career & Technical Center (4885 N President George Bush Hwy, Garland, TX 75040)) - Yvette Castillo

Saturday, April 5

- 10:00am - 2:00pm GISD Explore Choice of School Event (Williams Stadium) - Ricardo Lopez

Sunday, April 6



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Dr. Ricardo López, Superintendent

Subject: Superintendent's Report

Discussion Item

Executive Summary:

Dr. López will provide an update on District and community events.

Administrative Recommendations:

Provided for your information and discussion.



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Dr. Ricardo López, Superintendent

Subject: Future Agenda Items

Discussion Item

Executive Summary:

Trustees may submit items to be placed on future Board Meeting agendas.

Administrative Recommendations:

For discussion.



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Dr. Gradyne Brown, Assistant Superintendent Human Resources

Subject: Consider Approval of Human Resources Report

Consent Agenda

Executive Summary:

Please see attached recommendations for new personnel, terminations, leaves of absence, and resignations for the 2024-2025 school year.

Administrative Recommendations:

Administration recommends approval.

Financial Impact and Funding Source:

N/A

**February 2025
Professional New Hires List**

New Hires to Date: 251							
Current: 8							
Total: 259							
School/Dept.	Last Name	First Name	Exp	College	Degree	Job Title	Effective Date
Coyle Middle School	Sterling	Jamal	13	Dillard University	BA	Teacher	2/3/25
				Southern Methodist University			
Guidance and Counseling Department	Johnson	Christopher	25	University of North Texas	BA	Responsive Services Counselor	2/12/25
				Texas A&M University - Commerce	MS		
Lakeview Centennial High School	Moreno	Raul	0	University of North Texas	BS	Teacher	1/13/25
Naaman Forest High School	Robinson	Bryson	0	University of New Orleans	BS	Teacher	1/13/25
Parsons Prekindergarten School	Madrigal	Jazmin	3	California State University	BA	Speech Language Pathologist Assistant SPED	2/10/25
Pearson Elementary School	Milton	Kerrielle	0	University of Texas at Dallas	BA	Teacher	1/27/25
Pearson Elementary School	Castillo	Genesis	0	University of Texas at Arlington	BS	Teacher	2/17/25
				Southern Methodist University	M.Ed		
Rowlett Elementary School	Nicholson	Amy	14	Texas Woman's University	BS	Diagnostician	2/3/25
				Southern Methodist University	M.Ed		

February 2025
Resignation and Retirement List - Paraprofessionals

Approved to Date: 120					
Current: 30					
Total: 150					
<u>School/Dept.</u>	<u>Name</u>	<u>Job Title</u>	<u>Experience</u>	<u>Reasons</u>	<u>Effective Date</u>
Alternative Education Center	Valcic, Latifah	Aide/Instructional	7 years/2 years with GISD	Resignation/Other	2/7/2025
Cisneros Prekindergarten School	Walton, Gabriella	Aide/SPED ECSE Prekindergarten Idea B	0 years with GISD	Resignation/Career Change	2/21/2025
Classical Center at Brandenburg Middle School	Santiago Melendez, Ada	Aide/Counselor	1 year with GISD	Resignation/Professional Development	1/15/2025
Classical Center at Brandenburg Middle School	Parker, Angel	Aide/SPED ABC	0 years with GISD	Resignation/Personal	1/30/2025
Classical Center at Brandenburg Middle School	Julca, Rosemary	Aide/SPED ALE	0 years with GISD	Resignation/Career Change	2/28/2025
Daugherty Elementary School	Hurtado, Dulce	Aide/Library	2 years with GISD	Resignation/Career Change	2/7/2025
Dorsey Elementary School	Thompson, Brianne	Aide/SPED BA	0 years with GISD	Resignation/Career Change	1/31/2025
GISD Employee Clinic	Sandoval, Patricia	Health Clinic Medical Assistant	6 years/0 years with GISD	Resignation/Relocation	2/7/2025
Harris Hill Building	Suarez Ovalle, Carmen	Aide/Newcomer Title III	4 years with GISD	Resignation/Personal	1/7/2025
Harris Hill Building	Karr, Kimberly	Grants Project Clerk Title I	3 years with GISD	Resignation/Other	2/12/2025
Harris Hill Building	Parker, Lauren	Secretary Guidance and Counseling	14 years/1 year with GISD	Resignation/Career Change	2/14/2025
Houston Middle School	Gallardo, Emily	Aide/ESL	2 years with GISD	Resignation/Personal	2/7/2025
Jackson Technology Center for Math & Science	Ruiz, Selene	Secretary Principal	11 years with GISD	Resignation/Career Change	1/31/2025
Montclair Elementary School	Warfield, Demorris	Aide/SPED BA Idea B	0 years with GISD	Resignation/Other	1/29/2025
North Garland High School	Stewart, Victoria	Aide/SPED ALE	0 years with GISD	Resignation/Professional Development	1/24/2025
O'Banion Middle School	Ramirez De Lopez, Marisol	Aide/Office	1 year with GISD	Resignation/Career Change	2/21/2025
O'Banion Middle School	Ruiz Rodriguez, Mckenzie	Aide/Family Involvement Title I	2 years with GISD	Resignation/Other	2/21/2025
O'Banion Middle School	Figueroa, Jeanette	Aide/SPED Facilitator	6 years with GISD	Resignation/Other	2/14/2025
Parsons Prekindergarten School	Tucker, Laura	Aide/Prekindergarten	0 years with GISD	Resignation/Career Change	2/7/2025
Rowlett High School	Chavez, Cindy	Aide/Office	0 years with GISD	Resignation/Career Change	2/10/2025
Sellers Middle School	Clark, Ramona	Aide/SPED Facilitator Idea B	2 years with GISD	Resignation/Personal	1/24/2025
Sewell Elementary School	Santos, Mary-Alice	Aide/SPED ABC	4 years with GISD	Resignation/Other	1/31/2025
Shorehaven Elementary School	Avila, Claudia	Aide/PE	0 years with GISD	Resignation/Personal	2/13/2025
South Garland High School	Crawford, Bettye	Aide/Office	36 years with GISD	Other/Deceased	1/8/2025
Spring Creek Elementary School	Rodriguez, Delia	Data Clerk	30 years with GISD	Resignation/Health Reasons	2/18/2025
Stephens Elementary School	Manning, Kathryn	Aide/Diagnostician	7 years with GISD	Resignation/Career Change	1/24/2025
Stephens Elementary School	Godwin, Stacy	Aide/Prekindergarten	23 years/16 years with GISD	Retirement/TRS	5/28/2025
Student Nutrition Services	Rountree, Edward	Equipment Technician	1 year with GISD	Resignation/Personal	1/27/2025
Transportation	Edwards, Vickey	Transportation Dispatcher	29 years with GISD	Retirement/TRS	2/28/2025
Weaver Elementary School	Ventura, Harvey	Aide/Emergent Bilingual Instructional	0 years with GISD	Resignation/Other Texas School	2/14/2025

**February 2025
Resignation and Retirement List - Professionals**

Approved to Date: 159					
Current: 61					
Total: 220					
<u>School/Dept.</u>	<u>Name</u>	<u>Job Title</u>	<u>Experience</u>	<u>Reasons</u>	<u>Effective Date</u>
Abbett Elementary School	Morris, Robin	Teacher/3rd Gr.	23 years/10 years with GISD	Resignation/Career Change	5/28/2025
Armstrong Elementary School	Khan, Joti	Teacher/SPED ALE	0 years with GISD	Resignation/Relocation	1/31/2025
B.H. Freeman at Golden Meadows Elementary	Cardoza, Brittney	Teacher/1st Gr.	6 years with GISD	Resignation/Personal	5/28/2025
B.H. Freeman at Golden Meadows Elementary	Randle, Shondra	Teacher/Kindergarten	26 years/2 years with GISD	Resignation/Personal	5/28/2025
Beaver Technology Center for Math & Science	Bean, Cheryl	Teacher/SPED ABC	2 years with GISD	Resignation/Personal	2/12/2025
Bussey Middle School	Hewlett, Heather	Teacher/Social Studies 7th & 8th Gr.	3 years with GISD	Resignation/Relocation	5/28/2025
Carver Elementary School	Dragolich, Julia	Teacher/2nd Gr.	5 years with GISD	Resignation/Career Change	5/28/2025
Carver Elementary School	Maduro, Mijah	Teacher/1st Gr.	3 years with GISD	Resignation/Other	5/28/2025
Cisneros Prekindergarten School	Chapa, Leticia	Teacher/Bilingual Prekindergarten	18 years/17 years with GISD	Resignation/Relocation	05/28/2025
Cisneros Prekindergarten School	Kiser, John	Principal/Prekindergarten	30 years/23 years with GISD	Retirement/TRS	6/24/2025
Cooper Elementary School	Flores, Zulema	Teacher/1st Gr.	1 year with GISD	Resignation/Career Change	5/28/2025
Couch Collegiate Prep Elementary	Osborne, Cameron	Teacher/4th Gr.	6 years/5 years with GISD	Resignation/Personal	5/28/2025
Couch Collegiate Prep Elementary	Scontrino, Brittanie	Teacher/3rd Gr.	2 years with GISD	Resignation/Relocation	5/28/2025
Coyle Technology Center for Math & Science	Brown, Sonia	Teacher/SPED Resource	28 years/25 years with GISD	Resignation/Not Working	5/28/2025
Daugherty Elementary School	Armstrong, James	Teacher/SPED ABC	1 year with GISD	Resignation/Career Change	5/28/2025
Daugherty Elementary School	Megaffin, Judith	Teacher/2nd Gr.	31 years/2 years with GISD	Retirement/TRS	5/28/2025
Davis Elementary School	Tyler, Shawnte	Teacher/1st Gr.	3 years with GISD	Resignation/Personal	5/28/2025
Dr Marvin D Roden Technology Center	Harris, Phyllis	Coordinator PEIMS	15 years/13 years with GISD	Retirement/TRS	6/30/2025
Giddens-Steadham Elementary School	Mendez, Jennifer	Teacher/3rd Gr.	12 years/1 year with GISD	Resignation/Other	5/28/2025
Gilbreath-Reed Career and Technical Center	Grubbs, Charrisa	Teacher/Medical Assistant EKG	9 years/0 years with GISD	Resignation/Personal	2/21/2025
Harris Hill Building	Valdez, Laura	Early Learning Language Acquisition Coordinator Title I	27 years/12 years with GISD	Resignation/Career Change	2/7/2025
Harris Hill Building	Hill, Melissa	Executive Director Elementary Teaching & Learning	20 years with GISD	Resignation/Personal	4/24/2025
Harris Hill Building	Nash White, Janelle	Responsive Services Counselor	18 years/5 years with GISD	Resignation/Career Change	2/11/2025
Heather Glen Elementary School	Arey, Angela	Librarian	25 years/23 years with GISD	Retirement/TRS	5/28/2025
Hudson Middle School	Holder, Kristin	Counselor	22 years/15 years with GISD	Retirement/TRS	6/2/2025
Jackson Technology Center for Math & Science	Carzola, Miguel	Teacher/Social Studies 6th Gr.	13 years with GISD	Retirement/TRS	1/31/2025
Lakeview Centennial High School	Reid, Stephanie	Teacher/Art	3 years with GISD	Resignation/Other Texas School	5/28/2025
Lakeview Centennial High School	Callahan, Brittany	Teacher/Science Coach	16 years/5 years with GISD	Resignation/Other Texas School	6/2/2025
Lister Elementary School	Cascio, Erica	Teacher/SPED ABC	6 years/4 years with GISD	Resignation/Personal	5/28/2025
Lyles Collegiate Intermediate	Battiste-Perkins, Cheryl	Counselor	31 years/10 years with GISD	Retirement/TRS	6/2/2025
Memorial Pathway Academy	Kamara, Paul	Teacher/Newcomer PE ESL	3 years with GISD	Resignation/Other	2/14/2025
Montclair Elementary School	Grumbein, Frances	Teacher/4th Gr.	39 years/32 years with GISD	Retirement/TRS	5/28/2025
Montclair Elementary School	Palomo, Danielle	Teacher/2nd Gr.	3 years/2 years with GISD	Resignation/Other Texas School	5/28/2025
North Garland High School	Hunter, Kevin	Teacher/Health Science Career Prep	20 years/18 years with GISD	Resignation/Not Working	5/30/2025
North Garland High School	Walters, Andrea	Teacher/ESL	26 years/4 years with GISD	Retirement/TRS	5/28/2025
O'Banion Middle School	Torres, Eduardo	Teacher/Spanish	23 years with GISD	Retirement/TRS	5/28/2025
O'Banion Middle School	Smith, Johnathan	Teacher/Reading 6th Gr.	3 years with GISD	Resignation/Career Change	5/28/2025
Pearson Elementary School	Murphy, Tiffany	Teacher/SPED ALE	1 year with GISD	Resignation/Moving out of State	5/28/2025
Roach Elementary School	Fontenette, Patrick	Teacher/SPED Behavioral Adjustment	19 years/17 years with GISD	Retirement/TRS	5/28/2025
Rowlett Elementary School	Marino, Andrea	Teacher/2nd Gr.	20 years/2 years with GISD	Resignation/Relocation	5/28/2025
Rowlett High School	Bailey, Devon	Teacher/Health Science Career Prep	14 years/9 years with GISD	Resignation/Career Change	5/30/2025

**February 2025
Resignation and Retirement List - Professionals**

<u>School/Dept.</u>	<u>Name</u>	<u>Job Title</u>	<u>Experience</u>	<u>Reasons</u>	<u>Effective Date</u>
Sachse High School	Gallogly, Lindsey	Teacher/English	9 years/8 years with GISD	Resignation/Other Texas School	5/28/2025
Sachse High School	Holomshek, Amber	Assistant Principal	21 years/19 years with GISD	Resignation/Other Texas School	3/14/2025
Shorehaven Elementary School	Gaitan, Roxana	Teacher/Intervention Specialist Title I	26 years/22 years with GISD	Retirement/TRS	5/28/2025
Shugart Elementary School	Zapata, Elizabeth	Teacher/Bilingual 1st Gr.	18 years/1 year with GISD	Resignation/Other Texas School	5/28/2025
Shugart Elementary School	Williams, Meka	Teacher/1st Gr.	2 years with GISD	Resignation/Personal	5/28/2025
Shugart Elementary School	Ovalle, Shannon	Teacher/2nd Gr.	1 year with GISD	Finish Year Only	5/28/2025
Shugart Elementary School	Barchuk, Debra	Teacher/Kindergarten	10 years/4 years with GISD	Resignation/Other	5/28/2025
South Garland High School	Plancic, Sanel	Teacher/SPED ALE	2 years with GISD	Resignation/Personal	1/31/2025
Southgate STEM Elementary	Mercado Garcia, Alicia	Teacher/Bilingual 5th Gr.	1 year with GISD	Resignation/Personal	2/7/2025
Southgate STEM Elementary	Centeno, Maria	Teacher/4th Gr.	0 years with GISD	Resignation/Personal	1/27/2025
Spring Creek Elementary School	Winstead, Rachel	Teacher/1st Gr.	6 years/1 year with GISD	Resignation/Personal	5/28/2025
Stephens Elementary School	Pusinelli, Molly	Teacher/SPED CBSE Idea B	11 years/7 years with GISD	Resignation/Not Working	5/28/2025
Student Support & Specialized Services	Camp, Debbie	Teacher/Dyslexia	22 years/7 years with GISD	Retirement/TRS	5/28/2025
Transportation	Saunders, Chantela	Safety and Training Manager	12 years/1 year with GISD	Resignation/Unsatisfied with Job	2/28/2025
Watson Technology Center for Math & Science	Haley, Deborah	Teacher/2nd Gr.	28 years with GISD	Resignation/Health Reasons	5/28/2025
Watson Technology Center for Math & Science	Fontenette, Teresa	Teacher/Bilingual 2nd Gr.	33 years with GISD	Retirement/TRS	5/28/2025
Weaver Elementary School	Jackson, Everett	Teacher/SPED ALE	22 years/21 years with GISD	Resignation/Personal	2/14/2025
Webb Middle School	Salas, Marilyn	Teacher/Technology Application	8 years/0 years with GISD	Resignation/Personal	1/14/2025
Webb Middle School	Jackson, Elliott	Teacher/Math 7th & 8th Gr.	0 years with GISD	Resignation/Personal	1/21/2025
Webb Middle School	Malone, Timothy	Teacher/Technology Education Coach	4 years/0 years with GISD	Resignation/Career Change	1/29/2025



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Elisa Cordova-Long, Executive Director of Budget

Subject: Consider Approval of Budget Transfers and Amendments to the 2024-25 General Fund and Debt Service Fund

Consent Agenda

Executive Summary:

This report details the budget transfers and amendments proposed for approval and their respective impact on the General Fund and Debt Service Fund. Section 44.006 of the Texas Education Code requires that the Board of Trustees authorize amendments to the General Operating Budget. This agenda item was reviewed during the Finance, Facilities and Operations Committee Meeting on February 11, 2025. Reviewed and approved by Elisa Cordova-Long, Executive Director of Budget, and Darrell Dodds, Chief Financial Officer.

Administrative Recommendations:

Provided for your consideration.

Recommended Motion for Action Items:

Move to approve the budget transfers and amendments to the 2024-25 General Fund and Debt Service Fund.

Financial Impact and Funding Source:

N/A



**BUDGET TRANSFERS AND AMENDMENTS
FOR THE GENERAL FUND
FISCAL YEAR 2024-2025
February 25, 2025**

	Original Budget	Revised Budget	Current Transfers Requested	Current Amendments Requested	Proposed Amended Budget
REVENUES					
57 Local Revenue	\$ 203,109,814	\$ 203,119,907	\$ -	\$ -	\$ 203,119,907
58 State Revenue	300,269,000	300,269,000			300,269,000
59 Federal Revenue	8,000,000	8,000,000			8,000,000
Total Revenues	\$ 511,378,814	\$ 511,388,907	\$ -	\$ -	\$ 511,388,907
EXPENDITURES					
11 Instruction	\$ 330,753,160	\$ 328,586,585	\$ 3,166		\$ 328,589,751
12 Instructional Resources and Media Services	8,927,007	8,932,520	299		8,932,819
13 Curriculum Development and Instructional Staff Development	15,880,744	15,498,712	(2,301)		15,496,411
21 Instructional Leadership	8,796,003	9,718,334	100		9,718,434
23 School Leadership	43,019,345	42,907,799	(889)		42,906,910
31 Guidance, Counseling and Evaluation Services	30,449,846	28,681,864			28,681,864
32 Social Work Services	529,846	559,346			559,346
33 Health Services	9,382,205	9,307,490			9,307,490
34 Student Transportation	20,503,466	22,137,352			22,137,352
35 Food Services	300,000	303,644			303,644
36 Extracurricular Activities	13,825,742	13,883,495			13,883,495
41 General Administration	21,154,065	21,891,325	(100)		21,891,225
51 Facilities Maintenance and Operations	62,838,021	64,832,759			64,832,759
52 Security and Monitoring Services	13,615,980	13,790,875			13,790,875
53 Data Processing Services	16,516,283	16,678,921			16,678,921
61 Community Services	1,930,834	1,901,201	(275)		1,900,926
71 Debt Service - Principal on Long-Term Debt	751,097	1,496,114			1,496,114
72 Debt Service Interest on Long-Term Debt	-	-			-
73 Bond Issuance Cost and Fees	-	-			-
81 Facilities Acquisition and Construction	-	-			-
91 Chapter 41 Payment	-	-			-
95 Juvenile Justice Program	36,000	36,000			36,000
97 Payments to Tax Increment Fund	-	-			-
99 Other Intergovernmental Charges	1,080,067	1,080,067			1,080,067
Total Expenditures	\$ 600,289,711	\$ 602,224,403	\$ -	\$ -	\$ 602,224,403
Excess(Deficiency) Revenues Over(Under) Expenditures	\$ (88,910,897)	\$ (90,835,496)	\$ -	\$ -	\$ (90,835,496)
Other Financing Sources	\$ -	\$ -	\$ -	\$ -	\$ -
Other Financing Uses	\$ -	\$ (3,077,377)	\$ -	\$ -	\$ (3,077,377)
Net Change in Fund Balance	\$ (88,910,897)	\$ (93,912,873)	\$ -	\$ -	\$ (93,912,873)



**DETAIL OF BUDGET TRANSFERS AND AMENDMENTS
FOR THE GENERAL FUND
FISCAL YEAR 2024-2025
February 25, 2025**

BUDGET TRANSFERS

EXPENDITURES

11 Instruction
12 Instructional Resources and Media Services
13 Curriculum Development and Instructional Staff Development
21 Instructional Leadership
23 School Leadership
41 General Administration
61 Community Services

Total Expenditures

	Increase	Decrease	Net
\$	9,965	\$ 6,799	\$ 3,166
	299		299
	249	2,550	(2,301)
	100		100
	7,775	8,664	(889)
		100	(100)
		275	(275)
\$	18,388	\$ 18,388	\$ -

Notes: Cross-functional balance neutral transfers.



**BUDGET TRANSFERS AND AMENDMENTS
FOR THE DEBT SERVICE FUND
FISCAL YEAR 2024-2025
February 25, 2025**

REVENUES

57 Local Revenue
58 State Revenue
59 Federal Revenue
Total Revenues

EXPENDITURES

71 Debt Service - Principal on Long-Term Debt
72 Debt Service Interest on Long-Term Debt
73 Bond Issuance Cost and Fees
Total Expenditures

Excess(Deficiency) Revenues Over(Under) Expenditures

Other Financing Sources

Other Financing Uses

Net Change in Fund Balance

Original Budget	Revised Budget	Current Transfers Requested	Current Amendments Requested	Proposed Amended Budget
\$ 111,192,335	\$ 111,192,335	\$ -	\$ -	\$ 111,192,335
\$ 15,663,404	\$ 15,663,404			\$ 15,663,404
\$ 471,994	\$ 471,994			\$ 471,994
\$ 127,327,733	\$ 127,327,733	\$ -	\$ -	\$ 127,327,733
\$ 54,420,000	\$ 54,420,000	\$ -	\$ 50,000,000	\$ 104,420,000
\$ 58,581,267	\$ 58,581,267			\$ 58,581,267
\$ 1,000,000	\$ 1,000,000			\$ 1,000,000
\$ 114,001,267	\$ 114,001,267	\$ -	\$ 50,000,000	\$ 164,001,267
\$ 13,326,466	\$ 13,326,466	\$ -	\$ (50,000,000)	\$ (36,673,534)
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -
\$ 13,326,466	\$ 13,326,466	\$ -	\$ (50,000,000)	\$ (36,673,534)



**DETAIL OF BUDGET TRANSFERS AND AMENDMENTS
FOR THE DEBT SERVICE FUND
FISCAL YEAR 2024-2025
February 25, 2025**

EXPENDITURES	Increase	Decrease	Net
71 Debt Service - Principal on Long-Term Debt	\$ 50,000,000		\$ 50,000,000
Total Expenditures	\$ 50,000,000	\$ -	\$ 50,000,000

Notes: The District will redeem \$50 Million worth of 2015A bond which will become callable on February 15, 2025.



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Dr. Ramona Morin, Director of Family & Community Engagement

Subject: Consider Approval of Resolution for GAABSE Scholarship Gala at the Curtis Culwell Center

Consent Agenda

Executive Summary:

The Garland Area Alliance of Black School Educators has requested the use of the Curtis Culwell Center for the GAABSE Scholarship Gala. In order for the Curtis Culwell Center to be used for the event without charge, the Board of Trustees must determine that the use serves the District's public purpose. This resolution serves as a finding of the public purpose and allows the administration to determine necessary controls to ensure the public purpose is carried out.

The event will be held on Saturday, April 12, 2025, from 6:00PM to 10:00PM.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendation:

Provided for your consideration.

Recommended Motion for Action Items:

Move to approve Resolution for GAABSE Scholarship Gala at the Curtis Culwell Center as presented to the Board of Trustees.

Financial Impact and Funding Source:

\$5,980

Resolution

WHEREAS, the Garland Area Alliance of Black School Educators or GAABSE desires to use the Curtis Culwell Center for its scholarship gala benefiting graduating students from each of the seven traditional high schools, the non-traditional high school, and awards designed to recognize the work of outstanding Garland ISD teachers and principals; and

WHEREAS, the use of the Curtis Culwell Center for the scholarship gala will assist District students in preparing for college and postgraduate training, providing them with financial resources will enhance students' ability to learn and

WHEREAS, the Board of Trustees of the Garland Independent School District finds that such expenditures will serve the District's public purposes of facilitating District students' education, well-being, preparation for the whole child, and fostering good relationships with the Garland Independent School District community to engender and encourage support within the community for the District's mission and

WHEREAS, the Board of Trustees further finds that the District will receive an adequate return for such expenditure and that such expenditure is necessary for the conduct of the public schools of the District;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES the Superintendent of Schools of the District or his designee is hereby authorized to allow the GAABSE to use the Curtis Culwell Center without charge and to create documentation providing the exact terms of the use.

BE IT FURTHER RESOLVED that the Board of Trustees waives the fee requirements for the use of the Curtis Culwell Center for the limited purposes outlined herein.

BE IT FURTHER RESOLVED that the predominant purpose of the expenditure related to the scholarship gala is to accomplish a public purpose, not to benefit private parties, and the District shall retain sufficient control over any expenditure to ensure the public purpose is accomplished.

PASSED AND ADOPTED this _____ of February 2025.

President
Board of Trustees

ATTEST:

Secretary
Board of Trustees



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Carmen Blakey, Director Career and Technical Education

Subject: Consider Approval of Resolution for Scholarship Awards for Students

Consent Agenda

Executive Summary:

During the Finance, Facilities, and Operations Committee agenda on February 11, 2025, there is a resolution from Career and Technical Education to authorize the proceeds from the sale of the livestock to be distributed as scholarships to the students. The sale of the animals will take place at the 81st Annual Livestock Sale, scheduled from Wednesday, March 26, 2025, through Saturday, March 29, 2025, at the GISD Agricultural Barn.

Every year, students from each agricultural program devote time and resources to raising their livestock, participating in local agricultural shows all over the state, and the final sale of their animals at the annual Livestock Show. To help promote the continued success of the programs, the sales revenue from the district-organized event is redistributed to the students through scholarships that follow district guidelines, protocols, and the handling of funds under the Texas Constitution Article 3, section 52.

Administrative Recommendations:

Administration recommends approval at the regular meeting of the Board of Trustees on February 25, 2025.

Recommended Motion for Action Items:

Move to approve resolution for scholarship awards for students as presented to the Board of Trustees.

Financial Impact and Funding Source:

This resolution will have a net zero impact for the district. Deposited funds will reconcile with the purchase of the animals in the CTE 487 account. Once reconciled, the scholarship funds will be distributed through campus 461 accounts to the appropriate agriculture students.

**THE BOARD OF TRUSTEES OF THE
GARLAND INDEPENDENT SCHOOL DISTRICT**

February 25, 2025

RESOLUTION REGARDING SCHOLARSHIP AWARDS FOR STUDENTS

WHEREAS, the Garland Independent School District has always been and will remain committed to providing the best possible educational opportunities for its students while at the same time being good stewards of available public funds;

WHEREAS, the District has numerous students who devote their time, energy and effort to participating in local Agricultural Shows and the subsequent sale of their animals through these shows;

WHEREAS, the District desires to develop and promote the development of its students by redistributing the revenue from the sale of the agricultural animal to students in the form of scholarships;

WHEREAS, the District will develop criteria for determining students eligible to receive these scholarships;

WHEREAS, the District acknowledges the financial burdens incurred by students in their pursuit of higher education and career goals;

WHEREAS, a public school purpose will be served by the payment of a one-time scholarship, based on criteria to be developed, in order to demonstrate support of its students, enhance student morale and support the continued entrepreneurship of students.

NOW, THEREFORE, BE IT RESOLVED:

The Board of Trustees of the Garland Independent School District authorize the revenue from the agricultural sale of students' livestock to be redistributed to eligible students in the form of scholarships in accordance with District guidelines.

Adopted by the vote of the majority of members of the Board of Trustees of the Garland ISD present and voting at an open meeting of the Board on the 25th day of February, 2025 at which a quorum was present:

BY: _____
Robert Selders Jr., President

BY: _____
Larry Glick, Secretary



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Jennifer Miller, Director of Student Nutrition Services

Subject: Consider Approval of Region 10 Multi-Region Purchasing Cooperative Agreement

Consent Agenda

Executive Summary:

The Student Nutrition Services Department has expressed a desire to participate in the Region 10 Multi-Region Purchasing Cooperative Agreement. It is recommended that the Board of Trustees approve the agreement as permitted by Chapter 791 of the Texas Government Code.

The cooperative does not have a participation fee and is similar to the agreements we currently have with other cooperatives.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendations:

Provided for your consideration.

Recommended Motion for Action Items:

Move to approve the Region 10 Multi-Region Purchasing Cooperative Agreement as presented to the Board of Trustees.

Financial Impact and Funding Source:

N/A



ACTION REQUIRED!
Due Date: February 28, 2025

October 21, 2024

Re: Membership and Participation in the Region 10 ESC Multi-Region Purchasing Cooperative, SY25-26

Dear Food Service Director Addressed:

Multi-Region Purchasing Cooperative (hereafter "R10MRPC") requires all Interlocal Agreements (hereafter "Agreement") to be approved by each Recipient Agency's (hereafter "RA") Board of Directors. Completed Agreements must be submitted with proof of Board approval. R10MRPC also utilizes an annual, single-year agreement encompassing membership roles, responsibilities, and bid participation for the agreement term. Region 10 Education Service Center is the "Coordinating Entity and Fiscal Agent" for R10MRPC.

This packet includes the Interlocal Agreement for RAs participating in the School Nutrition Programs that wish to purchase food service products or services through the R10MRPC formally procured and awarded bids. If the RA does not plan to purchase from any of the awarded bids, there is no need to complete an Interlocal Agreement.

The **Interlocal Agreement** (pages 3-11) is a "membership and participation" agreement that commences on July 1st and extends through June 30th of the following calendar year. By signing the Agreement, you agree to the General Provisions of Member Roles and Responsibilities with your bid participation selection(s) indicating your entity's purchasing commitment. Members must provide estimated quantities for each product planned for each bid category selected. This is done through a specialized software created by R10MRPC called "Maestro Forecasting."

The Multi-Region Purchasing Cooperative is fully self-funded through a Vendor Participation Fee. This fee is collected directly from the awarded commercial-only vendors. Fees are used to cover expenses related to the administration and operation of R10MRPC and the growth in services and benefits offered to our members. Studies indicate that school districts benefit through cooperative participation with considerable cost savings. While the purchasing power of the R10MRPC is significant, the costs of goods and services continue to rise annually. Studies prove that schools participating in a child nutrition purchasing cooperative receive better pricing and a higher selection of products with higher fill rates. Additional benefits of participating in the R10MRPC include training and technical support for child nutrition programs, compliant solicitations, and high-level customer service.

Thank you for considering participation in the SY 2025-2026 R10MRPC. If you have any questions, please contact me.

Please submit completed and signed Agreement to Angela McCrary: angela.mccrary@region10.org

Sincerely,

Keri Warnick
Program Coordinator
Keri.warnick@region10.org
972.348.1448

Enclosures

INTERLOCAL AGREEMENT

The following Interlocal Agreement (pages 3-11) is to be completed by all recipient agencies (RA) that wish to participate in Region 10 ESC Multi-Region Purchasing Cooperative (R10MRPC) and purchase from formally procured bids.

