WACO INDEPENDENT SCHOOL DISTRICT
REGULAR MEETING

WISD Conference Center
115 S 5th Street
Waco, Texas 76701

Thursday, August 25, 2022 - 6:30 PM

A Regular Meeting of the Board of Trustees of Waco Independent School District will be held August 25, 2022, beginning at 6:30 PM in the WISD Conference Center, 115 S 5th Street, Waco, Texas.

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

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

AGENDA

1. **Call to Order**
2. **Public Comments on Agenda Items**
3. **Moment of Silence and Pledge of Allegiance**
4. **Special Recognitions**
   - 4.A. Pledge Leaders
   - 4.B. No Place for Hate Designations
   - 4.C. TEA Teacher Vacancy Task Force
   - 4.D. Waco Under 40
   - 4.E. Community Partner Award
5. **Public Meeting to Discuss the 2022-2023 Budget and Proposed Tax Rate**
   Presenter: Sheryl Davis
6. **Superintendent's Report**
   - 6.A. Instructional Staffing
   - 6.B. Future Educators Academy Update
   - 6.C. First Week of School/Enrollment Counts
7. **Consent Agenda: Consider and Take Appropriate Action**
   - 7.A. Amendments to the 2021-2022 Budget
   - 7.B. Resolution Committing Unassigned General Fund Balance as of August 31, 2022
   - 7.C. Bid Award for Courier Services
   - 7.D. Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services
   - 7.E. Bid Award for Maintenance Supplies, Equipment, and Services
   - 7.F. Bid Award for Restaurant & Catering Services
   - 7.G. Bid Award for Security Patrol Services
   - 7.H. Bid Renewal for Financial Advisory Services

7.I. Bid Award for Job Order Contract (JOC) Data Wiring and Installation Services
7.J. Bid Award for Job Order Contract (JOC) Refrigeration Services
7.K. Bid Renewal for Job Order Contract (JOC) Kitchen Equipment Repair Services
7.L. Purchases over $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
7.M. Adult Meal Pricing Increase for the 2022-2023 School Year
7.N. Amendment to the Interlocal Agreement between the McLennan County Juvenile Probation Department and Waco ISD for Child Nutrition Services for the 2022-2023 School Year
7.O. Monthly Financial Reports for the Period Ended June 30, 2022
7.P. T-TESS Appraisers for 2022-2023 School Year
7.Q. Final Completion of Paul Tyson Stadium and Release of Retainage to Northridge Construction
7.R. 2022-2023 Student Handbook
7.S. School District Teaching Permit for Selected Teacher Candidate to Teach a Non-Core Academic CTE Course
7.T. Ratification of Memorandum of Understanding Regarding Collaboration on Applied Behavior Analysis Supervised Fieldwork Experience
7.U. First Reading of Board Policy Update 119

8. **Consider, Discuss and Take Appropriate Action Regarding Adoption of the Budgets for the 2022-2023 Fiscal Year**
   Presenter: Sheryl Davis
9. **Consider, Discuss and Take Appropriate Action Regarding a Resolution Adopting the Tax Rate for the 2022 Tax Year**
   Presenter: Sheryl Davis
10. **Review and Discuss 2022 State Accountability Ratings**
    Presenter: Denise Bell
11. **Review and Discuss 2022 Summer Enrichment Camps**
    Presenter: Troy Tinney
12. **Items Requested by Trustees**
    12.A. Consider, Discuss and Take Appropriate Action Regarding an Amendment and/or Change to the Design Development for Tennyson Middle School, G.W. Carver Middle School and Waco High School
13. **Announcements**
14. **Adjournment**

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: Alice Jauregui

RE: Special Recognitions

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Background Information:

Pledge Leaders

Each month, one campus selects two students to lead the Pledge of Allegiance at the regular business meeting of the Waco ISD Board of Trustees. For the month of August, Rachel Maxile and Nehemiah Benns from Mountainview Elementary School were selected for this honor.

No Place for Hate® Designations

No Place for Hate® is a collaborative initiative from the Anti-Defamation League, which provides educators and students with the resources to ensure that anti-bias and diversity education are an integral part of the school culture.

Schools can receive a No Place for Hate® designation by:

- Building inclusive and safe communities in which respect and equity are the goals, and where all students can thrive.
- Empowering students, faculty, administration and family members to take a stand against bias and bullying by incorporating new and existing programs under one powerful message.
- Sending a clear, unified message that all students have a place where they belong.

At the beginning of the 2021-22 school year, 15 Waco ISD campuses started the process of applying for and stating their intentions to be a No Place for Hate® school. Each school formed a coalition of students and staff who developed and implemented at least three school-wide activities during the year. Examples of these activities include donating “gLOVEs” to the Texas Coalition for the Homeless, participating in Stomp Out Bullying Day and class discussions on diversity, equity, inclusion and accessibility.

All 15 Waco ISD campuses were designated as No Place for Hate® schools for the 2021-22 school year. Over the summer, each campus received a Resolution of

Respect banner, which will be presented to the students at a future school-wide ceremony.

Waco ISD 2021-2022 No Place for Hate® Designated Campuses are:

- Alta Vista Elementary
- Bell's Hill Elementary
- Brook Avenue Elementary
- Cedar Ridge Elementary
- Crestview Elementary
- Dean Highland Elementary
- Hillcrest PDS
- Kendrick Elementary
- Mountainview Elementary
- Parkdale Elementary
- Provident Heights Elementary
- West Avenue Elementary
- Cesar Chavez Middle School
- Tennyson Middle School
- University High School

TEA Teacher Vacancy Task Force

In May 2022, the Texas Education Agency (TEA) added an additional 24 teachers to the Teacher Vacancy Task Force. During the intensive two-month selection process, TEA received more than 1,500 nominations. The task force will focus on providing guidance, support and resources to assist schools to locate and retain teachers. We are pleased to recognize Waco ISD's Pam Fischer who was chosen as a task force member. Ms. Fischer has been with Waco ISD for 28 years and is currently a physical education teacher at Provident Heights.

Waco Under 40

The Greater Waco Chamber of Commerce has announced honorees for the 2022 Waco Under 40 recognition. This group of professionals is celebrated as the best from a diverse group of professionals. The Waco Under 40 program aims to recognize up-and-coming leaders who have excelled in their careers and in the community. They positively impact their field, but also give back to the community.

Tonight, we would like to recognize Dr. Oluwarotimi Adesina. Dr. Adesina is a pediatric sports medicine doctor at Ascension Medical Group Providence Orthopedics and Sports Medicine. He is also Waco ISD's sports medicine partner.

We also recognize Adrian Fajardo who has been part of the Waco ISD family since 2017. Mr. Fajardo currently works at the South Waco Elementary campus.

Community Partner Award

Each month, Waco ISD recognizes a community partner making a difference for students with the Waco ISD Award for Outstanding Community Partners. The recognition celebrates the theme for the 2022-2023 school year "Lead from the Heart" and acknowledges the impact that our community partners make in the lives of our students and staff.

In August, the district recognizes Mighty Wind Worship Center. This school year, they donated a total of 225 gift cards from Academy to Waco ISD elementary campuses. Each card was $50 for a total $11,250. They absolutely love Waco ISD and have always tried to help in any way possible. In the past, Mighty Wind Worship Center has adopted schools, implemented a Dare to Dream program at various campuses, run a fellowship program for Christian athletes, mentored students, and recently assisted J.H. Hines Elementary with purchasing school uniforms.

Fiscal Implications:
None

Administration Recommendations:
For discussion only

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: Sheryl Davis**

RE: Public Meeting to Discuss the 2022-2023 Budget and Proposed Tax Rate

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Background Information:

In accordance with Section 44.004 of the Education Code, the District must conduct a public hearing to discuss the 2022-2023 budgets and the proposed tax rate. All requirements for budget adoption and setting the tax rate will be met with the holding of this public hearing. The purpose of the hearing is to allow any taxpayer of the District to present any comments regarding the budget or the proposed tax rate.

Notice of the public hearing was published in the newspaper on August 15, 2022. Additionally, both the notice and the proposed budget as compared to the prior year have been posted on the District's website since that date.

Fiscal Implications:

None

Administrative Recommendations:

No action is required. The public hearing is for input only.



2022-2023

Public Meeting to Discuss Budget & Tax Rate

August 25, 2022

Education Code 44.002

- The Superintendent shall prepare, or cause to be prepared, a budget covering all proposed expenditures of the District for the following fiscal year
- A summary of the proposed budget, as compared to the prior year's revised budget, is posted on the district's Financial Transparency web page at www.wacoisd.org

Texas Property Tax Law

- The Texas Constitution, Tax Code, and Education Code embody the concepts of truth-in-taxation which require school districts to comply with certain steps in adopting tax rates
- Texas school district tax rates are composed of two parts, a Maintenance & Operations (M&O) rate and an Interest & Sinking (I&S) rate
  - M&O taxes help pay the operating expenses of the district such as salaries, utilities, supplies, equipment, and contracted services
  - I&S taxes pay the principal and interest on voter-approved bond issues to construct or improve school facilities or purchase major equipment such as school buses
- Property tax collections through both the M&O and I&S tax rates serve as the "local" match in leveraging state revenue

Truth-in-Taxation

Proposed Tax Rate	
Maintenance Tax	$ 0.942900/$100 *(proposed rate for maintenance and operations)*
Debt Service Tax Approved by Local Voters	$ 0.298969/$100 *(proposed rate to pay bonded indebtedness)*

Comparison of Proposed Budget with Last Year's Budget	
Maintenance and Operations	-22.39% decrease
Debt Service	44.10% increase
Total expenditures	-16.57% decrease

The applicable percentage increase or decrease (or difference) in the amount budgeted in the preceding fiscal year and the amount budgeted for the fiscal year that begins during the current tax year is indicated for each of the expenditure categories.

Truth-in-Taxation

Total Appraised Value and Total Taxable Value		
	Preceding Tax Year	**Current Tax Year**
Total appraised value* of all property	$ 10,564,989,345	$ 12,660,090,530
Total appraised value* of new property**	$ 93,805,360	$ 215,949,380
Total taxable value*** of all property	$ 6,735,883,560	$ 8,058,531,066
Total taxable value*** of new property**	$ 88,810,816	$ 200,244,746

** Appraised value is the amount shown on the appraisal roll and defined by Section 1.04(8), Tax Code*

*** New property is defined by Section 26.012(17), Tax Code*

**** Taxable Value is defined by Section 1.04(10), Tax Code*

Bonded Indebtedness	
Total amount of outstanding and unpaid bonded indebtedness*	$ 385,660,000
** Outstanding principal*	

Truth-in-Taxation

Comparison of Proposed Rates with Last Year's Rates					
	Maintenance & Operations	**Interest & Sinking***	**Total**	**Local Revenue per Student**	**State Revenue per Student**
Last year's rate	$ 1.024400	$ 0.220200*	$ 1.244600	$ 6,621	$ 5,460
Rate to maintain same level of maintenance & operations revenue & pay debt service	$ 0.968500	$ 0.309780*	$ 1.278280	$ 8,235	$ 4,576
Proposed rate	$ 0.942900	$ 0.298969*	$ 1.241869	$ 8,523	$ 4,585

** The Interest & Sinking Fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both. The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.*

Truth-in-Taxation

Comparison of Proposed Levy with Last Year's Levy on Average Residence		
	Last Year	**This Year**
Average market value of residences	$ 168,892	$ 216,342
Average taxable value of residences	$ 129,905	$ 132,339
Last year's rate versus proposed rate per $100 valuation	$ 1.244600	$ 1.241869
Taxes due on average residence	$ 1,616.80	$ 1,643.48
Increase (decrease) in taxes		$ 26.68

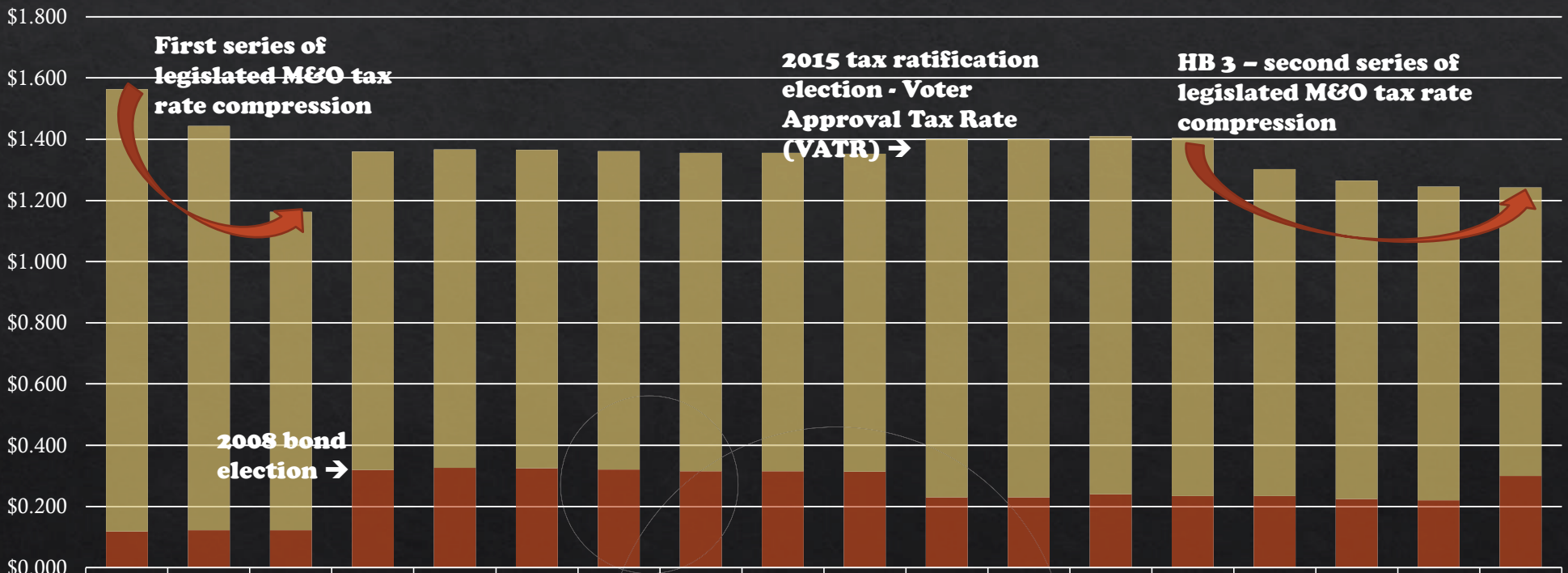
Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of such person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.

Voter-Approval Rate

Notice of Voter-Approval Rate: The highest tax rate the district can adopt before requiring voter approval at an election is $1.241869. This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of $1.241869.