This Interlocal Agreement is a one-year agreement for the school year 2025-2026 (July 1, 2025, through June 30, 2026). If completed, a fully executed copy will be returned to the RA and kept on file with R10MRPC indefinitely.

Each RA wishing to purchase from any procured and awarded bid must complete and sign all required pages. Each RA is asked to consider which bids best fit their needs. R10MRPC requires members to forecast their product and/or service needs through R10MRPC's customized software before all bid renewals and new bids are released.

The fully completed and signed Interlocal Agreement must be approved by your school Board of Trustees or Authorized Representative and returned no later than February 28, 2025. Please note that Interlocal Agreements received after the due date or later after bids have been released may not be approved due to forecasting requirements and procurement regulations.

Please return pages 3-11 of the Agreement fully executed.

Region 10 Education Service Center
Multi-Region Purchasing Cooperative
SY25-26: INTERLOCAL AGREEMENT

This Interlocal Agreement (hereafter the “Agreement”) is entered into by and between the agencies shown below as contracting parties for a single-year term, per the section entitled “Membership Term” below. The Member Recipient Agency (RA) is responsible for paying vendors’ invoices for goods and services purchased by the RA through the effective termination date. Region 10 ESC is the MRPC “Coordinating Entity and Fiscal Agent.”

Contracting Parties

Region 10 Education Service Center

Fiscal Agent/Coordinating Entity

057-950

County District Number

Garland ISD

District/Recipient Agency (RA)

RA County District Number

00279

RA/Organization ID (WBSCM #)

STATEMENT OF SERVICE’S TO BE PERFORMED

The Region 10 Multi-Region Purchasing Cooperative (hereafter the “R10MRPC”) organizes and administers the child nutrition cooperative purchasing and commodity processing program for RAs in Texas. Authority for such service is granted by Section 8.053 of the Texas Education Code, Chapter 791 of the Texas Government Code, and Chapter 271, Subchapter F, of the Texas Local Government Code. The goal of the cooperative is to obtain substantial savings on food service items through volume purchasing. There is no fee to join R10MRPC.

MEMBERSHIP:

Membership is a single-year term in the R10MRPC. The R10MRPC offers a variety of formally procured bids utilizing the competitive requests for proposals (RFP) method to assist RAs with their fiscal budgetary needs. RAs may commit to any bid(s) that best fits their needs. Members’ bid selection is a commitment to purchase from the R10MRPC awarded vendor(s). Before releasing any formal solicitation or bid renewal, members must provide estimated quantities/forecasts for each product they plan to purchase on each bid selected. Currently, the following formally procured bids are offered:

1. USDA Foods for Further Processing (USDA Processed Commodities)
2. Full-Line Grocery Distributor (to include processed commodities)
3. Manufacturer Direct-to-District Delivery (commercial foods; approval required)
4. Small Wares
5. Kitchen Chemicals & Cleaning Products (products)
6. Sanitation System & Safety Training (services)
7. Fresh Produce & Raw Meats
8. Fresh Bread
9. Milk Full-Service Delivery
10. Ice Cream Novelties
11. Chips and Snacks
12. Beverages (contained)
13. Dispensed Fruit Beverages
14. Coffee Bar Products
15. Milk Coolers
16. GDSN Connection Software
17. Armored Car Services

LIMITATION OF AGREEMENT:

The R10MRPC reviews this Agreement annually to ensure compliance with United States Department of Agriculture (USDA) and Texas Department of Agriculture (TDA) regulations. If, following such review, the R10MRPC discovers that any provision contained herein is not in accordance with USDA and TDA regulations, R10MRPC will have 30 days to make all necessary updates and require that each participating RA sign a new Agreement. If R10MRPC does not amend the provision within the given timeframe, the RA may terminate this agreement on 10 days' written notice to R10MRPC. Child Nutrition Federal Funds are governed by USDA and TDA regulations. EDGAR does not apply to child nutrition federal funds.

GENERAL PROVISIONS:

1. The Parties agree to comply with all applicable federal, state, and local statutes, ordinances, rules, and regulations in connection with the procurement activities and programs contemplated under this Agreement. This Agreement is subject to all applicable present and future valid laws governing such programs.
2. This Agreement shall be governed by the law of the State of Texas and the venue for any dispute resolution shall be in the county where the administrative offices of Region 10 ESC are located, which is currently Dallas County, Texas.
3. The R10MRPC reserves the right, but is not obligated, to add additional members and allow participation. Adding an RA may "materially change the existing contract(s)" and, thereby, require rebidding of said contract(s). Consequently, the RA may not be permitted to participate in those affected contracts to avoid rebidding and possibly negatively impacting the membership in place at the time of the current contract(s) award. The membership of a new RA may become effective upon any new bids, rebids being awarded, new fiscal year, or as permitted at the sole discretion of the R10MRPC.
4. This Agreement and any addenda executed by the parties contains the entire agreement of the Parties hereto concerning the matters covered by its terms, and it may not be modified in any manner without the express written consent of both Parties. Modifications may be required by law or regulation, which shall require action by the R10MRPC and the RA. Failure to act by either party, within a reasonable period, on legally required modifications shall constitute good cause to terminate this Agreement effective upon written notification to the other party.
5. If any term(s) or provision(s) of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect.
6. The Executive Director of Region 10 ESC or his or her designee and authorized agent of the member district shall attempt to resolve any disputes that develop under this Agreement. If any dispute is unable to be resolved, both Parties agree to nonbinding mediation before either Party may resort to litigation. The selection of the mediator shall be mutually agreed upon, and the costs for such mediation borne equally between the Parties.

7. No Party to this Agreement waives or relinquishes any immunity or defense on behalf of itself, its trustees, directors, officers, employees, and agents, because of its execution of this Agreement or the performance of the functions and obligations set forth herein.

8. All parts of this Agreement, when executed by both Parties, are binding upon the Parties, and may be changed only by written agreement executed by authorized representatives of the Parties.

9. Per USDA Federal Regulations and TDA Administrator's Reference Manual (ARM) Section 17, the R10MRPC is a Child Nutrition Program (CNP) Operator-Only Cooperative that is categorized as a "for-profit cooperative". Per ARM Section 17, R10MRPC is required to return "unanticipated profits" to the member. This Agreement allows R10MRPC to deduct the cost of services from the collected vendor fees and pay any remaining amount to members regularly. The R10MRPC's "profit margin", for purposes of this Agreement, shall be defined as the revenue received by the R10MRPC through the charging of the vendor fees outlined in the "Membership Fees" section below minus the expenses to the R10MRPC to operate the cooperative. The Coordinating Entity shall retain the profit margin; however, any revenue received more than the profit margin ("unanticipated profit") will be distributed to the R10MRPC's participating members by the Fiscal Agent. R10MRPC is not permitted per state regulations to collect a profit from sales of processed commodities.

R10MRPC adheres to the following rebate system.

- A. R10MRPC will collect all Vendor Participation Fees quarterly.
- B. R10MRPC does not charge a Vendor Fee to any USDA commodity processor.
- C. R10MRPC will utilize a year-end revenue report that details each participating member's generated sales with each awarded vendor.
 - 1) R10MRPC applies an equal percentage of the operational cost to each RFP.
 - 2) Total overhead and expenses are calculated for each RFP based on shared percentage.
 - 3) Total collected revenue is calculated against shared operational costs for each RFP. Any RFP that does not generate enough revenue to cover the shared percentage of expenses is not eligible for a rebate.
 - 4) Any member purchasing USDA commodity foods through our awarded grocery distributor will receive a rebate of collected fees minus the shared expenses.
 - 5) Any member participating in bids that have an excess of fees collected beyond the shared expenses will receive a rebate.
 - 6) Rebate amounts are calculated in October once the Region 10 ESC books are closed.
 - 7) Rebate checks are mailed to each eligible participating member in late November or December. Checks include a letter with instructions about the rebate check and that it must be deposited into the child nutrition fund account.
 - 8) R10MRPC will send out an email notification to each food service director that includes the amount of their rebate.

This Agreement allows R10MRPC to deduct the cost of services from the collected vendor fees and pay any remaining amount to members regularly. The R10MRPC's "profit margin", for purposes of this Agreement, shall be defined as the revenue received by the R10MRPC through the charging of the vendor fees outlined in the "Membership Fees" section below minus the expenses to the R10MRPC to operate the cooperative. The Coordinating Entity shall retain the profit margin; however, any revenue received more than the profit margin

("unanticipated profit") shall be distributed to the R10MRPC's participating members by the Fiscal Agent. R10MRPC is not permitted per state regulations to collect a profit from sales of processed commodities.

10. This Agreement and any modification(s) may be executed in separate copies; however, the Agreement must be Board of Trustee approved and physically signed by both participating parties using a "physical signature." Electronic or typed signatures will not be accepted. This Agreement may be exchanged and/or transmitted electronically via fax or scanned email. Proof of Board approval acceptable to R10MRPC must be submitted along with a completed and signed Agreement.

Membership Term. This Agreement shall be for a one-year term unless sooner terminated per the provisions of this Agreement. The conditions outlined in this Agreement shall apply to this single-year term. The Agreement year for each purchasing cooperative program commences July 1st and will extend through June 30th of the following calendar year.

Membership Fees. No membership fee shall be directly charged to participating members of the R10MRPC.

The United States Department of Agriculture (USDA) does not allow federal funds received by ESC Child Nutrition components to be used to support purchasing cooperatives. Therefore, the R10MRPC is a fully self-funded entity through a "Vendor Participation Fee" on all commercial sales. This fee is collected directly from the awarded vendors in the fixed amount of .0085 for every \$1.00 of revenue. R10MRPC "does not charge" any fees to the Commodity Processors. All fees are used to cover expenses related to the administration, direct operation, and growth in services or software programs offered by the Cooperative to the members that benefit their foodservice operation. RAs, even though they may incur these fees indirectly, pay no direct fee to R10MRPC for participation.

The parties agree that the payments under this Agreement and any related exhibits and documents are amounts that fairly compensate the Coordinating Entity for the services or functions to be performed under the Agreement.

Authorization to Participate. The R10MRPC and each RA represent and warrant, by the execution and delivery of the Interlocal Agreement, that they have obtained all requisite authority through governing board action to enter and perform the terms of this Agreement. Proof of Board approval through Board meeting notes is accepted. If your school does not have a Board of Directors, the authorized representative's signature is acceptable.

Cooperation and Access. Each party agrees to cooperate with any reasonable requests for information and records made by the other party. Each party reserves the right to audit the relevant records of the other party during normal business hours. Any breach of this Article shall be considered material and shall make the Agreement subject to termination on ten (10) days' written notice to the RA.

Primary and Secondary Contact. The RA agrees to appoint a primary and secondary contact who shall have express authority to represent and bind the RA, and R10MRPC will not be required to contact any other individual regarding program matters. Any notice to a primary or secondary contact shall be binding upon the RA. The RA reserves the right to change the contacts as needed by giving written notice to R10MRPC. Such notice is not effective until actual receipt by R10MRPC.

Defense and Prosecution of Claims. The RA authorizes the Fiscal Agent, only concerning matters arising out of or contemplated by this Agreement: (1) to control the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding; (2) to represent the R10MRPC in an arbitration, mediation, or any other form of alternative dispute resolution; (3) to represent the R10MRPC in any other appearance necessary to protect the rights of the R10MRPC relating to actions concerning any past or current, including any appearances and actions in litigation, claim or dispute; and (4) to engage legal counsel and appropriate experts that, in the Fiscal Agent's sole discretion, will assist with such defense or prosecution of any action or claim in matters arising out of this Agreement. The RA agrees that any suit brought against R10MRPC, the Fiscal Agent, or a R10MRPC or Fiscal Agent employee or agent may be defended in the name of R10MRPC, Region 10 Education Service Center, or the RA by the counsel selected by the Fiscal Agent, in its sole discretion, or its designee, on behalf of and at the expense of the R10MRPC as necessary for the prosecution or defense of any litigation or claim. Full cooperation by the RA shall be extended to supplying any information needed or requested by the Fiscal Agent or R10MRPC in such prosecution or defense. Subject to specific revocation, the RA designates the Fiscal Agent to act as a class representative on its behalf in matters arising from this Agreement.

Governance. R10MRPC shall be governed by the Fiscal Agent's Board of Trustees (hereinafter the "Board") per applicable law and regulations. Procurement processes and procedures are governed by applicable laws and regulations.

Limitations of Liability. The Fiscal Agent, its endorsers, and servicing contractors do not warrant that the operation or use of R10MRPC services will be uninterrupted or error-free. The Fiscal Agent, its endorsers, and servicing contractors, disclaim all warranties, express or implied, regarding any information, product, or service furnished under this Agreement, including without limitation, any implied warranties of merchantability or fitness for a particular purpose. The Parties agree that regarding all causes of action arising out of or relating to this Agreement, neither Party shall be liable to the other under any circumstances for special, incidental, consequential, or exemplary damages, even if it has been advised of the possibility of such damages.

Notice. Any written notice to the R10MRPC or the Fiscal Agent shall be made by: first class mail, postage prepaid and delivered to the Multi-Region Purchasing Cooperative, Region 10 Education Service Center, 400 E Spring Valley Rd, Richardson, TX 75081-1300; Attn: Keri Warnick (contact person); or emailed to keri.warnick@region10.org with a copy to sue.hayes@region10.org.

Acceptance of USDA Foods Sent for Further Processing. The R10MRPC, through the Fiscal Agent, is granted the right to issue a cooperative bid/proposal (RFP) for the processing of selected USDA commodity foods donated by participating members. The R10MRPC, through the Fiscal Agent, is further granted the right to enter a Contract for Services with the commodity food processor(s) receiving the processing award(s) for agreed-upon processed end-products, to execute a service agreement on behalf of participating members. Participating members will have the right and responsibility to accept the processed end-product(s) for the life of the contract between R10MRPC, through the Fiscal Agent, and the processor for all commodity foods donated to, and for which processing was subsequently procured through, the R10MRPC. Excess commodities may be distributed according to USDA or TDA regulations and guidance.



Payment for Goods. Each Party, paying for any goods or services under this Agreement or related to this Agreement, must pay for such goods and services from available current revenues only.

PARTY ROLES AND RESPONSIBILITIES:

Role of the R10MRPC, through the Fiscal Agent:

1. Provide for the organizational and administrative structure of the program.
2. Provide staff with the time necessary for the efficient operation of the program.
3. Provide procurement training if requested.
4. Provide guidance and assistance or templates for the school's Procurement Procedures Manual and Code of Conduct Manual if requested.
5. The R10MRPC shall coordinate the Competitive Procurement Process for all Awarded Contracts using the Formal Procurement method of Requests for Proposals (RFP).
6. The R10MRPC shall follow the local, State, and Federal procurement guidelines as listed below:
 - a. United States Department (USDA) Code of Federal Regulations (2 CFR) parts 200.318-200.327 and Appendix II
 - b. Texas Department of Agriculture's (TDA) Administrator's Reference Manual (ARM) Sections 16 and 17, 17a, 17b, and 17c.
 - c. Requiring Board of Directors' approval on all R10MRPC bid award recommendations.
 - d. Texas Education Code 44.031 relating to purchasing contracts.
 - e. Education Department General Administrative Regulations (EDGAR) as the guidelines pertain to Purchasing Cooperatives' procuring on behalf of its RAs. EDGAR refers to and requires Child Nutrition Food Purchasing Cooperatives to adhere to USDA Federal Regulations located in 2 CFR 200.317-200.327.
 - f. Form 1295 will be required to be filled out and filed with the Texas Ethics Commission by all awarded vendors and will be managed by the Fiscal Agent's Business Office.
7. Send solicitations for the Further Processing of USDA foods to all companies found on the TDA "Approved List of Vendors" without limitations.
8. Enter into a detailed agreement with distributors that distribute processed end-products containing USDA Foods including language to ensure proper resolution of errors such as data, pricing, product, reports, etc.
9. Do the following regarding USDA Foods:
 - a. Track and assist RAs with the management of their USDA Foods inventory balances to ensure compliance with TDA and USDA Foods inventory requirements.
 - b. Assist RAs with Sales Verifications of end products sold through a distributor, including but not limited to verification of rebates, discounts, and credits.
 - c. Provide RAs with information on commodity processing, including, but not limited to, anticipated delivery dates, product recalls or production issues, discontinued products, and replacement recommendations.
 - d. Provide the list of commodity items to RAs for purposes of obtaining quantity requests. This is done using an online software program.
 - e. Receive quantity requests from RAs for commodity processing through district entries into the online software and prepare appropriate quantity totals by item.
 - f. Provide a delivery schedule, on behalf of each RA, for all selected USDA Foods for Further Processing to each processor and distributor based on information collected from each RA.

10. The R10MRPC assumes no responsibility for failure of delivery by vendors, however, the R10MRPC will assist all RAs with service and product quality issues to ensure all vendors adhere to the terms and conditions of the awarded contract.
11. Initiate and implement activities related to the bidding and vendor selection process. Competitive bidding procedures for Texas public schools using Child Nutrition federal funds will be strictly followed.
12. Provide RAs with procedures for ordering, delivery, and billing.
13. Mediate problems/concerns between vendors and RAs.
14. Provide RAs access to all records, reports, and documents to ensure rebates, discounts and other applicable credits will accrue to the RA.
15. Make available or provide easy access to all procurement documents created and received for each awarded RFP and vendor, as required and in compliance with State Agency Administrative and Procurement Reviews.
16. Act ethically always and in accordance with all federal, state, and local guidelines.
17. Create and monitor/host an Advisory Committee. The Advisory Committee is a voluntary member committee with a 2-year commitment that meets quarterly. The Committee goals are to act as liaison between R10MRPC and the membership base if needed, communicate information received from TDA to R10MRPC as necessary, and review or sample products to assist in the streamlining of offered bid awards and best products.

Role of the RA:

1. Commit to the General Provisions and Roles and Responsibilities of this Agreement by authorization of its governing body (School Board of Trustees) and by execution by an approved foodservice employee in the appropriate spaces on the attached form (physical signature copy must be provided to R10MRPC promptly following execution).
2. Designate a primary and secondary contact.
3. Commit to purchasing from selected bid categories as forecasted.
4. Provide an estimated quantity for each of the products desired through the use of the online required software Maestro Forecasting or as requested by the Program Coordinator during any single-year term of Participation.
5. Comply with all USDA and TDA regulations.
6. Prepare purchase orders issued to the appropriate vendor from the official award list provided by R10MRPC.
7. Accept shipments of products ordered from vendors per standard purchasing procedures.
8. Address product warranties and product qualities with the manufacturer.
9. Pay vendors' net amount due within agreed-upon terms after receipt of a correct monthly statement.
10. Participate in bid evaluation committees for the bids that the RA is utilizing. Evaluation committee meetings will include, but not be limited to, face-to-face group meetings, online voting, or any other form of participation as requested by the R10MRPC.
11. Act ethically always and in accordance with all Federal, State, and local guidelines, as well as R10MRPC Member Roles. The R10MRPC shares information with participating members that at times is considered confidential and proprietary. Members may be asked to sign Non-Disclosure Agreements and agree to adhere to the terms set forth in those agreements. Future membership in the R10MRPC may be jeopardized based on unethical handling of sensitive R10MRPC and/or vendor information.
12. Attend R10MRPC meetings and training classes to stay informed of the cooperative's processes and services offered. Training classes are specific to some of the "tools" offered by R10MRPC. Attending meetings and classes helps ensure your success as a participating RA in the R10MRPC.

13. Participates in a Member Advisory Committee through selection or appointment. The Member Advisory Committee is a small committee of R10MRPC participating members formed every 2 years. The Advisory Committee serves as the liaison for all participating members when a conflict or concern arises regarding R10MRPC if needed, and annually reviews all procurement practices by the R10MRPC to ensure compliance in all areas, along with other tasks.
14. The following roles will apply to participating members who commit entitlement dollars for the USDA processed commodity foods:
 - a. The RA shall access the Web Based Supply Chain Management (WBSCM) system on a regular basis to effectively manage USDA Foods entitlement, food requests, and allocations.
 - b. The RA shall track and manage USDA Foods inventory balances to ensure compliance with TDA and USDA Foods inventory requirements, i.e., inventory levels shall not exceed a six (6) month supply at any given time; access processor tracking systems (K12 Foodservice, ProcessorLink, or other) on a regular basis; and report inventory issues to R10MRPC.
 - c. The RA shall conduct Sales Verifications of end-products sold through a distributor, including but not limited to verification of rebates, discounts, and credits.
 - d. The RA shall maintain copies of the original Child Nutrition ("CN") Label from the product, carton; or a photograph of the CN Label as it appears on the original product carton if available.

BID PARTICIPATION SELECTIONS for SY 2025-2026

The following Bid Participation agreement, as an integrated part of the Agreement, is entered into by and between the District/RA, as indicated below, and Region 10 Multi-Region Purchasing Cooperative (R10MRPC) for participation in one or more of the R10MRPC awarded bids. This agreement is a single-term agreement effective July 1, 2025, through June 30, 2026.

The R10MRPC formally procures several competitive RFPs (Request for Proposals) on behalf of all participating members. Each member is required to complete this Bid Participation Agreement and forecast all products planned for purchase if they wish to utilize the R10MRPC awarded bids during the term of this agreement.

To help the R10MRPC represent the most accurate information to potential bidders, **please place a check mark to the left of each bid listed below that you "plan" to use during the SY 2025-2026**. Each RFP is explained on the next page to assist you in the best decision as to which bid(s) best fit your needs. The R10MRPC does not guarantee any vendor that any item will be purchased, however, members should seriously consider each selected bid as member forecasting of each product planned on each selected bid is required prior to the release of a new bid or renewal bid.

☐	Full-Line Grocery, NOI/FFS Distributor
☐	USDA Foods For Further Processing
☐	Milk: Full-Service Delivery
☐	Fresh Bread
☐	Ice Cream Novelties
☐	Beverages (container)
☐	Manufacturer Direct-to-District (commercial foods) – requires MRPC approval
☐	Dispensed Fruit Beverages
☐	GDSN Connection Software

☐	Chips & Snacks
☐	Fresh Meats and Produce
☒	Small Wares
☐	Kitchen Chemicals & Cleaning Supplies
☒	Sanitation Systems & Safety Training
☐	Coffee Bar Products
☐	Milk Coolers
☐	Armored Car Services

Please provide us with your district's main address as listed on your website or in the directory:

Garland ISD

District Name

Main Campus/Bldg. Name

501 S. Jupiter Rd.

Garland

TX 75042

Street Number & Name

City

State

Zip Code

Interlocal Agreement for SY 2025-2026

Signature and Authorization Form

By signing this page, the RA confirms entering into an interlocal agreement with Region 10 Education Service Center, as the Fiscal Agent and Coordinating Entity for the R10MRPC, per all Agreement terms, Membership Roles and Responsibilities, and Bid Participation selection(s) as stated on pages 3-10 and indicated on page 11.

As of July 1, 2025, Garland ISD and the Region 10 Education Service Center/Fiscal Agent
District Name/Recipient Agency (RA)

enter this Interlocal Agreement, including Bid Participation. As the authorized Agent for the Board of Trustees or Authorized Representative of the RA, I hereby execute this Agreement on behalf of RA and intend to be bound by the provisions set forth herein for a single-year term, unless otherwise terminated by either party per the terms outlined in the Agreement. Physical signatures are required, typed or digital signatures will not be accepted.

Garland ISD	10	50,000
District/ Name	ESC Region	2024-2025 Enrollment
68	Dallas	
# Of Participating Campuses	County/Countries in Which Campuses are Located	
Jennifer Miller	x Jennifer Miller Digitally signed by Jennifer Miller Date: 2024.12.17 12:39:53 -06'00'	12/17/24
Printed Name: Primary Foodservice Contact	Signature: Primary Foodservice Contact	Date Signed
jmmiller@garlandisd.net		(972) 487-4172
Email: Primary Contact		Phone: Primary Contact
Craig Hempel	chempel@garlandisd.net	
Printed Name: Secondary Foodservice Contact	Email: Secondary Foodservice Contact	
(972) 487-4197		
Phone: Secondary Foodservice Contact		

Board of Director Approval (or authorized rep): Date Completed and Signature Below or Meeting Minutes are acceptable.

Printed Name: Authorized Board Director (or Authorized Representative)	
X Signature: Authorized Board Director (or Authorized Representative)	Date Signed/Completed

Below Area: For Region 10 MRPC Use Only

	Keri Warnick	
R10MRPC Authorized Signature	R10MRPC Contact Person	Date Signed
Program Coordinator		972-348-1448
Title of Contact Person		Office Phone

Bids Overview

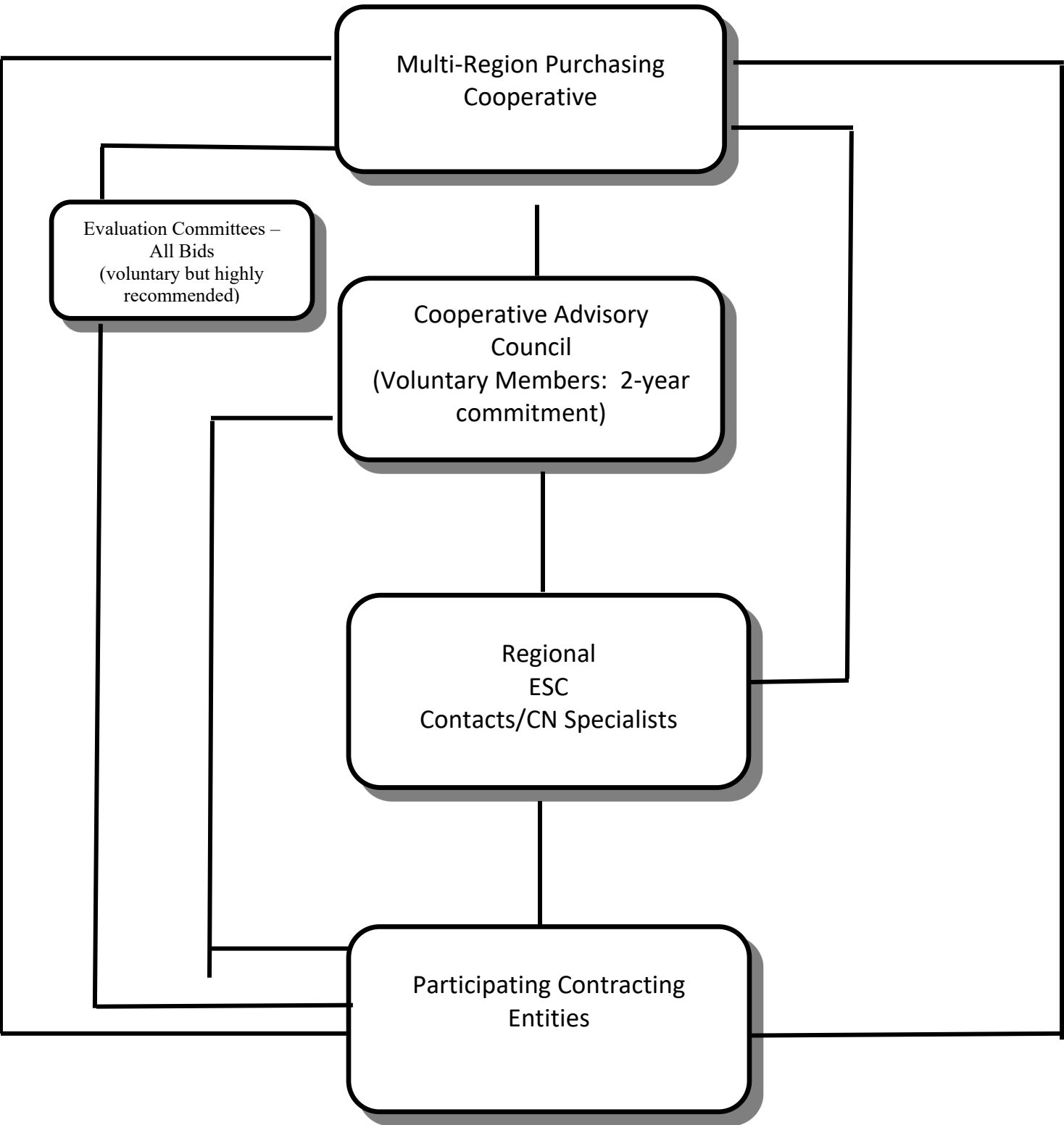
Each year awarded bids are either renewed, if options are available, or released as new based on factors such as no remaining renewal options, material change in contract value, growth in cooperative membership participation, too many discontinuations or new items to consider, or restructuring of the areas to be serviced in the cooperative. The following is the list of RFPs that will be offered in SY25-26 and information if they will be new or renewed.

Bid Category	Bid Description	Current RFP #	Will This Bid Be Renewed?	Vendors To Be Renewed	Contract Year in SY25-26
Beverages - Container	Drinks in containers such as Coke, Dr Pepper, Gatorade, Water, etc....that meet Smart Snack and/or used for before or after school events if managed by foodservice	2022-01-12	Yes	Coca Cola; Dr Pepper; Master's Distribution	4 of 5
Chips & Snacks	Smart Snack approved chips and snacks for a' la carte sales	2022-02-13	Yes	Master's Distribution	4 of 5
Coffee Bar	Cold contained coffees, coffee beans or grounds, syrups, etc.... for Coffee Bars. Smart Snack compliant	2023-03	Yes	Trident Beverage	3 of 5
Dispensed Fruit Beverages	100% dispensed fruit slush beverages, awarded company provides dispensing machine and product.	2022-11	No	TBD	1 of 5
Fresh Bread	Direct delivery from bread vendor to campuses. Fresh bread products	2023-02	Yes	Bimbo Bakery, Flowers Bakery	3 of 5
Fresh Produce & Raw Meats	Fresh produce and raw meats; produce held to monthly market price	2023-04	Yes	Brother's Food Service; Farmers Market Ft Worth; R Craig Stephens; Walnut Creek Farms; Hardie's; Freshpoint	3 of 5

Bid Category	Bid Description	Current RFP #	Will This Bid Be Renewed?	Vendors To Be Renewed	Contract Year in SY25-26
Full-Line Grocery, NOI & FFS	Main-line distributor of commercial foods, processed commodity foods, fresh produce, and non-food foodservice items.	2021-02	Yes	Labatt	5 of 5
Ice Cream	Frozen Ice Cream novelties, delivered directly from vendor, smart snack compliant	2021-05	Yes	Blue Bonnet, Klement Distribution, Yumi Ice Cream	5 of 5
Kitchen Chemicals & Cleaning Supplies	Kitchen and cafeteria cleaning supplies such as chemicals, mops, gloves, as well as testing kits, etc....	2022-08	Yes	Complete Supply, Eco Lab, Kirby	4 of 5
Manufacturer Direct-to-District	Direct delivery in large quantities to approved RAs of commercial foods only. Must have a loading dock and the ability to unload the truck and store large minimum drops of food product.	2021-08	Yes	Alpha Foods, Cool Tropics, Nat'l. Food Group, Smartmouth, Tyson	5 of 5
Milk - Full Service Delivery	Milk delivery, rotate and restock of needed products, milk boxes supplied if needed by some vendors	2023-01	No	TBD	1 of 5
Sanitation Systems & Safety Training	Sanitation System, monthly visit from rep to restock needed sanitation products; staff training and safety training classes available	2021-15	Yes	SFS PortionPac	5 of 5
Small Wares	All types of small wares for foodservice needs	2022-09	Yes	Ace Mart, Sam Tell & Son, Strategic Equipment	4 of 5
USDA Foods for Further Processing	Processed USDA foods to be received through direct delivery, distributor or contracted warehouse	2021-22	Yes	Multiple processors approved by TDA	4 of 5

Bid Category	Bid Description	Current RFP #	Will This Bid Be Renewed?	Vendors To Be Renewed	Contract Year in SY25-26
Sanitation Systems & Safety Training 2	Supplemental Bid for Sanitation System, monthly visit from rep to restock needed sanitation products; staff training and safety training classes available	2023-07	Yes	SFS PortionPac	3 of 5
Software Services	GDSN Connection Software Service: This RFP will seek to award a vendor that offers an RA the ability to connect to product data in the Global Data Synchronization Network (GDSN) through an online software platform. Benefits such as export and import features into back-of-house software, product data changes updates, menu building, procurement features, and other options will be requested.	2024-01	Renewal	inTEAM Associates	2 of 5
Armored Car Services	Cash pickup and deposit services under the security of an Armored Car.	TBD	New	TBD	1 of 5

Region 10 Education Service Center
Multi-Region Purchasing Cooperative





GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Jennifer Miller, Director of Student Nutrition Services (SNS)

Subject: Consider Approval of Purchase of Commodity Processing for Student Nutrition Services (#141-26)

Consent Agenda

Executive Summary:

The purpose of the contract is to process raw commodities into finished products to feed the students in Garland ISD's cafeterias. Reviewed and approved by Jennifer Miller, Director of Student Nutrition Services, Mark Booker, Executive Director of Purchasing, and Darrell Dodds, Chief Financial Officer.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendations:

It is the administration's recommendation that the offer(s) for Commodity Processing for Student Nutrition Services (SNS) from the companies listed in Exhibit "A", provide the best value to the Garland Independent School District.

New Award - Replacement

Procurement Method: Request for Proposal

Contract Term: One (1) year

Recommended Motion for Action Items:

Move to approve contract#141-26 Commodity Processing for Student Nutrition Services (SNS) as presented to the Board of Trustees.

Financial Impact and Funding Source:

Not to Exceed Amount: Confidential

240 - National School Breakfast and Lunch Program

Exhibit A

RFP 141-26 Commodity Processing for Student Nutrition Services (SNS)

Tyson Prepared Foods Inc

Goodman Food Products

Integrated Food Service

***S and Foods Inc**

JTM Provisions Co Inc

Cargill Kitchen Solutions

***Hormel Foods Sales LLC**

Albies Foods Inc

Tasty Brands LLC

Brookwood Farms Incorporated

***Rodrigues Foods LTD**

***Calfed Financial Corporation**

McCain Foods

Cavendish Farms Incorporated

National Food Group Inc

Pilgrims Pride Corp

Gold Creek Foods LLC

Out of The Shell LLC

OmniBus Trading Corporation

ACR Foster Intermediate Group LLC

Proview Foods LLC

MCI Foods INC

Rich Products Corporation

Land O Lakes Inc

Tasty Brands LLC

Alpha Foods Co

***Nardone Bros Baking Co**

High Liner Foods USA INC

BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

Bid Rfq Num **139580** Auction Title **141-26 Commodity Processing for Student Nutrition Services (SNS)** Auction Status **ACTIVE**

Contract Evaluation Codes

3TQ - Taste quality of product unacceptable

1NL - Not low when unit price is calculated

4NS - Not to specifications

NA - No Award

8PS - Failed to provide product sample

Exhibit A

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
1	Y		(USDA-P) BEEF FINGER, FULLY COOKED CHOPPED BEEF, WHOLE GRAIN RICH BREADING, LESS THAN	1,500	CS	TYSON PREPARED FOODS INC	60.83	91,245.00
	N					GOODMAN FOOD PRODUCTS	71.46	107,190.00
	N		BEEF FINGER, FULLY COOKED CHOPPED BEEF, WHOLE GRAIN RICH BREADING. LESS THAN 400 MG	500	CS	GOODMAN FOOD PRODUCTS	130.85	65,425.00
	N					TYSON PREPARED FOODS INC	137.52	68,760.00
2	N	3TQ	(USDA-P) BEEF PATTY, BREADED, PRE-COOKED, BREADING MUST CONTAIN 51% WHOLE GRAIN, MUST MEET 2 OZ MEAT/MEAT ALTERNATE AND 1	1,000	CS	GOODMAN FOOD PRODUCTS	73.19	73,190.00
	N	3TQ				JTM PROVISIONS CO INC	79.48	79,480.00
	Y					TYSON PREPARED FOODS INC	95.29	95,290.00
	N		BEEF PATTY, BREADED, PRE-COOKED, BREADING MUST CONTAIN 51% WHOLE GRAIN, MUST MEET 2 OZ MEAT/MEAT ALTERNATE AND 1 GRAIN. MUST	500	CS	TYSON PREPARED FOODS INC	106.39	53,195.00
	N					GOODMAN FOOD PRODUCTS	136.71	68,355.00
	N					JTM PROVISIONS CO INC	155.03	77,515.00
3	N	3TQ	(USDA-P) FULLY COOKED SEASONED 100% BEEF BURGER, BULK PACK. MUST CREDIT AS 2M/MA, LESS THAN 260 MG SODIUM	4,000	CS	TYSON PREPARED FOODS INC	36.88	147,520.00
	N	3TQ				INTEGRATED FOOD SERVICE	48.00	192,000.00
	N	3TQ				JTM PROVISIONS CO INC	49.20	196,800.00
	Y					GOODMAN FOOD PRODUCTS	63.43	253,720.00
	N	3TQ	FULLY COOKED SEASONED 100% BEEF BURGER, BULK PACK, MUST CREDIT AS 2M/MA, LESS THAN 260 MG SODIUM	1,000	CS	INTEGRATED FOOD SERVICE	112.00	112,000.00
	N	3TQ				TYSON PREPARED FOODS INC	129.52	129,520.00
	N					GOODMAN FOOD PRODUCTS	152.53	152,530.00
	N	3TQ				JTM PROVISIONS CO INC	187.56	187,560.00
4	N	1NL	(USDA-P) PATTY, RIB SHAPED. MUST PROVIDE AT LEAST A 2M/MA	300	CS	TYSON PREPARED FOODS INC	39.03	11,709.00
	Y					GOODMAN FOOD PRODUCTS	56.38	16,914.00
	N	1NL				JTM PROVISIONS CO INC	79.18	23,754.00
	N	1NL				INTEGRATED FOOD SERVICE	102.26	30,678.00
	N		PATTY, RIB SHAPED. MUST PROVIDE AT LEAST A 2M/MA	100	CS	GOODMAN FOOD PRODUCTS	0.00	0.00
	N	1NL				TYSON PREPARED FOODS INC	88.22	8,822.00
	N	1NL				JTM PROVISIONS CO INC	114.13	11,413.00
	N	1NL				INTEGRATED FOOD SERVICE	229.00	22,900.00
5	Y		(USDA-P) TACOS, CRISPY BEEF, BULK, WGR. MUST CONTRIBUTE AT LEAST 2 WGR & 2 M/MA PER SERVING	1,500	CS	GOODMAN FOOD PRODUCTS	72.94	109,410.00
	Y-ALT					INTEGRATED FOOD SERVICE	73.06	109,590.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	108.19	162,285.00
	N		TACOS, CRISPY BEEF, BULK, WGR. MUST CONTRIBUTE AT LEAST 2 WGR & 2 M/MA PER SERVING	400	CS	INTEGRATED FOOD SERVICE	83.00	33,200.00
	N					GOODMAN FOOD PRODUCTS	88.88	35,552.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	114.00	45,600.00

The District solicited 568 suppliers and received 40 responses.

BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
6	N	4NS	(USDA-P) CALZONE, LUNCH, STUFFED, VARIETY FLAVOR,, WG, BULK. MUST MEET AT LEAST 2M/MA & 2 OZ GRAIN	2,000	CS	*SCHWANS FOOD SERVICE		
	N	1NL				ALBIES FOODS INC	49.92	99,840.00
	N	8PS				CONAGRA FOODS INCORPORATED	53.22	106,440.00
	Y					*S AND F FOODS INC		
	N					TASTY BRANDS LLC	68.73	137,460.00
	N					STERLING BV INC	71.82	143,640.00
	N							
	N		CALZONE, LUNCH, STUFFED, VARIETY FLAVOR, WG, BULK. MUST MEET AT LEAST 2M/MA & 2 OZ GRAIN	200	CS	*SCHWANS FOOD SERVICE		
	N					ALBIES FOODS INC	49.44	9,888.00
	N					*S AND F FOODS INC		
	N					CONAGRA FOODS INCORPORATED	61.39	12,278.00
	N					STERLING BV INC	89.80	17,960.00
	N					TASTY BRANDS LLC	92.63	18,526.00
	N							
7	N	1NL	(USDA-P) FULLY COOKED BEEF MEATBALLS, BULK PACK, LESS THAN 230 MG SODIUM	1,000	CS	JTM PROVISIONS CO INC	57.61	57,610.00
	Y					GOODMAN FOOD PRODUCTS	57.81	57,810.00
	N					TYSON PREPARED FOODS INC	70.81	70,810.00
	N		FULLY COOKED BEEF MEATBALLS, BULK PACK, LESS THAN 230 MG SODIUM	350	CS	TYSON PREPARED FOODS INC	40.22	14,077.00
	Y					GOODMAN FOOD PRODUCTS	138.13	48,345.50
	N					JTM PROVISIONS CO INC	142.72	49,952.00
8	N		(USDA-P) BEEF SAUSAGE PATTY, BULK, MUST CREDIT AT LEAST 1M/MA, LESS THAN 85 MG	750	CS	GOODMAN FOOD PRODUCTS	58.50	43,875.00
	Y					INTEGRATED FOOD SERVICE	90.00	67,500.00
	N		BEEF SAUSAGE PATTY, BULK, MUST CREDIT AT LEAST 1M/MA, LESS THAN 85 MG SODIUM	250	CS	GOODMAN FOOD PRODUCTS	0.00	0.00
	N					INTEGRATED FOOD SERVICE	210.00	52,500.00
9	Y		(USDA-P) BEEF SAUSAGE BREAKFAST BISCUIT SANDWICH, WHOLE GRAIN RICH, IW, MUST CREDIT	1,000	CS	INTEGRATED FOOD SERVICE	57.13	57,130.00
	N					GOODMAN FOOD PRODUCTS	116.06	116,060.00
	N		BEEF SAUSAGE BREAKFAST BISCUIT SANDWICH, WHOLE GRAIN RICH, IW, MUST CREDIT AT LEAST 1	300	CS	GOODMAN FOOD PRODUCTS	0.00	0.00
	N					INTEGRATED FOOD SERVICE	76.00	22,800.00
10	Y		(USDA-P) BEEF MAPLE SAUSAGE & PANCAKE SANDWICH, IW. MUST CREDIT AT LEAST 1 WGR, 1 M/MA. LESS THAN 365 MG SODIUM	550	CS	INTEGRATED FOOD SERVICE	68.20	37,510.00
	N							
	N		BEEF MAPLE SAUSAGE & PANCAKE SANDWICH, IW. MUST CREDIT AT LEAST 1 WGR, 1 M/MA. LESS THAN 365 MG SODIUM	150	CS	INTEGRATED FOOD SERVICE	95.30	14,295.00
11	Y		(USDA-P) BEEF, FULLY COOKED, SLICED, MUST INCLUDE CN OR PFS	1,000	CS	JTM PROVISIONS CO INC	96.52	96,520.00
	N					TYSON PREPARED FOODS INC	105.60	105,600.00
	N		BEEF, FULLY COOKED, SLICED, MUST INCLUDE CN OR PFS	400	CS	TYSON PREPARED FOODS INC	199.68	79,872.00
	N					JTM PROVISIONS CO INC	229.58	91,832.00

The District solicited 568 suppliers and received 40 responses.

BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

*CONFIDENTIAL								
Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
12	Y	1NL	(USDA-P) CHEESEBURGER, WGR, IW. MUST CONTRIBUTE 2 WGR & 2 M/MA PER SERVING	100	CS	INTEGRATED FOOD SERVICE	62.17	6,217.00
	N					GOODMAN FOOD PRODUCTS	62.22	6,222.00
	N					TYSON PREPARED FOODS INC	103.80	10,380.00
	N		CHEESEBURGER, WGR, IW. MUST CONTRIBUTE 2 WGR & 2 M/MA PER SERVING	25	CS	GOODMAN FOOD PRODUCTS	0.00	0.00
	N					INTEGRATED FOOD SERVICE	82.00	2,050.00
	N					TYSON PREPARED FOODS INC	143.50	3,587.50
13	Y		(USDA-P) EGG PATTY, MUST CREDIT AS 1 M/MA PER SERVING, LESS THAN 120 MG SODIUM	250	CS	CARGILL KITCHEN SOLUTIONS	0.15	37.50
	N		EGG PATTY, MUST CREDIT AS 1 M/MA PER SERVING, LESS THAN 120 MG SODIUM	50	CS	CARGILL KITCHEN SOLUTIONS	0.19	9.50
14	Y		(USDA-P) EGGS, SCRAMBLED, FROZEN, LIQUID, LESS THAN 75 MG OF SODIUM FOR 1 M/MA SERVING	1,500	CS	CARGILL KITCHEN SOLUTIONS	0.08	120.00
	N		EGGS, SCRAMBLED, FROZEN, LIQUID, LESS THAN 75 MG OF SODIUM FOR 1 M/MA SERVING	200	CS	CARGILL KITCHEN SOLUTIONS	0.13	26.00
15	Y		(USDA-P) FRENCH TOAST, CINNAMON GLAZED, WHOLE GRAIN, WHOLE SLICED, BULK, MUST MEET 1OZ M/MA AND 1 OZ GRAIN PER NSLP. LESS THAN 300 MG OF SODIUM	1,500	CS	CARGILL KITCHEN SOLUTIONS	0.54	810.00
	N		FRENCH TOAST, CINNAMON GLAZED, WHOLE GRAIN, WHOLE SLICED, BULK, MUST MEET 1OZ M/MA AND 1 OZ GRAIN PER NSLP. LESS THAN 300 MG OF SODIUM	700	CS	CARGILL KITCHEN SOLUTIONS	0.59	413.00
16	Y		(USDA-P) FRENCH TOAST, CINNAMON GLAZED, WHOLE GRAIN, WHOLE SLICED, IW, MUST MEET 1OZ M/MA AND 1 OZ GRAIN PER NSLP. LESS THAN 300 MG OF SODIUM	1,500	CS	CARGILL KITCHEN SOLUTIONS	0.57	855.00
	N		FRENCH TOAST, CINNAMON GLAZED, WHOLE GRAIN, WHOLE SLICED, IW, MUST MEET 1OZ M/MA AND 1 OZ GRAIN PER NSLP. LESS THAN 300 MG OF SODIUM	750	CS	CARGILL KITCHEN SOLUTIONS	0.61	457.50
17	N	8PS	(USDA-P) TACO MEAT, TURKEY, THIGH MEAT ONLY. LESS THAN 300 MG OF SODIUM PER 2M/MA SERVING	3,500	CS	BUTTERBALL LLC	29.04	101,640.00
	Y					*HORMEL FOODS SALES LLC		
	N					JTM PROVISIONS CO INC	57.50	201,250.00
	N		TACO MEAT, TURKEY, THIGH MEAT ONLY. LESS THAN 300 MG OF SODIUM PER 2M/MA SERVING	500	CS	BUTTERBALL LLC	73.86	36,930.00
	N					JTM PROVISIONS CO INC	90.27	45,135.00
	N					*HORMEL FOODS SALES LLC		

The District solicited 568 suppliers and received 40 responses.

BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
18	Y		(USDA-P) SPAGHETTI SAUCE, TURKEY. LESS THAN 440 MG SODIUM PER 2M/MA SERVING	1,000	CS	*HORMEL FOODS SALES LLC		
	N					BUTTERBALL LLC	52.16	52,160.00
	N		SPAGHETTI SAUCE, TURKEY. LESS THAN 440 MG SODIUM PER 2M/MA SERVING	500	CS	*HORMEL FOODS SALES LLC		
	N					BUTTERBALL LLC	83.50	41,750.00
19	Y		(USDA-P) TURKEY CHILI, NO BEANS. LESS THAN 400 MG SODIUM FOR 2M/MA SERVING	750	CS	*HORMEL FOODS SALES LLC		
	N		TURKEY CHILI, NO BEANS. LESS THAN 400 MG SODIUM FOR 2M/MA SERVING	250	CS	*HORMEL FOODS SALES LLC		
20	Y		(USDA-P) TURKEY BREAST , OVEN ROASTED, THICK-CUT. LESS THAN 400 MG OF SODIUM FOR 2M/MA	300	CS	*HORMEL FOODS SALES LLC		
	N					BUTTERBALL LLC	83.32	24,996.00
	N		TURKEY BREAST , OVEN ROASTED, THICK-CUT. LESS THAN 400 MG OF SODIUM FOR 2M/MA	100	CS	*HORMEL FOODS SALES LLC		
	N					BUTTERBALL LLC	124.69	12,469.00
21	Y		(USDA-P) TURKEY DELI MEAT, PRE-SLICED, MUST MEET 2M/MA	500	CS	*HORMEL FOODS SALES LLC		
	N					BUTTERBALL LLC	79.60	39,800.00
	N		TURKEY DELI MEAT, PRE-SLICED, 12 LBS/CS.	150	CS	*HORMEL FOODS SALES LLC		
	N					BUTTERBALL LLC	118.02	17,703.00
22	NA		(USDA-P) TURKEY HAM, SLICED, LESS THAN 485 MG OF SODIUM FOR 2M/MA SERVING	350	CS	BUTTERBALL LLC	43.23	15,130.50
	NA					*HORMEL FOODS SALES LLC		
	NA		TURKEY HAM, SLICED, LESS THAN 485 MG OF SODIUM FOR 2M/MA SERVING	50	CS	BUTTERBALL LLC	69.15	3,457.50
	NA					*HORMEL FOODS SALES LLC		
23	Y		(USDA-P) TURKEY BREAST DICED 1/2". LESS THAN 580 MG OF SODIUM FOR 2M/MA SERVING	800	CS	*HORMEL FOODS SALES LLC		
	N					BUTTERBALL LLC	70.65	56,520.00
	N		TURKEY BREAST DICED 1/2". LESS THAN 580 MG OF SODIUM FOR 2M/MA SERVING	200	CS	*HORMEL FOODS SALES LLC		
	N					BUTTERBALL LLC	115.85	23,170.00
24	Y		(USDA-P) POCKET, BREAKFAST, STUFFED, TURKEY & CHEESE, WG, IW, OR VARIETY FLAVORS. MUST MEET AT LEAST 1M/MA & 1 OZ GRAIN	1,000	CS	ALBIES FOODS INC	45.60	45,600.00
	N					*SCHWANS FOOD SERVICE		
	N					TASTY BRANDS LLC	87.86	87,860.00
	Y		POCKET, BREAKFAST, STUFFED, TURKEY & CHEESE, WG, IW, OR VARIETY FLAVORS. MUST MEET AT LEAST 1M/MA & 1 OZ GRAIN	500	CS	ALBIES FOODS INC	49.80	24,900.00
	N					*SCHWANS FOOD SERVICE		
	N					TASTY BRANDS LLC	93.40	46,700.00
25	Y		(USDA-P) POCKET, BREAKFAST, STUFFED, TURKEY & CHEESE, WG, BULK, OR VARIETY FLAVOR. MUST MEET AT LEAST 1M/MA & 1 OZ GRAIN	300	CS	ALBIES FOODS INC	44.10	13,230.00
	N	8PS				*SCHWANS FOOD SERVICE		
	N					TASTY BRANDS LLC	58.80	17,640.00
	N					STERLING BV INC	70.61	21,183.00
	N		POCKET, BREAKFAST, STUFFED, TURKEY & CHEESE, WG, BULK, OR VARIETY FLAVOR. MUST MEET AT LEAST 1M/MA & 1 OZ GRAIN	100	CS	ALBIES FOODS INC	48.00	4,800.00
	N					*SCHWANS FOOD SERVICE		
	N					TASTY BRANDS LLC	63.28	6,328.00
	N					STERLING BV INC	74.00	7,400.00

The District solicited 568 suppliers and received 40 responses.

BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
26	Y		(USDA-P) BREAKFAST BAR, TURKEY, EGG & CHEESE, WG BREADING, BULK. MUSTR CONTRIBUTE AT LEAST 1M/MA	300	CS	TASTY BRANDS LLC	58.80	17,640.00
	N		BREAKFAST BAR, TURKEY, EGG & CHEESE, WG BREADING, BULK. MUSTR CONTRIBUTE AT LEAST 1M/MA	100	CS	TASTY BRANDS LLC	63.28	6,328.00
27	Y		(USDA-P) PORK BAR-B-QUE, CAROLINA VINEGAR. LESS THAN 300 MG OF SODIUM FOR 2M/MA SERVING	1,000	CS	BROOKWOOD FARMS INCORPORATED	80.40	80,400.00
	N		PORK BAR-B-QUE, CAROLINA VINEGAR. LESS THAN 300 MG OF SODIUM FOR 2M/MA SERVING	500	CS	BROOKWOOD FARMS INCORPORATED	53.70	26,850.00
28	Y		(USDA-P) TAMALES, PORK, WGR. MUST CONTRIBUTE AT LEAST 1 WGR & 1 M/MA PER TAMALE	1,500	CS	*RODRIGUEZ FOODS LTD		
	N		TAMALES, PORK, WGR. MUST CONTRIBUTE AT LEAST 1 WGR & 1 M/MA PER TAMALE	250	CS	*RODRIGUEZ FOODS LTD		
29	Y		(USDA-P) SALSA, BULK, 6 #10 CANS/CASE. LESS THAN 85 MG OF SODIUM FOR 2 TBSP SERVING	400	CS	*CALFED FINANCIAL CORPORATION		
	N		SALSA, BULK, 6 #10 CANS/CASE. LESS THAN 85 MG OF SODIUM FOR 2 TBSP SERVING	200	CS	*CALFED FINANCIAL CORPORATION		
30	Y		(USDA-P) MARINARA SAUCE, 6 #10 CANS/CASE. LESS THAN 150 MG OF SODIUM FOR 1/2 R/O VEGETABLE SERVING	2,000	CS	*CALFED FINANCIAL CORPORATION		
	N		MARINARA SAUCE, 6 #10 CANS/CASE. LESS THAN 150 MG OF SODIUM FOR 1/2 R/O VEGETABLE SERVING	500	CS	*CALFED FINANCIAL CORPORATION		
31	Y		(USDA-P) TOMATO SAUCE, 6/ #10 CAN/CASE. LESS THAN 285 MG OF SODIUM FOR A 1/4 SERVING	400	CS	*CALFED FINANCIAL CORPORATION		
	N		TOMATO SAUCE, 6/ #10 CAN/CASE. LESS THAN 285 MG OF SODIUM FOR A 1/4 SERVING	100	CS	*CALFED FINANCIAL CORPORATION		
32	Y		(USDA-P) KETCHUP, LOW SODIUM, PC. LESS THAN 30 MG OF SODIUM FOR 9 GRAM PACKET.	4,000	CS	*CALFED FINANCIAL CORPORATION		
	N		KETCHUP, LOW SODIUM, PC. LESS THAN 30 MG OF SODIUM FOR 9 GRAM PACKET.	500	CS	*CALFED FINANCIAL CORPORATION		
33	Y		(USDA-P) ENCHILADA SAUCE, LOW SODIUM. LESS THAN 130 MG OF SODIUM FOR 1/4 CUP SERVING	800	CS	*CALFED FINANCIAL CORPORATION		
	N		ENCHILADA SAUCE, LOW SODIUM. LESS THAN 130 MG OF SODIUM FOR 1/4 CUP SERVING	200	CS	*CALFED FINANCIAL CORPORATION		
34	Y		(USDA-P) SALSA CUP, 3OZ. LESS THAN 200 MG OF SODIUM FOR 1/2 CUP SERVING R/O.	200	CS	*CALFED FINANCIAL CORPORATION		
	N		SALSA CUP, 3OZ. LESS THAN 200 MG OF SODIUM FOR 1/2 CUP SERVING R/O	100	CS	*CALFED FINANCIAL CORPORATION		

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
35	Y		(USDA-P) MARINARA SAUCE CUP, 2.5 OZ, PROVIDES 0.5 RED ORANGE VEGETABLE AND LESS THAN 200 MG OF SODIUM.	725	CS	*CALFED FINANCIAL CORPORATION		
	N		MARINARA SAUCE CUP, 2.5 OZ, PROVIDES 0.5 RED ORANGE VEGETABLE AND LESS THAN 200 MG OF SODIUM.	100	CS	*CALFED FINANCIAL CORPORATION		
36	Y		(USDA-P) BAR-B-QUE DUNK CUPS. LESS THAN 75 MG OF SODIUM PER SERVING	725	CS	*CALFED FINANCIAL CORPORATION		
	N		BAR-B-QUE DUNK CUPS. LESS THAN 75 MG OF SODIUM PER SERVING	100	CS	*CALFED FINANCIAL CORPORATION		
37	Y		(USDA-P) BAR-B-QUE SAUCE BULK. LESS THAN 100 MG OF SODIUM FOR 2 TBSP.	300	CS	*CALFED FINANCIAL CORPORATION		
	N		BAR-B-QUE SAUCE BULK. LESS THAN 100 MG OF SODIUM FOR 2 TBSP.	100	CS	*CALFED FINANCIAL CORPORATION		
38	N	8PS	(USDA-P) FRENCH FRIES, VARIETY OF CUTS. LESS THAN 210 MG OF SODIUM PER 0.5 CUP SERVING	6,000	CS	MCCAIN FOODS	30.07	180,420.00
	Y					CAVENDISH FARMS INCORPORATED	35.97	215,820.00
	N		FRENCH FRIES, VARIETY OF CUTS. LESS THAN 210 MG OF SODIUM PER 0.5 CUP SERVING	1,000	CS	CAVENDISH FARMS INCORPORATED	35.97	35,970.00
	N					MCCAIN FOODS	39.39	39,390.00
39	N	3TQ	(USDA-P) TATER TOTS. LESS THAN 210 MG OF SODIUM PER 0.5 STARTCHY VEGETABLE SERVING	2,000	CS	CAVENDISH FARMS INCORPORATED	31.17	62,340.00
	Y					MCCAIN FOODS	36.43	72,860.00
	N		TATER TOTS. LESS THAN 210 MG OF SODIUM PER 0.5 STARTCHY VEGETABLE SERVING	1,000	CS	CAVENDISH FARMS INCORPORATED	31.17	31,170.00
	N					MCCAIN FOODS	45.75	45,750.00

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
40	Y		(USDA-P) FRIES, CURLY, SEASONED LESS THAN 300 MG OF SODIUM FOR 3 OZ SERVING	4,500	CS	MCCAIN FOODS	31.02	139,590.00
	Y					CAVENDISH FARMS INCORPORATED	32.37	145,665.00
	N		FRIES, CURLY, SEASONED LESS THAN 300 MG OF SODIUM FOR 3 OZ SERVING	1,000	CS	CAVENDISH FARMS INCORPORATED	32.37	32,370.00
	N					MCCAIN FOODS	38.47	38,470.00
41	N	3TQ	(USDA-P) FRIES, CRINKLE CUT. LESS THAN 250 MG OF SODIUM FOR A 3 OZ SERVING	6,000	CS	CAVENDISH FARMS INCORPORATED	31.77	190,620.00
	Y					MCCAIN FOODS	37.33	223,980.00
	N		FRIES, CRINKLE CUT. LESS THAN 250 MG OF SODIUM FOR A 3 OZ SERVING	1,000	CS	CAVENDISH FARMS INCORPORATED	31.77	31,770.00
	N					MCCAIN FOODS	46.65	46,650.00
42	Y		(USDA-P) POTATO, CRISPY MASHED, EMOTICONS SHAPE, CN MUST BE SMART SNACK COMPLIANT, BAKEABLE. LESS THAN 100 MG OF SODIUM FOR 5 PIECES.	6,000	CS	MCCAIN FOODS	40.89	245,340.00
	N		POTATO, CRISPY MASHED, EMOTICONS SHAPE, CN MUST BE SMART SNACK COMPLIANT, BAKEABLE. LESS THAN 100 MG OF SODIUM FOR 5 PIECES	1,000	CS	MCCAIN FOODS	48.34	48,340.00
43	Y		(USDA-P) SWEET POTATO. LESS THAN 200 MG OF SODIUM PER 0.5 R/O CREDIT	3,000	CS	MCCAIN FOODS	27.84	83,520.00
	N		SWEET POTATO. LESS THAN 200 MG OF SODIUM PER 0.5 R/O CREDIT	500	CS	MCCAIN FOODS	33.36	16,680.00
44	Y		(USDA-P) APPLESAUCE CUP, UNSWEETENED, VARIETY FLAVORS, MEETS 1/2 CUP FRUIT.	3,600	CS	NATIONAL FOOD GROUP INC	21.00	75,600.00
	N					TSD DISTRIBUTING INCORPORATED	21.13	76,068.00
	N		APPLESAUCE CUP, UNSWEETENED, VARIETY FLAVORS, MEETS 1/2 CUP FRUIT	400	CS	NATIONAL FOOD GROUP INC	24.38	9,752.00
	N					TSD DISTRIBUTING INCORPORATED	24.72	9,888.00
45	Y	8PS	(USDA-P) CHICKEN PATTY BREADED, MADE WITH WHOLE MUSCLE, WHOLE GRAIN RICH, PRE-COOKED. LESS THAN 400 MG OF SODIUM FOR A 2M/MA AND 1 WGR	1,000	CS	PILGRIMS PRIDE CORP	41.22	41,220.00
	N					PROVIEW FOODS LLC	43.79	43,790.00
	N					GOLD CREEK FOODS LLC	49.60	49,600.00
	N					TYSON PREPARED FOODS INC	59.88	59,880.00
	N		CHICKEN PATTY BREADED, MADE WITH WHOLE MUSCLE, WHOLE GRAIN RICH, PRE-COOKED. LESS THAN 400 MG OF SODIUM FOR A 2M/MA AND 1 WGR	500	CS	PROVIEW FOODS LLC	54.59	27,295.00
	N					GOLD CREEK FOODS LLC	85.85	42,925.00
	N					PILGRIMS PRIDE CORP	90.00	45,000.00
	N					TYSON PREPARED FOODS INC	110.16	55,080.00