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Property Tax Rates 2005 to Present



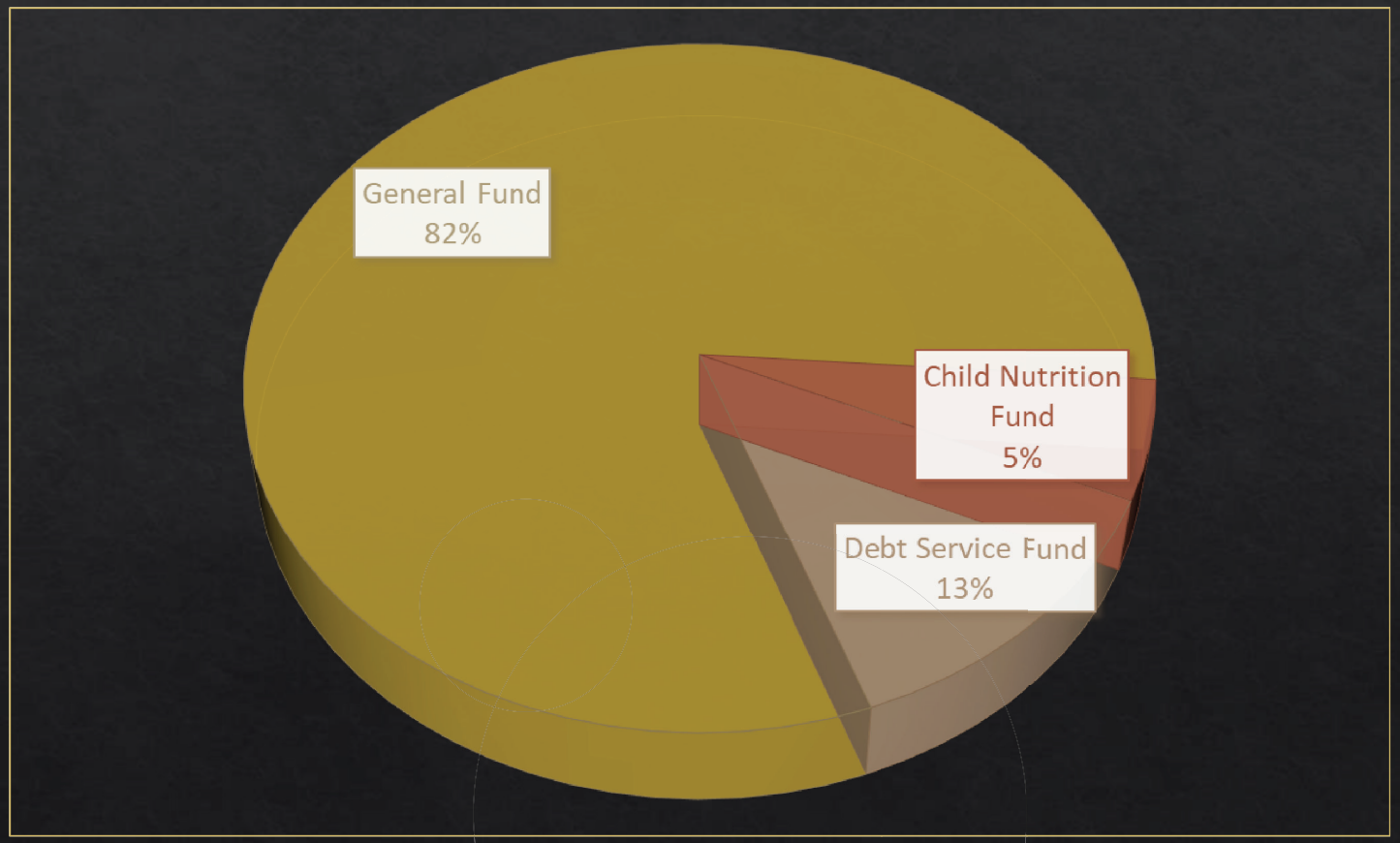
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
M&O	$1.446	$1.322	$1.040	$1.040	$1.040	$1.040	$1.040	$1.040	$1.040	$1.040	$1.170	$1.170	$1.170	$1.170	$1.068	$1.040	$1.024	$0.943
I&S	$0.119	$0.122	$0.122	$0.319	$0.326	$0.325	$0.321	$0.315	$0.315	$0.313	$0.230	$0.230	$0.240	$0.234	$0.234	$0.225	$0.220	$0.299

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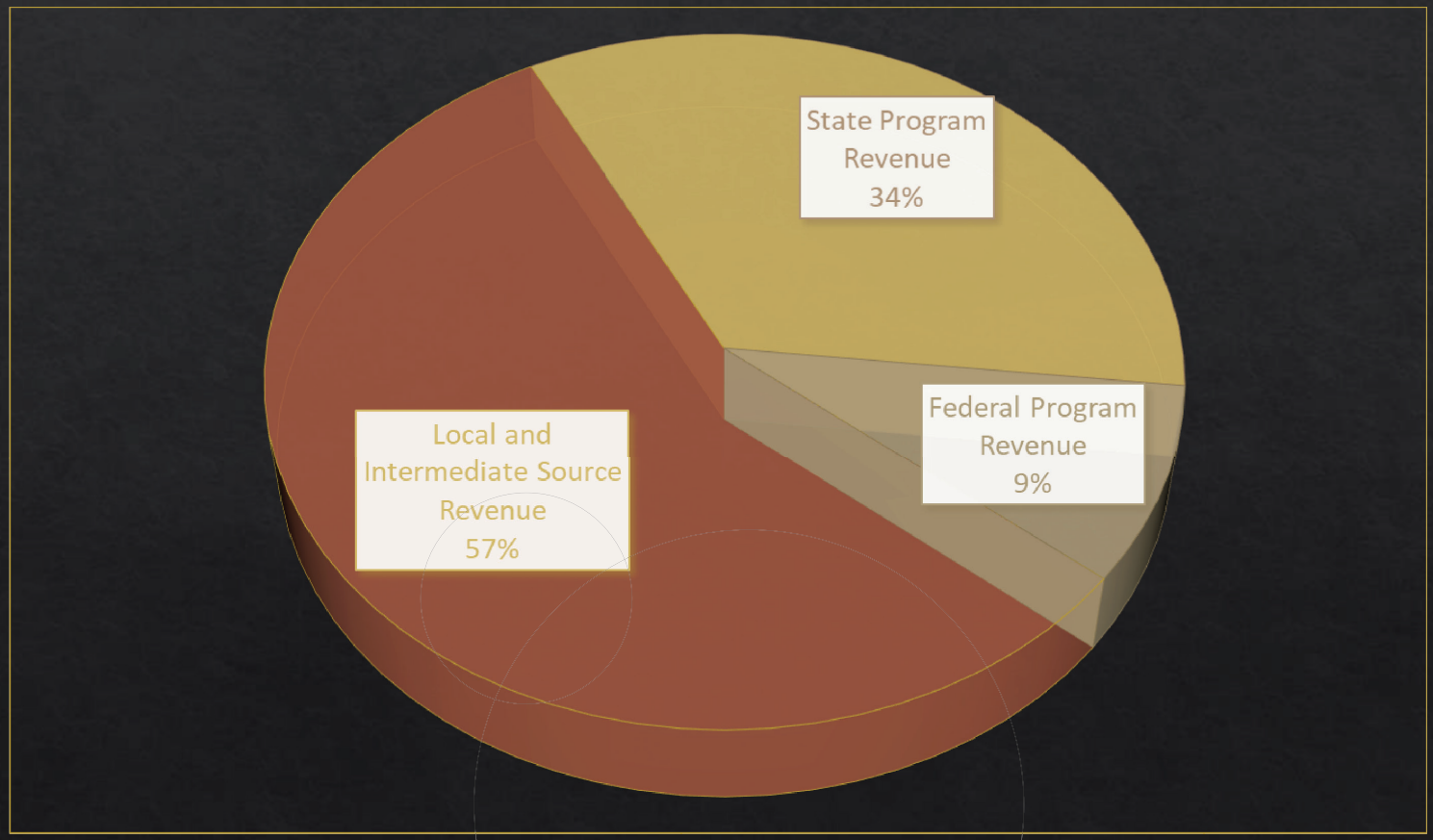
Official Budget Summary

	General Fund	Child Nutrition Fund	Debt Service Fund	Summary Total
Estimated revenue	$ 157,976,998	$ 9,920,099	$ 24,901,048	$ 192,798,145
Appropriations	160,310,192	10,978,538	24,901,048	196,189,778
Increase (decrease)	(2,333,194)	(1,058,439)	0	(3,391,633)
Operating transfers	(1,030,292)	0	0	(1,030,292)
Increase (decrease)	(3,363,486)	(1,058,439)	0	(4,421,925)
Beginning fund balance	49,216,340	4,095,930	3,991,178	57,303,448
Ending fund balance	$ 45,852,854	$ 3,037,491	$ 3,991,178	$ 52,881,523

Official Budget Summary by Fund

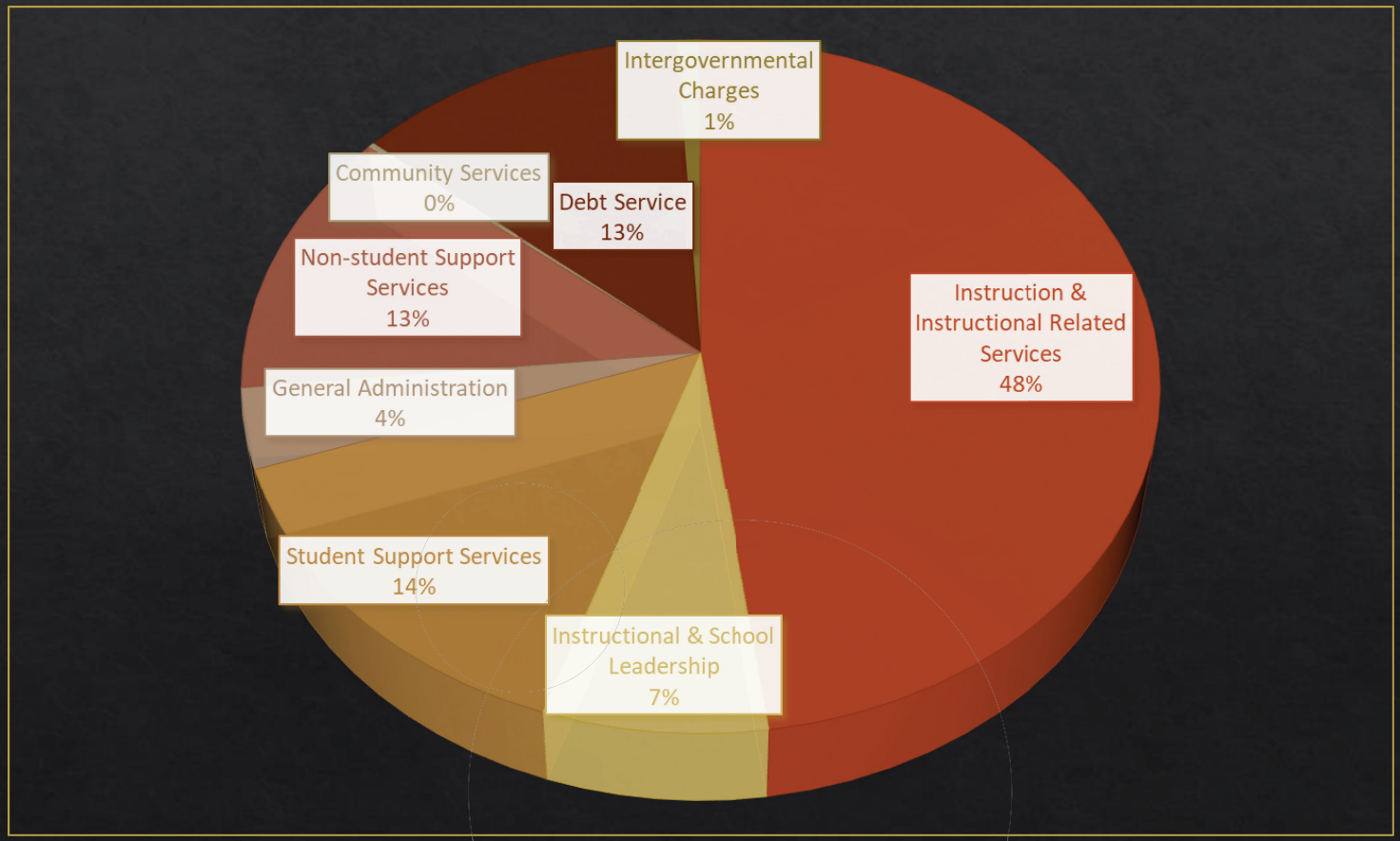


Official Budget Summary by Revenue Source



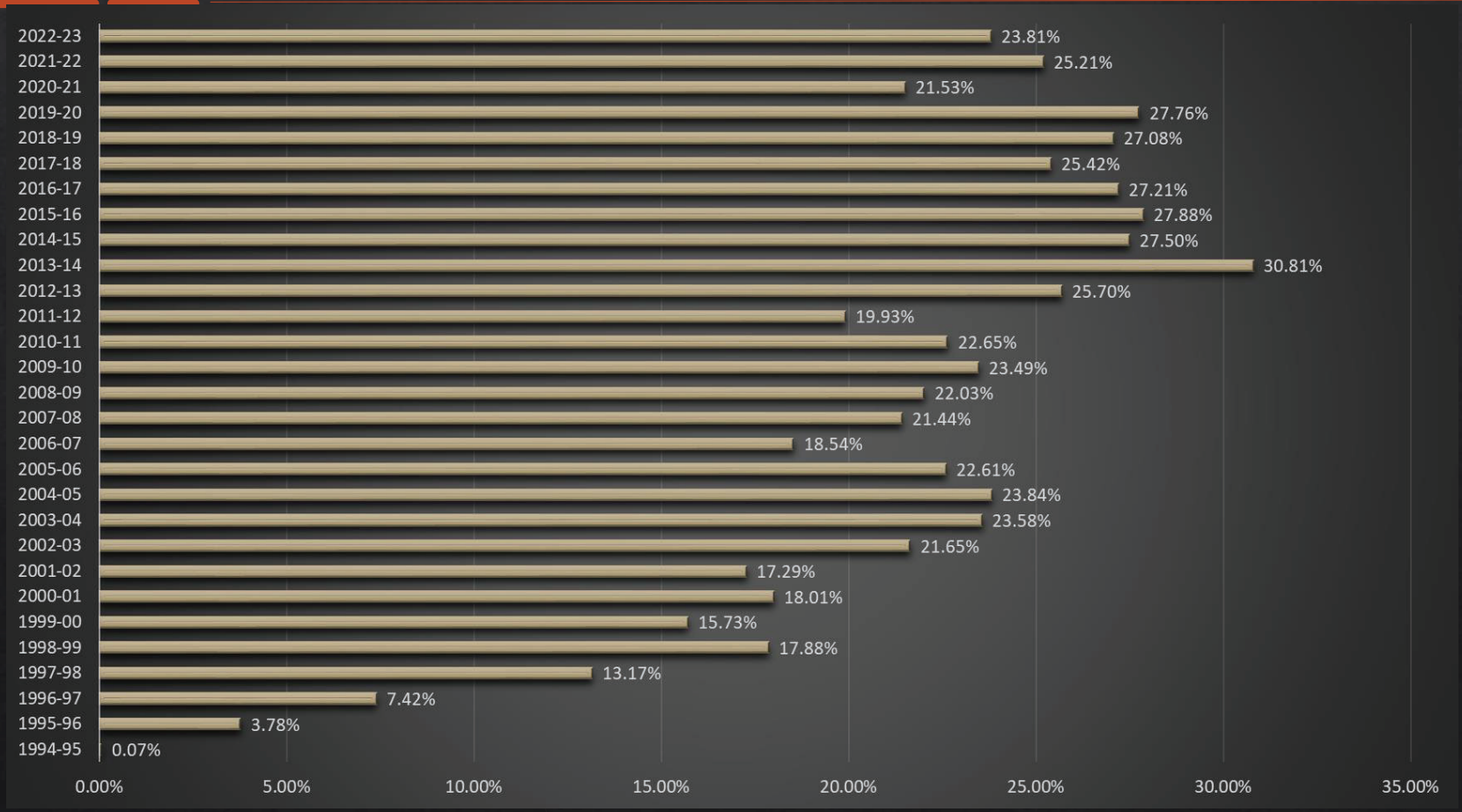
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Official Budget Summary by Major Function



12

General Fund Unassigned Fund Balance



13

Debt Service Payments by Series

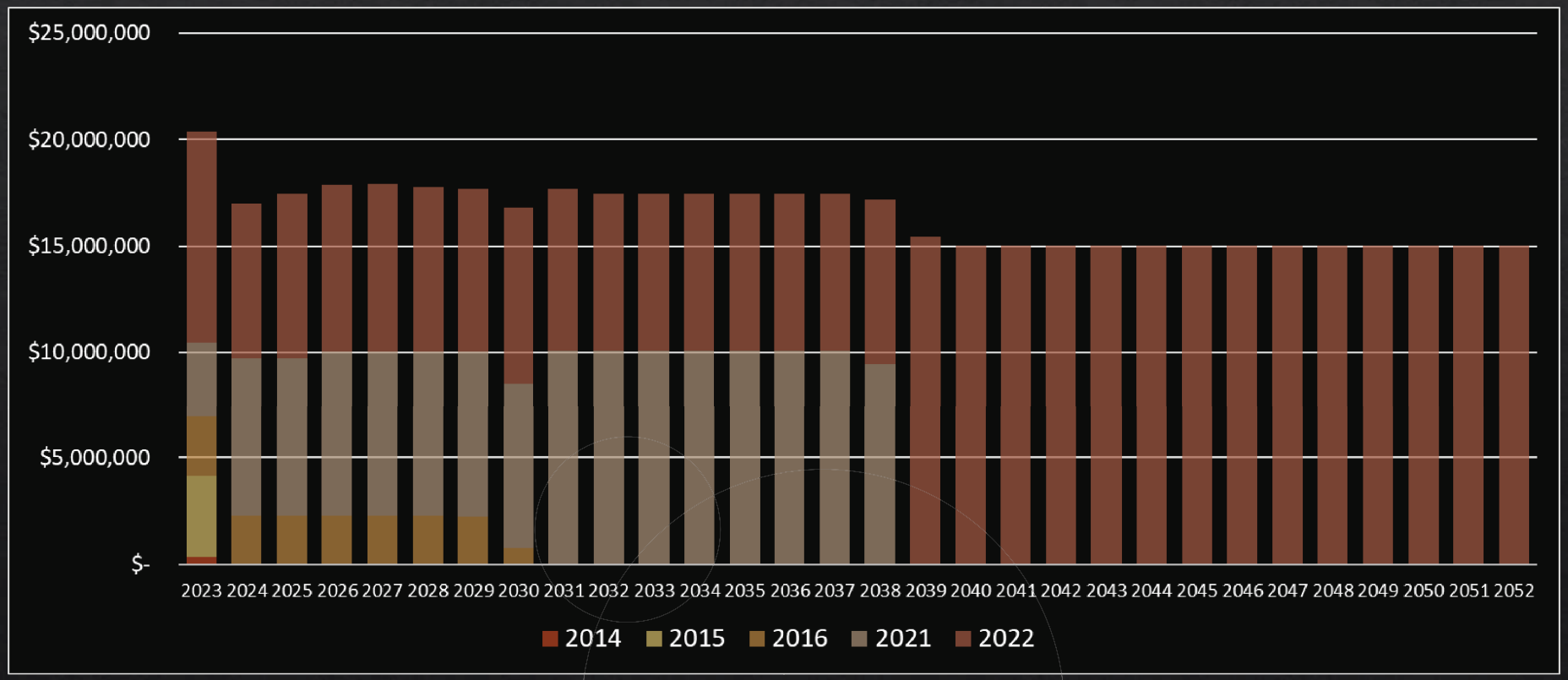


Chart does not include $75 million in debt expected to be sold prior to the fiscal year end, August 31, 2022



Public Input

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: **Sheryl Davis**

RE: Amendments to the 2021-2022 Budget

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Background Information:

The Texas Education Agency has established additional requirements for school district budget preparation. As part of these requirements, a school district must amend the official budget before exceeding a functional expenditure category, i.e., instruction, administration, etc., in the total district budget. Attached are copies of the proposed amendments to the Official Budget identifying details of the requests. The following summarizes the effect of these amendments by functional category.