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
46	N	3TQ	(USDA-P) SPICY CHICKEN BREAST FILET, WHOLE MUSCLE. LESS THAN 430 MG OF SODIUM PER 2M/MA AND 1 WGR	2,000	CS	PILGRIMS PRIDE CORP	46.42	92,840.00
	N	3TQ				GOLD CREEK FOODS LLC	65.28	130,560.00
	Y					TYSON PREPARED FOODS INC	87.29	174,580.00
	N		SPICY CHICKEN BREAST FILET, WHOLE MUSCLE. LESS THAN 430 MG OF SODIUM PER 2M/MA AND 1 WGR	500	CS	PILGRIMS PRIDE CORP	75.30	37,650.00
	N					GOLD CREEK FOODS LLC	112.49	56,245.00
	N					TYSON PREPARED FOODS INC	133.41	66,705.00
47	N	1NL	(USDA-P) CHICKEN BREAST FILET, WHOLE MUSCLE, FULLY COOKED, WHOLE GRAIN, BREADED, 2 MEAT EQUIVALENT. LESS THAN 480 MG OF SODIUM FOR 2M/MA AND 1 WGR SERVING	1,700	CS	PILGRIMS PRIDE CORP	61.48	104,516.00
	Y					GOLD CREEK FOODS LLC	64.96	110,432.00
	N					TYSON PREPARED FOODS INC	84.29	143,293.00
	N		CHICKEN BREAST FILET, WHOLE MUSCLE, FULLY COOKED, WHOLE GRAIN, BREADED, 2 MEAT EQUIVALENT. LESS THAN 480 MG OF SODIUM FOR 2M/MA AND 1 WGR SERVING	300	CS	PILGRIMS PRIDE CORP	105.00	31,500.00
	N					GOLD CREEK FOODS LLC	112.17	33,651.00
	N					TYSON PREPARED FOODS INC	130.41	39,123.00
48	Y		(USDA-P) CHICKEN PATTY, BREAKFAST, WG. LESS THAN 250 MG OF SODIUM FOR A 1M/MA AND 1/2 WGR.	1,700	CS	PILGRIMS PRIDE CORP	27.87	47,379.00
	N					PROVIEW FOODS LLC	43.79	74,443.00
	N					GOLD CREEK FOODS LLC	45.76	77,792.00
	N					TYSON PREPARED FOODS INC	59.15	100,555.00
	N		CHICKEN PATTY, BREAKFAST, WG. LESS THAN 250 MG OF SODIUM FOR A 1M/MA AND 1/2 WGR.	300	CS	PROVIEW FOODS LLC	54.59	16,377.00
	N					PILGRIMS PRIDE CORP	67.20	20,160.00
	N					GOLD CREEK FOODS LLC	83.84	25,152.00
	N					TYSON PREPARED FOODS INC	106.60	31,980.00
49	Y-ALT		(USDA-P) CHICKEN CHUNK, BREAKFAST, BREADED, WG, DARK MEAT. MUST PROVIDE AT LEAST 1M/MA & 1 GRAIN	400	CS	PILGRIMS PRIDE CORP	30.62	12,248.00
	N	8PS				PROVIEW FOODS LLC	58.48	23,392.00
	Y					GOLD CREEK FOODS LLC	60.80	24,320.00
	N					TYSON PREPARED FOODS INC	63.23	25,292.00
	N		CHICKEN CHUNK, BREAKFAST, BREADED, WG, DARK MEAT. MUST PROVIDE AT LEAST 1M/MA & 1 GRAIN	100	CS	PILGRIMS PRIDE CORP	78.41	7,841.00
	N					PROVIEW FOODS LLC	82.40	8,240.00
	N					TYSON PREPARED FOODS INC	100.52	10,052.00
	N					GOLD CREEK FOODS LLC	121.99	12,199.00
50	Y		(USDA-P) CHICKEN BREAST FILET CHARBROILED. LESS THAN 350 MG OF SODIUM FOR 2M/MA	600	CS	TYSON PREPARED FOODS INC	73.15	43,890.00
	N					GOLD CREEK FOODS LLC	88.00	52,800.00
	N		CHICKEN BREAST FILET CHARBROILED. LESS THAN 350 MG OF SODIUM FOR 2M/MA SERVING	200	CS	TYSON PREPARED FOODS INC	133.92	26,784.00
	N					GOLD CREEK FOODS LLC	150.59	30,118.00

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

*CONFIDENTIAL								
Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
51	N	1NL	(USDA-P) CHICKEN NUGGETS. LESS THAN 440 MG OF SODIUM FOR 2M/MA AND 1 WGR	1,500	CS	PROVIEW FOODS LLC	39.17	58,755.00
	Y					PILGRIMS PRIDE CORP	40.56	60,840.00
	N					GOLD CREEK FOODS LLC	46.24	69,360.00
	N					TYSON PREPARED FOODS INC	48.18	72,270.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	79.62	119,430.00
	N		CHICKEN NUGGETS. LESS THAN 440 MG OF SODIUM FOR 2M/MA AND 1 WGR	250	CS	PROVIEW FOODS LLC	54.59	13,647.50
	Y					PILGRIMS PRIDE CORP	67.50	16,875.00
	N					TYSON PREPARED FOODS INC	74.87	18,717.50
	N					GOLD CREEK FOODS LLC	82.84	20,710.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	120.90	30,225.00
52	N	3TQ	(USDA-P) CHICKEN TENDERS, BREADED, WG. LESS THAN 475 MG OF SODIUM FOR A 3 PIECE 2M/MA AND 1 WGR SERVING	600	CS	PILGRIMS PRIDE CORP	43.26	25,956.00
	N	3TQ				TYSON PREPARED FOODS INC	43.68	26,208.00
	Y	3TQ				GOLD CREEK FOODS LLC	48.96	29,376.00
	N		CHICKEN TENDERS, BREADED, WG. LESS THAN 475 MG OF SODIUM FOR A 3 PIECE 2M/MA AND 1 WGR SERVING	100	CS	TYSON PREPARED FOODS INC	65.95	6,595.00
	N					PILGRIMS PRIDE CORP	70.20	7,020.00
	N					GOLD CREEK FOODS LLC	85.46	8,546.00
	53	N	3TQ	(USDA-P) SPICY CHICKEN TENDERS, BREADED, WG. LESS THAN 410 MG OF SODIUM FOR A 2 3 PC	1,300	CS	GOLD CREEK FOODS LLC	60.00
Y		TYSON PREPARED FOODS INC					67.79	88,127.00
N			SPICY CHICKEN TENDERS, BREADED, WG. LESS THAN 410 MG OF SODIUM FOR A 2 3 PC 2M/MA AND 1	200	CS	GOLD CREEK FOODS LLC	107.21	21,442.00
N						TYSON PREPARED FOODS INC	118.89	23,778.00
54	N	1NL	(USDA-P) CHICKEN WINGS, BONE IN, ROASTED. LESS THAN 450 MG OF SODIUM FOR 2M/MA	2,000	CS	ACR FOSTER INTERMEDIATE GROUP LLC	63.61	127,220.00
	N	4NS				GOLD CREEK FOODS LLC	72.16	144,320.00
	Y					TYSON PREPARED FOODS INC	85.50	171,000.00
	N		CHICKEN WINGS, BONE IN, ROASTED. LESS THAN 450 MG OF SODIUM FOR 2M/MA	500	CS	ACR FOSTER INTERMEDIATE GROUP LLC	83.25	41,625.00
	N					GOLD CREEK FOODS LLC	101.97	50,985.00
	N					TYSON PREPARED FOODS INC	124.83	62,415.00
	N							

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

*CONFIDENTIAL								
Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
55	N	1NL	(USDA-P) UNBREADED CHICKEN STRIPS. LESS THAN MG OF SODIUM PER 300 MG OF SODIUM FOR 2M/MA.	1,300	CS	PROVIEW FOODS LLC	40.99	53,287.00
	N	8PS				PILGRIMS PRIDE CORP	53.02	68,926.00
	Y					TYSON PREPARED FOODS INC	61.25	79,625.00
	N					GOLD CREEK FOODS LLC	77.28	100,464.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	115.20	149,760.00
	N					OUT OF THE SHELL LLC	135.64	176,332.00
	N		UNBREADED CHICKEN STRIPS. LESS THAN MG OF SODIUM PER 300 MG OF SODIUM FOR 2M/MA.	200	CS	PROVIEW FOODS LLC	40.99	8,198.00
	N					PILGRIMS PRIDE CORP	103.34	20,668.00
	N					TYSON PREPARED FOODS INC	122.71	24,542.00
	N					GOLD CREEK FOODS LLC	164.28	32,856.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	165.00	33,000.00
	N					OUT OF THE SHELL LLC	166.24	33,248.00
56	Y		(USDA-P) CHICKEN, SHREDDED, PULLED, FULLY COOKED. MUST PROVIDE AT LEAST 1OZ M/MA	300	CS	TYSON PREPARED FOODS INC	18.02	5,406.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	19.87	5,961.00
	N					PILGRIMS PRIDE CORP	55.51	16,653.00
	N					GOLD CREEK FOODS LLC	70.72	21,216.00
	N					PROVIEW FOODS LLC	97.00	29,100.00
	N					*INTERNATIONAL FOODS SOLUTIONS INC		
	N		CHICKEN, SHREDDED, PULLED, FULLY COOKED. MUST PROVIDE AT LEAST 1OZ M/MA	100	CS	TYSON PREPARED FOODS INC	39.20	3,920.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	40.00	4,000.00
	N					PILGRIMS PRIDE CORP	103.34	10,334.00
	N					PROVIEW FOODS LLC	123.35	12,335.00
	N					GOLD CREEK FOODS LLC	128.84	12,884.00
	N					*INTERNATIONAL FOODS SOLUTIONS INC		

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

*CONFIDENTIAL								
Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
57	N	4NS	(USDA-P) CHICKEN DRUMSTICKS OR THIGHS, WGR MUST CONTRIBUTE AT LEAST 2M/MA. LESS THAN 530 MG OF SODIUM FOR A 2M/MA.	2,200	CS	ACR FOSTER INTERMEDIATE GROUP LLC	51.71	113,762.00
	N	8PS				PILGRIMS PRIDE CORP	54.16	119,152.00
	Y					TYSON PREPARED FOODS INC	59.99	131,978.00
	N					GOLD CREEK FOODS LLC	64.48	141,856.00
	N					*ES FOODS		
	N		CHICKEN DRUMSTICKS OR THIGHS, WGR MUST CONTRIBUTE AT LEAST 2M/MA. LESS THAN 530 MG OF SODIUM FOR A 2M/MA	800	CS	PILGRIMS PRIDE CORP	86.40	69,120.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	90.40	72,320.00
	N					TYSON PREPARED FOODS INC	95.34	76,272.00
	N					*ES FOODS		
	N					GOLD CREEK FOODS LLC	122.17	97,736.00
58	N	8PS	(USDA-P) WHOLE GRAIN BREADED WHOLE MUSCLE CHICKEN BREAST CHUNK. FULLY COOKED, OVEN READY. FIVE - 0.75 OZ AVG BITES EQUAL 1-3.75 OZ SERVING. LESS THAN 510 MG OF SODIUM FOR AT	1,000	CS	PROVIEW FOODS LLC	30.61	30,610.00
	N	3TQ				PILGRIMS PRIDE CORP	44.98	44,980.00
	Y					GOLD CREEK FOODS LLC	63.84	63,840.00
	N					TYSON PREPARED FOODS INC	98.56	98,560.00
	N		WHOLE GRAIN BREADED WHOLE MUSCLE CHICKEN BREAST BITES. FULLY COOKED, OVEN READY. FIVE - 0.75 OZ AVG BITES EQUAL 1-3.75 OZ SERVING. LESS THAN 510 MG OF SODIUM FOR AT LEAST 2M/MA	1,000	CS	PROVIEW FOODS LLC	82.40	82,400.00
	N					PILGRIMS PRIDE CORP	88.50	88,500.00
	N					GOLD CREEK FOODS LLC	111.05	111,050.00
	N					TYSON PREPARED FOODS INC	146.89	146,890.00
59	Y		(USDA-P) CHICKEN SAUSAGE PATTY, DARK MEAT. LESS THAN 260 MG OF SODIUM FOR 1M/MA.	600	CS	TYSON PREPARED FOODS INC	49.07	29,442.00
	Y-ALT					GOLD CREEK FOODS LLC	86.08	51,648.00
	N		CHICKEN SAUSAGE PATTY, DARK MEAT. LESS THAN 260 MG OF SODIUM FOR 1M/MA.	200	CS	TYSON PREPARED FOODS INC	115.76	23,152.00
	N					GOLD CREEK FOODS LLC	139.75	27,950.00

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
60	N	1NL	(USDA-P) ORANGE CHICKEN, SAUCE & CHICKEN IN CASE, DARK MEAT, CORN STARCH BATTERED. LESS THAN 280 MG OF SODIUM FOR 2M/MA.	1,500	CS	*SCHWANS FOOD SERVICE		
	N	1NL				*INTERNATIONAL FOODS SOLUTIONS INC		
	N	1NL				OMNIBUS TRADING CORPORATION	133.00	199,500.00
	Y					OUT OF THE SHELL LLC	135.33	202,995.00
	Y		ORANGE CHICKEN, SAUCE & CHICKEN IN CASE, DARK MEAT, CORN STARCH BATTERED. LESS THAN 280 MG OF SODIUM FOR 2M/MA.	500	CS	*SCHWANS FOOD SERVICE		
	N					*INTERNATIONAL FOODS SOLUTIONS INC		
	N					OMNIBUS TRADING CORPORATION	159.04	79,520.00
	N					OUT OF THE SHELL LLC	160.51	80,255.00
61	N	1NL	(USDA-P) CHICKEN CHUNKS, FULLY COOKED, CORN STARCH BATTERED, NO SAUCE, DARK MEAT. LESS THAN 125 MG OF SODIUM FOR 2 M/MA.	1,200	CS	OMNIBUS TRADING CORPORATION	126.00	151,200.00
	Y					OUT OF THE SHELL LLC	158.28	189,936.00
	N		CHICKEN CHUNKS, FULLY COOKED, CORN STARCH BATTERED, NO SAUCE, DARK MEAT. LESS THAN 125 MG OF SODIUM FOR 2 M/MA.	400	CS	OMNIBUS TRADING CORPORATION	152.04	60,816.00
	Y					OUT OF THE SHELL LLC	187.64	75,056.00
62	N	4NS	(USDA-P) EGG ROLL, DARK MEAT CHICKEN, WHOLE GRAIN RICH, MUST CONTRIBUTE 1M/1 WGR. LESS THAN 200 MG OF SODIUM PER 1M AND 1G	1,400	CS	*SCHWANS FOOD SERVICE		
	Y					OMNIBUS TRADING CORPORATION	63.00	88,200.00
	N		EGG ROLL, DARK MEAT CHICKEN, WHOLE GRAIN RICH, MUST CONTRIBUTE 1M/1 WGR. LESS THAN 200 MG OF SODIUM PER 1M AND 1G	500	CS	*SCHWANS FOOD SERVICE		
	Y					OMNIBUS TRADING CORPORATION	72.54	36,270.00
63	N	3TQ	(USDA-P) PANCAKE SAUSAGE BITES, DARK MEAT, WHOLE GRAIN BULK MUST CONTRIBUTE 1M/MA	800	CS	PROVIEW FOODS LLC	17.01	13,608.00
	N	1NL				ACR FOSTER INTERMEDIATE GROUP LLC	37.40	29,920.00
	N	4NS				GOLD CREEK FOODS LLC	48.96	39,168.00
	Y					TYSON PREPARED FOODS INC	53.02	42,416.00
	N	8PS				JTM PROVISIONS CO INC	95.16	76,128.00
	N		PANCAKE SAUSAGE BITES, DARK MEAT, WHOLE GRAIN, BULK, MUST CONTRIBUTE 1M/MA AND 1WGR. LESS THAN 590 MG OF SODIUM FOR AT LEAST 1M 1 WGR.	250	CS	PROVIEW FOODS LLC	29.34	7,335.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	37.40	9,350.00
	Y					TYSON PREPARED FOODS INC	87.22	21,805.00
	N					GOLD CREEK FOODS LLC	118.34	29,585.00
	N					JTM PROVISIONS CO INC	141.18	35,295.00

The District solicited 568 suppliers and received 40 responses.

BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
64	N	1NL	(USDA-P) CORN DOG, CHICKEN, WHOLE GRAIN, BULK. LESS THAN 480 MG OF SODIUM FOR 2M/MA AND 2 WGR	2,000	CS	TYSON PREPARED FOODS INC	27.71	55,420.00
	Y					ACR FOSTER INTERMEDIATE GROUP LLC	30.69	61,380.00
	N		CORN DOG, CHICKEN, WHOLE GRAIN, BULK. LESS THAN 480 MG OF SODIUM FOR 2M/MA AND 2 WGR	800	CS	TYSON PREPARED FOODS INC	38.16	30,528.00
	Y					ACR FOSTER INTERMEDIATE GROUP LLC	42.84	34,272.00
65	Y		(USDA-P) MINI CORN DOG, CHICKEN, WHOLE GRAIN, BULK. LESS THAN 480 MG OF SODIUM PER 2M/MA AND 2 WGR	4,000	CS	PROVIEW FOODS LLC	23.73	94,920.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	24.82	99,280.00
	N					TYSON PREPARED FOODS INC	56.70	226,800.00
	N					JTM PROVISIONS CO INC	84.92	339,680.00
	Y		MINI CORN DOG, CHICKEN, WHOLE GRAIN, BULK. LESS THAN 480 MG OF SODIUM PER 2M/MA AND 2 WGR	1,500	CS	PROVIEW FOODS LLC	27.56	41,340.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	31.40	47,100.00
	N					TYSON PREPARED FOODS INC	85.22	127,830.00
	N					JTM PROVISIONS CO INC	115.43	173,145.00
66	Y		(USDA-P) PANCAKE ON A STICK, WGR, BULK. MUST CONTRIBUTE AT LEAST 1WGR & 1M/MA PER SERVING	600	CS	ACR FOSTER INTERMEDIATE GROUP LLC	28.55	17,130.00
	Y		PANCAKE ON A STICK, WGR, BULK. MUST CONTRIBUTE AT LEAST 1WGR & 1M/MA PER SERVING	200	CS	ACR FOSTER INTERMEDIATE GROUP LLC	28.55	5,710.00
67	Y		(USDA-P) PANCAKE ON A STICK, WGR, IW, PORK FREE. MUST CONTRIBUTE AT LEAST 1 WGR & 1 M/MA PER SERVING	1,000	CS	ACR FOSTER INTERMEDIATE GROUP LLC	38.07	38,070.00
	Y		PANCAKE ON A STICK, WGR, IW, PORK FREE. MUST CONTRIBUTE AT LEAST 1 WGR & 1 M/MA PER SERVING	250	CS	ACR FOSTER INTERMEDIATE GROUP LLC	38.07	9,517.50

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

*CONFIDENTIAL								
Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
68	Y		(USDA-P) BURRITO, FOIL WRAP, CHICKEN & CHEESE. MUST CONTRIBUTE 2M/MA & 2 GRAIN, WGR	1,000	CS	MCI FOODS INC	63.97	63,970.00
	Y		BURRITO, FOIL WRAP, CHICKEN & CHEESE. MUST CONTRIBUTE 2M/MA & 2 GRAIN, WGR	400	CS	MCI FOODS INC	67.34	26,936.00
69	Y		(USDA-P) CHEESE CHEDDAR SHREDDED. LESS THAN 200 MG OF SODIUM FOR 1/4 CUP	1,800	CS	LAND O LAKES INC	14.51	26,118.00
	N					BONGARDS CREAMERIES	57.21	102,978.00
	Y		CHEESE CHEDDAR SHREDDED. LESS THAN 200 MG OF SODIUM FOR 1/4 CUP	200	CS	LAND O LAKES INC	54.34	10,868.00
	N					BONGARDS CREAMERIES	57.21	11,442.00
70	Y		(USDA-P) CHEESE, AMERICAN, SLICED. LESS THAN 200 MG OF SODIUM FOR 1/4 CUP	1,200	CS	LAND O LAKES INC	19.00	22,800.00
	N					BONGARDS CREAMERIES	70.20	84,240.00
	Y		CHEESE, AMERICAN, SLICED. LESS THAN 200 MG OF SODIUM FOR 1/4 CUP	300	CS	LAND O LAKES INC	44.89	13,467.00
	N					BONGARDS CREAMERIES	70.20	21,060.00
71	Y		(USDA-P) CHEESE, MOZZARELLA, SHREDDED, LOW SODIUM. LESS THAN 200 MG OF SODIUM FOR 1/4 CUP	1,200	CS	LAND O LAKES INC	13.39	16,068.00
	N					BONGARDS CREAMERIES	56.46	67,752.00
	Y		CHEESE, MOZZARELLA, SHREDDED, LOW SODIUM. LESS THAN 200 MG OF SODIUM FOR 1/4 CUP	300	CS	LAND O LAKES INC	53.22	15,966.00
	N					BONGARDS CREAMERIES	56.46	16,938.00
72	Y		(USDA-P) CHEESE, STRING, IW. LESS THAN 200 MG OF SODIUM FOR 1M/MA	1,800	CS	LAND O LAKES INC	14.74	26,532.00
	N					BONGARDS CREAMERIES	37.87	68,166.00
	Y		CHEESE, STRING, IW. LESS THAN 200 MG OF SODIUM FOR 1M/MA	200	CS	LAND O LAKES INC	35.65	7,130.00
	N					BONGARDS CREAMERIES	37.87	7,574.00
73	Y	4NS	(USDA-P) CHEESE SAUCE, SHELF STABLE. LESS THAN 400 MG OF SODIUM FOR 1M/MA	1,700	CS	LAND O LAKES INC	45.63	77,571.00
	N					JTM PROVISIONS CO INC	47.81	81,277.00
	Y		CHEESE SAUCE, SHELF STABLE. LESS THAN 400 MG OF SODIUM FOR 1M/MA	300	CS	LAND O LAKES INC	72.52	21,756.00
	N					JTM PROVISIONS CO INC	77.68	23,304.00
74	Y	4NS	(USDA-P) WHITE CREAMY CHEESE SAUCE, SHELF STABLE. LESS THAN 400 MG OF SODIUM FOR 1M/MA SERVING	1,000	CS	LAND O LAKES INC	50.71	50,710.00
	N					JTM PROVISIONS CO INC	53.36	53,360.00
	Y		WHITE CREAMY CHEESE SAUCE, SHELF STABLE. LESS THAN 400 MG OF SODIUM FOR 1M/MA SERVING	200	CS	LAND O LAKES INC	79.75	15,950.00
	N					JTM PROVISIONS CO INC	83.23	16,646.00
75	Y		(USDA-P) MACARONI & CHEESE, REDUCED FAT, WGR. LESS THAN 600 MG OF SODIUM FOR 2M/MA & 1WGR	1,600	CS	JTM PROVISIONS CO INC	40.00	64,000.00
	N					*ES FOODS		
	N					LAND O LAKES INC	58.74	93,984.00
	N					TASTY BRANDS LLC	65.11	104,176.00
	Y-ALT					RICH PRODUCTS CORPORATION	68.85	110,160.00
	Y-ALT		MACARONI & CHEESE, REDUCED FAT, WGR. LESS THAN 600 MG OF SODIUM FOR 2M/MA & 1WGR	400	CS	JTM PROVISIONS CO INC	50.20	20,080.00
	N					*ES FOODS		
	N					LAND O LAKES INC	72.00	28,800.00
	N					TASTY BRANDS LLC	80.44	32,176.00
	Y-ALT					RICH PRODUCTS CORPORATION	93.75	37,500.00

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

*CONFIDENTIAL								
Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
76	Y		(USDA-P) TURKEY & CHEESE LUNCH KIT, IW, 51% WHOLE GRAIN CRACKERS WITH TURKEY COINS AND CHEESE. LESS THAN 1000 MG OF SODIUM PER KIT	800	CS	TASTY BRANDS LLC	75.76	60,608.00
	Y		TURKEY & CHEESE LUNCH KIT, IW, 51% WHOLE GRAIN CRACKERS WITH TURKEY COINS AND CHEESE. LESS THAN 1000 MG OF SODIUM PER KIT	200	CS	TASTY BRANDS LLC	80.20	16,040.00
77	Y		(USDA-P) TURKEY PEPPERONI & CHEESE PIZZA LUNCH KIT, IW, 51% WHOLE GRAIN CRACKERS WITH SLICED CHEESE & TURKEY PEPPERONI COINS. LESS THAN 1000 MG OF SODIUM FOR KIT	800	CS	TASTY BRANDS LLC	71.88	57,504.00
	Y		TURKEY PEPPERONI & CHEESE PIZZA LUNCH KIT, IW, 51% WHOLE GRAIN CRACKERS WITH SLICED CHEESE & TURKEY PEPPERONI COINS. LESS THAN 1000 MG OF SODIUM FOR KIT	200	CS	TASTY BRANDS LLC	80.72	16,144.00
78	N	3TQ	(USDA-P) STUFFED PASTA WITH CHEESE, 51% WHOLE GRAIN. MUST CONTRIBUTE AT LEAST 2M/MA & 1WGR. LESS THAN 260 MG OF SODIUM	1,750	CS	CLASSIC DELIGHT LLC	63.43	111,002.50
	Y					TASTY BRANDS LLC	67.57	118,247.50
	N		STUFFED PASTA WITH CHEESE, 51% WHOLE GRAIN. MUST CONTRIBUTE AT LEAST 2M/MA & 1WGR.	500	CS	CLASSIC DELIGHT LLC	79.22	39,610.00
	Y					TASTY BRANDS LLC	90.04	45,020.00
79	Y		(USDA-P) BREADED MOZZARELLA STICKS, OVEN-READY. 51% WHOLE GRAIN, 2M/MA & 2 WGR. LESS THAN 470 MG OF SODIUM FOR 2M/MA & 2 WGR	800	CS	RICH PRODUCTS CORPORATION	51.69	41,352.00
	N					TASTY BRANDS LLC	71.75	57,400.00
	Y		BREADED MOZZARELLA STICKS, OVEN-READY. 51% WHOLE GRAIN, 2M/MA & 2 WGR. LESS THAN 470 MG OF SODIUM FOR 2M/MA & 2 WGR	200	CS	RICH PRODUCTS CORPORATION	73.60	14,720.00
	N					TASTY BRANDS LLC	99.89	19,978.00
80	Y-ALT		(USDA-P) BREADSTICK, CHEESE STUFFED, WGR. LESS THAN 540 MG OF SODIUM FOR 2M/MA & 2 WGR	2,200	CS	*S AND F FOODS INC		
	N	8PS				CONAGRA FOODS INCORPORATED	39.23	86,306.00
	Y					TYSON PREPARED FOODS INC	39.46	86,812.00
	N					CLASSIC DELIGHT LLC	43.39	95,458.00
	N					*SCHWANS FOOD SERVICE		
	N	8PS				SA PIAZZA & ASSOCIATES LLC	52.80	116,160.00
	N					TASTY BRANDS LLC	52.96	116,512.00
	Y-ALT		BREADSTICK, CHEESE STUFFED, WGR. LESS THAN 540 MG OF SODIUM FOR 2M/MA & 2 WGR	300	CS	*S AND F FOODS INC		
	N					CONAGRA FOODS INCORPORATED	56.00	16,800.00
	Y					TYSON PREPARED FOODS INC	56.06	16,818.00
	N					CLASSIC DELIGHT LLC	56.30	16,890.00
	N					*SCHWANS FOOD SERVICE		
	N					TASTY BRANDS LLC	67.30	20,190.00
	N					SA PIAZZA & ASSOCIATES LLC	72.17	21,651.00

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
81	Y		(USDA-P) PIZZA, CHEESE, 16", WHOLE GRAIN RICH, 100% MOZZARELLA. LESS THAN 540 MG OF SODIUM FOR 2M.MA & 2 WGR SERVING	550	CS	ALPHA FOODS CO	41.00	22,550.00
	N					*NARDONE BROS BAKING CO INC		
	N					*SCHWANS FOOD SERVICE		
	N					SA PIAZZA & ASSOCIATES LLC	57.92	31,856.00
	N		PIZZA, CHEESE, 16", WHOLE GRAIN RICH, 100% MOZZARELLA. LESS THAN 540 MG OF SODIUM FOR 2M.MA & 2 WGR SERVING	200	CS	*NARDONE BROS BAKING CO INC		
	Y					ALPHA FOODS CO	57.60	11,520.00
	N					*SCHWANS FOOD SERVICE		
	N					SA PIAZZA & ASSOCIATES LLC	76.68	15,336.00
82	Y		(USDA-P) PIZZA, PEPPERONI, 16", WHOLE GRAIN, PEPPERONI AND 100% MOZZARELLA, MUST CONTRIBUTE 2OZ M/MA. LESS THAN 580 MG OF SODIUM PER 2M/MA & 2 WGR	3,300	CS	ALPHA FOODS CO	44.45	146,685.00
	N					*NARDONE BROS BAKING CO INC		
	N					*SCHWANS FOOD SERVICE		
	N					SA PIAZZA & ASSOCIATES LLC	64.79	213,807.00
	N		PIZZA, PEPPERONI, 16", WHOLE GRAIN, PEPPERONI AND 100% MOZZARELLA, MUST CONTRIBUTE 2OZ M/MA. LESS THAN 580 MG OF SODIUM PER 2M/MA & 2 WGR	500	CS	*NARDONE BROS BAKING CO INC		
	Y					ALPHA FOODS CO	58.98	29,490.00
	N					*SCHWANS FOOD SERVICE		
	N					SA PIAZZA & ASSOCIATES LLC	81.11	40,555.00
83	N	1NL	(USDA-P) PIZZA, ULTIMATE MEAT, 16", 100 % MOZZARELLA. LESS THAN 650 MG OF SODIUM FOR 2M/MA & 2 WGR	1,200	CS	*NARDONE BROS BAKING CO INC		
	Y					ALPHA FOODS CO	50.50	60,600.00
	N					*SCHWANS FOOD SERVICE		
	N		PIZZA, ULTIMATE MEAT, 16", 100 % MOZZARELLA. LESS THAN 650 MG OF SODIUM FOR 2M/MA & 2 WGR	300	CS	*NARDONE BROS BAKING CO INC		
	Y					ALPHA FOODS CO	67.10	20,130.00
	N					*SCHWANS FOOD SERVICE		

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

***CONFIDENTIAL**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
84	Y		(USDA-P) PIZZA CHEESE WEDGE. LESS THAN 435 MG OF SODIUM FOR 2M/MA & 2 WGR SERVING	1,200	CS	*NARDONE BROS BAKING CO INC		
	N					CONAGRA FOODS INCORPORATED	37.75	45,300.00
	N					*SCHWANS FOOD SERVICE		
	N					RICH PRODUCTS CORPORATION	61.86	74,232.00
	N					SA PIAZZA & ASSOCIATES LLC	63.69	76,428.00
	N					*S AND F FOODS INC		
	N		PIZZA CHEESE WEDGE. LESS THAN 435 MG OF SODIUM FOR 2M/MA & 2 WGR SERVING	300	CS	CONAGRA FOODS INCORPORATED	49.00	14,700.00
	Y					*NARDONE BROS BAKING CO INC		
	N					*SCHWANS FOOD SERVICE		
	N					RICH PRODUCTS CORPORATION	78.92	23,676.00
	N					SA PIAZZA & ASSOCIATES LLC	84.79	25,437.00
	N					*S AND F FOODS INC		
85	Y		(USDA-P) PIZZA PEPPERONI WEDGE, PEPPERONI AND 100% MOZZARELLA. LESS THAN 670 MG OF SODIUM FOR 2M/MA & 2 WGR SERVING	2,000	CS	*NARDONE BROS BAKING CO INC		
	N					CONAGRA FOODS INCORPORATED	46.18	92,360.00
	N					*SCHWANS FOOD SERVICE		
	N					SA PIAZZA & ASSOCIATES LLC	70.85	141,700.00
	N					*S AND F FOODS INC		
	N		PIZZA PEPPERONI WEDGE, PEPPERONI AND 100% MOZZARELLA. LESS THAN 670 MG OF SODIUM FOR 2M/MA & 2 WGR SERVING	500	CS	CONAGRA FOODS INCORPORATED	56.20	28,100.00
	Y					*NARDONE BROS BAKING CO INC		
	N					*SCHWANS FOOD SERVICE		
	N					SA PIAZZA & ASSOCIATES LLC	89.20	44,600.00
	N					*S AND F FOODS INC		
86	Y		(USDA-P) PIZZA BREAKFAST, WHOLE GRAIN, COUNTRY GRAVY, SAUSAGE AND 100% MOZZARELLA, MUST CONTRIBUTE AT LEAST 1 WGR & 1 M//MA PER SERVING, BULK. LESS THAN 300 MG OF SODIUM FOR 2 M/MA & 1 WGR	800	CS	*SCHWANS FOOD SERVICE		
	Y-ALT					*NARDONE BROS BAKING CO INC		
	N	8PS				CONAGRA FOODS INCORPORATED	55.26	44,208.00
	N	8PS				SA PIAZZA & ASSOCIATES LLC	79.23	63,384.00
	Y		PIZZA BREAKFAST, WHOLE GRAIN, COUNTRY GRAVY, SAUSAGE AND 100% MOZZARELLA, MUST CONTRIBUTE AT LEAST 1 WGR & 1 M//MA PER SERVING, BULK. LESS THAN 300 MG OF SODIUM FOR 2 M/MA & 1 WGR	200	CS	*SCHWANS FOOD SERVICE		
	N					*NARDONE BROS BAKING CO INC		
	N					CONAGRA FOODS INCORPORATED	68.00	13,600.00
	N					SA PIAZZA & ASSOCIATES LLC	91.02	18,204.00

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

*CONFIDENTIAL								
Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
87	Y	8PS	(USDA-P) GARLIC CHEESE FRENCH BREAD, 100% MOZZARELLA CHEESE, WHOLE GRAIN. LESS THAN 450 MG OF SODIUM FOR 2M/MA & 2WGR	2,500	CS	*NARDONE BROS BAKING CO INC		
	N					*SCHWANS FOOD SERVICE		
	N					*S AND F FOODS INC		
	Y		GARLIC CHEESE FRENCH BREAD, 100% MOZZARELLA CHEESE, WHOLE GRAIN. LESS THAN 450 MG OF SODIUM FOR 2M/MA & 2WGR	300	CS	*NARDONE BROS BAKING CO INC		
	N					*SCHWANS FOOD SERVICE		
	N					*S AND F FOODS INC		
88	N	4NS	(USDA-P) PIZZA BREAKFAST, WHOLE GRAIN, TURKEY SAUSAGE AND WHITE COUNTRY GRAVY, IW. MUST CONTRIBUTE AT LEAST 1 M/MA & 1WGR. NARDONE ITEM # M80WTSG100 OR SIMILAR. LESS THAN 410	2,000	CS	*SCHWANS FOOD SERVICE		
	Y							
	N	8PS				SA PIAZZA & ASSOCIATES LLC	96.96	193,920.00
	N	PIZZA BREAKFAST, WHOLE GRAIN, TURKEY SAUSAGE AND WHITE COUNTRY GRAVY, IW. MUST CONTRIBUTE AT LEAST 1 M/MA & 1WGR. NARDONE ITEM # M80WTSG100 OR SIMILAR. LESS THAN 410	200	CS	*SCHWANS FOOD SERVICE			
	Y				*NARDONE BROS BAKING CO INC			
	N				SA PIAZZA & ASSOCIATES LLC	110.06	22,012.00	
89	N	4NS	(USDA-P) BREAKFAST BAGEL, TURKEY SAUSAGE AND 100% MOZZARELLA, WHOLE GRAIN RICH, IW, MUST CONTRIBUTE AT LEAST 1M/MA AND 1 WGR. LESS THAN 380 MG OF SODIUM FOR 1M/MA & 1 WGR.	1,000	CS	*NARDONE BROS BAKING CO INC		
	Y							
	N	8PS				INTEGRATED FOOD SERVICE	73.62	73,620.00
	N	BREAKFAST BAGEL, TURKEY SAUSAGE AND 100% MOZZARELLA, WHOLE GRAIN RICH, IW, MUST CONTRIBUTE AT LEAST 1M/MA AND 1 WGR. LESS THAN 380 MG OF SODIUM FOR 1M/MA & 1 WGR	300	CS	NARDONE BROS BAKING CO INC	58.32	17,496.00	
	Y				*SCHWANS FOOD SERVICE			
	N				INTEGRATED FOOD SERVICE	76.00	22,800.00	
90	Y		(USDA-P) HOT DOG, BEEF, CHILI & CHEESE, WGR, IW. MUS CONTRIBUTE 2 WGR, 2M/MA PER SERVING	100	CS	INTEGRATED FOOD SERVICE	74.72	7,472.00
	Y		HOT DOG, BEEF, CHILI & CHEESE, WGR, IW. MUS CONTRIBUTE 2 WGR, 2M/MA PER SERVING	25	CS	INTEGRATED FOOD SERVICE	79.20	1,980.00

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BID TABULATION GARLAND INDEPENDENT SCHOOL DISTRICT

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Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
91	Y		(USDA-P) PUPUSAS, BEAN & CHEESE, WGR. MUST CONTRIBUTE AT LEAST 2 WGR & 2 M/MA PER SERVING	1,800	CS	DEL REAL LLC	43.14	77,652.00
	Y		PUPUSAS, BEAN & CHEESE, WGR. MUST CONTRIBUTE AT LEAST 2 WGR & 2 M/MA PER SERVING	200	CS	DEL REAL LLC	48.91	9,782.00
92	N	4NS 1NL	(USDA-P) SANDWICH, GRILLED CHEESE, WGR, IW. MUST CONTRIBUTE 2 WGR 2M/MA PER SERVING.	100	CS	*S AND F FOODS INC		
	N					INTEGRATED FOOD SERVICE	51.20	5,120.00
	Y					TASTY BRANDS LLC	72.27	7,227.00
	N					PRAIRIE MILLS BAKING COMPANY LLC	80.43	8,043.00
	N		SANDWICH, GRILLED CHEESE, WGR, IW. MUST CONTRIBUTE 2 WGR 2M/MA PER SERVING.	25	CS	*S AND F FOODS INC		
	N					INTEGRATED FOOD SERVICE	69.12	1,728.00
	Y					TASTY BRANDS LLC	95.67	2,391.75
	N					PRAIRIE MILLS BAKING COMPANY LLC	107.32	2,683.00
93	Y		(USDA-P) TAMALES, CHICKEN & CHEESE, WGR, MUST CONTRIBUTE AT LEAST 1 WGR & 1 M/MA PER TAMALE	1,500	CS	MCI FOODS INC	74.06	111,090.00
	N					*INTERNATIONAL FOODS SOLUTIONS INC		
	Y		TAMALES, CHICKEN & CHEESE, WGR, MUST CONTRIBUTE AT LEAST 1 WGR & 1 M/MA PER TAMALE	250	CS	MCI FOODS INC	78.62	19,655.00
	N					*INTERNATIONAL FOODS SOLUTIONS INC		
94	Y		(USDA-P) BREAKFAST STICK, BEEF & CHEESE, WGR. MUST CONTRIBUTE 1M/MA & 1 WGR, IW.	1,000	CS	INTEGRATED FOOD SERVICE	68.20	68,200.00
	Y		BREAKFAST STICK, BEEF & CHEESE, WGR. MUST CONTRIBUTE 1M/MA & 1 WGR, IW.	300	CS	INTEGRATED FOOD SERVICE	74.50	22,350.00
95	Y		(USDA-P) BREAKFAST BURRITO, WGR, CHEESE & COOKED SAUSAGE CRUMBLES, PORK FREE, WHOLE GRAIN TORTILLA, PROVIDES AT LEAST 1M/MA & 1	850	CS	MCI FOODS INC	51.51	43,783.50
	N					ACR FOSTER INTERMEDIATE GROUP LLC	91.53	77,800.50
	Y		BREAKFAST BURRITO, WGR, CHEESE & COOKED SAUSAGE CRUMBLES, PORK FREE, WHOLE GRAIN TORTILLA, PROVIDES AT LEAST 1M/MA & 1 WGR,	200	CS	MCI FOODS INC	55.81	11,162.00
	N					ACR FOSTER INTERMEDIATE GROUP LLC	95.55	19,110.00
96	Y		(USDA-P) BREADED FISH STICKS OR NUGGET, WGR. MUST CONTRIBUTE AT LEAST 2M/MA & 1 WGR PER SERVING	1,500	CS	HIGH LINER FOODS USA INC	40.40	60,600.00
	Y		BREADED FISH STICKS OR NUGGET, WGR. MUST CONTRIBUTE AT LEAST 2M/MA & 1 WGR PER SERVING	200	CS	HIGH LINER FOODS USA INC	40.40	8,080.00
97	Y		(USDA-P) BREADED FISH PATTY, WGR. MUST CONTRIBUTE AT LEAST 2M/MA & 1 WGR PER SERVING	200	CS	HIGH LINER FOODS USA INC	30.49	6,098.00
	Y		BREADED FISH PATTY, WGR. MUST CONTRIBUTE AT LEAST 2M/MA & 1 WGR PER SERVING	50	CS	HIGH LINER FOODS USA INC	30.49	1,524.50
98	Y		(USDA-P) DONUT, HOLES, YEAST, WGR, BULK. MUST CONTRIBUTE 2WGR PER SERVING	800	CS	RICH PRODUCTS CORPORATION	32.95	26,360.00
	Y		DONUT, HOLES, YEAST, WGR, BULK. MUST CONTRIBUTE 2WGR PER SERVING	100	CS	RICH PRODUCTS CORPORATION	34.23	3,423.00

The District solicited 568 suppliers and received 40 responses.



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Matthew Yeager, Assistant Superintendent of Technology

Subject: Consider Approval of Purchase of Internet Service Provider (#15-25)

Consent Agenda

Executive Summary:

This contract will allow access to the internet for web-based learning, applications, and for remote learners and staff. Garland ISD will apply for E-Rate reimbursement in accordance with the policies and procedures set forth by Universal Service Administration Company (USAC). Reviewed and approved by Matthew Yeager, Assistant Superintendent of Technology, Mark Booker, Executive Director of Purchasing, and Darrell Dodds, Chief Financial Officer.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendations:

It is the administration's recommendation that the offer(s) for Internet Service Provider from Fiber Platform LLC, (Exhibit A) provides the best value to the Garland Independent School District.

New Award – Replacement

Procurement Method: Request for Proposal

Contract Term: Three (3) years with two (2) annual renewal options

Recommended Motion for Action Items:

Move to approve contract#15-25 Internet Service Provider as presented to the Board of Trustees.

Financial Impact and Funding Source:

Not to Exceed Amount: \$293,376

199 - General Funds

Exhibit A

RFP#15-25 Internet Service Provider E-Rate - EVALUATION CRITERIA FORM				
EVALUATION CRITERIA		FIRM	FIRM	FIRM
		Charter Communication Holdings	Fiber Platform LLC	Frontier Communications
Parameters:	Max Points			
Proposed Price: A comparison of line items 10-16 and 19-25 were evaluated for pricing.		\$632,904	\$293,376	\$367,740
The purchase price;	38	18	38	30
The reputation and quality of the vendor's goods or services;	15	10	15	15
The quality of the vendor's goods or services;	12	6	8	10
The extent to which the goods or services meet the district's needs;	15	14	15	14
The vendor's past relationship with the district;	3	2	2	2
The impact on the ability of the district to comply with the laws and rules relating to historically under-utilized businesses (HUB); (must be 0 points)	0	0	0	0
The total long-term cost to the district to acquire the vendor's goods and services; . SCOPE OF SERVICES Tables (A), (B), (C), and (D)	2	2	2	2
For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner: A. has its principal place of business in this state B. employs at least 500 persons in this state Has its principal place of business in this state	0	0	0	0
Other Relevant factors specifically listed in this RFP including, but not limited to: Service Level Agreement – 10 points Local Service and Support Team – 5 Points	15	11	12	9
Total Points	100	51	80	73

The District solicited 457 suppliers and received 3 responses



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Carmen Blakey, Director of Career and Technical Education

Subject: Consider Approval of Purchase of CTE Large Equipment and Services
(#32-25-04)

Consent Agenda

Executive Summary:

This contract provides state-of-the-art equipment and services, supply industry-caliber items and services to the CTE classrooms. Reviewed and approved by Carmen Blakey, Director of Career and Technical Education, Mark Booker, Executive Director of Purchasing, and Darrell Dodds, Chief Financial Officer.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendations:

It is the administration's recommendation that the offer(s) for CTE Large Equipment and Services from Exhibit A, provides the best value to the Garland Independent School District.

New Award – Replacement

Procurement Method: Request for Proposal

Contract Term: One (1) year with Four (4) annual renewal options

Recommended Motion for Action Items:

Move to approve contract#32-25-04 CTE Large Equipment and Services as presented to the Board of Trustees.

Financial Impact and Funding Source:

Not to Exceed Amount - \$250,000

199 - General Fund	80%
244 - Career and Technical – Basic Grant	10%
461 - Campus Activity Funds	5%
865 - Student Activity Account	5%

Exhibit A

Lab Resources Inc

M & H Supply & Equipment

Northstar Equipment

TS Enterprises Assocs Inc

Two Elk Investments

Miller Equipment Company

The District solicited 762 suppliers and received 6 responses



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Charles Rose, Coordinator Textbooks

Subject: Consider Approval of Purchase of Textbooks and Digital Learning Materials
(#321-25-05)

Consent Agenda

Executive Summary:

Social Studies School Service offers the platform Active Classrooms designed specially to meet grade-appropriate benchmarks and adhere to your state standards. The structured course makes it easy to meet state standards without losing the flexibility to supplement lessons with a wide choice of vetted activities or lessons. Also offering material that will be used by students and teachers to meet state mandates for TEKS. Specific atlases are also used to help coach our UIL teams for competition since questions are based on the specific atlases the vendor has to offer. It should also detail the committee meeting the agenda item was presented to for review. Reviewed and approved by Charles Rose, Coordinator Textbooks, Mark Booker, Executive Director of Purchasing, and Darrell Dodds, Chief Financial Officer.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendations:

It is the administration's recommendation that the offer for Textbooks and Digital Learning Materials from Social Studies School Services below provides the best value to the Garland Independent School District.

New Award – Replacement

Procurement Method: Cooperative Purchase

Contract Term: One (1) year with Three (3) annual renewal options

Recommended Motion for Action Items:

Move to approve contract#321-25-05 Textbooks and Digital Learning Materials as presented to the Board of Trustees.

Financial Impact and Funding Source:

Not to Exceed the Amount: \$400,000

199 - General Fund – 50%

410 - State Textbook Fund – 50%



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Dr. Tanya Ramos, Executive Director of Student Support and Specialized Services

Subject: Consider Approval of Purchase of IEP Development and Strategies Software (#394-25-10)

Consent Agenda

Executive Summary:

This contract will provide a toolkit guide to all special education teachers to help develop and implement specially designed instruction with instant access to research-based instructional strategies, progress monitoring tools, and classroom ready resources aligned with the student Individualized Education Plans (IEP) Reviewed and approved by Dr. Tanya Ramos, Executive Director of Student Support and Specialized Services, Mark Booker, Executive Director of Purchasing, and Darrell Dodds, Chief Financial Officer.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendations:

It is the administration's recommendation that the offer(s) for IEP Development and Strategies Software from Enome Inc, provides the best value to the Garland Independent School District.

New Award

Procurement Method: Cooperative Purchasing Contract

Contract Term: One (1) year with two (2) annual renewal options

Recommended Motion for Action Items:

Move to approve contract#394-25-10 IEP Development and Strategies Software as presented to the Board of Trustees.

Financial Impact and Funding Source:

Not to Exceed Amount: \$303,450

199 - General Fund



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Matthew Yeager, Assistant Superintendent of Technology

Subject: Consider Approval of Increase in Awarded Amount for Time and Attendance Equipment and Services (#156-19)

Consent Agenda

Executive Summary:

The increase will allow Quarter 1 of the 2025 service term for software, equipment, data collection, time, attendance, and absence management to be procured. Reviewed and approved by Matt Yeager, Assistant Superintendent of Technology, Mark Booker, Executive Director of Purchasing, and Darrell Dodds, Chief Financial Officer.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendations:

It is the administration's recommendation that the offer(s) for 156-19 Time and Attendance Equipment and Services from UKG Kronos Systems LLC, provides the best value to the Garland Independent School District.

Increase

Procurement Method: Cooperative Purchasing Contract

Contract Term: Final of four (4) annual renewal options

Recommended Motion for Action Items:

Move to approve increase to contract#156-19 Time and Attendance Equipment and Services as presented to the Board of Trustees.

Financial Impact and Funding Source:

Not to Exceed Amount: Original Award \$359,000 Increase \$15,000 New Award \$374,000

199 - General Fund



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Matthew Yeager, Assistant Superintendent of Technology

Subject: Consider Approval of Increase in Awarded Amount for Oracle Planning and Budgeting Consulting Services (#242-20-01)

Consent Agenda

Executive Summary:

This increase accommodates additional project work and support services for budget development processes modeled within the Planning & Budgeting Software (known as PBCS). Services include FY25 financial data cleanup and preparations for the FY26 budget development cycle.

Garland ISD utilizes consulting services specializing in Oracle Planning & Budgeting Software (PBCS), also known as Enterprise Performance Management (EPM). The firm provides specialized expertise and services for ongoing, post-implementation projects and activities to streamline and enhance GISD's user engagement and return on Investment (ROI) of the existing PBCS implementation. This includes discovery, planning, and scoping of new projects, customizations, and enhancements. Additionally, the firm provides expertise with various support and acceptance activities in preparation of the annual budget cycles. Other activities include configuration support, understanding, and capitalizing on new release functionality, assistance with periodic upgrades, systems integrations, testing, and training. Reviewed and approved by Matt Yeager, Assistant Superintendent of Technology, Mark Booker, Executive Director of Purchasing, and Darrell Dodds, Chief Financial Officer.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendations:

It is the administration's recommendation that the offer(s) for RFP 242-20-01 Oracle Planning and Budgeting Consulting Services from Innofin Solutions LLC, provides the best value to the Garland Independent School District.

Increase

Procurement Method: Request for Proposal

Contract Term: Final of four (4) annual renewal options



BOARD OF TRUSTEES AGENDA

Recommended Motion for Action Items:

Move to approve increase to contract#242-20-01 Oracle Planning and Budgeting Consulting Services as presented to the Board of Trustees.

Financial Impact and Funding Source:

Not to Exceed Amount: Original Award \$75,000 Increase \$45,000 New Award \$120,000
199 - General Fund



GARLAND INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Dr. Ida Perales, Chief Leadership Officer

Subject: Consider Approval of Purchase of Proposition A: Funding School Safety, Programs, and Teachers Consultant Services (#432-25)

Action Item

Executive Summary:

The contract provides the district with consulting services to support and enhance the communication plan for the November 2025 Proposition A: Funding School Safety, Programs, and Teachers Election. EdVantage Marketing will assist our district in developing consistent messaging, targeting and reaching key audiences, conducting community sentiment surveys, refining messaging based on data-driven insights, and tracking campaign effectiveness. This partnership aligns with the district's commitment to transparency, trust-building, and stakeholder engagement while adhering to all legal guidelines. Reviewed and approved by Ida Perales, Chief Leadership Officer, Mark Booker, Executive Director of Purchasing, and Darrell Dodds, Chief Financial Officer.

Presented to the Finance, Facilities and Operations Committee for review on February 11, 2025.

Administrative Recommendations:

It is the administration's recommendation that the offer(s) for Proposition A: Funding School Safety, Programs, and Teachers Consultant Services from the company, EdVantage Strategy Group Inc., provide the best value to the Garland Independent School District.

New

Procurement Method: Cooperative Purchase Contract

Contract Term: One (1) year with four (4) annual renewal options

Recommended Motion for Action Items:

Move to approve contract#432-25 Proposition A: Funding School Safety, Programs, and Teachers Consultant Services

Financial Impact and Funding Source:

Not to Exceed Amount: \$425,910

199 - General Fund

PROPOSITION A:

**Funding School Safety, Programs and
Teachers**

Presentation to the
Garland ISD Board of Trustees
Facilities, Finance & Operations Committee
Tuesday, February 11, 2025

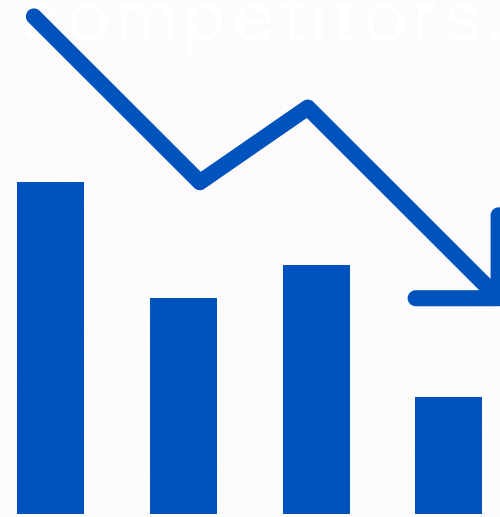


WHY WE WENT OUT FOR A PROPOSITION IN 2020



STATE FUNDING

Insufficient and inconsistent funding from the state.



Declining Enrollment

Fewer students mean reduced funding.



Inflation & Rising Costs

Increased costs for operations, salaries, and materials.

KEY ACTIONS FOR SUCCESS

Data Driven Voter Targeting

- Focus efforts on high-impact outreach to maximize effectiveness.
- Action: Identify key supporters and mobilize them.

Engage Broader Community Members

- These groups are less engaged because many do not have children in the district.
- Action: Implement data-driven digital marketing and strategic communications tailored to these specific demographics.

Build Trust Proactively

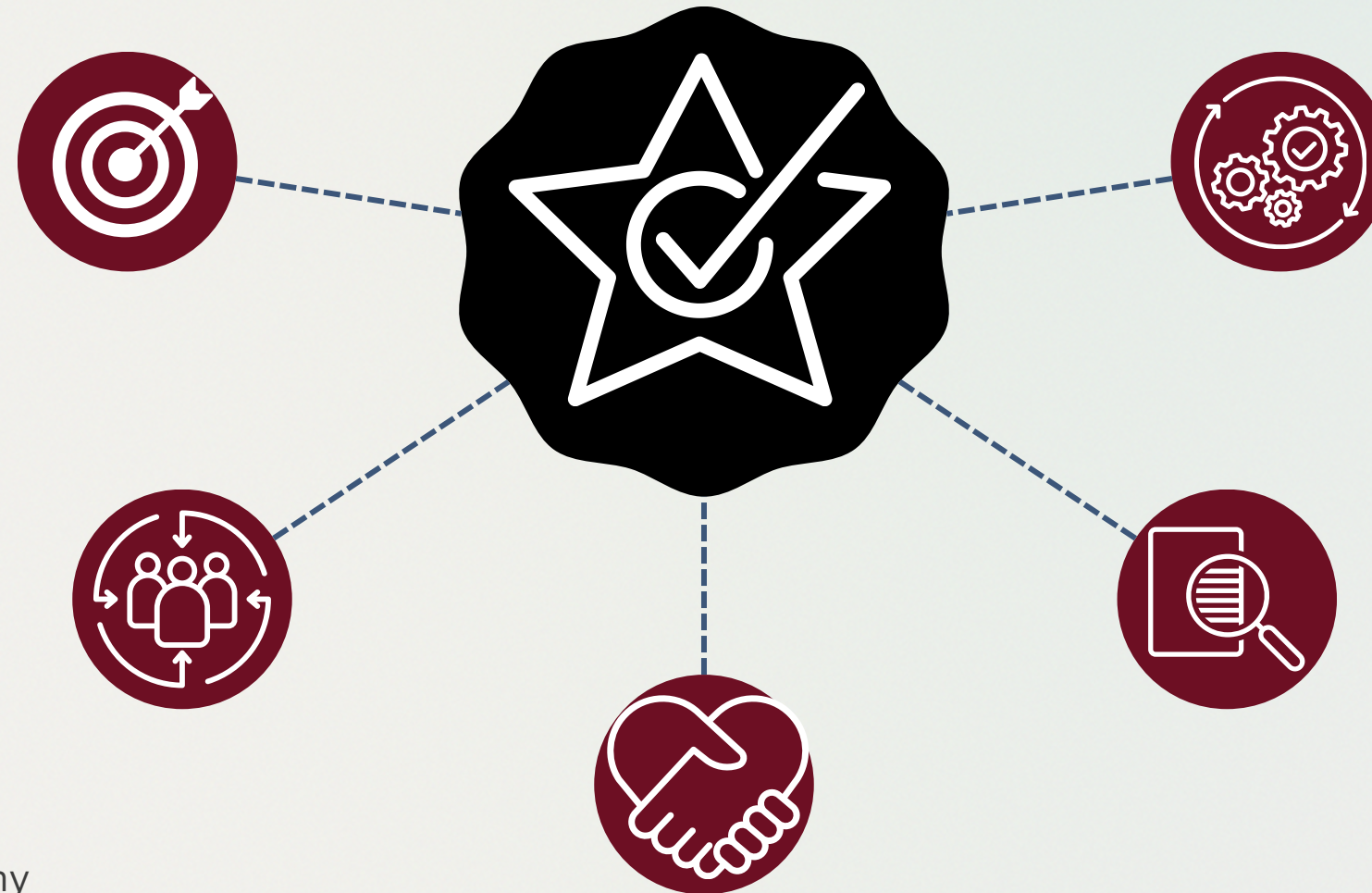
- Voters need to trust that we are responsible stewards of taxpayer dollars, making strategic decisions that prioritize students and the success of our district.
- Action: Proactively communicate budget transparency and responsible financial stewardship to strengthen voter confidence.

Efficient Resource Allocation

- Many resources were spread thin on low-impact efforts.
- Action: Prioritize high-impact outreach strategies to maximize effectiveness and ensure the best use of time and budget.

Simplify Messaging for Clarity

- Past discussions were overly complex and caused confusion.
- Action: Refine our messaging to be clear, concise, and easy to understand, ensuring voter comprehension and support.



What is at Stake if Proposition **Does NOT PASS**

- **Larger Class Sizes:** Class sizes will continue to increase beyond the current 27:1 ratio, and elementary beyond 22:1.
- **Dramatic Program Reductions:** everything is on the table.
- **Salaries and Raises:** Inability to offer competitive salaries in coming years.



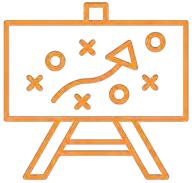
Key Considerations

- ★ This is more than just a proposition; it's an investment in our future.
- ★ Success requires collective effort; we cannot do this alone.
- ★ The stakes are too high to risk inaction.
- ★ Intentionality and strategy will drive our success.



WINNING FUTURES FOR
Kids & Communities

Our Services



Strategic *Communication*

- Communications Plan
- Key Messaging
- Branding
- Logo Development
- Facility Branding
- Media Relations

Digital *Advertising*

- Messaging
- Social Media Plans and Content Calendars
- Meta, Google, OTT/CTV, Streaming TV Ads, Video, Native, Display, Audio, DOOH, In-Game, Email, Affiliate

Data *Intelligence*

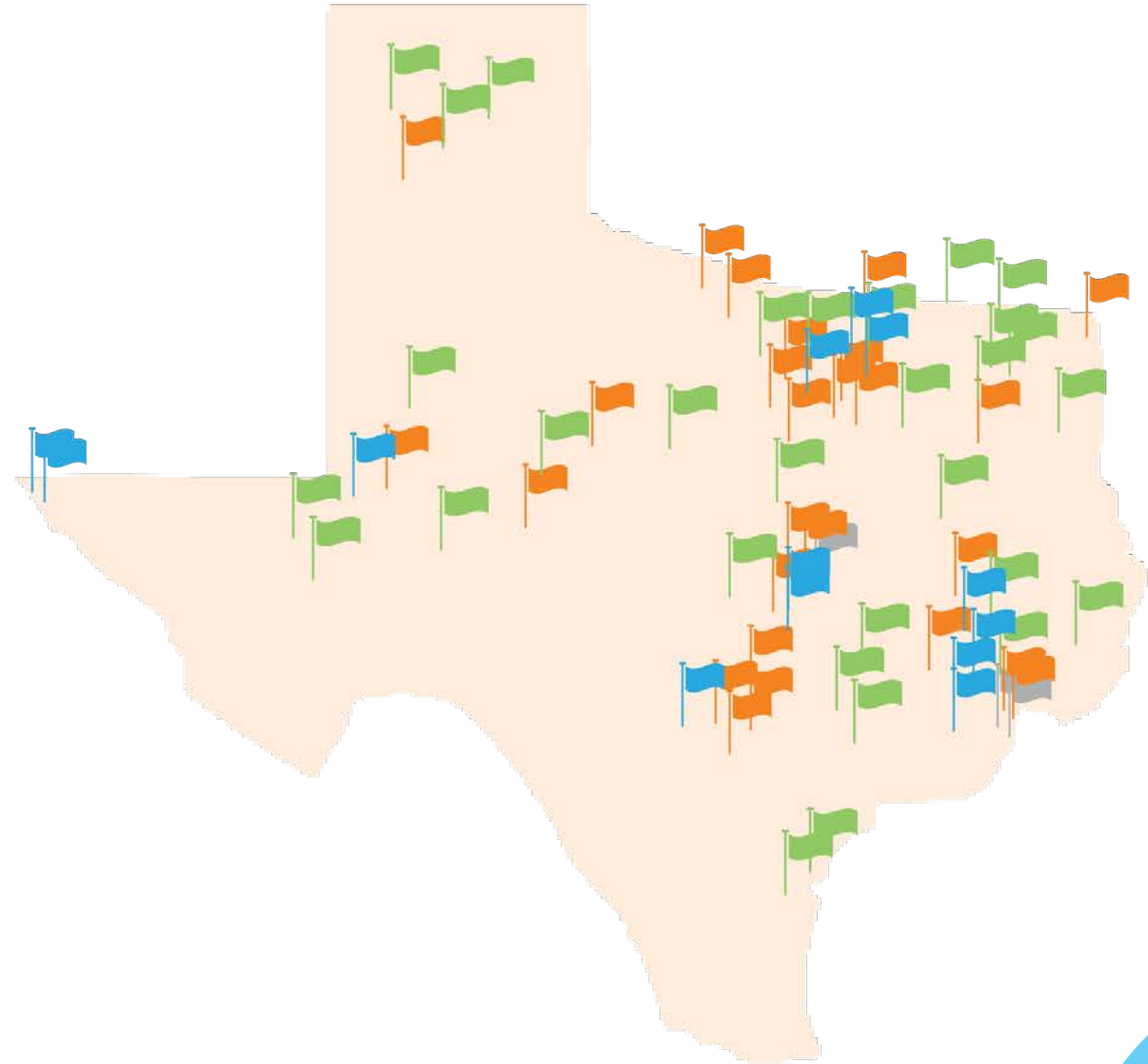
- First Party Data
- Research, Polling, Surveys & Focus Groups
- Targeting by Age, Hobbies, Interests, Geography
- Voting Analysis & Election Reporting

Campaign *Management*

- Content Marketing
- Digital & Online Media
- Direct Media
- Social Media Strategy
- Elections Communications

We Know **TEXAS**

SCHOOL DISTRICTS ENROLLMENT BY STUDENT



PROVEN *Track Record*

- 1 **Added over \$16 Billion to Schools & Communities**
- 2 **2023-24: Passed 13% of the Texas Total Dollars \$6B & 11% of all Props**
- 3 **Proven success in passing multiple Props – 92% passing rate in 14 years!**
- 4 **We have “worn all the hats” in elections**
- 5 **Our only focus is public education**

ELECTIONS ARE *Changing* **AND**
Evolving Rapidly **IN**
A HIGHLY CHARGED
POLITICAL ENVIRONMENT.