Summary:

Amendment #060: Districtwide (Fund 199)

This amendment will reallocate budgeted funds from instruction salaries and benefit to guidance, counseling and evaluation services and extracurricular activities salaries and benefits to cover reclassifications of positions. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds:	$	462,739	Instruction
Use of Funds:	$	462,739	Guidance, Counseling & Evaluation Services, Extracurricular Activities
Fund Balance Effect		**None**	

A copy of the amendment is attached for your review detailing line items to be adjusted.

Fiscal Implications:

The budget amendment has no impact on fund balance.

Administrative Recommendation(s):

The administration recommends that the Board of Trustees approve the budget amendments, as presented.

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 060

CAMPUS OR DEPARTMENT: Districtwide **DATE:** 8/25/2022

								A	B	C	D
BUDGET CODE											
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION	CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
199	31	6119	23	999	23	000	Salaries-Teachers/Other Professionals	1,033,285	(123,950.28)	331,182	1,364,467
199	31	6141	23	999	23	000	Social Security/Medicare	15,635	(2,013.80)	3,191	18,826
199	31	6142	23	999	23	000	Group Health & Life Insurance	84,552	(11,003.99)	22,072	106,624
199	31	6144	23	999	99	000	TRS/TRS Care On-behalf	71,483	915.93	11,245	82,728
199	31	6299	23	999	23	000	Other Miscellaneous Contracted Services	76,692	5,624.46	30,000	106,692
199	11	6116	23	999	23	000	Supplemental Stipend-Teachers/Other Prof	40,500	27,471.41	(26,000)	14,500
199	11	6119	23	002	23	000	Salaries-Teachers/Other Professionals	862,596	118,562.20	(47,009)	815,587
199	11	6119	23	003	23	000	Salaries-Teachers/Other Professionals	515,828	62,104.26	(17,554)	498,274
199	11	6119	23	043	23	000	Salaries-Teachers/Other Professionals	352,310	115,217.98	(87,867)	264,443
199	11	6119	23	105	23	000	Salaries-Teachers/Other Professionals	113,366	28,619.83	(22,012)	91,354
199	11	6119	23	129	23	000	Salaries-Teachers/Other Professionals	108,469	27,414.14	(21,595)	86,874
199	11	6119	23	999	23	000	Salaries-Teachers/Other Professionals	1,352,918	251,745.44	(137,473)	1,215,445
199	11	6129	23	002	23	000	Wages-Support Staff	58,307	16,234.42	(14,597)	43,710
199	11	6129	23	044	23	000	Wages-Support Staff	34,312	14,156.67	(13,021)	21,291
199	11	6129	23	121	23	000	Wages-Support Staff	43,237	16,949.40	(10,562)	32,675
199	36	6119	32	002	91	000	Salaries-Teachers/Other Professionals	396,156	35,933.26	11,768	407,924
199	36	6119	32	003	91	000	Salaries-Teachers/Other Professionals	407,722	36,478.49	15,421	423,143
199	36	6144	32	002	99	000	TRS/TRS Care On-behalf	30,642	(17,474.28)	21,802	52,444
199	36	6144	32	003	99	000	TRS/TRS Care On-behalf	33,469	(11,637.41)	16,058	49,527
199	11	6119	00	002	11	000	Salaries-Teachers/Other Professionals	4,746,112	598,447.44	(65,049)	4,681,063

REASON FOR REQUEST: Correct budget for special education positions originally budgeted as classroom teachers, however, positions hired were diagnosticians and licensed school psychologists which are charged to function 31 rather than 11. Additionally, utilize salary savings to cover the additional cost of campus offensive/defensive coordinators.

Sheryl Davis
BUDGET ADMINISTRATOR /

Chief Financial Officer

Revised 06/2019

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: Sheryl Davis**

RE: Resolution Committing Unassigned General Fund Balance as of August 31, 2022

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Background Information:

Policy CE (Local), approved by the Board on August 25, 2010, allows for the commitment and assignment of fund balances for specific purposes. Attached is a resolution to commit an estimated $6,185,548 of unassigned general operating fund balance for the following purposes:

- $178,860 for campus furniture replacement;
- $185,845 for the replacement of police vehicles;
- $726,386 for major maintenance projects not completed at August 31, 2022;
- $783,967 for the completion of the walk-in cooler/freezer infrastructure for child nutrition programs;
- $960,248 in salary and benefit costs for fourteen dyslexia specialists, originally budgeted in the general fund, which will be funded through federal ESSER funds for the 2022-2023 fiscal year;
- $1,528,189 for bus replacements, including $414,066 accumulated from the sale of buses to be used for future bus replacement; and
- $1,822,053 for expenditures related to insurance claims, specifically hail damage.

Since outstanding purchase orders demonstrate the District's intent to spend the resources, purchase orders not received as of August 31, 2022 will be reported as committed fund balance. Encumbrances for outstanding purchase orders in the general fund total $7,281,713 and may include some amounts committed above.

Amounts shown reflect maximum amounts for these commitments. Committed fund balances will be adjusted pending final expenditures at August 31, 2022.

Funds may be committed for any outstanding deficit reflected in the internal services fund for self-funded health insurance and workers' compensation to cover liability exposures in excess of actuarially determined reserves and stop-loss insurance coverage.

The total fund balance of Campus Activity Funds, reported in Special Revenue Funds shall also be committed to campus related activities.

Additionally, the performance contract, related to district campuses operated under Texas Education Code 42.2511, requires that any unspent Foundation

School Program revenues generated by the campuses be restricted to future use by those campuses. At this time, the cumulative under-expenditure is estimated to be $2,599,300.

Fiscal Implications:

This resolution potentially decreases the unassigned fund balance.

Administrative Recommendations:

The Administration recommends approval of a Resolution committing unassigned general operating fund balance for purposes described above.

RESOLUTION
COMMITTING FUND BALANCE
OF THE WACO INDEPENDENT SCHOOL DISTRICT

The Board of Trustees of the Waco Independent School District being convened in Regular Session at its regular meeting place within the boundaries of the Waco Independent School District, on the 25th day of August, 2022.

WHEREAS, the Governmental Accounting Standards Board (GASB) adopted Statement 54 (GASB 54), a standard for governmental fund balance reporting and governmental fund type definitions effective for fiscal years beginning after June 15, 2010; and

WHEREAS, the Waco Independent School District has elected to implement GASB 54 requirements, and to apply such requirements to its year ending August 31, 2022 financial statements; and

WHEREAS, the Board of Trustees of the Waco Independent School District have determined that a portion of the unassigned general operating fund balance should be allocated toward future capital construction, equipment, and other major improvement needs of the District;

NOW THEREFORE, BE IT RESOLVED that the Waco Independent School District Board of Trustees commits portions of its August 31, 2022 General Fund unassigned fund balance as follows:

- Committed Fund Balance – Construction
    - Child Nutrition Services Cooler/Freezer Infrastructure $ 783,967

- Committed Fund Balance - Capital Expenditures for Equipment
    - Buses 1,528,189
    - Police Vehicles 185,845

- Committed Fund Balance – Other
    - Campus Furniture Replacement 178,860
    - Major Maintenance and Other Projects 726,386
    - Salaries and Benefits for Dyslexia Specialists 960,248
    - Insurance Claims, Hail Damage 1,822,053

BE IT ALSO RESOLVED: that the Waco Independent School District Board of Trustees commits any encumbrances (e.g., purchase orders, contracts) outstanding at year-end as appropriate. The encumbrances do not constitute expenditures or liabilities because the commitments will be reappropriated and honored during the subsequent year.

BE IT ALSO RESOLVED: that the Waco Independent School District Board of Trustees commits any outstanding deficit reflected in the internal services fund for self-funded health insurance and workers' compensation to cover liability exposures in excess of actuarially determined reserves and stop-loss insurance coverage.

BE IT ALSO RESOLVED that the Waco Independent School District Board of Trustees commits the total fund balance of Campus Activity Funds, reported in the Special Revenue Funds, to projects related to campus activities.

BE IT ALSO RESOLVED: that the provisions of this Resolution shall be effective as of the date of adoption and shall remain in effect until modified by action of the Board of Trustees.

INTRODUCED AND PASSED by the Waco Independent School District Board of Trustees, this 25th day of August, 2022.

_____

Stephanie Ybarra-Korteweg
President, Board of Trustees

_____

Jeremy Davis
Secretary, Board of Trustees

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: S. Smith/C. Reece**

RE: Bid Award for Courier Services

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Background Information:

Request for Proposal, RFP # 22-1227, for Courier Services has been issued and opened for the purpose of awarding a bid for courier services. The scope for these services requires daily cash deposit pickups at each of the campus offices as well as the cafeteria/kitchen areas, then delivering those deposits to the District's banking institution. In addition to the campus pick up service, the courier also provides pick up service for both the Child Nutrition Department and the Administration Building.

The District received only one (1) response for these services

This bid will expire July 31, 2023 with three (3) additional renewal options

Fiscal Implications:

The cost of this service will be charged to the appropriate contracted services budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the bid award for Courier Services with Texas Star Security, as presented.

RFP # 22-1227
Courier Services
Bid Tabulation

2022-2023 School Year

Responding Supplier	City	State	Lines Responded	Cost Per Pickup	Annual Total
Texas Star Security (Tex 1 Security, Inc.)	Waco	TX	25 Pickup Locations X 170 days = 4250 pick-ups	$10.00	$ 42,500.00

Supplier Scoring Summary — 22-1227 Addendum 1 - Courier Services - Scoring Round (2)

Supplier	Rank	Score	Proposed Cost Points	Experience doing business with other School Districts	Experience doing this type of work	References	Certificate of Bonding
		100	40	15	20	20	5
Texas Star Security	1	91.33	40	15	20	11	5
		91.33	**40.00**	**15.00**	**20.00**	**11.33**	**5.00**

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: **S. Smith**

RE: Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services

==========

Background Information:

Request for Proposal, RFP # 21-1182, Educational Consulting, Professional Development, and Other Student-Based Contracted Services have been received for the purpose of creating a list of vendors which can service the District. We received ten (10) responses during the past month. The recommended vendors will be added to our previously approved list of one hundred and sixty-one (161) responses.

Examples of the types of services covered under this RFP are:

- Academic Educational Consultant
- Professional / Staff Development Training
- Motivational or Professional Speaker
- Program Review/Recommendation Services
- Data/Statistical Analysis
- Curriculum Design
- Evaluator Services
- Judging Services
- Technology Analysis / Consultant
- Operations Analysis / Consultant
- Grant Evaluation Services
- Presentations / Programs for staff and students (e.g. authors)
- Marching Band / Drill / Cheer Design and Choreography (includes camps)
- Theatre Coaching Services
- Instructors for outside of the school day classes (art, photography, gardening, tennis, Zumba, etc.)
- Speaker(s) for Assembly Programs
- Other services deemed appropriate for this request

In an effort to create inclusivity with our consulting, professional development, and student-based contracted services vendors and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5 – Purchasing, the Business Services Department has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

Normal procurement practices will allow solicitation responses to be submitted to the district within a limited, specific time period, usually two to three weeks. The district may want to review past policies to determine if a limited response time is in the best interest of the district and the needs of its end users.
Consideration may need to be given to have an extended opening for receiving responses.

• Limited Response Period. This choice is considered a normal, formal RFP. Examples include newspaper advertisements and awards made and limited to only the responders that submitted and awarded for the solicitation.

• Extended Response Period. This choice is more informal than a limited response period. The major difference is the date the responses are due. This method allows for responses to be accepted throughout an extended period such as the date of the contract award expiration and awards made periodically. Periodic board approval may also be required. For newspaper advertisements, our District will continue to publicize periodic republication through our website and continue to enlist the assistance of the three (3) Chamber of Commerce's, as received on this first solicitation. The advertisement will address concerns about transparency by announcing the solicitation to new readers even though the statutory requirements were met by the initial publication.

The intent for awarding additional vendors to this bid will be done on an as needed basis. Vendors submitting a response by the end of each month will be submitted for consideration at the next board meeting.

Fiscal Implications:

The cost of these items will be charged to the appropriate campus/department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the additional ten (10) vendors for the Educational Consulting, Professional Development, and Other Student-Based Contracted Services bid, as presented.

RFP #21-1182 Educational Consulting, Professional Development, and Other Student-Based Contracted Services

Amy Haaland

Company Name: Amy Haaland

Street Address: 6626 Klein Cemetery Road

City, State, Zip: Spring, TX 77379

Contact Name: Amy Haaland

Contact Phone Number: 281-455-6979

Contact Email Address: ahaaland@pcsclassical.org

Category of Service Provided: Academic Educational Consultant

Target Audience: Teachers

Description of Services: Consulting services for implementation of math curriculum Pricing:

Flat Fee $250.00 plus mileage

Bradley W. Carpenter

Company Name: Bradley W. Carpenter

Street Address: 10353 Fallen Leaf Drive

City, State, Zip: Waco, TX 76712

Contact Name: Bradley W. Carpenter

Contact Phone Number: 512-983-6123

Contact Email Address: bradley_w_carpenter@baylor.edu

Category of Service Provided: Motivational or Professional Speaker

Target Audience: Waco ISD Staff and Administration

Description of Services: Provide professional development sessions that focuses on team building, increased communication, planning skills, employee motivation, employee collaboration, and employee retention. Emphasize the need to strengthen professional relationships with coworkers, thus helping to establish a sense of mindfulness both in and out of the workplace.

Pricing: $2,500

ECS Consulting Services

Company Name: ECS Consulting Services

Street Address: 420 Parkview Court Unit D

City, State, Zip: Salisbury, MD 21804

Contact Name: Dr. Brante' Dashiell

Contact Phone Number: 410-845-8528

Contact Email Address: ecsconsult.dashiell@gmail.com

Category of Service Provided: Professional/Staff Development Training

Target Audience: General Education Teachers, Special Education Teachers, Designated School Leaders

Description of Services: Teaching with "I " in Mind is a program that focuses on providing tools and strategies that allows teachers to be reflective practitioners while creating an inclusive,

proactive, and positive learning environment for all students. The 3 part professional development series will include: pre and post assessments, engaging and active learning sessions, independent task and small group coaching, learning walks with teachers and administrators, and support in hybrid formats (face to face and online).

Pricing: OPTION 1 Package Price: $33,500 3 days of professional development on- site, OPTION 2 Package Price: $28,900 3 days professional development sessions, OPTION 3 Package price: $19,600 2 days of professional development

Note: limit 20 participants per package and small group coaching limit to 5 participants

Foundations- Educational Consulting and Coaching LLC

Company Name: Foundations- Educational Consulting and Coaching LLC

Street Address: 17350 State Highway 249, Suite 220

City, State, Zip: Houston, TX 77064

Contact Name: Selena Stone

Contact Phone Number: 972-889-9722

Contact Email Address: sstone@foundationsedu.org

Category of Service Provided: Professional/Staff Development Training

Target Audience: RLA/ELAR Secondary Teachers Grades 7-12

Description of Services: Provides professional development and learning (PDL) sessions that focus on secondary English Language Arts and Reading planning/coursework, instructional methods, and assessment/evaluation techniques that support all learners.

Pricing: Pricing is offered as both 'a la carte' and discounted 'packaged' options. Additional professional discounts made available based on selected payment option.

Laura Farnell

Company Name: Laura Farnell

Street Address: 6213 Lakeridge Rd

City, State, Zip: Arlington, TX 76016

Contact Name: Laura Farnell

Contact Phone Number: 682-478-5676

Contact Email Address: laura.farnell@gmail.com

Category of Service Provided: Fine Arts Services (Band, Choir, Theater)

Target Audience: Choir (district)

Description of Services: Provides a written piece of commissioned choral music.