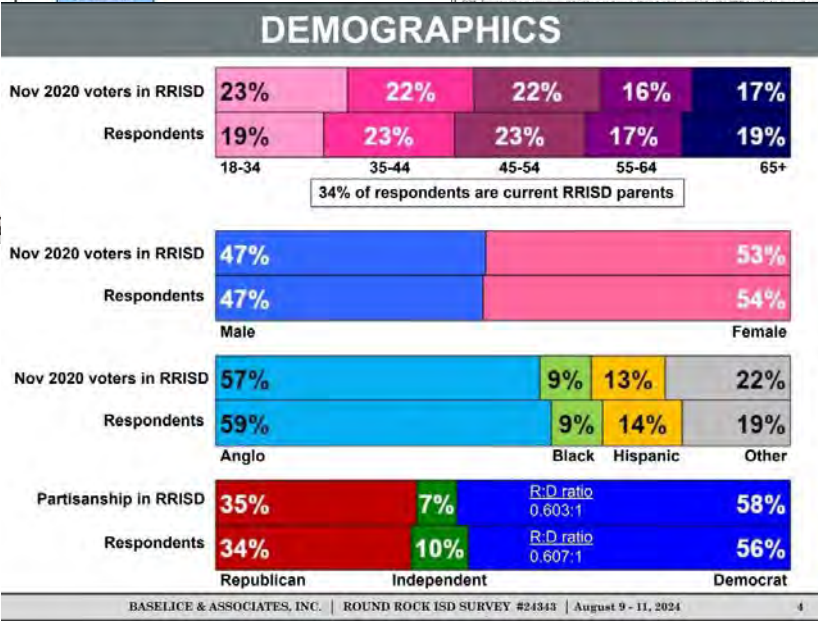
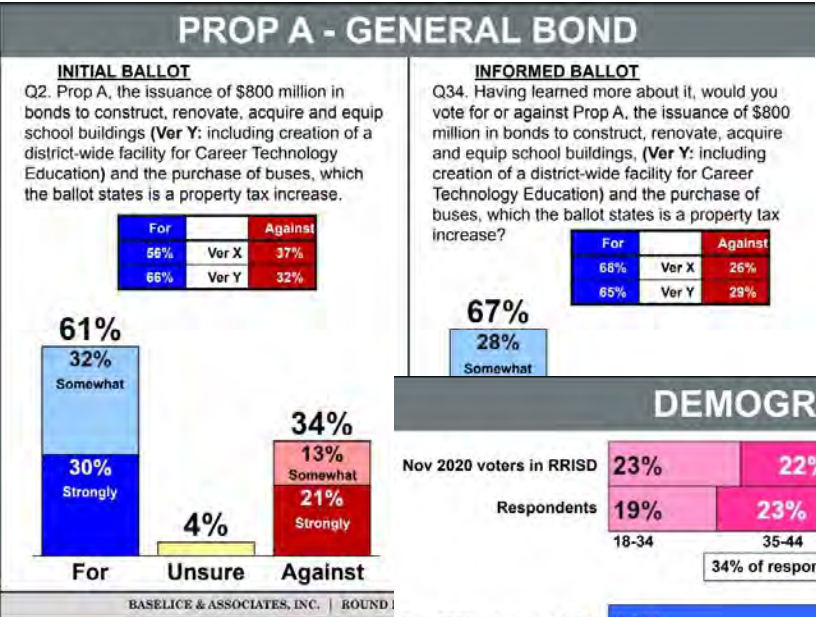


WE ALWAYS START WITH DATA

Data Analysis & Targeting



COMMUNITY OPINION Survey



CORRELATION SCORES

The top five scores are highlighted in light blue. The scores are relative measures that should be compared within a subgroup, not compared between different subgroups.

	Total Score	Ver X Score	Ver Y Score	Ver X Score	Ver Y Score	Ver X Score
Q10. There are 17 active building subdivisions in the district and another 15 future subdivisions planned and it is estimated that 500 to 600 homes will be built each year over the next several years. The bond could allow the district to acquire additional land to build additional subdivisions.	2.9	3.9	2.1	2.4	3.1	4.8
Q11. This district has been using portable classrooms to manage growth and currently operates 200 portables. However, portables have high operating costs, impact the landscape and are less secure than traditional classrooms. The bond could allow the district to replace all portables with traditional classrooms.	3.9	2.3	2.2	3.2	15.0	3.5
Q12. Ver Y: The average age of a traditional building is 20 years, and the average age of the district's portables is 27 years, which means many students are in portables that have been in use since a school was built. The bond could allow the district to replace all portables with traditional classrooms.	4.9	11.7	0.5	8.7	21.0	10.3
Q13. The average age of school buildings in the district is 20 years. The bond could allow the district to replace all portables with traditional classrooms.	7.2	1.8	7.1	5.1	9.7	10.2
Q14. The bond could allow the district to replace all portables with traditional classrooms.	4.3	4.0	5.1	9.6	9.8	14.5
Q15. The bond could allow the district to replace all portables with traditional classrooms.	3.4	2.4	9.0	4.0	5.7	0.6
Q16. The bond could allow the district to replace all portables with traditional classrooms.	5.7	2.7	6.2	3.8	2.8	5.4
Q17. The bond could allow the district to replace all portables with traditional classrooms.	2.4	3.8	2.1	1.8	2.7	8.7
Q18. The bond could allow the district to replace all portables with traditional classrooms.	3.2	3.4	7.0	0.5	0.9	6.9
Q19. The bond could allow the district to replace all portables with traditional classrooms.	1.2	0.5	1.7	1.1	1.7	1.0
Q20. The bond could allow the district to replace all portables with traditional classrooms.	1.0	16.9	9.3	2.0	3.3	5.2
Q21. The bond could allow the district to replace all portables with traditional classrooms.	1.8	1.4	3.3	6.6	16.9	5.7
Q22. The bond could allow the district to replace all portables with traditional classrooms.	2.3	1.9	1.1	0.9	1.3	3.5
Q23. The bond could allow the district to replace all portables with traditional classrooms.	1.7	0.8	3.1	7.1	6.2	0.9
Q24. The bond could allow the district to replace all portables with traditional classrooms.	10.4	1.3	10.2	10.0	9.7	2.4
Q25. The bond could allow the district to replace all portables with traditional classrooms.	1.9	5.1	3.3	6.2	2.3	9.9
Q26. The bond could allow the district to replace all portables with traditional classrooms.	0.7	11.6	4.0	3.5	5.4	2.4
Q27. The bond could allow the district to replace all portables with traditional classrooms.	2.4	3.1	5.8	5.7	5.4	0.4
Q28. The bond could allow the district to replace all portables with traditional classrooms.	3.7	12.3	2.0	5.2	5.7	13.5
Q29. The bond could allow the district to replace all portables with traditional classrooms.	2.5	5.3	3.6	1.1	2.7	1.4
Q30. The bond could allow the district to replace all portables with traditional classrooms.	16.3	14.1	16.1	20.3	22.4	6.7
Q31. The bond could allow the district to replace all portables with traditional classrooms.	0.2	-0.1	0.5	0.1	0.9	-0.1
Q32. The bond could allow the district to replace all portables with traditional classrooms.	0.1	0.2	0.0	0.1	0.5	-0.1
Q33. The bond could allow the district to replace all portables with traditional classrooms.	1.5	2.2	1.5	0.4	3.1	4.4

ND ROCK ISD SURVEY #24343 | August 9 - 11, 2024

PAST BEHAVIOR
IS THE BEST PREDICTOR OF
Future Behavior.

MARKETING *Targeting and Analysis*

ELECTION *Data*

- PARENT
- TEACHER
- SENIOR CITIZEN 65+
- BY CAMPUS
- EARLY VOTER
- POLLING LOCATION
- HIGH PROPENSITY VOTER
- VOTES BY MAIL
- NEWLY REGISTERED
- POLITICAL PARTY
- RETIRED TEACHER



MARKETING *Data*

- PARENT
- NATIVE LANGUAGE
- INTERESTS / HOBBIES
- ISD VOLUNTEER
- INCOME LEVEL
- OWN / RENT
- AGE 50+
- STUDENTS
- AGE OF CHILDREN IN HH
- PHYSICAL LOCATION (GEOFENCE)

Name, Mailing & Physical Address, Age, Gender, Home & Cell Phones, Email Address, Political Subdivision, Precinct, Campus, and Lifestyle Attributes

The **DATA COCKTAIL**





REACH YOUR *Targets*

SEGMENT + CHANNELS + MEASURE

OUR SPECIALTY *First Party Data & Analysis*

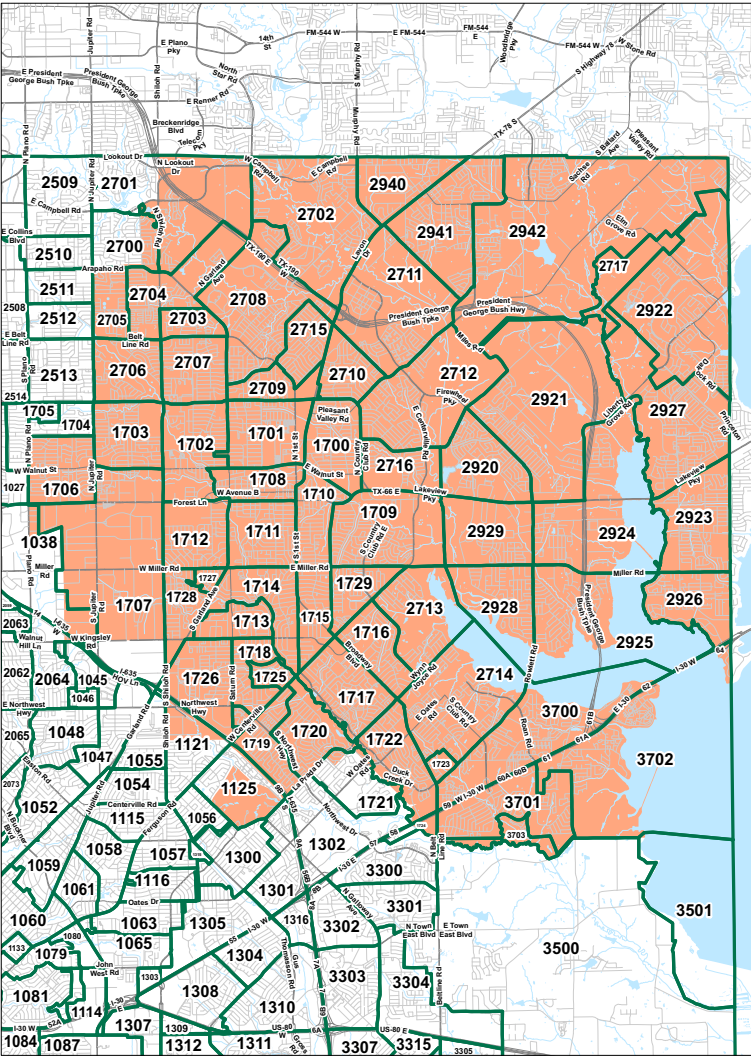
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ABS = 1 in 2022, OR 1 = 2020 - 2021, OR 3 = 2016 +



Be Strategic
ABOUT YOUR
POLLING (VOTING)
LOCATIONS.

VOTING PRECINCTS 2014
GARLAND INDEPENDENT SCHOOL DISTRICT



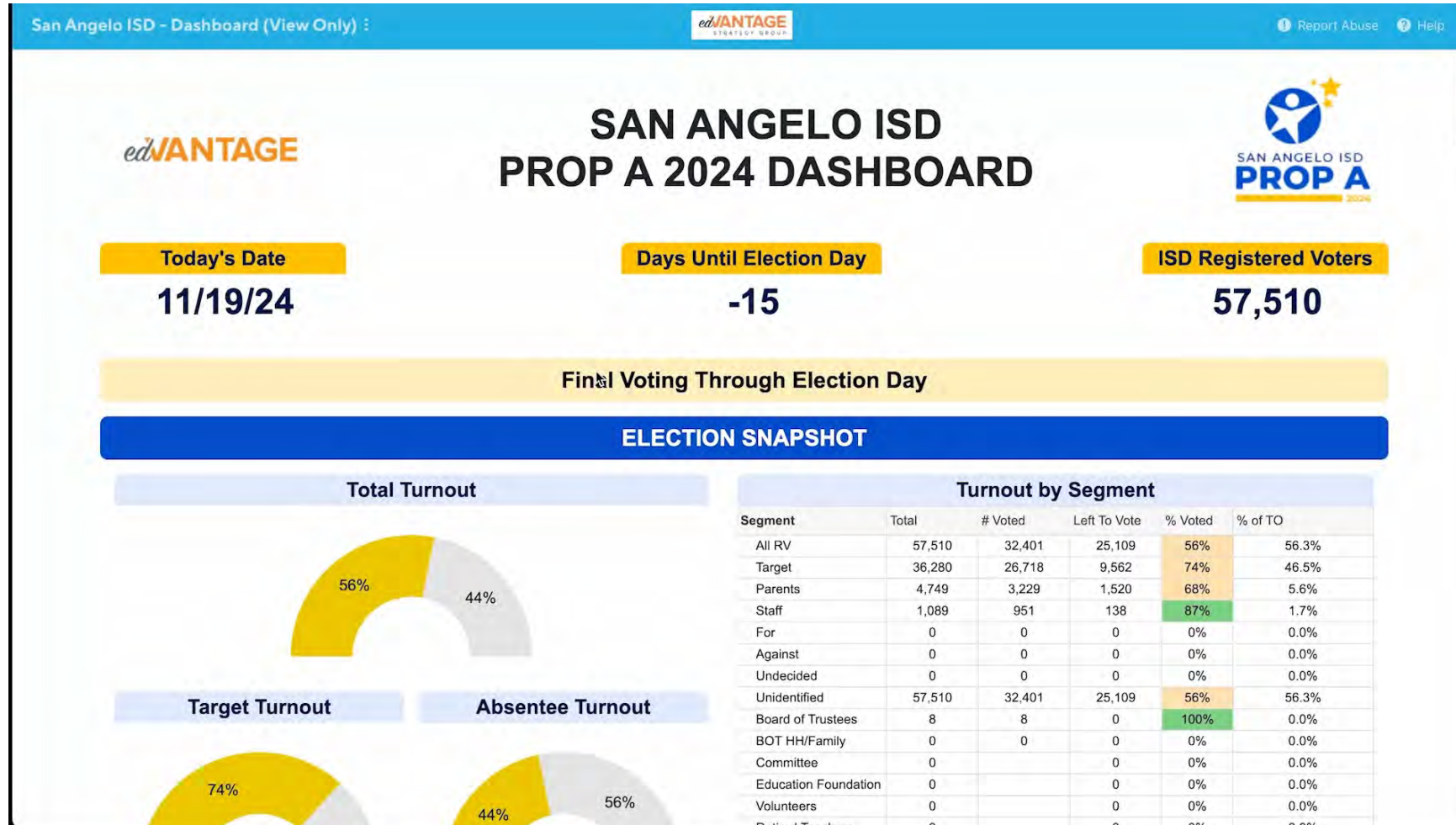
MONITOR *Turnout by Segment*

Texarkana ISD - BY DATE
Bond - 2022 November 8

COUNTY - 2022 NOVEMBER 8																														
VOTE DATE	TOTAL VOTED	AVG AGE	MAIL BALLOTS		TARGET		PARENTS		STAFF		FOR		AGAINST		UNDECIDED	AVG AGE	UNIDENTIFIED	AVG AGE	18 - 29		30 - 39		40 - 49		50 - 64		65+			
10/24/22	739	68.44	244	33.0%	699	94.6%	22	3.0%	19	2.6%	146	19.8%	23	3.1%	57	7.7%	70.37	513	69.4%	57.28	15	2.0%	26	3.5%	43	5.8%	145	19.6%	510	69.0%
10/25/22	418	64.68	-	0.0%	393	94.0%	12	2.9%	16	3.8%	84	20.1%	9	2.2%	38	9.1%	66.00	287	68.7%	64.24	9	2.2%	15	3.6%	33	7.9%	126	30.1%	235	56.2%
10/26/22	358	64.04	20	5.6%	332	92.7%	19	5.3%	17	4.7%	71	19.8%	6	1.7%	27	7.5%	65.81	254	70.9%	63.20	10	2.8%	20	5.6%	22	6.1%	108	30.2%	198	55.3%
10/27/22	361	64.68	16	4.4%	327	90.6%	20	5.5%	9	2.5%	68	18.8%	9	2.5%	29	8.0%	67.07	255	70.6%	63.70	9	2.5%	19	5.3%	24	6.6%	106	29.4%	203	56.2%
10/28/22	403	60.13	14	3.5%	353	87.6%	28	6.9%	15	3.7%	80	19.9%	12	3.0%	26	6.5%	62.77	285	70.7%	58.64	16	4.0%	36	8.9%	42	10.4%	134	33.3%	175	43.4%
10/29/22	218	51.53	-	0.0%	176	80.7%	25	11.5%	16	7.3%	29	13.3%	8	3.7%	13	6.0%	49.92	168	77.1%	50.73	25	11.5%	34	15.6%	33	15.1%	78	35.8%	48	22.0%
10/30/22	4	56.75	-	0.0%	3	75.0%	-	0.0%	-	0.0%	2	50.0%	1	25.0%	-	0.0%	0.00	1	25.0%	45.00	-	0.0%	-	0.0%	1	25.0%	1	25.0%	2	50.0%
10/31/22	334	62.53	32	9.6%	302	90.4%	14	4.2%	13	3.9%	53	15.9%	7	2.1%	23	6.9%	64.30	251	75.1%	61.46	11	3.3%	22	6.6%	26	7.8%	110	32.9%	165	49.4%
11/1/22	320	59.50	2	0.6%	282	88.1%	20	6.3%	14	4.4%	60	18.8%	7	2.2%	26	8.1%	64.27	227	70.9%	58.09	16	5.0%	24	7.5%	34	10.6%	115	35.9%	131	40.9%
11/2/22	324	60.17	16	4.9%	289	89.2%	26	8.0%	24	7.4%	56	17.3%	10	3.1%	24	7.4%	58.04	234	72.2%	60.11	16	4.9%	25	7.7%	40	12.3%	91	28.1%	152	46.9%
11/3/22	352	57.61	14	4.0%	295	83.8%	22	6.3%	18	5.1%	54	15.3%	8	2.3%	23	6.5%	55.26	267	75.9%	56.42	19	5.4%	40	11.4%	45	12.8%	116	33.0%	132	37.5%
11/4/22	552	53.46	7	1.3%	435	78.8%	52	9.4%	21	3.8%	67	12.1%	11	2.0%	43	7.8%	61.07	431	78.1%	51.79	47	8.5%	74	13.4%	99	17.9%	178	32.2%	154	27.5%
Total Early Voting	4383		365	8.3%	3886	88.7%	260	5.9%	182	4.2%	770	17.6%	111	2.5%	329	7.5%		3173	72.4%		193	4.4%	335	7.6%	442	10.1%	1308	29.8%	2105	48.0%
11/8/22	2,471	0.00	-	0.0%	1,857	75.2%	252	10.2%	75	3.0%	327	13.2%	46	1.9%	155	6.3%	59.72	1,943	78.6%	51.39	207	8.4%	397	16.1%	436	17.6%	757	30.6%	674	27.3%
Undervotes / Unidentified																														
Total Election	6854	58.27	365	5.3%	5,743	83.8%	512	7.5%	257	3.7%	1,097	16.0%	157	2.3%	484	7.1%	62.44	5116	74.6%	56.77	400	5.8%	732	10.7%	878	12.8%	2065	30.1%	2779	40.5%

	TOTAL	VOTED	LEFT TO VOTE	% VOTE
IDENTIFIED	25,260	6,854	18,406	27.1%
PARENTS	1,792	512	1,280	28.6%
STAFF	460	257	203	55.9%
FOR	2355	1,097	709	60.7%
AGAINST	553	157	396	28.4%
UNDECIDED	1,028	484	544	47.1%
TARGET	11,525	3,886	7,639	33.7%

MONITOR *Turnout by Segment*



MONITOR *Turnout by Segment*

edVANTAGE

SAN ANGELO ISD PROP A 2024 DASHBOARD



Today's Date
01/16/25

Days Until Election Day
-73

ISD Registered Voters
57,510

Voting Updated through
Friday 11/01/24

ELECTION SNAPSHOT

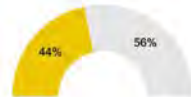
Total Turnout



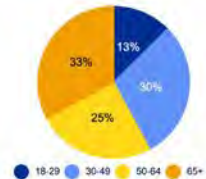
Target Turnout



Absentee Turnout



Turnout by Age



Turnout by Age

Age	Turnout	% of Age Group	% of Total Turnout	Avg Age
18-29	4,075	38%	13%	24.22
30-49	9,568	51%	30%	39.14
50-64	8,126	66%	25%	57.38
65+	10,632	67%	33%	75.00
Total	32,401	56%	100%	53.60

Turnout by Segment

Segment	Total	# Voted	Left To Vote	% Voted	% of TO
All RV	57,510	32,401	25,109	56%	56.3%
Target	36,280	26,718	9,562	74%	46.5%
Parents	4,749	3,229	1,520	68%	5.6%
Staff	1,089	951	138	87%	1.7%
For	0	0	0	0%	0.0%
Against	0	0	0	0%	0.0%
Undecided	0	0	0	0%	0.0%
Unidentified	57,510	32,401	25,109	56%	56.3%
Board of Trustees	8	8	0	100%	0.0%
BOT HH Family	0	0	0	0%	0.0%
Committee	0	0	0	0%	0.0%
Education Foundation	0	0	0	0%	0.0%
Volunteers	0	0	0	0%	0.0%
Retired Teachers	0	0	0	0%	0.0%

Turnout by Day

Voting Hour	Total	TO %
7	0	0%
8	0	0%
9	0	0%
10	0	0%
11	0	0%
12	0	0%
13	0	0%
14	0	0%
15	0	0%
16	0	0%
17	0	0%
18	0	0%
19	0	0%
Total	0	0%

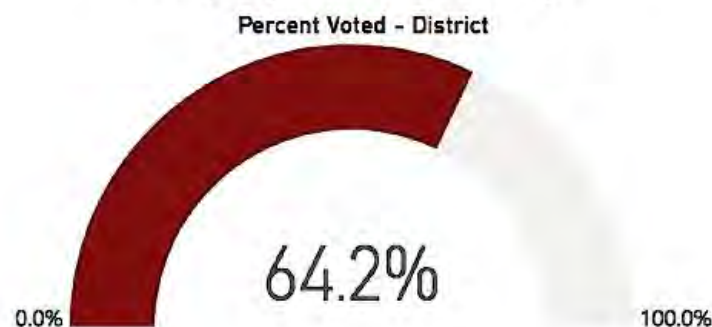
Vote Date	# Voted	Avg Age	ABS	EV
Monday 10/21/24	2,695	61.34	62	2,633
Tuesday 10/22/24	2,875	61.88	72	2,803
Wednesday 10/23/24	2,643	60.53	50	2,593
Thursday 10/24/24	2,613	58.79	83	2,530
Friday 10/25/24	2,608	55.57	44	2,564
Saturday 10/26/24	2,019	40.56	22	1,997
Sunday 10/27/24	744	50.26	0	744
Monday 10/28/24	2,271	53.93	88	2,183
Tuesday 10/29/24	1,888	52.41	16	1,872
Wednesday 10/30/24	1,738	51.72	34	1,704
Thursday 10/31/24	1,575	50.14	39	1,536
Friday 11/01/24	2,338	47.32	32	2,306
Total Early Voting	26,007	55.37	542	25,465
Election Day	6,394	46.73	0	0
Total	32,401	54.32	542	25,465
% of Turnout	100%		2%	79%

MONITOR *Staff Turnout*

District Totals

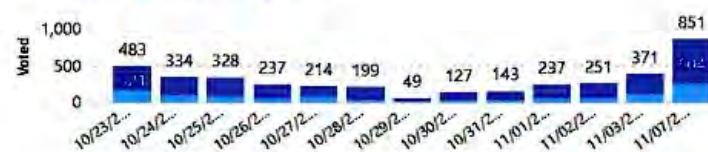
Total Registered to Vote	Registered Active	Voted	Not Voted
6,029	5,961	3,824	2,137

Employee Vote Gauge



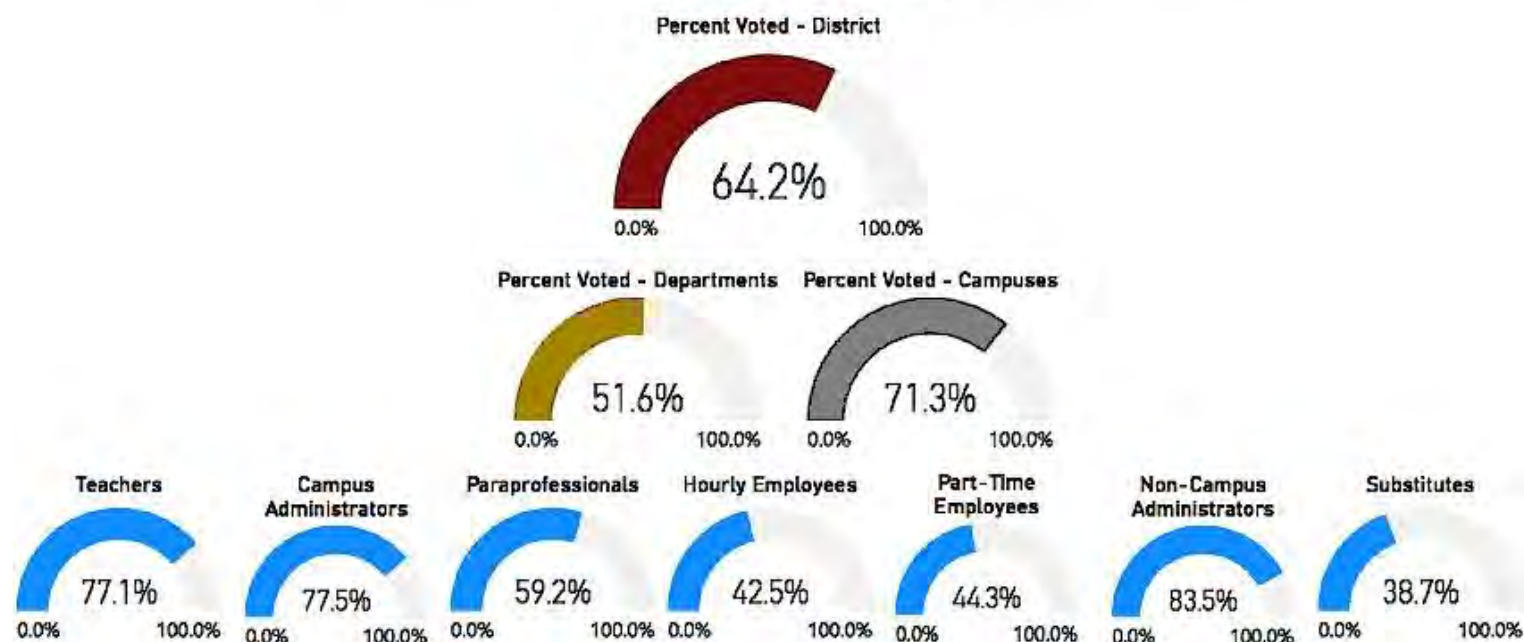
Votes by Reported Date

Campus/Dept ● Departments ● Schools



Employee Early Voting Results (November 2023)

Employee Vote Gauge



MONITOR *Turnout*

Turnout by Campus/Department

Location	# Voted	% Voted	# Not Voted	% Not Voted	Total
FTCONCHO	10	91%	1	9%	11
GLENMORE	7	70%	3	30%	10
GLENN	17	68%	8	32%	25
GOLIAD	5	63%	3	38%	8
GROUND	2	40%	3	60%	5
HDSTART	47	68%	22	32%	69
HOLIMAN	6	67%	3	33%	9
LAKEVIEW	22	88%	3	12%	25
LAMAR	16	84%	3	16%	19
LEE	20	77%	6	23%	26
LINCOLN	23	62%	14	38%	37
MAINT	15	60%	10	40%	25
MCGILL	7	78%	2	22%	9
PAYS	2	100%	0	0%	2
REAGAN	17	71%	7	29%	24
SAM HST	22	88%	3	12%	25
SAN JAC	15	75%	5	25%	20
SEC	12	92%	1	8%	13
ST RITA	6	86%	1	14%	7
SUB FOOD	9	69%	4	31%	13
SUB TCHR	343	73%	128	27%	471
TECH	7	88%	1	13%	8
TRANS	38	62%	23	38%	61
TUTORS	91	83%	19	17%	110
Total	1,039	72%	413	28%	1,452

Turnout by Voting Hour

Voting Hour	Staff	% Voted
7	0	0%
8	0	0%
9	0	0%
10	0	0%
11	0	0%
12	0	0%
13	0	0%
14	0	0%
15	0	0%
16	0	0%
17	0	0%
18	0	0%
19	0	0%
Total	0	0%

Staff Turnout by Polling Location

GET THE VOTE OUT.