Pricing: $600 will cover the cost of composing a piece of music and providing a written score

Luchin Consulting

Company Name: Beatrice Moore Luchin

Street Address: 5802 Green Springs Drive

City, State, Zip: Houston, TX 77066

Contact Name: Beatrice Moore Luchin

Contact Phone Number: 832-260-3172

Contact Email Address: luchinconsulting@gmail.com

Category of Service Provided: Academic Educational Consultant

Target Audience: K-12 mathematics teachers

Description of Services: Provides professional development

Pricing: $1500-@3500

Nikita L. Mumphrey

Company Name: Nikita L. Mumphrey

Street Address: 267 Cliffwood Street

City, State, Zip: Longview, TX 75603

Contact Name: Nikita L. Mumphrey

Contact Phone Number: 903-399-9429

Contact Email Address: mumphreynikita@gmail.com

Category of Service Provided: Professional/Staff Development Training

Target Audience: Teachers and Instructional staff

Description of Services: Provide professional development to team leaders and instructional staff to improve student achievement, promote teacher growth, and deliver exceptional outcomes.

Pricing: $2,300 per day for each professional development session

Public Impact, LLC

Company Name: Public Impact, LLC

Street Address: 405A East Main Street

City, State, Zip: Carrboro, NC 27510

Contact Name: Bryan Hassel

Contact Phone Number: 919-240-7955

Contact Email Address: officemanager@publicimpact.com

Category of Service Provided: Professional/Staff Development Training

Target Audience: Waco ISD Staff and Administration

Description of Services: Provides professional learning series in which participants will have access to three days of virtual, role-specific training sessions to help selected Opportunity Culture teacher leaders and school leaders prepare for success in their new roles and school models. Strands include school leader, multi-classroom leader, team reach teacher, and reach associate. These sessions feature a low participant/facilitator ratio optimal for high quality adult learning, draw on the experience, expertise and voices of peers who are implementing similar models in other districts, and allow participants to network with like-role peers across the country.

Pricing: Per participant for professional learning

TriNow Consulting, LLC

Company Name: TriNow Consulting, LLC

Street Address: 4127 Becky Sue Trail

City, State, Zip: Olive Branch, MS 38654

Contact Name: Shiree McGee

Contact Phone Number: 708-852-7638

Contact Email Address: Consulting@smcgee.org

Category of Service Provided: Professional/Staff Development Training

Target Audience: Teachers

Description of Services: Professional development - up to four teachers, three 90 minute sessions teaching the R.E.S.E.T. for Teachers Method.Job embedded coaching - up to four teachers, a half day each of in class coaching as follow up from professional development sessions1:1 coaching - 10 days of in class coaching with one teacher that includes observation, feedback, training, modeling, reports for teacher and principal, 30 days of office hours with final observation for progress

Pricing: Option 1 $6,750 Professional development - up to four teachers, three 90 minute sessions teaching the R.E.S.E.T. for Teachers Method. Option 2 $10,000 Job-embedded coaching - up to four teachers, a half day each of in class coaching as follow up from professional development sessions: Option 3 $12,500 1:1 coaching - 10 days of in class coaching with one teacher that includes observation, feedback, training, modeling, reports for teacher and principal, 30 days of office hours with final observation for progress

Valeisha Ellis

Company Name: Valeisha Ellis, Ph.D.

Street Address: 3783 Ardsley Court

City, State, Zip: Marietta, GA 30062

Contact Name: Valeisha Ellis, Ph.D.

Contact Phone Number: 850-345-7426

Contact Email Address: drvellis@gmail.com

Category of Service Provided: Academic Educational Consultant

Target Audience: School Administrators, Teachers, Staff, Parent Liaisons, Students

Description of Services: Provide services to support the Waco Independent School District in achieving its goals to provide equitable services, increase academic rigor, and build strong relationships of faculty/staff and families. Additionally, our aim is to improve communication and implement evidence-based practices that increase outcomes that increase family engagement. Sessions will be provided to engage faculty/administration of the designated school(s) in improving parental involvement and family engagement. Available Services: Education Consulting, Professional Development, Technical Assistance, Data Analysis & Reporting, Grant Writing, Student Engagement Events, Family Engagement Events, Community Engagement Events

Pricing: 3 Days (1 Specialist), Analyze the existing structure/processes for parental involvement and family engagement. Virtual review and analysis of documents, protocols, and policies. Provide feedback and recommendations to the district contact. Assess School Culture/Climate 1/2 day on on-site walk-through and collaboration with responsible personnel (Parent Liaisons/ Administration/Staff) Present Family Engagement Report 1/2 day of on-site school training and technical assistance to increase family engagement. Review current structure and policies, review current data, and engage in discussion and reflection activities. Review service delivery plan. Provide Technical Assistance and Develop a Family Engagement Plan 2 days of consulting/ technical assistance to develop a Family Engagement Plan. TOTAL $10,000.00

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: S. Smith**

RE: Bid Award for Maintenance Supplies, Equipment and Services

==========

Background Information:

Request for Proposal, RFP # 22-1229, Maintenance Supplies, Equipment and Services have been received for the purpose of creating a list of vendors which can provide supplies, equipment and services for the Facilities and Maintenance and Custodial Departments. We received sixty-eight (68) responses for this initial bid. The new vendors are attached for your consideration.

In an effort to allow for maximum participation with our Maintenance and Custodial vendors and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5, Purchasing the Business Services Department has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

Normal procurement practices will allow solicitation responses to be submitted to the district within a limited, specific time period, usually two to three weeks. The district may want to review past policies to determine if a limited response time is in the best interest of the district and the needs of its end users. Consideration may need to be given to have an extended opening for receiving responses.

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The intent for awarding additional vendors to this bid will be done on an as needed basis. Vendors submitting a response by the end of each month will be submitted for consideration at the next board meeting.

Fiscal Implications:

The cost of these items will be charged to the appropriate campus/department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the sixty-eight (68) vendors for the Maintenance Supplies, Equipment and Services bid, as presented.

Vendor List

Responding Supplier	City	State
A&H Refrigeration Co. Inc.	Waco	TX
A-1 Banner & Sign Co. Inc.	Waco	TX
A-1 Vacuum Center, Inc.	Conroe	TX
AAA Elevator Inspections	Austin	TX
Access Lift & Service Company, Inc.	Peaster	TX
Acme Architectural Hardware	College Station	TX
Air Flow Filter Service, Ltd	Waco	TX
Allen Glass Company	Hewitt	TX
ARC Abatement 1, Ltd.	Waco	TX
B F HURLEY MAT CO, INC	LaGrange	GA
B&B Repair Shop	West	TX
BAIN PAPER COMPANY	WACO	TX
Barnett Contracting, Inc.	Waco	TX
Batteries Plus Waco/Temple/Harker Heights (Glacierbeach)	Waco	TX
BELFOR (BELFOR USA Group, Inc.)	Waco	TX
Benchmark Signs	Weatherford	TX
Bill's Discount Tire Service (Maria G. Castanon-Vega)	Waco	TX
Brewer lock and safe	WACO	TX
Bullseye Glass (Bullseye Glass LLC,)	Waco	TX
Centex Carpet & Interiors	Waco	TX
Clarks Small Engine Repair	Lacy Lakeview	TX
Climatec, LLC	Austin	TX
Code-3 Fire & Safety Products	Waco	TX
Communication Concepts	Fort Worth	TX
Competitive Choice Inc.	Houston	TX
Complete Supply, Inc.	Dallas	TX
Core Controls	Dallas	TX
Dealers Electrical Supply	Waco	TX
DenaliCS (Denali Construction Services, LP)	Carrollton,	TX
Environmental Concerns, Inc.	Waco	TX
EPIC SOLAR CONTROL, LLC	McKinney	TX
Fairway Supply	Irving	TX
Firetrol Protection Systems (Heather Foster)	Austin	TX
Fissco Supply (FRIGELAR NORTH AMERICA DBA Fissco Supply)	Dallas	TX
Fitzgerald Lawnscaper Ltd.	Woodway	TX
Global Industrial (Global Equipment Co., Inc.)	Buford	GA
HCS Inc (MB Home Construction)	Waco	TX
Image Maker 4U, Inc.	Hughes Springs	TX
INDEPENDENT HARDWARE INC	Philadelphia	PA
Interboro Packaging Corporation	Montgomery	NY
Intercon Environmental, Inc.	Mansfield	TX
intermountain lock & security supply	Salt Lake City	UT
Justin Seed Company	Justin	TX
Landscape Supply (Waco Landscape Supply, LP)	Waco	TX
Liftcrete Solutions (Green Foam Solutions, Inc)	Waco	TX
Lonestar Chiller Systems (Lonestar Chiller Systems LLC)	Crawford	TX

Vendor List

Responding Supplier	City	State
LUDWIG SAW AND TOOL SHARPENING	Waco	TX
M.A.N.S Distributors Inc	Carrollton	TX
MARKS PLUMBING PARTS (JOHN W GASPARINI INC)	Fort Worth	TX
MORRISON SUPPLY CO	Waco	TX
National Wholesale Supply Co.	Woodway	TX
P&E Mechanical Contractors, LLC	Waco	TX
Perry Office Plus (Perry Office Products)	Temple	TX
Pye Barker Fire	Waco	TX
Sherwin Williams (The Sherwin Williams Company)	Waco	TX
SIMS PLASTICS OF WACO	WACO	TX
Smoot-Anderson Co., Inc.	waco	TX
solar supply	waco	TX
Southern Clean pressure washing (Michael Jackson)	Ferris	TX
SWS CONCRETE CONTRACTOR (SCOTT W SCHREIBER)	WACO	TX
T&G Chemical and Supply	Waco	TX
T.E.A.M. Solutions, Inc. (Texas Energy & Automation Management Solutions, Inc.)	Waco	TX
TJ's Professional Painting and Construction, LLC	Red Oak	TX
Trane	Fort Worth	TX
UniFirst Corporation	Hewitt	TX
Virkim Inc	Hewitt	TX
Winston Watercooler of Waco LTD	Waco	TX
Woodard Builders Supply Company	Fort Worth	TX

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25,2022 **Contact Person: S. Smith**

RE: Bid Award for Restaurant & Catering Services

==========

Background Information:

Request for Proposal, RFP # 19-1150, Restaurant & Catering Services have been received for the purpose of creating a list of vendors which can service the District in their Restaurant and Catering needs. We received one (1) response since the last bid was awarded.

The one new vendor, to be considered with the previously approved fifty-seven (57) vendors, are attached for your consideration.

In an effort to create inclusivity with our local Restaurant and Catering vendors and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5, the District has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

Normal procurement practices will allow solicitation responses to be submitted to the district within a limited, specific time period, usually two to three weeks. The district may want to review past policies to determine if a limited response time is in the best interest of the district and the needs of its end users.
Consideration may need to be given to have an extended opening for receiving responses.

• Limited Response Period. This choice is considered a normal, formal RFP. Examples include newspaper advertisements and awards made and limited to only the responders that submitted and awarded for the solicitation.

• Extended Response Period. This choice is more informal than a limited response period. The major difference is the date the responses are due. This method allows for responses to be accepted throughout an extended period such as the date of the contract award expiration and awards made periodically. Periodic board approval may also be required. For newspaper advertisements, our District will continue to publicize periodic republication through our website and continue to enlist the assistance of the three (3) Chamber of Commerce's, as received on this first solicitation. The advertisement will address concerns about transparency by announcing the solicitation to new readers even though the statutory requirements were met by the initial publication.

The intent for awarding additional vendors to this bid will be done on an as needed basis. Vendors submitting a response by the end of each month will be submitted for consideration at the next board meeting.

Fiscal Implications:

The cost of these items will be charged to the appropriate campus/department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the one (1) additional vendor for the Restaurant & Catering Services bid, as presented.

RFP # 19-1150

Restaurant and Catering Services

New Responding Supplier	City	State	Bid #	Expiration Date
Bigwards Smokehouse	Waco	TX	19-1150	1/30/2025
Previously Awarded Vendors	**City**	**State**	**Bid #**	**Expiration Date**
Andy's Frozen Custard (Andy's Texas #5, LLC)	Austin	TX	19-1150	1/30/2025
Apex Coffee Roasters	Waco	TX	19-1150	1/30/2025
Backyard Bar Stage and Grill	WACO	TX	19-1150	1/30/2025
Blanek‘s Custom Catering by Big Daddy‘s (Joe Blanek)	Robinson	TX	19-1150	1/30/2025
Boardwalk on Elm	waco	TX	19-1150	1/30/2025
Bush‘s Chicken	Waco	TX	19-1150	1/30/2025
Cafe Venture Catering and Fuddruckers	Lubbock	TX	19-1150	1/30/2025
Chaney Brothers Coffee Truck (Waco Coffee Company	Waco	TX	19-1150	1/30/2025
Chick-Fil-a at baylor unitversity (Sykora Family Enterprises)	Waco	TX	19-1150	1/30/2025
Chick-fil-A of Waco	Waco	TX	19-1150	1/30/2025
Chuy's Opco Inc.	Austin	TX	19-1150	1/30/2025
Coach's Smoke BBQ (Josey's BBA, Inc.)	Waco	TX	19-1150	1/30/2025
DoubleDave's Pizzaworkds (Hearne Pizza LLC)	Waco	TX	19-1150	1/30/2025
Fazoli's (FazTex Restaurants, Inc.)	Austin	TX	19-1150	1/30/2025
Franklin Avenue Mac House (Cheddar Box, LLC)	Waco	TX	19-1150	1/30/2025
Fuego Waco II, LLC	Waco	TX	19-1150	1/30/2025
Gelu Italian Ice (Waco Coffee Company, LLC)	Waco	TX	19-1150	1/30/2025
George's Restaurant & Catering (George's 1 LTD)	Waco	TX	19-1150	1/30/2025
Good'N Gone Cookie Jar	Waco	TX	19-1150	1/30/2025
Heritage Creamery (Heritage Creamery LLC)	Waco	TX	19-1150	1/30/2025
HTeaO (N2T LLC)	Amarillo	TX	19-1150	1/30/2025
Jason‘s Deli (Deli Management, Inc.)	Waco	TX	19-1150	1/30/2025
Jimmy Johns (Butts Largest Investment Group II, Inc)	Waco	TX	19-1150	1/30/2025
Jon Lillie's Steakhouse	waco	TX	19-1150	1/30/2025
Kona Ice of Waco LLC (Tie Dye Interprises)	Waco	TX	19-1150	1/30/2025
Kurbside Coffee & Goods	Waco	TX	19-1150	1/30/2025
La Fiesta Restaurant (Wanda Patlis Inc)	Waco	TX	19-1150	1/30/2025
LITTLE CAESARS PIZZA (RENO LTD)	HEWITT	TX	19-1150	1/30/2025
Lula Jane's LLC	Waco	TX	19-1150	1/30/2025
McAlister‘s Deli (The Saxton Group)	Dallas	TX	19-1150	1/30/2025
Mo Cookies	Waco	TX	19-1150	1/30/2025
Newk's-1033-Waco-TX (Newk's Eatery)	Waco	TX	19-1150	1/30/2025
Nightlight Donuts & Coffee	Woodway	TX	19-1150	1/30/2025
Ninfas mexican restaurant (texas rodco waco)	waco	TX	19-1150	1/30/2025
Panda Express INC	Waco	TX	19-1150	1/30/2025
Papa Bear	waco	TX	19-1150	1/30/2025
Peter Piper Pizza (Pizza Properties Inc)	El Paso	TX	19-1150	1/30/2025
Po' Boy Place	Waco	TX	19-1150	1/30/2025
Pop's Lemonaide Co	Waco	TX	19-1150	1/30/2025
Raising Canes (Raising Canes Restaurants, LLC)	Plano	TX	19-1150	1/30/2025
Revival Eastside Eatery	Waco	TX	19-1150	1/30/2025
Rosa's Café & Tortilla Factory	Waco	TX	19-1150	1/30/2025
Rosati's of Waco (Odling Pizza LLC)	Waco	TX	19-1150	1/30/2025
Shipley Do-Nuts (January Investments Inc.)	Waco	TX	19-1150	1/30/2025

RFP # 19-1150

Restaurant and Catering Services

Previously Awarded Vendors	City	State	Bid #	Expiration Date
Southern Roots Brewing (Southern Roots Taproom LLC)	Waco	TX	19-1150	1/30/2025
Subway (Benchmark Subs)	Waco	TX	19-1150	1/30/2025
Sweetness Desserts (Laura Summersett)	Waco	TX	19-1150	1/30/2025
Sweets by Rachel	Waco	TX	19-1150	1/30/2025
Talk More Meals	Waco	TX	19-1150	1/30/2025
The Olive Branch (Stewart Branch)	Waco	TX	19-1150	1/30/2025
Tony DeMaria's BBQ	Waco	TX	19-1150	1/30/2025
Triple B's Smokehouse (J&C Triple B, LLC)	Waco	TX	19-1150	1/30/2025
Uncle Dan‘s Bar-B-que and Catering (D.W.Henderson Corporat	Waco	TX	19-1150	1/30/2025
Waco Cha	Waco	TX	19-1150	1/30/2025
Walkons waco	Waco	TX	19-1150	1/30/2025
What About Cupcakes? (What About Cupcakes LLC)	Waco	TX	19-1150	1/30/2025
Zookies Investments LLC	Waco	TX	19-1150	1/30/2025

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: S. Smith/D. Williams**

RE: Bid Award for Security Patrol Services

==========

Background Information:

Request for Proposal, RFP # 22-1228, Security Patrol Services, has been issued for the purpose of awarding Security Patrol Services for the District, to include nights, weekends and holidays.

We received six (6) responses for this bid. After the Police Department evaluated the proposals, it was determined that Texas Star Security offered the best value to the District. Blue Shield Security & Protection was the low bidder; however, they did not list any school district experience. This was of great concern for the Police Department. Texas Star Security has experience with other school districts, including Waco ISD. Therefore, the Waco ISD Police Department recommends awarding the services to Texas Star Security.

This bid will expire August 31, 2023 with three (3) additional one (1) year renewal options.

Fiscal Implications:

The cost of this service will be charged to the appropriate contracted services budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the bid award for Security Patrol Services to Texas Star Security, as presented.

Security Patrol Services
Bid Tabulation
RFP # 22-1228

Responding Supplier	City	State	Response Total
Blue Shield Security & Protection Inc.	Dallas	TX	$87,599.00
Texas Star Security (Tex 1 Security, Inc.)	Waco	TX	$123,470.00
Jet Security	Houston	TX	$135,537.00
Controlled F.O.R.C.E., Inc.	San Antonio	TX	$440,530.98
Signal 88 Security (Signal 88 Holdings, LLC)	Waco	TX	$923,136.00
The Unit Staffing LLC	Perryton	TX	$3,348,550.00

Supplier Scoring Summary 22-1228 Addendum 1 - Security Patrol Services - Scoring Round (2)

Supplier	Rank	Score	Proposed Cost Points	Experience doing this type f work	Experience doing business with other School District	DPS Private Security License	References	
		100	40	20	15	5	20	
Texas Star Security	1	78.33	28	20	7	5	18	
Blue Shield Security & Protect	2	72.33	40	13	0	5	14	
Jet Security	3	57.33	26	10	5	3	13	
Controlled F.O.R.C.E., Inc.	4	36.00	8	13	5	0	10	
Signal 88 Security	5	35.33	4	10	5	3	13	
The Unit Staffing LLC	6	26.67	1	12	2	5	7	
		51.00	**17.83**	**13.06**	**3.89**	**3.61**	**12.61**	

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: S. Smith/S. Davis**

RE: Bid Renewal for Financial Advisory Services

==========

Background Information:

Requests for Proposal, RFP # 07-06-0726, Financial Advisory Services, has been previously opened and tabulated for the purpose of providing services for, but not limited to, advice, assistance in connection with the issuance, sale, and delivery of debt obligations as well as other areas such as:

- Survey and analysis of the District's financial resources in light of projected revenue.
- Existing indebtedness, including a study of the District's existing debt structure, trend of assessed valuation and taxing ability, as well as present and future tax requirements.
- Analysis and preparation of options for the financing of recommended projects. Such assistance shall include assessment of all possible funding sources, including local, state and other sources.
- Assist administration and Board of Trustees in planning and preparing for a bond election, if determined to be necessary, including consultations with a local bond committee, if one is established, for the purpose of promoting the passage of a bond issue.
- On-site consultation with and presentation to Board of Trustees, administration, and/or various committees throughout the bond process.
- On-going advice from time to time regarding new developments in the municipal bond industry as they affect the District's current and projected long-term debt financing.
- Advise administration on investment options for bond proceeds and assist with execution of investment selections.

The Administration has been please with the services we have received from RBC Capital Markets and would like to exercise our option to renew the contract for an additional term, ending August 23, 2027. This is agreeable with RBC Capital Markets.

Fiscal Implications:

The cost of these services will be funded through bond proceeds, as issued.

Administrative Recommendation(s):

The Administration recommends that the contract for Financial Advisory Services be renewed with RBC Capital Markets, as presented.

Capital Markets

MUNICIPAL ADVISOR AGREEMENT

August __, 2022

Honorable President and Members of Board of Trustees
Waco Independent School District
501 Franklin Avenue
Waco, TX 76701

Re: Municipal Advisory Agreement

Ladies and Gentlemen:

1. **Retention of RBC Capital Markets, LLC.** RBC Capital Markets, LLC ("RBC CM") appreciates the opportunity to serve as municipal advisor to Waco Independent School District (the "Client" or "you") in association with the issuance of obligations in the form of municipal securities or loan(s). Upon your acceptance, this engagement letter (the "Agreement") will serve as our mutual agreement with respect to the terms and conditions of our engagement as your municipal advisor, effective on the date this Agreement is executed by the Client (the "Effective Date").

2. **Scope of Services for Municipal Securities.** RBC CM is engaged by the Client as its municipal advisor to provide the services set forth below (the "Scope of Services") regarding the Obligations:

   (a) Analyze the financing and structuring alternatives available to the Client if and as requested by the Client, taking into account its borrowing capacity, future financing needs, policy considerations, and such other factors as we deem appropriate to consider.

   (b) Recommend a plan for the issuance of the Obligations, consistent with the goals and needs of the Client, that may include: (1) the type of Obligations (e.g. current interest, capital appreciation, deferred income, etc.); (2) the date of issue; (3) principal amount; (4) interest structure (e.g., fixed rate, variable rate, etc.); (5) interest payment dates; (6) a schedule of maturities; (7) early redemption options; (8) security provisions; (9) method of sale (e.g., public sale, direct purchase by a bank or other investor, etc.); (10) as applicable, the investment of proceeds of the Obligations via state and local government obligations (SLGS), competitively bid open market securities or guaranteed investment contracts; and (10) other matters that we consider appropriate to best serve the Client's interests.

   (c) Advise you of current conditions in the relevant debt market, market supply and demand issues, and other general market information and economic data which might reasonably be expected to influence interest rates, sale or bidding conditions or timing of issuance.

   (d) Organize and coordinate the financing team selected by you. If requested, we will recommend qualified paying agents, escrow agents and verification agents, as the particular transaction may require, each of whom will be retained and compensated by you. In a negotiated offering, we will assist in the preparation of soliciting underwriter proposals upon request and provide assistance to you for the hiring of the underwriter(s).

   (e) Work with counsel on the transaction, including bond counsel whom you retain, who will be recognized municipal bond attorneys, whose fees will be paid by you, and who will prepare the proceedings,

provide legal advice concerning the steps necessary to be taken to issue the Obligations, and issue an unqualified opinion (in a form standard for the particular type of financing) approving the legality of the Obligations and (as applicable) tax exemption of the interest paid thereon. In addition, bond counsel, disclosure counsel or underwriter's counsel (as applicable) will issue an opinion to the effect that the disclosure document does not contain an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements contained therein, in light of the circumstances under which they were made, not misleading. Generally, working with counsel will mean coordinating with the attorneys and reviewing as municipal advisor such counsel's preparation of appropriate legal proceedings and documents, including documents concerning any required election.

(f) As applicable, assist in the Client's preparation of the preliminary official statement and the official statement or equivalent document as the particular transaction may require (such as a private placement memorandum).

(g) Make recommendations as to the need for credit rating(s) for the proposed Obligations and, should the Client seek a rating, coordinate the process of working with the rating agency or agencies and assist in the preparation of presentations as necessary.

(h) Analyze the value and costs of obtaining municipal bond insurance, a liquidity facility or other credit enhancement for the Obligations and, should the Client seek any such credit enhancement, coordinate the process and assist in the preparation of presentations as necessary.

(i) Propose various actions and strategies related to the pricing of a new issue of municipal securities, including analyzing the structure, timing, terms and other similar matters of a municipal securities transaction, while taking into account any unique features of the Obligations and any special instructions from the Client.

(j) Attend meetings of governing bodies of the Client, its staff, representatives or committees as requested.

(k) Coordinate with all parties to consummate the sale and delivery of the Obligations in a timely manner.

(l) After closing, deliver to the Client and the paying agent(s) definitive debt records, including a schedule of annual debt service requirements on the Obligations.

(m) You acknowledge that advice and recommendations involve professional judgment on our part and that the results cannot be, and are not, guaranteed. Further:

i. Unless otherwise provided in the Scope of Services described herein, RBC CM is not responsible for the information included in any preliminary or final official statement, or for certifying as to the accuracy or completeness of any preliminary or final official statement, other than with respect to any information about RBC CM provided by RBC CM for inclusion in such documents.

ii. The Scope of Services does not include tax, legal, accounting or engineering advice with respect to any issue or in connection with any opinion or certificate rendered by counsel or any other person at closing, and does not include review or advice on any feasibility study.

iii. The Scope of Services does not include providing advice or services with respect to investment advisory services, brokerage services or derivative products.

iv. If the Client designates RBC CM as its independent registered municipal advisor ("IRMA") pursuant to the Municipal Advisor Rule (the "MA Rule") of the Securities and Exchange Commission (the "SEC") with respect to the activities and aspects described in the Scope of Services, the Client agrees to disclose to RBC CM the existence of any such IRMA designations. Any reference to RBC CM, its personnel and its role as IRMA in the written

representation of the Client contemplated under the MA Rule is subject to prior approval by RBC CM. RBC CM is not responsible for verifying that it is independent (within the meaning of the MA Rule as interpreted by the SEC) from any party.

3. Scope of Services for Loans with Bank or Governmental Agency/Authority.

(a) As requested, analyze the risks and benefits of a loan with a bank or governmental agency/authority loan versus the issuance of municipal securities via the public debt markets.

(b) Recommend a plan for the structure of the loan, including: (1) the debt repayment structure (e.g., current interest, capital appreciation, etc.). and maturity dates; (2) loan amount; (3) interest structure (e.g., fixed or variable rate, etc.); (4), payment dates and early redemption dates, if applicable; (5) security provisions; and (6) as applicable, the investment of loan proceeds via state and local government obligations (SLGs), competitively bid open market securities or guaranteed investment contracts; and (7) other matters that we consider appropriate to best serve the Client's needs.

(c) Recommend: (1) lenders who are or may be active in the market for tax exempt municipal loans; (2) participate in the drafting for your review and approval appropriate request for bids or qualification for lenders to submit bids to provide a loan; and (3) facilitate the distribution of requests for bids or qualifications.

(d) Analyze and negotiate the term sheets obtained and advise you and recommend the terms that meet your financial objectives.

4. Amendment to Scope of Services.

The Scope of Services may be changed only by written amendment or supplement to the Scope of Services described herein. The parties agree to amend or supplement the Scope of Services described herein promptly to reflect any material changes or additions to the Scope of Services.

5. RBC CM's Regulatory Duties When Servicing the Client under MSRB Rule G-42.

RBC CM must make a reasonable inquiry as to the facts that are relevant to the Client's determination whether to proceed with a course of action, or that form the basis for any advice provided by RBC CM to the Client. Municipal Securities Rulemaking Board ("MSRB") Rule G-42 also requires that RBC CM undertake a reasonable investigation to determine that it is not basing any recommendation on materially inaccurate or incomplete information. RBC CM is also required to use reasonable diligence to know the essential facts concerning the Client and concerning the authority of each person acting on the Client's behalf. If the review of a recommendation of another party is requested by the Client and is within the Scope of Services of the Agreement, RBC CM must determine based on information obtained through reasonable diligence, whether the proposed securities transaction or financial product is or is not suitable for the Client. To the extent our services involve advising you with respect to a bank loan or a loan with a governmental agency or authority, certain rules and regulations of the Securities and Exchange Commission and MSRB may not apply to the activities of RBC CM.

The Client agrees to assist RBC CM in carrying out these regulatory duties, including providing to RBC CM accurate and complete information and reasonable access to relevant documents, other information and personnel needed to fulfill such duties. In addition, the Client agrees to notify RBC CM if the Client requests that RBC CM review any recommendation of a third party.

6. Term of this Engagement.

The Term of this Agreement begins on the Effective Date and may be terminated as provided for below. This Agreement may be terminated with or without cause by either party upon the giving of at least thirty (30) days' prior written notice to the other party of its intention to terminate, specifying in such notice the effective date of such termination.

7. **Compensation.**
The fees due to RBC CM hereunder shall be as set forth in Appendix A hereto. In addition, RBC CM shall be entitled to reimbursement of expenses incurred in connection with any services provided hereunder as set forth in Appendix A.

8. **Limitation of Liability.**
(a) In the absence of willful misconduct, bad faith, gross negligence or reckless disregard of obligations or duties hereunder on the part of RBC CM or any of its associated persons, RBC CM and its associated persons shall have no liability to the Client for any act or omission in the course of, or connected with, rendering services hereunder, or for any error of judgment or mistake of law, or for any loss arising out of any issuance of any Obligations , or investments of bond proceeds, or for any financial or other damages resulting from the Client's election to act or not to act, as the case may be, contrary to any advice or recommendation provided by RBC CM to the Client. No recourse shall be had against RBC CM for loss, damage, liability, cost or expense (whether direct, indirect or consequential) of the Client arising out of or in defending, prosecuting, negotiating or responding to any inquiry, questionnaire, audit, suit, action, or other proceeding brought or received from the Internal Revenue Service in connection with any issue or otherwise relating to the tax treatment of any issue, or in connection with any opinion or certificate rendered by counsel or any other party.

(b) Official Statement and Waiver of Sovereign Immunity. Client acknowledges that it is responsible for the contents of the preliminary official statement, official statement or any other document related to the issuance of the Obligations as contemplated herein ("Offering Documents"). Client will take all reasonable steps to ensure that the governing body has reviewed and approved the contents of the Offering Documents. In addition, Client agrees and understands that this Agreement is a contract for services and to the extent permitted under the applicable state law, waives any claims or defenses you may have that you are immune from suit for any matter arising from or relating to this Agreement.

9. **Required Disclosures.**
MSRB Rules G-10 and G-42 require that RBC CM provide you with disclosures of pertinent regulatory information, potential and actual conflicts of interest, and information regarding certain legal events and disciplinary history. Such disclosures are provided in RBC CM's Disclosure Statement delivered to the Client together with this Agreement.

10. **Know Your Client, Anti-Money Laundering, and Terrorist Financing Rules and Regulations.**
The Client agrees to provide information to satisfy "Know Your Client," "Anti-Money Laundering" and Terrorist Financing" rules and regulations, in each case, in accordance with RBC CM's requirements.

11. **Waiver of Jury Trial.**
EACH PARTY AGREES TO WAIVE ANY RIGHT TO A TRIAL BY JURY WITH RESPECT TO ANY CLAIM, COUNTERCLAIM OR ACTION ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT OR THE TRANSACTIONS CONTEMPLATED HEREBY OR THE RELATIONSHIP BETWEEN THE PARTIES. PARTIES AGREE TO WAIVE CONSEQUENTIAL AND PUNATIVE DAMAGES.

12. **Choice of Law.**
This Agreement shall be construed and given effect in accordance with the laws of the State of Texas.

13. **Binding Effect; Assignment.**
This Agreement shall be binding upon and inure to the benefit of the Client and RBC CM, their respective successors and permitted assigns; provided however, neither party may assign or transfer any of its rights or obligations hereunder without the prior written consent of the other party.

14. **Entire Agreement.**
This instrument, including all appendices hereto, contains the entire agreement between the parties relating to the rights herein granted and obligations herein assumed. This Agreement may not be amended, supplemented or modified except by means of a written instrument executed by both parties.

15. **Severability.**
If any provision of this Agreement is, or is held or deemed to be, invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions because it conflicts with any provisions of any constitution, statute, rule or public policy, or for any other reason, such circumstances shall not make the provision in question invalid, inoperative or unenforceable in any other case or circumstance, or make any other provision or provisions of this Agreement invalid, inoperative or unenforceable to any extent whatever.

16. **No Third Party Beneficiary.**
This Agreement is made solely for the benefit of the parties and their respective successors and permitted assigns. Nothing in this Agreement, express or implied, is intended to confer on any person, other than the parties and their respective successors and permitted assigns, any rights, remedies, obligations or liabilities under or by reason of this Agreement.

17. **Authority.**
The undersigned representative of the Client represents and warrants that (s)he has full legal authority to execute this Agreement on behalf of the Client. The following individuals have the authority to direct RBC CM's performance of its activities under this Agreement on behalf of the Client:

Dr. Susan Kincannon, Superintendent of Schools
Sheryl Davis, Chief Financial Officer

18. **Counterparts.**
This Agreement may be executed in counterparts, each of which shall be an original, but which taken together, shall constitute one and the same instrument.