OUR *Creative Side*

edVANTAGE

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CONTENT CREATION IS

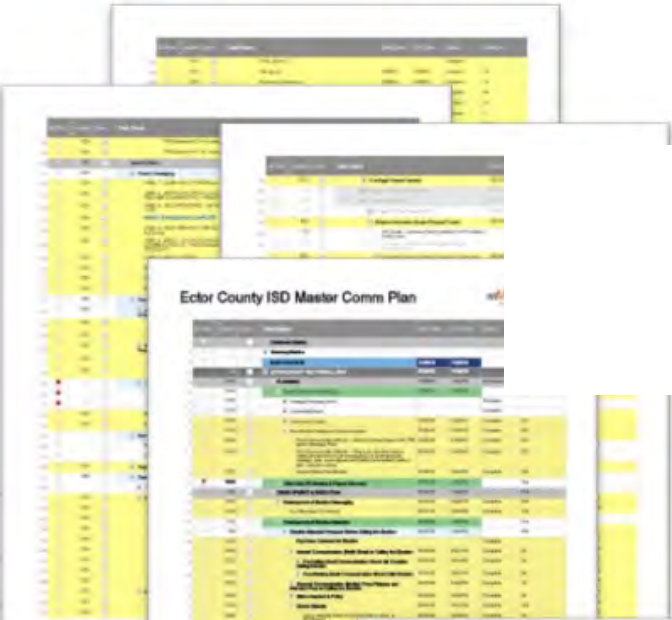
Everything

TIMELY + RELEVANT + CONSUMABLE

CAMPAIGN Dashboard



CAMPAIGN Plan

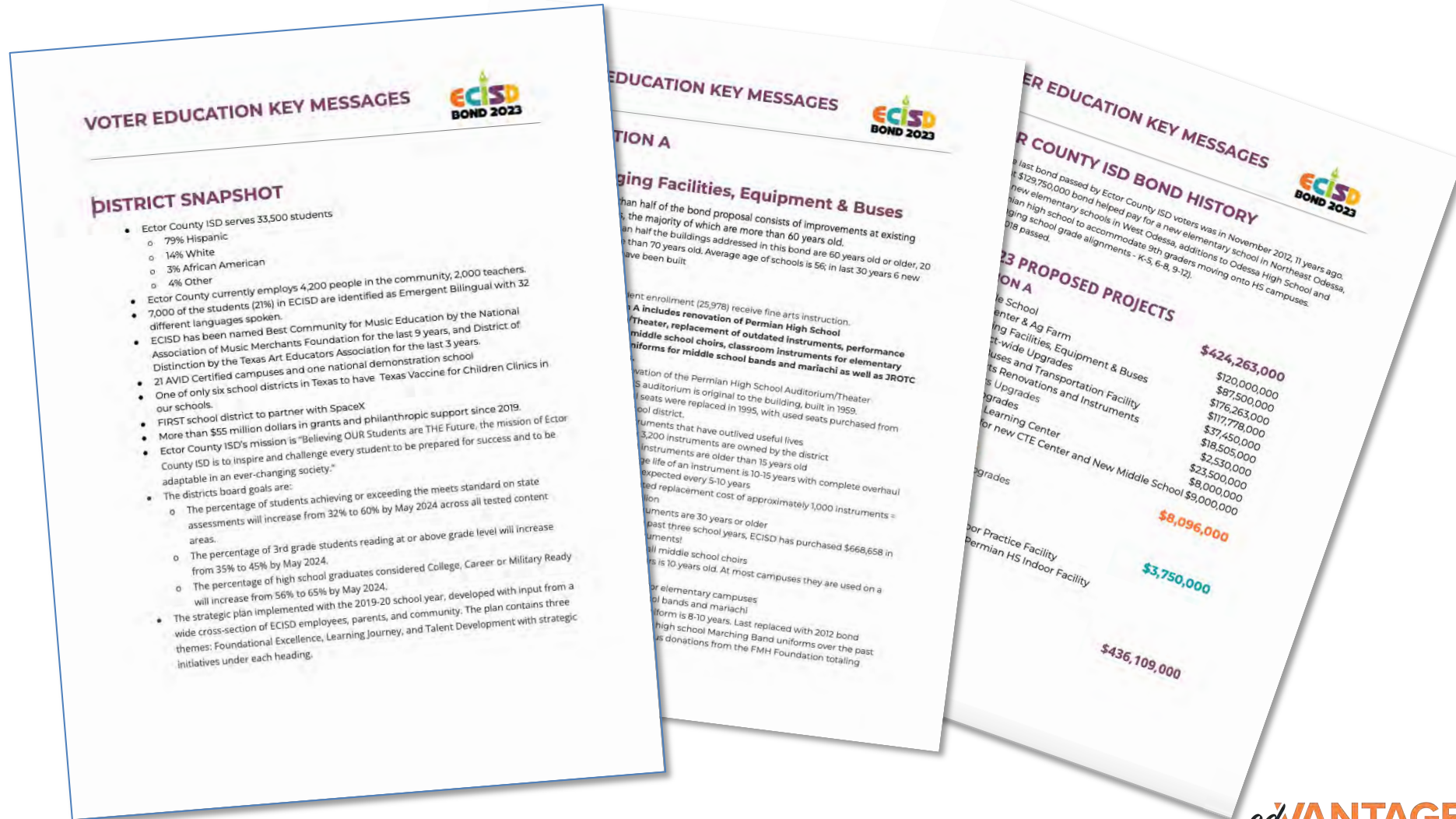


WEEKLY Reports



RESOURCE Library

PUT THE FOCUS *on Messaging*



SCHOOL DISTRICT ELECTIONS

ARE ABOUT

Teaching & Learning

REMOVING BARRIERS + CREATING OPPORTUNITIES

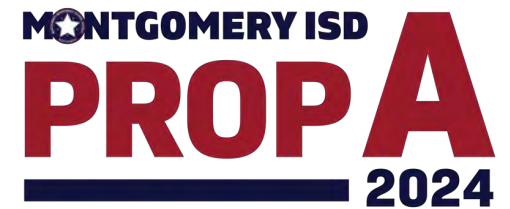
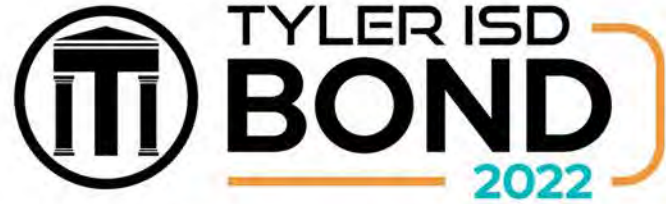
PROBLEMS / SOLUTIONS

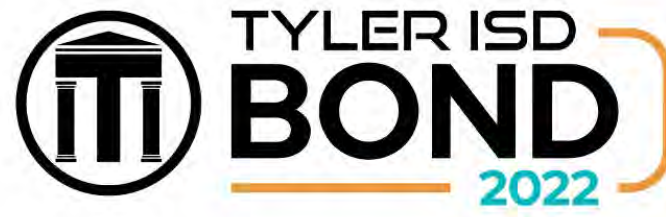
IMPLEMENT THE *Creative Strategy*

DIGITAL	Digital Ads, Social Media, District & Campus Websites, Email, Texts
PRINT	Direct Mail to Target Audience, Backpack Handouts, Push Cards, Stickers, Billboards, Posters, Campus Signs
ISD CHANNELS	School Messenger, Marquee Messages
OTHER	Earned Media, Local Childcare Agencies and Facilities, Medical Offices



DESIGN SAMPLES



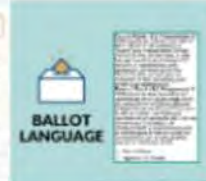
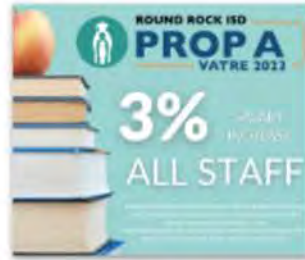




ROUND ROCK ISD PROP A

VATRE 2023

Explainer Video



Public Forums

Voting Information



6x9 Push Card

PROP A Funding Priorities

INCREASE PAY TO RECRUIT & RETAIN HIGH QUALITY TEACHERS AND STAFF

FUND STATE SAFETY MANDATE FOR ADDITIONAL SECURITY PERSONNEL

Early Voting
October 23 - November 3

Election Day
November 7

Connect
fortbendisd.com/VATRE

Early Voting October 23 - November 3 | Election Day November 7

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
OCTOBER 23 EARLY VOTING 7:00am - 7:00pm	OCTOBER 24 EARLY VOTING 7:00am - 7:00pm	OCTOBER 25 EARLY VOTING 7:00am - 7:00pm	OCTOBER 26 EARLY VOTING 7:00am - 7:00pm	OCTOBER 27 EARLY VOTING 7:00am - 7:00pm	OCTOBER 28 EARLY VOTING 7:00am - 7:00pm	OCTOBER 29 EARLY VOTING 7:00am - 7:00pm
OCTOBER 30 EARLY VOTING 7:00am - 7:00pm	OCTOBER 31 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 1 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 2 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 3 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 4 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 5 EARLY VOTING 7:00am - 7:00pm
NOVEMBER 6 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 7 ELECTION DAY 7:00am - 7:00pm					

AGES 65 & Older \$0 TAX IMPACT
OVER FROZEN DOLLAR AMOUNT

Connect
fortbendisd.com/VATRE

Early Vote Mailer

PROP A Funding Priorities

INCREASE PAY TO RECRUIT & RETAIN HIGH QUALITY TEACHERS AND STAFF

FUND STATE SAFETY MANDATE FOR ADDITIONAL SECURITY PERSONNEL

Early Voting
October 23 - November 3

Election Day
November 7

Connect
fortbendisd.com/VATRE

Early Voting Poster

FORT BEND

INDEPENDENT SCHOOL DISTRICT

Handout

PROP A Funding Priorities

INCREASE PAY TO RECRUIT & RETAIN HIGH QUALITY TEACHERS AND STAFF

FUND STATE SAFETY MANDATE FOR ADDITIONAL SECURITY PERSONNEL

Early Voting
October 23 - November 3

Election Day
November 7

Connect
fortbendisd.com/VATRE

Over 65 6x11 Mailer

PROP A Funding Priorities

INCREASE PAY TO RECRUIT & RETAIN HIGH QUALITY TEACHERS AND STAFF

FUND STATE SAFETY MANDATE FOR ADDITIONAL SECURITY PERSONNEL

Early Voting
October 23 - November 3

Election Day
November 7

Connect
fortbendisd.com/VATRE

PROP A

INCREASE PAY TO RECRUIT & RETAIN HIGH QUALITY TEACHERS AND STAFF

FUND STATE SAFETY MANDATE FOR ADDITIONAL SECURITY PERSONNEL

Early Voting October 23 - November 3 | Election Day November 7

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
OCTOBER 22	OCTOBER 23 EARLY VOTING 7:00am - 7:00pm	OCTOBER 24 EARLY VOTING 7:00am - 7:00pm	OCTOBER 25 EARLY VOTING 7:00am - 7:00pm	OCTOBER 26 EARLY VOTING 7:00am - 7:00pm	OCTOBER 27 EARLY VOTING 7:00am - 7:00pm	OCTOBER 28 EARLY VOTING 7:00am - 7:00pm
OCTOBER 29 EARLY VOTING 12:00pm - 6:00pm	OCTOBER 30 EARLY VOTING 7:00am - 7:00pm	OCTOBER 31 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 1 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 2 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 3 EARLY VOTING 7:00am - 7:00pm	NOVEMBER 4
NOVEMBER 5	NOVEMBER 6	NOVEMBER 7 ELECTION DAY 7:00am - 7:00pm				

For polling times and locations:
fortbendisd.com/VATRE

AGES 65 & Older \$0 TAX IMPACT

OVER FROZEN DOLLAR AMOUNT

For more information visit
fortbendisd.com/VATRE

MONTGOMERY ISD PROP A 2024

Push Card



Outdoor Sign



Yard Signs



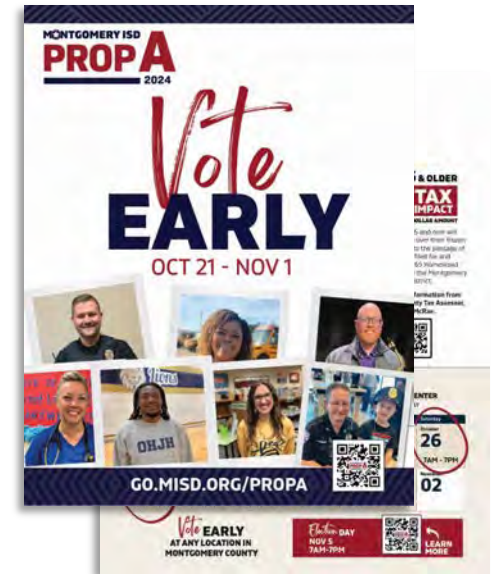
Poster



Handout



Early Mailer



Over 65 Mailer



Sticker





Push Card



Yard Signs



Poster



Handout



Early Mailer



Over 65 Mailer



Sticker

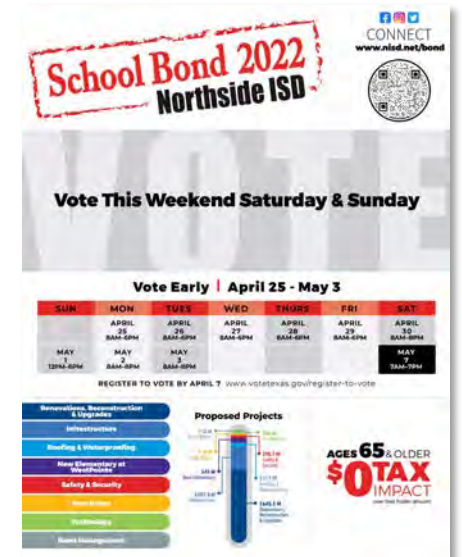


School Bond 2022 Northside ISD

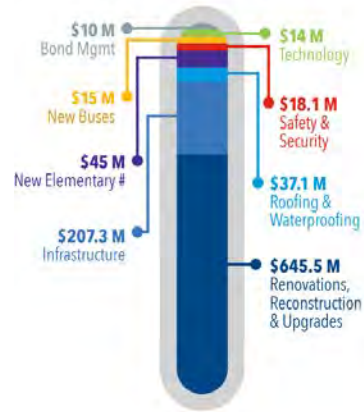
Yard Signs



Vote Early



Proposed Projects



Infographics

School Bond 2022 Northside ISD

DO...

- GET TO KNOW THE BOND PROPOSAL**
Talk about it with family, friends, etc. include the scope of your professional duties and when you are not asked as a representative of the district, after which you can express a position.
- UNDERSTAND THE PROCESS**
The process was developed by a committee of community members and district staff after months of work.
- SHARE THE FACTS**
Educate yourself with factual bond information any time you want.
- ENCOURAGE PEOPLE TO VOTE**
Encourage people to vote.
- KNOW BOND INFORMATION RESOURCES**
What to call, what content is online, available print materials, etc.
- VOTE**
As a registered voter, it is your privilege to make your voice heard.

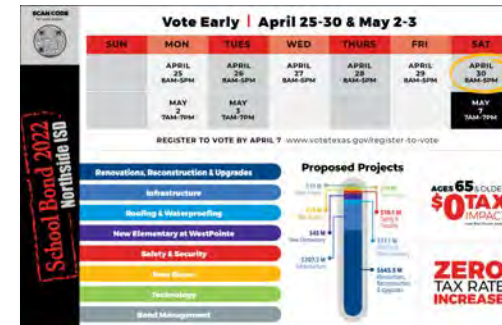
DON'T...

- ADVOCATE DURING WORK HOURS**
You live them facts only.
- SPEND OR AUTHORIZE THE USE OF DISTRICT MONEY FOR POLITICAL ADVERTISING**
- CONDUCT POLITICAL ADVERTISING USING DISTRICT-OWNED RESOURCES**
Includes creating or forwarding printed or phone messages, emails, printed materials, etc.
- CONDUCT POLITICAL ADVERTISING ON DISTRICT PROPERTY**
Any use of district property or any bond literature should be not campaign or political literature.
- BE AVOID TO SHARE FACTUAL INFO**
Talk about the bond and share your opinion on the facts, but only advocate after hours.

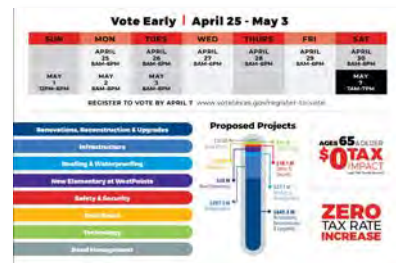
ROLE OF TEACHER
When a school bond is on the ballot, district employees are not allowed to campaign for or against the bond. District employees should not use district resources to promote or oppose the bond. District employees should not use district resources to promote or oppose the bond. District employees should not use district resources to promote or oppose the bond.

WHAT IS POLITICAL ADVERTISING?
It is any communication that is intended to influence the outcome of an election. This includes any communication that is intended to influence the outcome of an election. This includes any communication that is intended to influence the outcome of an election.

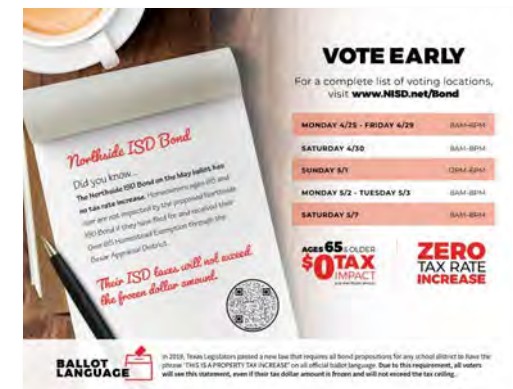
Ethics Card



Handout



Push Card



Over 65 Mailer



Outdoor Signs



Posters



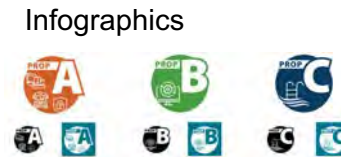
Stickers



CI Bond 2023 Ad



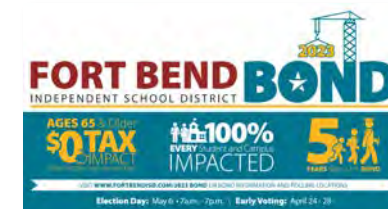
Ethics Card



Infographics



Yard Signs



Push Card



Videos



Handout



Mailers

ALDINE ISD BOND 2023

Yard Signs



Fine Arts Mailer



Infographics

Roll Up Banner

Push Cards

Early Voting Poster



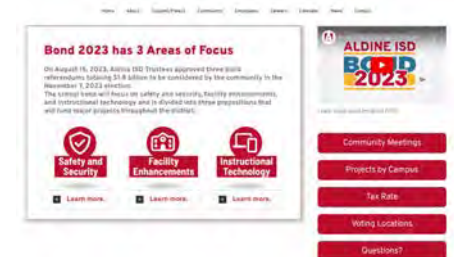
Early Vote Mailer



Over 65 Mailers



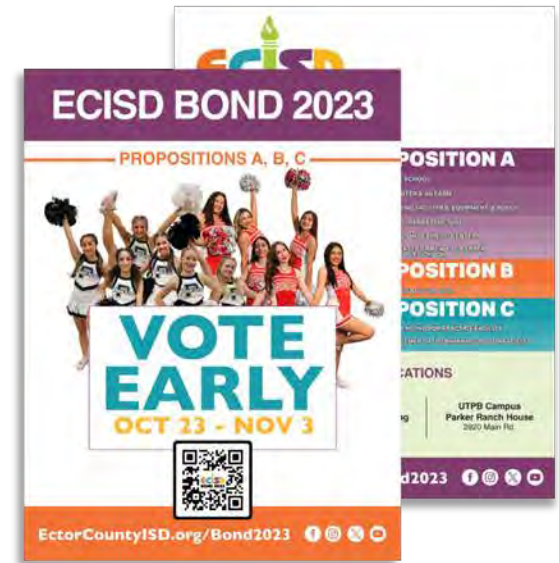
Large Signs



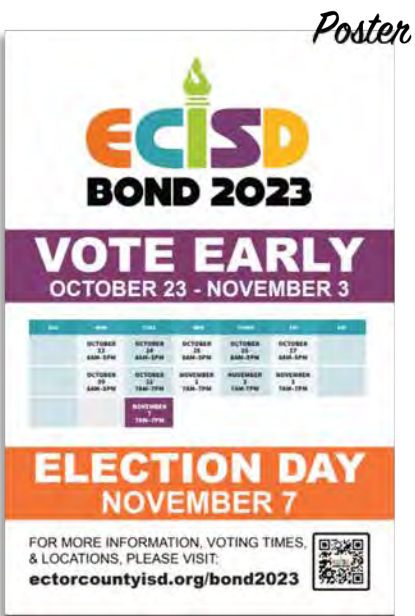
Website



Ector County ISD

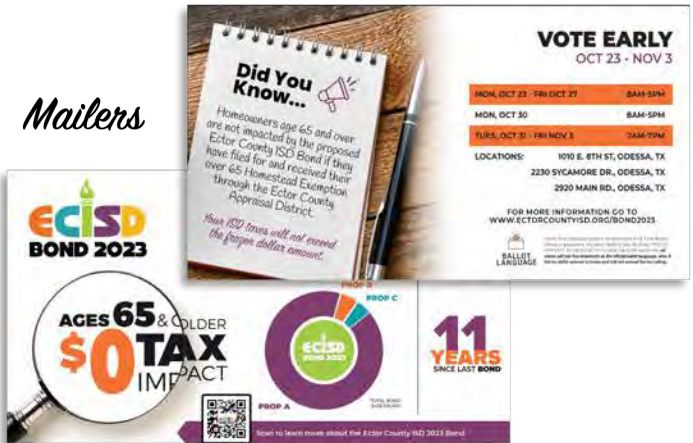


Second Mailers



Poster

Outdoor Signs



Mailers



Push Card



Handout

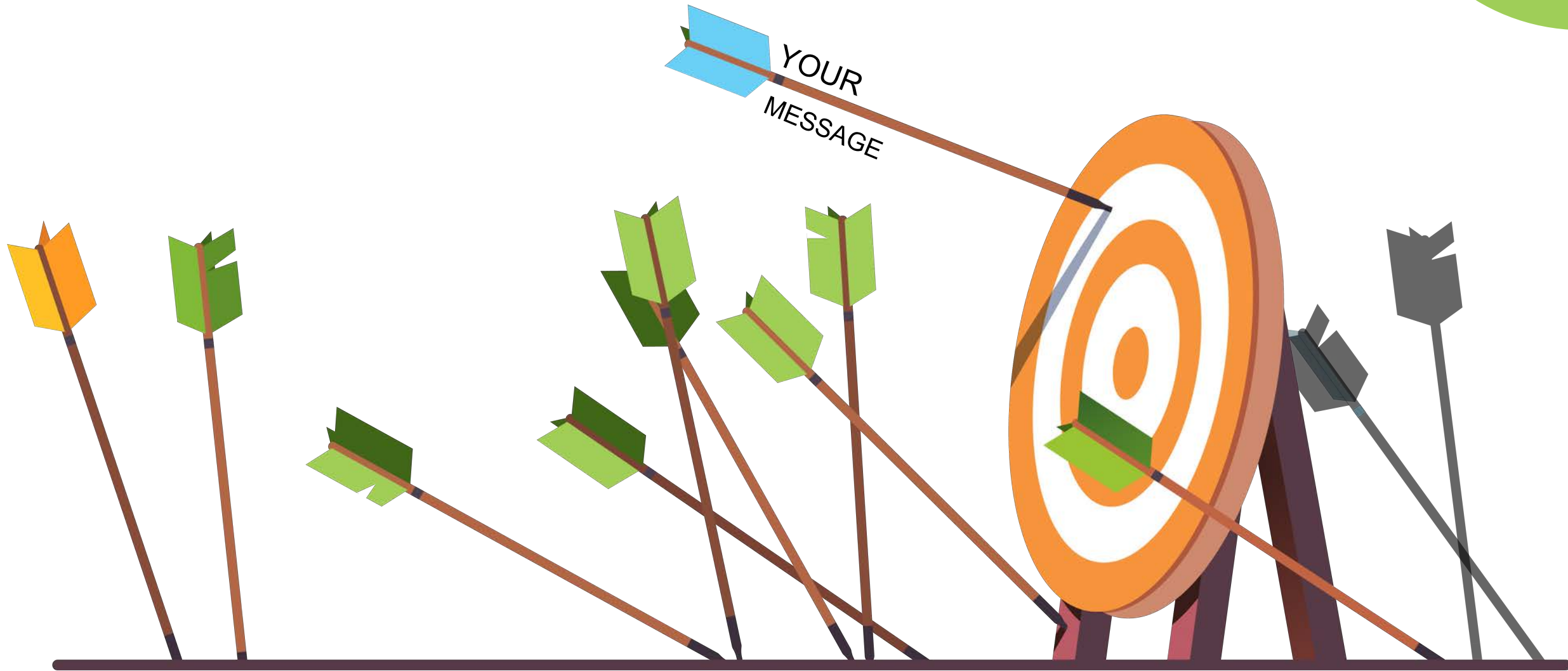


Video / Creative

Behind the scenes



REACHING *The Unreachable*



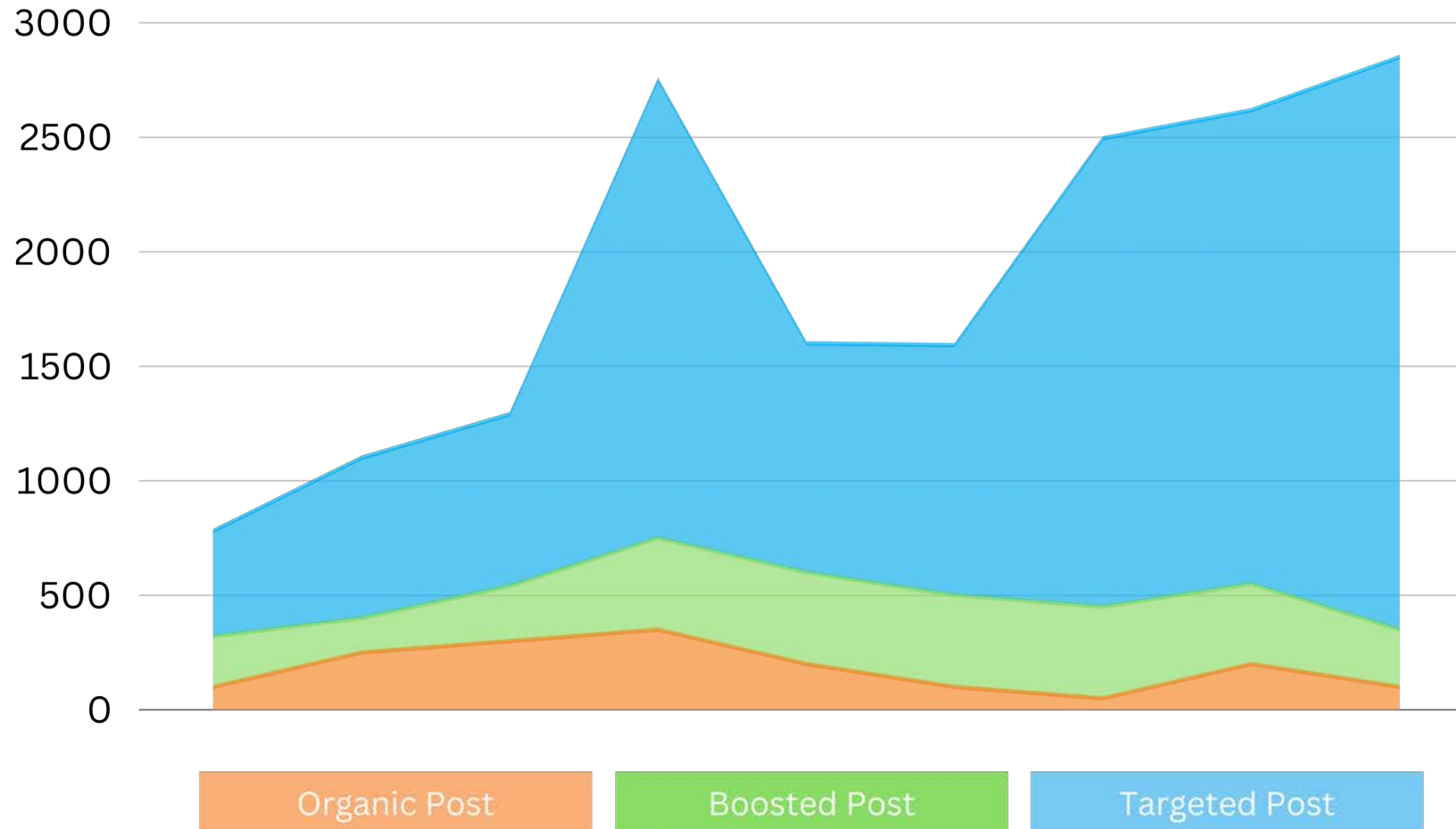


5.2%

AVERAGE REACH OF ORGANIC POST

SOCIAL MEDIA *Posts*

ORGANIC vs BOOSTED vs TARGETED



SOCIAL MEDIA Posts

Bond Program - General



Prop A



Prop B



Prop C



Prop D



CTE / Safety & Security



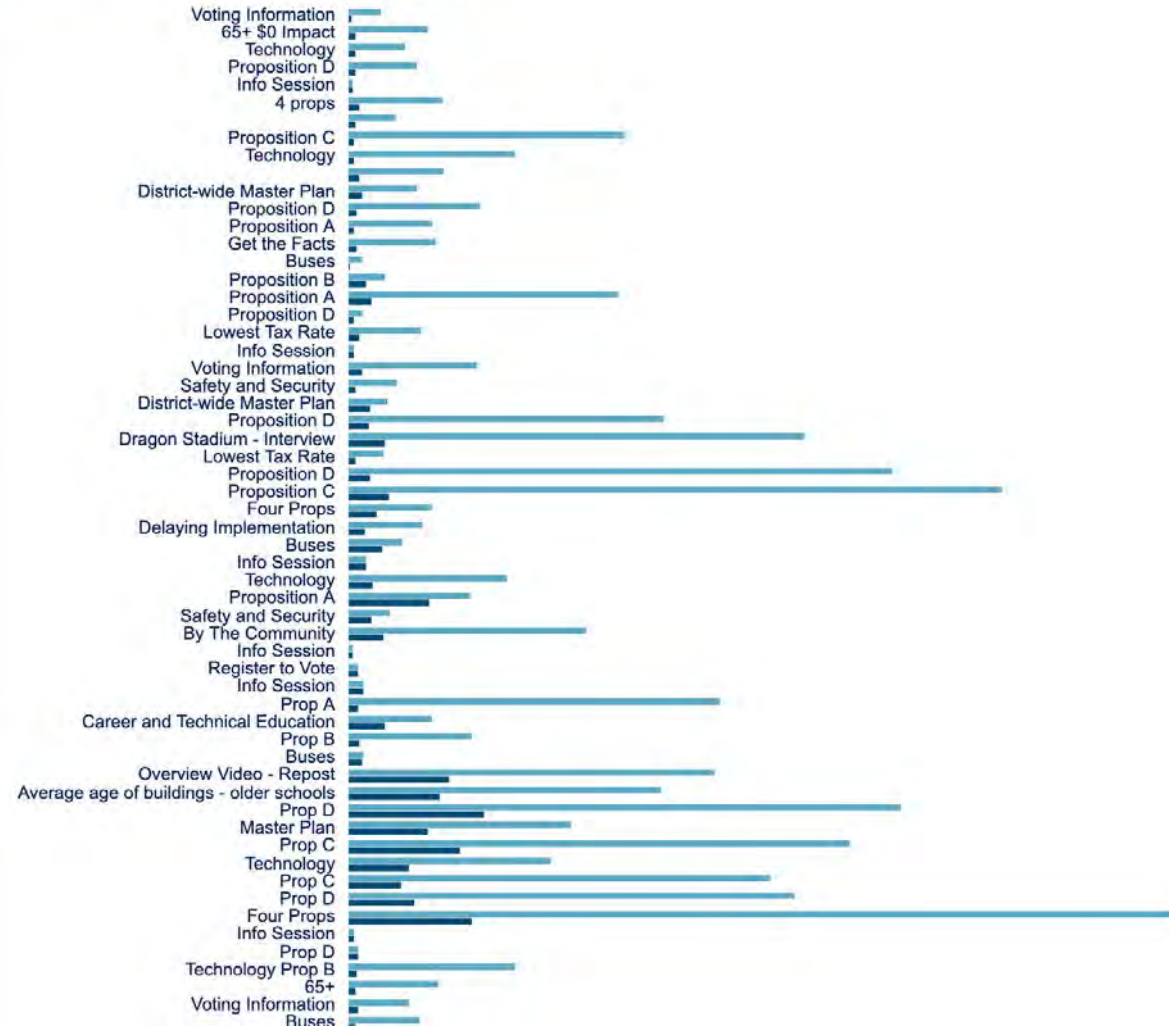
Voting Information



META AD Performance

150%
AVERAGE
INCREASE
ENGAGEMENT

ALL SOCIAL MEDIA POSTS



WHAT IS *Digital Advertising?*

Digital Ads deliver specific content for specific individuals on specific channels on specific devices at specific times.