RBC CAPITAL MARKETS, LLC

By _____
Name _____
Title Managing Director
Date _____

ACCEPTANCE

ACCEPTED this [_____] day of [_____], 2022

By _____
Name _____
Title _____

APPENDIX A

FEE SCHEDULE

In consideration for the services rendered by RBC CM, the Issuer agrees that our fee for each issue of Obligations will be as follows:

Fee Schedule for Financial Advisory Services – Competitive Sales

Obligation Proceeds More Than	And Not More Than	The Fee Is
Base Fee		$18,500
$-0-	$5,000,000	$18,500 plus $2.25 per $1000
$5,000,000	$10,000,000	$29,750 plus $1.75 per $1,000 for all Over $5,000,000
$10,000,000	$20,000,000	$38,500 plus $1.30 per $1,000 for all Over $10,000,000
$20,000,000	Thereafter	$51,500 plus $0.85 per $1,000 for all Over $20,000,000

Note: The above fee schedule includes all of RBC Capital Market's expenses (i.e. travel to the District, telephone, copying, etc.) except for a personal presentation to rating agencies and other charges incurred by RBC Capital Markets on behalf of the District. In the event of a rating trip, RBC Capital Markets will be reimbursed for all reasonable out-of-pocket expenses including travel and hotel accommodations.

Fees for advance refunding Obligations and/or other Obligations involving escrow Agreements, Lease Agreements, Liquidity Facilities, Standby Purchase Agreements, and/or certain credit agreements and negotiated sales will be the fee schedule set out in the Agreement above plus 25.0%. In addition, we will charge a structuring fee to be negotiated with the District on a case-by-case basis, but in no event will the fee exceed 25.0% of the fee for Municipal Advisory services

RBC Capital Markets will bill the Issuer at Closing for each issue of Obligations a net amount which will include a fee calculated on the above schedule as well as costs and expenses, where applicable, incurred on behalf of the Issuer.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: S. Smith/J. Allen**

RE: Bid Award for Job Order Contract (JOC) Data Wiring and Installation Services

==========

Background Information:

Request for Bids, Job Order Contract (JOC) # 22-1224, has been opened and evaluated for the purpose of awarding a contract for Data Wiring and Installation Services. We received two (2) bids for this service. After the Technology Department evaluated the bid responses, it was determined that NEI Datacom offered the best value to the District and therefore recommends that the bid award for Data Wiring and Installation be awarded to NEI Datacom.

This bid will expire August 31, 2023 with three (3) additional one (1) year renewal options.

Fiscal Implications:

The cost of this service will be charged to the departmental contracted services budget.

Recommendation(s):

The Administration recommends that the Board of Trustees approve the Job Order Contract (JOC) award for Data Wiring and Installation Services to NEI Datacom as the primary vendor and Technology for Education as the additional vendor for projects between $5,000 and $500,000, as presented.

JOC # 22-1224
Data Wiring and Installation Services
Bid Tabulation

Responding Supplier	City	State	Response Total
NEI Datacom (Nemmer Electric Inc.)	Waco	TX	$36.00
TFE (Technology For Education, LLC.)	Hewitt	TX	$39.00

Supplier Scoring Summary — 22-1224 - JOC Data Wiring and Installation Services - Scoring Round (2)

Supplier	Rank	Score	Proposed Price Points	Experience doing this type of business	Experience doing business with other school District	References	Financial Capacity	Safety Record
		100	35	20	15	20	5	5
NEI Datacom	1	88.33	35	18	15	20	0	0
TFE	2	82.00	32	17	15	18	0	0
		85.17	**33.50**	**17.50**	**15.00**	**19.17**	**0.00**	**0.00**

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: **S. Smith/C. Reece**

RE: Bid Award for Job Order Contract (JOC) Refrigeration Services

==========

Background Information:

Request for Bids, Job Order Contract (JOC) # 22-1225, has been opened and evaluated for the purpose of awarding a contract for Refrigeration Services. We received three (3) bids for this service. After evaluating the bid proposals, the Child Nutrition Department recommends the primary vendor be awarded to A & H Refrigeration, Inc., while McCloskey Mechanical be awarded the additional vendor.

This bid will expire August 31, 2022 with three (3) additional one (1) year renewal options.

Fiscal Implications:

The cost of this service will be charged to the departmental contracted services budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the Job Order Contract (JOC) award for Refrigeration Services to A & H Refrigeration, Inc. as the primary vendor McCloskey Mechanical as the additional vendors for projects between $5,000 and $500,000, as presented.

JOC # 22-1225
Refrigeration Services
Bid Tabulation

Responding Supplier	City	State	Hourly Rate
A&H Refrigeration Co. Inc.	Waco	TX	$50.00
McCloskey Mechanical	Blackwood	NJ	$64.00

Supplier Scoring Summary 22-1225 - JOC Refrigeration Services - Scoring Round

Supplier	Rank	Score		Proposed Price Points	Experience doing this type of work	Experience doing business with other school District	References	Financial Capacity in Relation to size and scope of projects	Safety Record
		100		35	20	15	20	5	5
A&H Refrigeration Co. Inc.	1	95.00		35	20	15	15	5	5
McCloskey Mechanical	2	72.00		27	20	15	0	5	5
		83.50		**31.00**	**20.00**	**15.00**	**7.50**	**5.00**	**5.00**

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: S. Smith/C. Reece**

RE: Bid Renewal for Job Order Contract (JOC) Kitchen Equipment Repair Services

==========

Background Information:

Request for Bids, Job Order Contract (JOC) # 21-1207, has previously been opened and evaluated for the purpose of awarding a Job Order Contract for Kitchen Equipment Repair Services.

Child Nutrition Department has been pleased with the services in which they have received and would like to exercise their option to renewal for an additional one (1) year period.

All projects under $5,000 will be awarded to the primary vendor. Quotes from all awarded vendors will be requested for projects costing between $5,000 and $500,000. Any project exceeding $50,000 will go to the Board for purchasing approval. All legal requirements for projects requiring an architect or engineer will be adhered to.

This bid will expire November 30, 2023, with two (2) additional one (1) year renewal options if mutually agreeable between both parties.

Fiscal Implications:

The cost of this service will be charged to the departmental contracted services budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the Job Order Contract (JOC) renewal for Kitchen Equipment Repair Service to RESCO, as the primary vendor, with Hobart Services as the additional vendor for projects between $5,000 and $500,000, as presented.

JOC # 21-1207
Kitchen Equipment Repair Services
Bid Tabulaton

Pricing Description:	Hobart Services	RESCO
Hourly Labor Rate	$ 152.00	$ 70.00
Helper Hourly Labor Rate	$ 152.00	$ 35.00
Other Hourly Labor Rate	$ -	$ 105.00
		After Hours or Special Hours
Materials Mark-up	40%	35-50%
Equipment Rental Mark-up	0.00%	35.00%

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: S. Smith**

RE: Purchases over $50,000 Under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service

==========

Background Information:

In April 2020, the Board approved a change in Board Policy CH (Local) that requires all purchase requests over $50,000 to be approved by the Board of Trustees prior to being made. These purchases will be made under a pre-existing bid or purchasing cooperative. The following purchase requests have been made as of August 25, 2022:

Pre-Existing Bid:

- The College Board-$68,627.00-PSAT and SAT tests – WISD Bid #21-1200 Instructional Materials
- Public Impact- $76,750- Consulting support and professional development for Opportunity Culture - WISD Bid #21-1182 Educational Consulting, Professional Development, and Other Student-Based Contracted Services
- Summit K12- $64,725.60- Software for ELL Students - WISD Bid #21-1200 Instructional Materials
- Edmentum-$407,807.40- District-wide software license for credit recovery online curriculum - WISD Bid #21-1200 Instructional Materials
- Texas Computer Education Association (TCEA) $81,600 – Online on-demand training for teachers for instructional technology - WISD Bid #21-1182 Educational Consulting, Professional Development, and Other Student-Based Contracted Services
- Frontline - $576,607.06 – Renewal of our Student and Business Information System including all additional modules – WISD Bid #21-1193 Student and Business Information System(s)
- CDWG - $ 52,689.32– XProtect Server and Device License - Security camera licensing and software subscription – Waco ISD Bid #20-1179 Educational Software
- CDWG - $ 55,925.00– Google Suite Workspace – Waco ISD Bid #20-1179 Educational Software

Purchasing Cooperative:

- Unifirst-$53,700.40- Weekly dust mop and pad service – BuyBoard Cooperative Bid #670-22 Uniforms and Accessories
- Instructure - $50,107.00- Learning management system for secondary students and faculty - Texas Statewide Consortium (via ESC Region 12) Contract# 2019-4-2024
- Dell- $161,764.80-MicroSoft Office 365 EES EDU solution for the district license - Includes all Windows and MS Office licenses for all devices and servers in the district. - Texas Department of Information Resources (DIR) contract # DIR-TSO-3763
- Dell- $100,099.32- VM Ware with Horizon Virtual Desktop Solution & NVidia Licenses - 300 additional licenses and support to provide student programming due to increase in testing requirements. - Texas Department of Information Resources (DIR) contract # DIR-TSO-3763
- Netsync - $54,485.04- PURE Storage solution - provide maintenance and system support for district storage – Choice Partners Cooperative Bid # 18/056KD-40 Technology Hardware, Software, and Services
- Solid Border - $149,238.00 - Palo Alto Firewall - Anti threat protection for the district network- BuyBoard Cooperative Bid#661-22 Technology Equipment, Products, Services, and Software
- Dell - $383,457.72 – Teacher laptops for all teachers as part of the Technology Life Cycle Plan - Texas Department of Information Resources (DIR) contract # DIR-TSO-3763

Allowed Professional Services:

- EMA Engineering & Consulting - $255,000 – professional consulting and design services for HVAC renovations at Crestview, Cedar Ridge, West Avenue, Brook Avenue, Provident Heights, Parkdale, and Hillcrest. Professional engineering services are exempt from the competitive bidding requirement.

Fiscal Implications:

The cost of these goods and services will be charged to the appropriate departmental budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the purchase requests over $50,000, as presented.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: **S. Davis / C. Reece**

RE: Adult Meal Pricing Increase for the 2022-2023 School Year

==========

Background Information:

The USDA Healthy, Hunger-Free Kids Act of 2010, which was signed by President Obama, implemented new provisions for Child Nutrition Programs across the nation.

Since the Program's express purpose is to safeguard the health and well-being of the nation's children, meals served to adults are not eligible for federal cash reimbursement— therefore, the reimbursements Contract Entities (CEs) receive for serving students must not be used to pay for adult meals. The charge for adult meals must, at a minimum, be greater than the amount of total reimbursement received for a free meal plus any other supplemental payments received by the CE plus per-meal value of USDA Foods (Commodities) used for the meal service. Total reimbursement includes standard reimbursements for free, reduced-price, and paid meals as well as performance-based and severe need for breakfast or lunch reimbursements. Any time this is not met, the price of adult breakfasts and lunches must be increased to cover the cost.

Waco ISD currently charges $2.75 for an adult/non-student breakfast, which is $0.20 below the cost outlined on the attached. Waco ISD currently charges $4.15 for an adult/non-student lunch, which is $0.35 below the cost outlined on the attached.

The administration is recommending a $0.20 increase in adult paid breakfast and a $0.35 increase in adult paid lunch, which will bring the district in-line with the funding requirement.

Fiscal Implications:

Due to the delay in receiving rates from the Texas Department of Agriculture, an estimated revenue increase was utilized in developing the 2022-2023 Child Nutrition Program budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve an increase in meal prices, as presented:

Adult Meal Prices / Non-Student Prices:
Adult and non-student breakfast from $2.75 to $2.95
Adult and non-student lunch from $4.15 to $4.50

Waco I.S.D. 2022-2023 Adult Meal Calculator Worksheet

This worsheet provides the information needed to calculate adult meal prices using both approved methods. Choose the method of calculation (see the *Administrator's Reference Manual (ARM), Section 19, Meal Pricing* for additional information on which method to use). If the rate applies, record the rate in the *Amount CE Receives* cell. If using Method 1, record the local student paid charge in the designated *Local Stuent Paid Charge* cell. If using Excel, this worksheet will automatically calculate the amounts in the *Minimum Adult Charge* and *Total Federal Funds* cells. All amounts are carried to 4 digits and must be rounded up when determining the adult meal price. Non-pricing programs must always use Method 2.

Use the applicable rates for the school year when the adult meal prices will apply.

Method 2 Lunch	
Federal Funds/Reimbursement Rate	**Amount CE Receives**
Free Reimbursement Rate (SY 2022-23 = $3.93)	$3.93
Severe Need Lunch (SY 2022-23 = $0.02)	$0.02
Performance-Based Reimbursement (SY 2022-23 = $0.08)	$0.08
USDA Foods (SY 2022-23 = $0.3975)	$0.4300
Total Federal Funds	$4.4600
Minimum Adult Charge	**$ 4.46**

Method 2 Breakfast	
Federal Funds/Reimbursement Rate	**Amount CE Receives**
Free Reimbursement Rate (SY 2022-23 = $2.11)	$2.11
Severe Need Breakfast (SY 2022-23 = $0.41)	$0.41
USDA Foods Rate (Add if USDA Foods are used at breakfast)	$0.4300
Total Federal Funds	$2.9500
Minimum Adult Breakfast Charge	**$ 2.95**

WACO I.S.D.

Adult Breakfast Meal Pricing for SY 2022-2023

The charge for adult breakfast meal prices must be at least the amount of Federal reimbursement received for a free breakfast added to the Federal Severe Need breakfast reimbursement and added to the per-meal value of USDA-donated foods.

Method 2

Using Free Reimbursement Rate for Breakfast

Add the rate of federal reimbursement for a free student breakfast to the severe need breakfast reimbursement to the per-meal value of USDA-donated commodities.

Federal Reimbursement rate for Free Breakfast	July 1, 2022- June 30, 2023	$ 2.11
Federal Reimbursement rate for Severe Need Breakfast	July 1, 2022- June 30, 2023	$ 0.41
USDA Foods Rate	July 1, 2022- June 30, 2023	$ 0.43
Total Minimum Adult Breakfast Price		**$ 2.9500**

Note: adult pricing must be at least the amount of reimbursement received for a free breakfast + the amount of reimbursement for a severe need breakfast + the USDA-donated food per meal value.

So, Minimum Adult Breakfast Pricing should be	**$2.95**
Current Waco ISD SY 2021-2022 Adult Breakfast Price	**$2.75**
Recommended Adult Breakfast Price for SY 2022-2023	**$2.95**
Recommended Adult Breakfast Price Increase for SY 2022-2023	**$0.20**

Increase of $0.20

WACO I.S.D.

Adult Lunch Meal Pricing for SY 2022-2023

The charge for adult lunch meal prices is at least the amount of the Federal Reimbursement received for a free lunch added to the per-meal value of USDA-donated foods, plus the two-cent Federal Supplement, plus the Performance-Based Reimbursement, if received by the SFA.

Method

Using Free Reimbursement Rate for Lunch

Add the rate of federal reimbursement for a free student lunch to the per meal value of USDA-donated commodities.

Federal Reimbursement rate for Free lunch	July 1, 2022 - June 30, 2023	$	3.93
$0.02 Federal supplement payment	July 1, 2022 - June 30, 2023	$	0.02
$0.08 Federal Performance-Based Reimbursement		$	0.08
USDA-donated food per-meal value *	July 1, 2022 - June 30, 2023	$	0.43
Total Minimum Adult Lunch Price		**$**	**4.46**

Note: adult pricing must be at least the amount of reimbursement received for a free lunch + the USDA-donated food per meal value + $0.02 severe need supplement and the $0.08 supplement if applicable

So, Minimum Adult Lunch Pricing should be	**$4.46**
Current Waco ISD SY 2021-2022 Adult Lunch Price	**$4.15**
Recommended Adult Lunch Price for SY 2022-2023	**$4.50**
Recommended Adult Lunch Price Increase for SY 2021-2022	**$0.35**

Increase of $0.35

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: Sheryl Davis

RE: Amendment to the Interlocal Agreement between the McLennan County Juvenile Probation Department and Waco ISD for Child Nutrition Services for the 2022-2023 School Year

==========

Background Information:

The Waco ISD Child Nutrition Services provides meals to the youth and staff of the Bill Logue Juvenile Justice Detention Center (JDC) each day school is in session during the regular school year (to match Waco I.S.D. School calendar) and on weekdays during the summer months, as mutually agreed upon.

For these services, the JDC agrees to pay the Service Provider an amount of $3.00 per adult breakfast and $4.75 per adult lunch. This arrangement has proved successful and the District and JDC wish to enter into the same agreement for the 2022-2023 school year. A copy of the agreement is attached.

With the implementation of the Community Eligibility Provision (CEP), the district no longer obtains free and reduced applications from students.

Fiscal Implications:

Because there will be no additional fixed costs for us to prepare the meals, we anticipate that results of operations will result in a slight financial gain to the District.

Administrative Recommendation(s):

The Administration recommends the Board of Trustees approve the interlocal agreement with the McLennan County Juvenile Probation Department for child nutrition services, as presented.

INTERLOCAL AGREEMENT BETWEEN

MCLENNAN COUNTY JUVENILE PROBATION DEPARTMENT

and

WACO INDEPENDENT SCHOOL DISTRICT

FOR CHILD NUTRITION SERVICES

This Agreement for the 2022-2023 school year is entered into by and between The McLennan County Juvenile Probation Department (hereinafter called "Department"), 2601 Gholson Road, Waco, Texas, 76704, and the Waco Independent School District's Child Nutrition Services (hereinafter called "Service Provider", 2025 S. 19th Street, Waco, Texas 76706-3018, in consideration of the mutual terms and conditions set forth below:

I. Provisions of Services

1. The Service Provider shall provide the Services set out, which is incorporated by reference herein, to Juveniles who are referred to the Service Provider by the Department.

2. All breakfast and lunch meal components provided by the Service Provider shall conform to the minimum standards set forth by the United States Department of Agriculture (USDA) and the Texas Department of Agriculture (TDA) meal pattern requirements for all reimbursable meals prepared and provided. The Service Provider and the Department will comply with all applicable laws, ordinances, rules and regulation related to food service sanitation, safety and health.

3. Service Provider shall adjust the dietary allowance to accommodate the Boot Camp residents' needs for increased caloric intake due to participation in strenuous physical activity.

4. The Service Provider shall adhere to all applicable federal and state laws and regulations in the provisions of services hereunder.

5. The Service Provider shall provide breakfast and lunch meals to the youth and staff of the Bill Logue Juvenile Justice Detention each day Waco I.S.D. school is in session during the regular school year (to match Waco ISD school calendar) and on weekdays during the summer months as mutually agreed upon.

6. Department will assist Service Provider with getting a 2022-2023 Waco I.S.D. Socioeconomic Information Form completed for each client on the day that said client arrives on the premises and is present for meal service.

7. Department will assist Service Provider with getting a daily roster of students, by full name, of who is on the premises for breakfast meal service and for lunch meal service to ensure Service Provider has documentation for TDA meal claim.

8. Department will assist Service Provider with a list of adults who receive breakfast and lunch meals each day for correct meal recording.

9. All withdrawn clients will be noted in writing and shared with Service Provider employee on date of departure.

10. The Department shall inform the Service Provider the afternoon prior to any changes in breakfast and lunch service, such as service time changes.

11. The Department and the Service Provider agree that federal, state, and local health and sanitation requirements will be met at all times. All existing health and sanitation problems will be corrected by The Department prior to breakfast and lunch being served. The Department must have on display at all times a current health department permit from the City of Waco Health Department and provide the Service Provider with a copy of these permits. The Department must insure that 2 health department inspections occur each 12 month period, per TDA regulations.

II. Compensation to Service Provider

1. For and in consideration of the above-mentioned services, the Department agrees to pay the Service Provider an amount of $3.00 per adult breakfast, $4.75 per adult lunch.

2. Billings for payment will be submitted to the Department no later than fifteen (15) days from the last day of the month for which payment is being requested. The Department will make payment no later than thirty (30) days after receipt of the billing for approved charges from the Service Provider.

3. Each billing shall contain the description of the services rendered, along with the number of meals for which payment is being requested by the Service Provider.

4. Billing will be submitted by:

   Waco I.S.D.
   Child Nutrition Services
   2025 S. 19th Street
   Waco, TX 76706-3018

5. Billing will be submitted to:

   McLennan County Juvenile Justice Center
   Attn: McLennan County Juvenile Probation
   2601 Gholson Road
   Waco, TX 76704

III. Examination of Program and Records

1. The Service Provider agrees that it will permit the Department to examine and evaluate its program of services provided under the terms of this Agreement.

IV. Fee Assessment

1. Neither clients nor their families shall be assessed fees for services by the Service Provider unless arrangements are specified by the court.

2. If client is eligible for fiscal support from another state agency or organization, the Service Provider shall ensure that the Department is not charged for such fiscal support for which the client is otherwise eligible.

V. Equal Opportunity

1. Service shall be provided by Service Provider in compliance with the Civil Rights Act of 1964. The Service Provider will not discriminate against any employee, applicant for employment, or client because of race, religion, color, sex, national origin, age or handicapped condition.

VI. Officials Not to Benefit

1. No officer, member, or employee of the McLennan County Juvenile Board or the McLennan County Juvenile Probation Department, and no member of its governing body, and no other public official of the governing body of the locality or localities in which the project is situated or being carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this project s hall participate in any decision related to this Agreement which affects his personal interest or have any personal or pecuniary interest, director or indirect in this Agreement of the proceeds thereof.

VII. Default

1. The Department may, by written notice of default to the Service Provider, terminate this Agreement, in whole or in part, in any one of the following circumstances:

    a. If the Service Provider fails to perform the worked called for by this Agreement within the time specified herein or any extension thereof, or

    b. If the Service Provider fails to perform any of the other provisions of this Agreement, or fails to prosecute the work as to endanger performance of this Agreement in accordance with its terms, an in either of these two circumstances does not cure such failure within a period of ten (10) days (or such extension as authorized by Department in writing) after receiving notice of default.

2. Department may withhold payment to the Service Provider in any month that the Service Provider has not complied with its reporting requirements hereunder, and may

withhold such funds until all such reporting requirements have been complied with in accordance with this Agreement.

VIII. Default

1. This Agreement may be terminated by either party by giving thirty (30) days written notice to the other party hereto of the intention to terminate.

IX. Law and Venue

1. In any legal action arising under this Agreement, the laws of Texas shall apply and venue shall be in McLennan County, Texas.

X. Other Terms and Conditions

1. This Agreement does not obligate the Department to assign a specific number of clients to the Service Provider's program.

2. Department, or its designated representative, shall have the right to conduct programmatic monitoring of the Service Provider to ensure performance of and compliance with this Agreement.

3. Attachment to include the Waco I.S.D. annual school calendar, approved each April. Included so both parties are clear on the service dates. The Summer Food Service Program (SFSP) calendar will be submitted in the spring.

4. Service Provider is an independent organization, and is not intended to be, and hall not be, an employee, partner or joint venture of the Department for any purpose. Service Provider shall not be treated as an employee of the Department for purposes of tax withholding, insurance, retirement or other benefits. Service Provider is solely responsible for all taxes relating to payments of employee under this agreement, and indemnifies and holds harmless the Department from such claims. Service Provider shall have no authority to bind the Department to any obligation.

5. The Service Provider's menu plan shall be designed and evaluated based on the age range of the residents served at the facility to ensure dietary allowance are commensurate with the USDA's age specific requirements.

XI. Contract Period

1. This Agreement period will begin August 1, 2022 and will terminate July 31, 2023.

XII. Contract Period

In Witness Whereof, the parties hereto have caused this agreement to be executed by their duty authorized representatives as of the day and year written:

"Department"
McLennan County Juvenile Probation Department

By: _____

Title: _____

Signature: _____

Date: _____

Address: _____

Contact Telephone Number: _____

Contact Email Address: _____

"Service Provider"
Waco I.S.D. Child Nutrition Services

By: _____

Title: _____

Signature: _____

Date: _____

Address: _____

Contact Telephone Number: _____

Contact Email Address: _____

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 21, 2022 **Contact Person**: Sheryl Davis

RE: Monthly Financial Reports for the Period Ended June 30, 2022

==========

Background Information:

Attached are the compiled June monthly financial reports for the following:

General Fund
Food Service Fund
Debt Service Fund
Internal Services Fund

These interim financial statements have been prepared utilizing data generated from the automated financial system and do not include any information related to other special revenue funds, capital projects funds, or trust and agency funds. Balances included in the report are unaudited and may change as a result of final year end closing entries and audit activities.

Fiscal Implications:

None.

Administrative Recommendations:

The Administration recommends that the Board of Trustees accept the monthly and quarterly financial reports for the period ended June 30, 2022, as presented.

Waco Independent School District
Business & Support Services

Sheryl Davis
Chief Finance Officer

P.O. Box 27, Waco, Texas 76703
Phone: 254-755-9440

July 17, 2022

Board of Trustees
Waco Independent School District
Waco, Texas

The accompanying balance sheets, statements of revenues, expenditures and changes in fund balance, and encumbrances and expenditures by fund, function and object for the month ending June 30, 2022 have been compiled for the General Fund, Food Service Fund, Debt Service Fund, and Internal Services Fund. Final cash reconciliation procedures and financial audit activities may result in additional adjustments to the June financial statements. These preliminary financial reports are prepared utilizing the following assumptions:

Revenue:	Recorded on a cash basis with adjustments to accrual basis to be made at August 31, 2022.
Expenditure:	Totals on the "Statement of Revenues, Expenditures and Changes in Fund Balance" include expenditures occurring during the interim period reported. Balances will be adjusted to accrual basis at August 31, 2022. Outstanding encumbrances are included on the "Encumbrances and Expenditures by Fund, Function and Object" schedule, only.
Beginning Fund Balance:	Represents August 31, 2021 audited ending fund balance.

I have not performed an audit or review of these financial statements. Please do not hesitate to call if you have any questions or need further assistance.

Sheryl Davis
Chief Finance Officer

Comparison of Fiscal Year 2021-2022 Revenues and Expenditures to Previous Fiscal Year as of June 30, 2022

Variations in revenues and expenditures as compared to the previous year are primarily due to the cyclical nature of budgetary receipts and expenditures. The larger variances are explained in this summary.

General Fund

Revenues:

5710 Local Property Taxes – Collections as of the end of June have increased $1,925,966 over last year. Collections as a percent of budget were 98.5% compared to 102.3% last year. Collections, as a percent of budget, as of May 31, 2020 was 96.9%. Last year's percentage was an anomaly due to the issues in certifying the 2020 property values. That said, it is projected that the correction in the computation of pass-through payments into the Tax Increment Fund will decrease current year levy collections maintained by the District by approximately $1.2 million.

5730 Tuition and Fees – Current year revenue reflects an increase of $106,842 over last year.

5740 Other Local Revenue – Revenues have increased $3,011,546 from last year. The increase is due to a number of factors. Tax collections for properties in the Tax Increment Reinvestment Zone have increased $945,517. This increase is offset by an increase in expenditures in function 97 for the pass-through payments to the Tax Increment Fund. As discussed above, a correction has been made to the calculation of pass-through payments into the Tax Increment Fund. Additionally, Tax Increment Reinvestment Zone #2 was closed at the end of 2021. The District received a payment of $1.7 million of its share of the remaining funds. $1.4 million was credited to the general fund with the remaining $0.3 million going to the debt service fund. Current year revenues also reflect payments received for the general fund's expenditures in relation to the fire at G. W. Carver Middle School of $1.1 million as well as insurance recoveries for the 2021 winter storm of $330,703 and 2020 hail damage of $141,218. Losses in revenues from investment earnings, facilities rentals, and miscellaneous local revenues make up the difference.

5750 Extracurricular Activities – With the return to a normal events schedule, revenues from extracurricular activities have increased $174,941 or 37.1% over last year.

5810 Per Capita and Foundation School Program Revenue – Booked revenue has increased $5.6 million over last year. Last year's lower revenue reflected near final settlement payments to the Texas Education Agency. No settlement payment was due for the 2020-2021 fiscal period. Enrollment as of the Fall PEIMS submission is down 631 students from that projected in estimating Foundation School Program (FSP) revenue for 2021-2022 as we were expecting a rebound from the 2020-2021 school year. Attendance rates have also been significantly lower. The State will once more provide some funding relief through a hold-harmless adjustment. Attendance rates for the first four six weeks will be adjusted to the average attendance rates for the same period in school year 2019-2020. Projections, based on average daily attendance for the first five six weeks with the hold harmless adjustment, would indicate a loss in Foundation School Program revenue of approximately $7.5 million for the year. However, the District received notice that its waiver request for low attendance days was approved. I will be recalculating State revenues based on the final PEIMS resubmission to include the impact of the waiver. The loss in revenue will be partially

offset by a recalculation of FSP revenue for the 2019-2020 fiscal year. The District appealed its 2019 property values and the audit resulted in an additional payment of $1.5 million. The payment was received on April 5, 2022.

5900 Federal Sources Revenue – Revenue has increased $344,670 over last year. This is primarily from an increase in indirect cost recoveries related to expenditures from the federal stimulus funds.

Functional Expenditures:

Expenditures in the functional categories appear to be consistent with last year's spending pattern with the exceptions shown below.

11 Instruction – The decrease of $3.7 million is primarily due to the difference in the instructional calendar between 2021-2022 and 2020-2021. Because of the late start in the fall of 2020, teachers worked fewer days the preceding August and worked nine days in June of 2021. This past year, teachers started earlier in August and ended their work calendar on May 27, 2022. As a result, ten less salary days were accrued at June 30, 2022 as compared to June 30, 2021. The savings from these days is approximately $4.3 million, offset by salary increases in the current year.

12 Instructional Resources and Media – Expenditures have increased $50,591 over last year. The increase is due to the replacement of library furniture for Alta Vista Elementary which sustained water damage during the winter storm. The purchase, costing $93,066, was covered through insurance proceeds.

21 Instructional Leadership – Expenditures have decreased $420,457 from last year. The decrease is in payroll costs and is a result of the restructuring of instructional administration this past summer.

31 Guidance, Counseling, and Evaluation Services – The increase of $294,950 results from the addition of evaluative staff in special education offset by the change in the instructional calendar.

33 Health Services – Expenditures have decreased $170,781 from last year. Last year's expenditures included a significant outlay for supplies to protect employees during the pandemic.

34 Student Transportation – The decrease in expenditures of $764,826 is almost exclusively due to $725,604 in bus purchases being record in the prior year. While the District approved an increase in contractual services, rising from the pay increase for bus drivers, aides and other personnel, the lack of drivers has eliminated routes and the ability to provide buses for field trips. No bus purchases have been budgeted for the 2021-2022 fiscal year.

36 Extracurricular Activities – The increase of $956,799 results from the addition of a number of new positions, including a coordinator for middle school athletics and strengthening coaches, as well as purchases of supplies and equipment to enhance the middle school program. Due to supply chain issues, many of the purchase orders issued last summer were not received until the beginning of this fiscal year.

41 General Administration – The increase of $437,180 is primarily due to the addition of the Deputy Superintendent position as well as a restructuring of the Human Resources Department.

53 Data Processing Services -- Expenditures have increased $632,410 over last year. The increase is primarily due to the upgrades to the student and business systems as well as additional software platforms to support instruction.

81 Facilities Acquisition and Construction – The $3.5 million in expenditures are related to major construction projects for the replacement of the Paul Tyson Field and the replacement of the walk-in cooler/freezer units for the District's child nutrition program.

95 Juvenile Justice Program – While not back to 2019-2020 levels, participation in the Challenge Academy has begun to normalize. The June statements show an increase of $317,421 over last year. Recent projections, discussed with the Challenge Academy Board, indicate that the program will end the year in a positive position and an additional assessment will not be required for the current school year nor is a rate increase indicated for the 2022-2023 school year.

97 Payments to Tax Increment Fund – Pass-through payments of tax collections for properties located in the Tax Increment Reinvestment Zones have increased $812,687. As discussed previously, a change was made in the calculation of the captured values of these properties and the methodology in collecting payments resulting in significant increases in the revenue and payments into the Tax Increment Funds.

Food Service Fund

Revenues:

5750 Extracurricular Activities – Revenues generated through adult meals and catering have increased $211,029 over last year.

5900 Federal Sources Revenue – Federal reimbursements for meals have increased $3.8 million. This change reflects the return of students to in-person instruction. However, revenue increases are partially offset by accompanying increases in expenditures.

You will also begin to see a pattern change in both federal revenues and food service expenditures. Because of changes in federal regulations and higher reimbursement rates, it was beneficial for the District to participate in the Seamless Summer Option (SSO) for summer feeding rather than the Summer Food Service Program (SFSP), the program that we normally participated in for summer feeding. Accounting for the SFSP program was through fund 242 so revenues and expenditures were not reported in the fiscal financial report for the 240 fund. The SSO program is accounted for in the 240 fund with other food service programs including the National School Breakfast and Lunch Programs (NSLP) as well as the Fresh Fruits and Vegetables Program (FFVP) and the Child and Adult Care Food Program (CACFP). As a result of this change, the estimated revenues (shown in the amended budget column) for federal sources revenue has increased by $500,235 with an offsetting increase in budgeted expenditures. We will continue to participate in the SSO for the 2022-2023 school year.

Functional Expenditures:

Expenditures in the functional categories appear to be consistent with last year's spending pattern with the exceptions shown below.

35 Food Services – Expenditures have increased $3.8 million over last year. The increase is due to the purchase of food, non-food supplies, and equipment as we continue to have a large number of vacancies in the workforce. The District has budgeted approximately $3.4 million for equipment replacement projects in an effort to reduce the excess fund balance and has received $780,528 through the end of June. However, we have recently received notifications from vendors of delays in deliveries of some large equipment items, including the walk-in cooler/freezer units that were expected to be installed by the end of the fiscal year. The administration is in contact with the Texas Department of Agriculture regarding the delays and has received approval to extend the deadline to reduce our excess fund balance to June 30, 2023. Additionally, expenditures have begun to reflect costs for the SSO program.