GOOGLE	NATIVE	CTV	IN-GAME
SOCIAL MEDIA	VIDEO	OTT	EMAIL
VIDEO	AUDIO	DOOH	AFFILIATE

A MOVE Across Generations

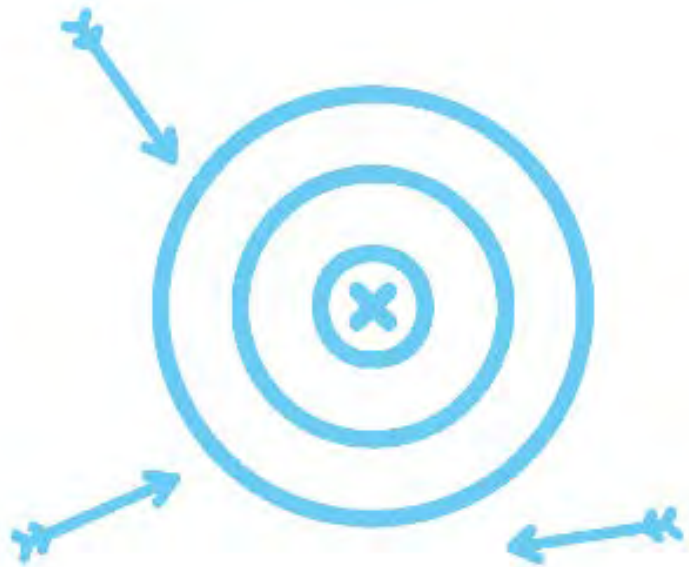
PARENTS VOTERS	Generation	2020	2021	2022	2023	2024	2025
	Gen Z (1997-2012)	64%	68%	72%	76%	80%	82%
	Millennial (1981-1996)	78%	82%	84%	85%	86%	87%
	Gen X (1965-1980)	76%	78%	78%	78%	77%	77%
VOTERS	Baby Boomer (1946-1964)	34.10%	49.10%	48.20%	46%	46%	45%

% of generation that uses CTV

Gen Z, Millennials, and Gen X make up 62% of the US population. 80% of them use CTV

The Boomer generation is also increasingly on CTV

Source eMarketer



98%

of districts we
work with have
never used

Digital Targeting

Eight display ads were used in a digital advertising campaign highlighting key campaign messages. All registered voters were used as a target audience.

Mobile Banner



Five 15-30 second Ads were used in a CTV/OTT advertising campaign highlighting key campaign messages. All registered voters were used as a target audience.

Safety and Security



Average Age of Buildings



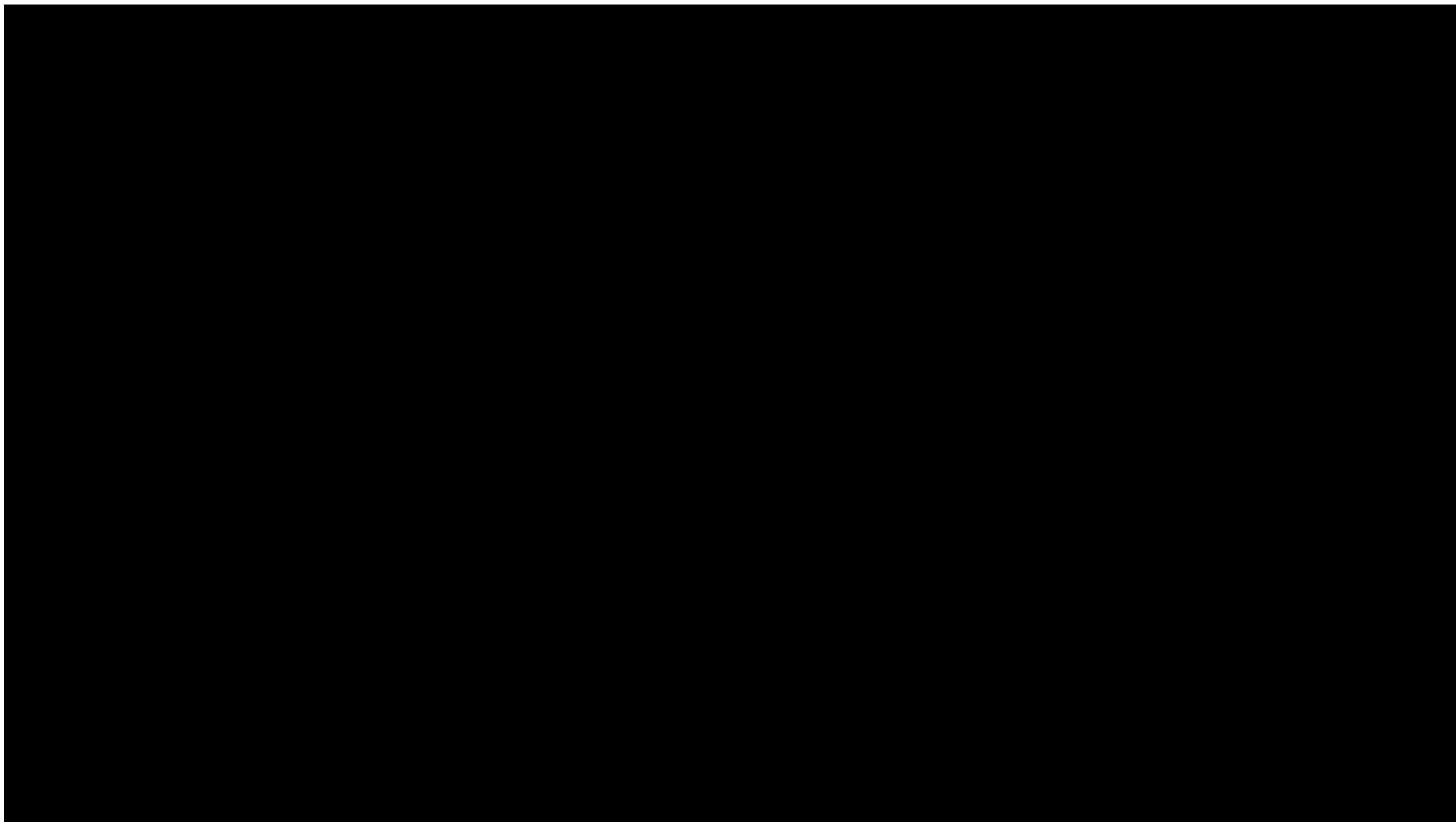
Average Age of Portables



Energy Efficiency



Career and Technical Education



NATIONAL *Award-Winning Work*



*Best Online Video for
Special Elections*

Best OTT/CTV Ad

TRUSTEES *Can Do*

- 1 **Board Workshop – ethics, social media & messaging**
- 2 **Presentations & Events – Attend training. Be visible!**
- 3 **Voter Contact – Calls, Texts & Canvassing**
- 4 **Work the Polls**
- 5 **Engaging with PAC activities**

The background of the slide is a photograph of a classroom, overlaid with a semi-transparent orange filter. In the foreground, a student is seated at a desk, working on a laptop. In the background, other students are visible, also working on laptops. A sign on the wall reads 'CODING KIDS'.

For many school districts,
**AN ELECTION DECIDES
THEIR FUTURE.**

92%

150+ Propositions Over 14 Years



WINNING FUTURES FOR
Kids & Communities



PROPOSAL FOR SERVICES

Prepared for Garland ISD

Marketing & Communications Proposal

Prepared for Garland Independent School District

Situational Analysis

Garland Independent School District Board of Trustees is preparing to call a Tax Ratification Election for November 2025. The district is also positioning to be a destination district for staff and students and aims to strategically maximize all available channels to target its audiences. As a public relations firm specializing in serving K-12 School Districts, we appreciate the opportunity to submit a Proposal for our marketing and communication services in order to serve the GISD Trustees, Superintendent, District Executive Leadership Team, and Staff.

Campaign Objective

Garland ISD intends to create awareness of GISD's financial position, instructional programs, facility needs, and strategic goals through community engagement and messaging that ultimately educates voters to participate in an election.

Our Proposal

As your communication strategy partner, edVANTAGE Strategy Group can help GISD navigate the marketing and elections landscape. We can help your communications team:

- create consistent messaging;
- target and reach key audiences;
- collect data and track campaign KPI's;
- and strengthen the GISD brand and increase awareness.

We welcome the opportunity to work alongside the GISD team on these communication campaigns.

Our Expertise in Education



Navigating an election process in today's ever-changing, digitally rich world requires targeted communications and defined messaging. Working with short timelines and utilizing various layers of media, we help you educate voters to create awareness, engagement, and ultimately mobilization. Our team helps you respond to the community and the media when questions - or crisis - arise. From training Board members to branding to press releases and social media content, our expertise supports you through the election and beyond.

VATRE elections require a deeper understanding and knowledge of the elections process, election laws, and how to message complicated topics, such as public-school finance, educational programs, and most importantly, the impact of passing or not passing a VATRE and its effect on teaching and learning.

Our team of experts at edVANTAGE Strategy Group, a Texas-based PR firm specializing in branding and campaign management, has more than 57 years of combined experience in K-12 education.

Who We Are

edVANTAGE specializes in the Education Industry delivering strategic communications, public relations, branding, crisis management, and marketing services to public school districts across the country. Our team takes pride in working on key initiatives that elevate public education and shine a spotlight on students and educators. We work on all types and sizes of projects for districts in the largest cities to the smallest communities. Most of our work has been in the great state of Texas where we are headquartered, but we have a national reach.

We love serving and working alongside the public sector. With a team of professionals with 57-plus combined years of community and public service experience, along with non-profit leadership as parents and community members, we understand how local school systems, businesses, and communities work together to build a foundation and a future for children. Our successful strategies have added over \$16 billion into over 100 public schools and cities - dollars that have improved teaching and learning environments for students, teachers and the community. Over the last fourteen years, we have passed 96% of all Propositions!

edVANTAGE Strategy Group

PROPOSAL FOR MARKETING & COMMUNICATIONS SERVICES

Total Base Fee: \$287,410

- Nine months project management
- Weekly team meetings for 8 months
- Creative services including messaging, print, website, graphics design & video
- Digital and social advertising with 45 days average reach,
- Social media plans with Meta Business Account/Ad Manager set up & training on social media schedule
- Community opinion survey
- Community committee design & planning
- Cell phones/emails for all GSD Registered Voters (30-40% match rate)
- Final analysis & Summary Report with debrief meeting

Option 2 Add-on Fee: \$115,500

Digital Advertising to all Registered Voters (212,000) and Target Voter Universe (55,000) for 60 days maximum reach September to November 2025 – Meta Social Media, Google & Display/Programmatic and OTT/CTV Streaming Apps

(Option 1 includes \$82,500 for 45 days for average reach)

Option 3 Add-on Fee: Community Committee Facilitator = \$23,000

TOTAL PROPOSAL 1 MARKETING & COMMUNICATIONS: \$425,910

- All travel and reimbursable expenses included.
- District pays for printing and postage. Direct mail costs (printing and postage) can be added if the district wants to outsource.
- Texting services can be added to this Proposal once the marketing segments are built. Costs can be included in the contract once the target audience lists are created and estimates can be completed for the plan.

PROPOSAL 2: GARLAND ISD DIGITAL & SOCIAL MEDIA ADVERTISING - BRAND UPLIFT + TARGETED STAFF / STUDENT RECRUITING + BOND UPDATES BY CAMPUS/GEO LOCATION:

STAFF / STUDENT RECRUITING:

- Up to \$15,000 of social and digital advertising per month for 12 months = \$180,000
- OR actual projected cost of each campaign based on targeted audience, number of flights (cycles) and timing of flights. To be determined.

Proposal 2 does not include the production of any creative content or collateral other than review. The cost of creative development can be added to the scope of work at any time thru a contract amendment. Proposa 2 does not include the cost of project management, messaging creative services, texting services, email services, printing, postage or direct mail.

ELEVATING *Excellence*



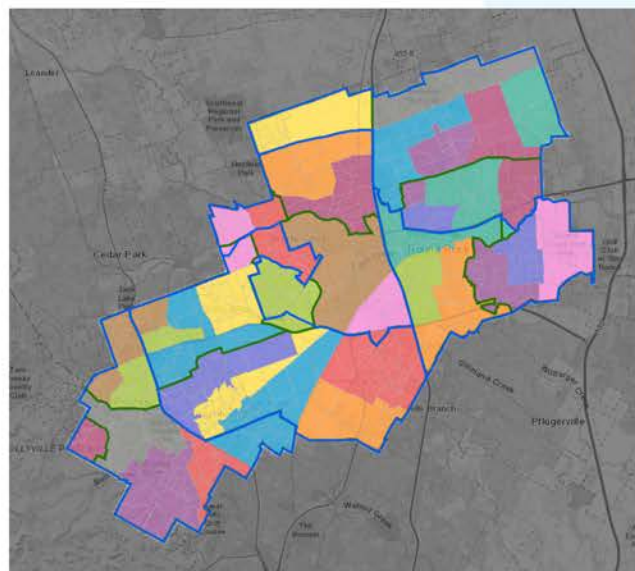
How Round Rock ISD's
Digital Ads Transformed
Outreach and Increased
Brand Lift



Round Rock ISD *Landscape*

Round Rock ISD faced a pivotal moment as it worked to secure critical funding for the district's future through two major elections: a VATRE campaign in November 2023 and a \$998 million bond election in November 2024. Having not passed a bond since 2018, the district faced the challenge of re-engaging its community while addressing both immediate and long-term needs. RRISD had to understand the vast differences in voter turnout in each election cycle to insure voters received ongoing, consistent, relevant messaging during the voter education period.

By partnering with edVANTAGE, Round Rock ISD embraced cutting-edge digital strategies to maximize outreach, foster meaningful connections, and achieve lasting brand lift. This case study highlights the district's journey to success, showcasing the innovative tactics and measurable results that set them apart.



DIGITAL ADVERTISING

Social Media Plans

Messaging

Geo-targeting

Meta, Google, OTT/CTV & Streaming Ads

Display Ads

In-game Ads

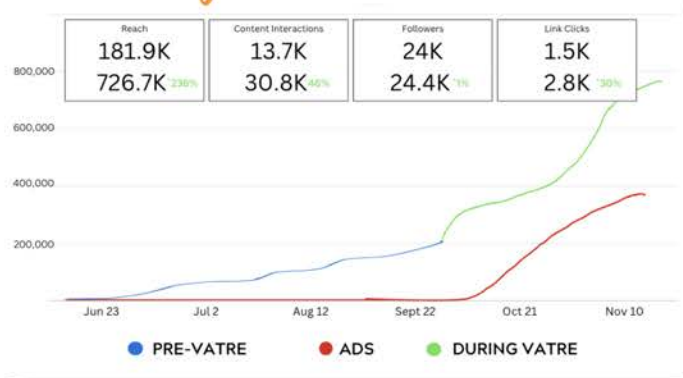
VOTER APPROVAL TAX RATE ELECTION NOVEMBER 2023



In November 2023, Round Rock ISD faced the challenging landscape of a VATRE (Voter-Approval Tax Rate Election) during an off-year November election. Historically, these elections typically see low voter turnout around 6% with an older electorate that is often less engaged with the school district's priorities and initiatives. Although Round Rock ISD had no additional funds in their budget to fuel its voter education campaign, they were determined to reach voters that are typically not connected to the district's digital channels like email, social media or its website. The district made the strategic decision to **invest in and implement powerful, modern communication tactics** to reach all 167,000 registered voters and target hard-to-reach segments like non-parents.

Before partnering with edVANTAGE, Round Rock ISD's outreach was minimal. They did not invest regularly in direct mail and sporadically boosted social media posts. The district had never explored advanced, targeted digital campaigns through platforms like Connected TV (CTV), OTT Streaming, or display ads. This marked a pivotal shift in their approach to voter engagement and robust storytelling!

BRAND Lift



Through edVANTAGE's strategic guidance, Round Rock ISD not only maximized the reach and efficiency of their digital campaign, breaking through typical voter apathy in off-year elections, but also **increased their overall digital footprint by four times in just six weeks!** This new **brand lift** expanded their network with engaged community members who will continue to add value to future initiatives.

By leveraging advanced targeted digital tactics, Round Rock ISD ensured their message reached the right audience across multiple platforms. As a result, their campaign achieved unprecedented engagement levels across multiple platforms, driving increased voter awareness and participation. The district's ability to adapt to modern communication strategies allowed them to stand out in a historically difficult election environment, setting a new standard for how schools can approach campaigns with smart strategic investments.

THE Results



CTV / OTT

Impressions: 1,023,662
Link Clicks: 1,800

Social Media

Impressions: 726,700
Link Clicks: 2,800



In November 2024, having seen the success of innovative digital strategies during their prior campaign, Round Rock ISD significantly expanded their investment in targeted advertising to support their \$998 million bond election. With 167,000 registered voters in two counties, RRISD faced reaching 70% of its voters in the Presidential cycle in a myriad of flooded channels, competing voices and voter fatigue.

Round Rock ISD achieved **widespread visibility and engagement** through Pre-Roll Video with over a million impressions, CTV/OTT with over 700,000 impressions and a 98.2% video completion rate, display ads surpassing 800,000 impressions, and social media engagement exceeding 350,000.

THE *Results*

Pre-Roll

Impressions: 1,023,662

CTV / OTT

Impressions: 718,462
Video Completed Rate: 98.2%

Social Media

Impressions: 1,359,104

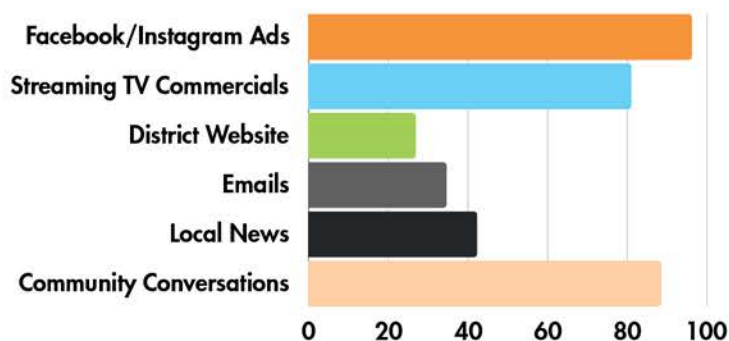
Display

Impressions: 844,590
Link Clicks: 530

BRAND *Lift*

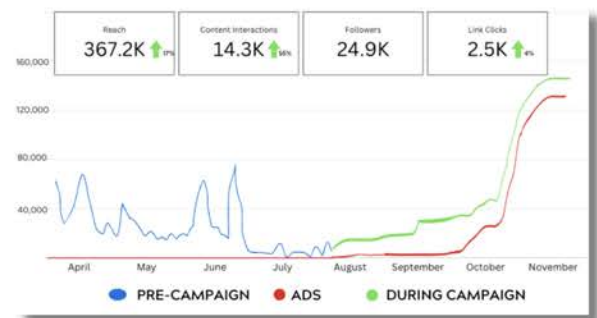
The brand lift from these digital strategies **keeps community members connected and meaningfully engaged** with Round Rock ISD's initiatives. This lasting engagement strengthens trust and builds a network of informed supporters for future efforts.

AWARENESS *Sources*



To measure awareness of Round Rock ISD's Bond 2024 campaign, edVANTAGE surveyed registered voters in the district.

Respondents who had seen, read, or heard (SRH) about the bond provided key insights, highlighting the success of digital ads in driving awareness.





BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mark Booker, Executive Director of Purchasing
Jennifer Miller, Director of Student Nutrition Services (SNS)

Subject: Consider Approval of Increase in Awarded Amount for Commodity Processing for Student Nutrition Services (#141-25)

Action Item

Executive Summary:

The increase in the award is attributed to the elevated costs associated with commodity foods. These expenses have had a direct impact on the overall budget, thereby the rationale for an increase. This year, an estimated spend of \$618,045 each month has been shown from July 2024 to February 2025. It is estimated that we will need an additional \$2,000,000 to cover expenses for the remainder of this contract term. Reviewed and approved by Jennifer Miller, Director of Student Nutrition Services, Mark Booker, Executive Director of Purchasing, and Darrell Dodds, Chief Financial Officer.

Administrative Recommendations:

It is the administration's recommendation that the offer(s) of Commodity Processing for Student Nutrition Services (SNS) from the companies listed in Exhibit "A", provides the best value to the Garland Independent School District.

Increase

Procurement Method: Request for Proposal

Contract Term: One (1) year

Recommended Motion for Action Items:

Move to approve increase to contract#141-25 Commodity Processing for Student Nutrition Services as presented to the Board of Trustees.

Financial Impact and Funding Source:

Not to Exceed Amount: Original Award \$5,000,000 Increase \$2,000,000 New Award \$7,000,000

240 - National School Breakfast and Lunch Program

Exhibit "A"

RFP 141-25 Commodity Process

Awarded Supplier List

ACR Foster Intermediate Group LLC, dba Foster Poultry Farms LLC
Alpha Foods Co
Brookwood Farms Incorporated
Calfed Financial Corporation, dba Red Gold LLC
Del Real LLC, dba Del Real Foods
Gold Creek Foods LLC
Goodman Food Products, dba Don Lee Farms
High Liner Foods USA Inc
Hormel Foods Sale LLC
Integrated Food Service
JTM Provisions Co Inc
Land O Lakes Inc
Michael Foods Inc
McCain Foods
MCI Foods Inc
Nardone Bros Baking Co. Inc
National Food Group Inc
Out of the Shell LLC, dba Yangs 5th Taste
Omnibus Trading Corporation, dba Chefs Corner Foods
Pilgrim's Pride Corp
Prairie Mills Baking Company LLC, dba Bake Crafters Food Company
Rodriguez Foods LTD
Schwan's Food Service
Tasty Brands LLC
TDS Distributing Incorporated
Trident Seafood Corporation
Tyson Prepared Foods Inc



BOARD OF TRUSTEES AGENDA

Date: February 25, 2025

Presented By: Mechelle Hogan, Board Services Manager

Subject: Consider Approval of the Joint Election Contract submitted by the Dallas County Elections Department

Action Item

Executive Summary:

A copy of the near-final 2025 Joint Election Contract with the Dallas County Elections Department has been provided under separate cover. The estimate for Garland ISD's portion of the cost for the May 3, 2025 Joint Election is \$278,794.48 should all entities currently slated to have May 2025 elections participate in the Joint Election.

Costs are governed by the number of vote centers, number of registered voters, increases in those numbers, entity withdrawal and costs associated with upgraded electronic voting system upgrades. By law, we must use all county designated voting centers (Election Code Sec. 501.103), some registered voters will be casting their votes at vote centers outside of the Garland ISD boundaries. The Administration seeks approval of the contract with permission for the Board Services Manager to sign the final contract.

Administrative Recommendations:

Administration recommends approval of the May 2025 Joint Election Contract.

Recommended Motion for Action Items:

I move to approve the May 2025 Joint Election Contract submitted by the Dallas County Elections Department.

Financial Impact and Funding Source:

199 - General Funds



Dallas County Elections Department

1520 Round Table Drive
Dallas, Texas 75247

May 3, 2025 Joint & Special Election

ESTIMATED COST INVOICE

Subject to Change

ATTACHMENT - A

34 Entities
52 EV Locations
450 ED Vote Centers

Registered Voter Split	Total	Garland ISD
Total Number of Units per Entity	2,423,953	165,189
Cost Per Unit (w/o GSF)	\$1.53	\$1.53
Total Cost	\$3,719,071.68	\$253,449.52
% of Units	100%	6.81%

	Total	Garland ISD
Election Total	\$3,719,071.68	\$253,449.52
Special Request Fee		
General Supervisory Fee (GSF)	\$371,907.17	\$25,344.95
Total Cost	\$4,090,978.85	\$278,794.48
Cost Per Unit (w. GSF)	\$1.69	\$1.69
Amount of Deposit		
(Overpaid)/Underpaid	\$4,090,978.85	\$278,794.48

Exp. Code	Early Voting	Units	Unit Cost	Estimated	Garland ISD
POSTAGE					
62175	Mail Ballot Kits	15,000	\$2.62	\$39,300.00	\$2,678.24
62175	Undeliverable / Resent Mail Kits	750	\$3.20	\$2,400.00	\$163.56
62170	Postage for Ballots Mailed	15,000	\$0.63	\$9,450.00	\$644.00
62170	Postage for Undeliverable / Resent Mails	750	\$0.63	\$472.50	\$32.20
EQUIPMENT RENTAL					
62024	EV Furniture Rental (Table)	122	\$8.50	\$1,037.00	\$70.67
62024	EV Furniture Rental (Chair)	110	\$1.25	\$137.50	\$9.37
62025	EV Model DS200 (Tabulator/Scanner)	52	\$464.10	\$24,133.20	\$1,644.64
62025	EV ExpressVote Ballot Marking Device (BMD)	681	\$295.00	\$200,895.00	\$13,690.71
62025	EV EPB Printer	217	\$62.00	\$13,454.00	\$916.87
62025	EV Election Supply Cart	104	\$295.00	\$30,680.00	\$2,090.80
62021	EV Mini-Van Rental	7	\$2,040.00	\$10,710.00	\$729.87
62021	EV Truck Rental	2	\$3,120.00	\$4,680.00	\$318.94
RENTAL BUILDINGS					
62023	EV Location Rental	Various Locations		\$110,000.00	\$7,496.35
PERSONNEL					
61050	EV Election Department (OT)	35	Various	\$43,680.00	\$2,976.73
61050	EV Clerks (OT) 6hrs	381	\$27.36	\$62,544.96	\$4,262.35
61050	EV Judges (OT) 6hrs	52	\$30.33	\$9,462.96	\$644.89
61050	EV Inspectors (OT)	7	\$30.33	\$1,273.86	\$86.81
61050	EV Training Trainers (OT)	10	\$30.33	\$1,819.80	\$124.02
61050	EV Sheriff Deputies (OT) 20hrs	20	\$75.00	\$30,000.00	\$2,044.46
61050	EV Ballot Board Committee (OT)	31	\$36.33	\$3,378.69	\$230.25
61050	EV Ballot Board Judge (OT)	1	\$36.33	\$108.99	\$7.43
61060	EV Clerks (ST)	381	\$18.24	\$555,955.20	\$37,887.57
61060	EV Judges (ST)	52	\$20.22	\$84,115.20	\$5,732.33
61060	EV Inspectors (ST)	7	\$20.22	\$11,323.20	\$771.66
61060	EV Training Trainers (ST)	10	\$20.22	\$16,176.00	\$1,102.37
61060	EV Ballot Board Committee (ST)	31	\$24.22	\$33,786.90	\$2,302.53
61060	EV Ballot Board Judge (ST)	1	\$24.22	\$1,089.90	\$74.28
61111	EV FICA	6.2%		\$2,708.16	\$184.56
61112	EV Medicare	1.45%		\$12,393.38	\$844.59
61113	EV PARS	1.3%		\$10,543.46	\$718.52
61150	EV Retirement Chargeback	13.23%		\$5,778.86	\$393.82
62225	EV Temp. Employees	45	\$26.60	\$143,640.00	\$9,788.86
SUPPLY EXPENSE					
62175	EV Official ExpressVote Ballots	65,000	\$0.14	\$9,100.00	\$620.15
62175	EV Judges Kits	52	\$80.00	\$4,160.00	\$283.50
SERVICE EXPENSE					
62013	Legal Notice	Legal Notice		\$4,794.50	\$326.74
62225	EV GTS IT Services	6	\$35.00	\$33,600.00	\$2,289.79
62225	EV ES&S Project Management	2	\$1,975.00	\$3,950.00	\$269.19
62225	EV ES&S BOD Election Setup			\$2,000.00	\$136.30
PREPARATION AND TRANSPORTATION OF VOTING EQUIPMENT					
62910	EV Atlantic Delivery and Pick-up	104	\$100.00	\$10,400.00	\$708.75
62910	EV Warehouse Delivery and Pick-up (Special)	5	\$45.00	\$225.00	\$15.33
MILEAGE / FUEL					
62285	EV Fuel	Vans and Trucks		\$1,200.00	\$81.78
	EARLY VOTING TOTAL			\$1,546,558.22	\$105,395.78

Exp. Code	Election Day	Units	Unit Cost	Estimated	Garland ISD
EQUIPMENT RENTAL					
62024	ED Furniture Rental (Table)	1,490	\$8.50	\$12,665.00	\$863.10
62024	ED Furniture Rental (Chair)	1,398	\$1.25	\$1,747.50	\$119.09
62025	ED Model DS200 (Tabulator/Scanner)	450	\$464.10	\$208,845.00	\$14,232.49
62025	ED ExpressVote Ballot Marking Device (BMD)	1,631	\$295.00	\$481,145.00	\$32,789.36
62025	ED EPB Printer	1,074	\$62.00	\$66,588.00	\$4,537.88
62025	ED Election Supply Carts	450	\$295.00	\$132,750.00	\$9,046.73
62021	ED Mini-Van Rental	7	\$2,040.00	\$10,710.00	\$729.87
62021	ED Truck Rental	2	\$3,120.00	\$4,680.00	\$318.94
RENTAL BUILDINGS					
62023	ED Location Rental	Various Locations		\$112,000.00	\$7,632.64
PERSONNEL					
61020	ED Clerks (ST)	1,836	\$18.24	\$502,329.60	\$34,233.06
61020	ED Judges (ST)	450	\$24.22	\$163,485.00	\$11,141.27
61020	ED Judges Delivery (Can Money)	450	\$25.00	\$11,250.00	\$766.67
61020	ED Office/Warehouse Contractors (ST)	59	\$25.00	\$22,125.00	\$1,507.79
61020	ED Phone Bank (ST)	35	\$25.00	\$13,125.00	\$894.45
61020	ED Regional Site Support (ST)	53	\$20.00	\$5,300.00	\$361.19
61020	ED Inspectors (ST)	45	\$25.00	\$16,875.00	\$1,150.01
61020	ED Techs (ST)	25	\$25.00	\$9,375.00	\$638.89
61050	ED Sheriff Deputies (OT)	36	\$75.00	\$40,500.00	\$2,760.02
61050	ED Building Security (OT)	19	\$75.00	\$21,375.00	\$1,456.68
61050	ED Election Department (OT)	48	Various	\$21,216.00	\$1,445.84
61111	ED FICA	6.2%		\$3,826.39	\$260.76
61112	ED Medicare	1.45%		\$307.63	\$20.96
61113	ED PARS	1.3%		\$275.81	\$18.80
61150	ED Retirement Chargeback	13.23%		\$8,165.03	\$556.44
62225	ED Temp. Employees	45	\$26.60	\$143,640.00	\$9,788.86
SUPPLY EXPENSE					
62175	ED Official ExpressVote Ballots	45,000	\$0.140	\$6,300.00	\$429.34
62175	ED Judge Kit	450	\$80.00	\$36,000.00	\$2,453.35
SERVICE EXPENSE					
62225	ED ES&S Site Support	1	\$4,975.00	\$4,975.00	\$339.04
62225	ED GTS IT Services	6	\$35.00	\$16,275.00	\$1,109.12
PREPARATION & TRANSPORTATION OF VOTING EQUIPMENT					
62910	ED Atlantic Delivery and Pick-up	900	\$100.00	\$90,000.00	\$6,133.37
62910	ED Warehouse Delivery and Pick-up (Special)	45	\$45.00	\$2,025.00	\$138.00
MILEAGE / FUEL					
61080	Mileage for Deputies	2,500	\$0.655	\$1,637.50	\$111.59
62285	ED Fuel	Vans and Trucks		\$1,000.00	\$68.15
	ELECTION DAY TOTAL			\$2,172,513.46	\$148,053.75