Debt Service Fund

Revenues:

5710 Local Property Taxes – Property tax collections at the end of June have increased $376,114 in comparison to last year. The change in the calculation of pass-through payments into the Tax Increment Fund is expected to shift revenues from collections for the current year's levy to other local revenue. Most of the loss should be covered by the distribution of funds from the closure of the Tax Increment Reinvestment Zone #2.

5740 Other Local Revenue – Revenues have increased $517,578 over last year. This is attributable to collections for properties located in Tax Increment Reinvestment Zone. As mentioned for the general fund, approximately $0.3 million of the refund of remaining assets from the closure of the Tax Increment Reinvestment Zone #2 was credited to the debt service fund. These increases are partially offset by losses in investment income.

Functional Expenditures:

Expenditures in the functional categories appear to be consistent with last year's spending pattern with the exceptions shown below.

71 Debt Service – Expenditures decreased $447,318 from last year. The debt payment schedule reflected a $1.1 million decrease in debt payments between the two years. However, in setting the 2021 tax rate, the Board approved a rate that would allow the District to defease $1.5 million of the 2016 Series Refunding Bonds.

97 Payments to Tax Increment Fund – As discussed, payments have increased $194,817.

Proprietary Fund – Governmental Activities – Internal Service Fund

The District utilizes an Internal Services Fund to account for its fully-insured group health insurance plan as well as its partially self-insured workers' compensation and unemployment coverages. Internal service funds are utilized to account for the financing of goods or services provided by one organizational unit of the school district to other organizational units. It essentially facilitates the allocation of costs to all funding sources.

Operating revenues and operating expenses have been included in a detail designed to provide relevant information. Revenues from District contributions (assessments to other funds) are

distinguished from revenues from employee contributions to health insurance. Expenses detail claims payments, medical and prescription drugs, administrative fees, and stop-loss or excess insurance costs.

As of June 30, 2022, expenditures exceed revenues by $485,010. This is an improvement of $42,956 over last month. The loss is primarily attributable to increases in medical and prescription drug claims. The increase in administrative fees is primarily due to a timing difference in the billing of fees related to the workers' compensation program. The following chart reflects net operations for the various programs accounted for in the fund:

Program	Revenues	Expenditures	Net
Group Health Insurance	$ 11,758,868	$ 12,272,959	$ (514,091)
Unemployment Compensation	194,430	79,185	115,244
Workers' Compensation	281,986	303,327	(21,341)
Wellness Programs*	0	64,822	(64,822)
Total	$ 12,235,284	$ 12,720,293	$ (485,010)

*Under the terms of the agreement with Blue Cross-Blue Shield, the District receives an annual claims credit of $150,000 to use for wellness programs.

Unemployment shows an expenditure of $79,185 for the year. At this point, the District has fully utilized the Federal CARES Act credit remaining from 2020-2021. Claims for the quarter ended December 31, 2021 were only $18,752 and claims for the quarter ended March 31, 2022 were $12,710. These amounts are comparable to pre-COVID levels. We have not yet received the billing for the quarter ended June 30, 2022.

While workers' compensation claims expenditures have increased $72,006 over last year. April and May claims alone increased $26,728, primarily due to an injury sustained in breaking up a fight. Additionally, the billing of the administrative cost changed this year and is now due at the beginning of the year instead of quarterly. In spite of this change administrative costs were lowered and the June statement reflects a decrease of $323 from last year.

Reserves for estimated incurred-but-not-reported (IBNR) claims for the fully self-funded health insurance plan totaled $596,227 for medical claims, an increase of $44,891 over last year, and $54,091 for prescription drugs, a decrease of $7,662, at August 31, 2021. Additionally, reserves for the estimated allocated loss adjustment expense (ALAE) for the partially self-funded workers' compensation plan totaled $167,712, a decrease of $22,119. Overall, this is an increase of only $15,110 in estimates over the prior year. The audited beginning net position at September 1, 2021 is $3,564,375.

Waco Independent School District

BALANCE SHEET

GENERAL FUND

As of June 30, 2022

ASSETS		
Cash and Temporary Investments	$	73,042,129
Property Taxes Receivable, Net of Allowance of $1,998,835		1,453,863
Due from Other Governments		2,378,515
Accrued Interest		63,883
Due from Other Funds		4,880,316
Other Receivables		30,282
Inventories		378,585
Deferred Expenditures		2,477
Total Assets	$	82,230,050
LIABILITIES		
Accounts Payable	$	1,261,371
Other Current Liabilities		488,718
Payroll Withholdings and Contributions Payable		1,316,333
Accrued Wages Payable		9,395,453
Due to Other Funds		6,314,393
Due to Other Governments		90,597
Total Liabilities	$	18,866,865
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	1,453,863
Total Deferred Inflows of Resources	$	1,453,863
FUND BALANCES		
Nonspendable Fund Balance	$	378,585
Restricted Fund Balance		1,001,953
Committed Fund Balance		5,970,384
Unassigned Fund Balance		54,558,400
Total Fund Balances	$	61,909,322
Total Liabilities and Fund Balances	$	82,230,050

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended June 30, 2022

GENERAL FUND

		Adopted Budget	Amended Budget	(Memo) Monthly Current 6/30/2022	(Memo) Monthly Prior Year 6/30/2021	Year-to-Date Current 6/30/2022	Year-to-Date Prior Year 6/30/2021	Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5710	Local Property Taxes	$ 69,502,581	68,108,609	453,441	425,041	67,101,150	65,175,184	(1,007,459)	98.52%	102.30%
5720	Services to Other Districts	90,176	90,176	2,670	4,808	65,593	73,266	(24,583)	72.74%	84.02%
5730	Tuition & Fees	85,000	85,000	567	1,518	188,756	81,914	103,756	222.07%	84.45%
5740	Other Local Revenue	5,367,596	10,486,958	94,632	41,247	9,777,349	6,765,803	(709,609)	93.23%	74.76%
5750	Extracurricular Activities	221,000	221,000	2,638	3,873	391,284	216,343	170,284	177.05%	139.94%
5760	Intermediate Source (C.E.D.)	-	-	-	-	1,000,004	-	1,000,004	0.00%	0.00%
	Total Local Sources	$ 75,266,353	78,991,743	553,948	476,487	78,524,136	72,312,510	(467,607)	99.41%	98.92%
STATE SOURCES										
5810	Per Capita & FSP Act	$ 78,313,994	78,829,316	10,820,725	7,685,556	61,413,149	55,801,667	(17,416,167)	77.91%	70.65%
5820	Other State Program (TEA)	-	-	-	-	500	53,319	500	0.00%	0.00%
5830	Other State Program	7,260,615	7,260,615	547,010	553,028	5,560,219	5,530,192	(1,700,396)	76.58%	79.46%
	Total State Sources	$ 85,574,609	86,089,931	11,367,735	8,238,584	66,973,868	61,385,178	(19,116,063)	77.80%	71.42%
FEDERAL SOURCES										
5900	Federal Sources Revenue	3,908,900	3,908,900	140,779	132,132	3,489,481	3,144,811	(419,419)	89.27%	107.92%
	Total Revenues	$ 164,749,862	168,990,574	12,062,462	8,847,203	148,987,485	136,842,499	(20,003,089)	88.16%	84.49%
EXPENDITURES										
11	Instruction	$ 89,278,274	90,676,699	1,557,705	4,384,227	72,863,225	76,540,277	17,813,474	80.35%	84.74%
12	Instructional Resources & Media	963,609	1,058,506	16,578	51,747	837,158	786,567	221,348	79.09%	64.46%
13	Curriculum & Staff Development	4,526,701	4,605,155	267,901	306,670	3,185,762	3,367,360	1,419,393	69.18%	65.18%
21	Instructional Leadership	3,619,018	3,812,585	316,440	387,524	2,966,694	3,387,151	845,891	77.81%	77.68%
23	School Leadership	10,130,698	10,270,925	664,984	765,242	8,354,154	8,371,884	1,916,771	81.34%	85.72%
31	Guidance, Counseling & Evaluation	5,451,254	5,237,278	203,568	314,856	4,574,694	4,279,744	662,584	87.35%	85.29%
32	Social Work Services	897,678	951,889	32,600	59,576	634,601	708,700	317,288	66.67%	75.30%
33	Health Services	1,562,518	1,562,007	30,803	78,447	1,223,382	1,394,163	338,625	78.32%	80.81%
34	Student Transportation	3,789,590	4,487,668	20,536	7,824	2,375,434	3,140,260	2,112,234	52.93%	65.13%
35	Food Services	-	38,290	-	-	38,290	-	-	0.00%	0.00%
36	Extracurricular Activities	5,408,768	5,747,616	213,906	307,472	4,627,530	3,670,731	1,120,086	80.51%	75.96%
41	General Administration	6,838,759	7,049,974	504,660	474,928	5,100,818	4,663,638	1,949,156	72.35%	75.20%
51	Plant Maintenance & Operations	17,091,637	21,198,328	1,260,709	1,497,877	13,742,986	13,611,765	7,455,342	64.83%	61.84%
52	Security & Monitoring Services	2,652,597	2,883,443	160,609	155,864	2,107,156	2,106,480	776,287	73.08%	75.22%
53	Data Processing Services	3,876,226	3,888,229	214,507	171,090	3,142,635	2,510,225	745,594	80.82%	84.04%
61	Community Services	528,187	655,991	37,084	53,837	427,740	516,833	228,251	65.21%	71.91%
81	Facilities Acquisition & Construction	40,183	6,373,856	879,674	623,044	5,268,249	1,752,222	1,105,607	0.00%	0.00%
93	Shared Services Arrangements	345,000	345,000	-	-	-	-	345,000	0.00%	0.00%
95	Juvenile Justice Program	700,000	700,000	-	17,855	546,401	228,980	153,599	78.06%	29.74%
97	Payments to Tax Increment Fund	6,533,499	8,133,499	27,395	22,078	7,882,664	7,069,977	250,835	96.92%	80.29%
99	Other Intergovernmental Charges	820,288	820,288	194,376	-	721,825	704,473	98,463	88.00%	84.43%
	Total Expenditures	$ 165,054,484	180,497,226	6,604,035	9,680,158	140,621,398	138,811,430	39,875,828	77.91%	75.03%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (304,622)	(11,506,652)	5,458,427	(832,955)	8,366,087	(1,968,931)	19,872,739		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	-	-	21,870	-	88,451	-		
8900	Other Uses	(689,443)	(689,443)	-	(696)	-	(6,428)	(689,443)		
	Total Other Financing Source (Uses)	$ (689,443)	(689,443)	-	21,174	-	82,023	(689,443)		
	Total Changes in Fund Balances	$ (994,065)	(12,196,095)	5,458,427	(811,781)	8,366,087	(1,886,908)	20,562,182		
Fund Balances, Beginning		41,078,214	53,543,236			53,543,235	52,680,447	(1)		
Fund Balances, Ending		$ 40,084,149	41,347,141			61,909,322	50,793,539	20,562,181		

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

GENERAL FUND

For the Period Ended June 30, 2022

		Payroll Costs	Purchased & Contracted Services	Supplies & Materials	Other Operating Costs	Capital Outlay	Total Year-to-Date 6/30/2022	*(Memo)* Total Year-to-Date 6/30/2021
		6100	6200	6300	6400	6600	6000	6000
11	Instruction	$ 67,953,885	2,299,508	3,202,865	508,921	30,246	73,995,425	77,980,453
12	Instructional Resources & Media	683,845	35,654	128,957	3,713	5,390	857,559	918,927
13	Curriculum & Staff Development	2,750,022	286,384	124,004	261,547	-	3,421,957	3,515,201
21	Instructional Leadership	2,710,852	94,018	110,532	130,734	-	3,046,136	3,567,833
23	School Leadership	8,102,208	55,418	169,294	111,800	-	8,438,720	8,437,708
31	Guidance, Counseling & Evaluation	4,366,051	174,257	44,258	16,261	-	4,600,827	4,296,361
32	Social Work Services	626,023	2,479	3,230	8,197	-	639,929	716,259
33	Health Services	1,166,195	4,796	57,507	2,771	-	1,231,269	1,410,999
34	Student Transportation	-	2,665,145	313,719	(28,052)	-	2,950,812	3,494,242
35	Food Services	-	-	-	-	38,290	38,290	-
36	Co/Extracurricular Activities	2,763,654	532,441	953,380	669,938	177,489	5,096,902	4,044,258
41	General Administration	3,703,130	929,495	199,945	392,704	5,996	5,231,270	4,897,288
51	Plant Maintenance & Operations	6,642,337	8,015,140	1,408,534	784,009	217,942	17,067,962	16,901,631
52	Security & Monitoring Services	1,541,925	372,768	233,218	12,020	242,615	2,402,546	2,468,535
53	Data Processing Services	1,375,351	450,198	1,451,071	20,259	31,554	3,328,433	2,582,519
61	Community Services	222,568	203,418	28,175	13,893	-	468,054	601,218
81	Facilities Acquisition & Construction	-	-	-	-	6,261,863	6,261,863	9,511,821
93	Shared Services Arrangements	-	-	-	-	-	-	-
95	Juvenile Justice Program	-	-	-	546,401	-	546,401	762,950
97	Payments to Tax Increment Fund	-	-	-	7,882,664	-	7,882,664	7,069,977
99	Other Intergovernmental Charges	-	721,825	-	-	-	721,825	704,473
	Total Expenditures & Encumbered Funds	$ 104,608,046	16,842,944	8,428,689	11,337,780	7,011,385	148,228,844	153,882,653

Waco Independent School District

BALANCE SHEET

CHILD NUTRITION FUND

As of June 30, 2022

ASSETS		
Cash and Temporary Investments	$	4,480,223
Due from Other Governments		413,308
Accrued Interest		1,440
Due from Other Funds		2,113,822
Total Assets	$	7,008,793
LIABILITIES		
Accounts Payable	$	(10,581)
Accrued Wages Payable		225,478
Total Liabilities	$	214,897
FUND BALANCES		
Restricted Fund Balance	$	6,793,896
Total Fund Balances	$	6,793,896
Total Liabilities and Fund Balances	$	7,008,793

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended June 30, 2022

CHILD NUTRITION FUND

		Adopted Budget	Amended Budget	Monthly Current 6/30/2022	Monthly (Memo) Prior Year 6/30/2021	Year-to-Date Current 6/30/2022	Year-to-Date (Memo) Prior Year 6/30/2021	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5740	Other Local Revenue	$ 25,000	25,000	355	269	3,596	32,296	(21,404)	14.38%	133.50%
5750	Extracurricular Activities	402,900	402,900	26,397	12,860	388,713	177,684	(14,187)	96.48%	70.45%
	Total Local Sources	$ 427,900	427,900	26,752	13,129	392,309	209,980	(35,591)	91.68%	75.97%
STATE SOURCES										
5820	Other State Program (TEA)	$ -	-	-	-	-	50,317	-	0.00%	96.76%
	Total State Sources	$ -	-	-	-	-	50,317	-	0.00%	96.76%
FEDERAL SOURCES										
5900	Federal Sources Revenue	$ 9,141,280	9,641,515	244,765	279,493	10,137,102	6,307,661	495,587	105.14%	90.23%
	Total Revenues	$ 9,569,180	10,069,415	271,517	292,622	10,529,411	6,567,958	459,996	104.57%	89.74%
EXPENDITURES										
35	Food Services	$ 10,968,269	13,819,886	276,452	446,113	8,434,006	6,382,471	5,385,880	61.03%	67.68%
	Total Expenditures	$ 10,968,269	13,819,886	276,452	446,113	8,434,006	6,382,471	5,385,880	61.03%	67.68%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (1,399,089)	(3,750,471)	(4,935)	(153,491)	2,095,405	185,487	5,845,876		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	-	-	-	-	565,252	-		
8900	Other Uses	-	-	-	-	-	-	-		
	Total Other Financing Sources (Uses)	$ -	-	-	-	-	565,252	-		
	Total Changes in Fund Balances	$ (1,399,089)	(3,750,471)	(4,935)	(153,491)	2,095,405	750,739	5,845,876		
Fund Balances, Beginning		2,758,147	4,689,546			4,698,491	3,092,933	8,945		
Fund Balances, Ending		$ 1,359,058	939,075			6,793,896	3,843,672	5,854,821		

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

CHILD NUTRITION FUND

For the Period Ended June 30, 2022

	Payroll Costs 6100	Purchased & Contracted Services 6200	Supplies & Materials 6300	Other Operating Costs 6400	Capital Outlay 6600	Total Year-to-Date 6/30/2022 6000	*(Memo)* Total Year-to-Date 6/30/2021 6000
35 Food Services	$ 2,673,311	3,825,181	2,462,580	4,362	2,904,013	11,869,447	7,149,014
Total Expenditures & Encumbered Funds	$ 2,673,311	3,825,181	2,462,580	4,362	2,904,013	11,869,447	7,149,014

Waco Independent School District

BALANCE SHEET

DEBT SERVICE FUND

As of June 30, 2022

ASSETS		
Cash and Temporary Investments	$	16,242,439
Property Taxes Receivable, Net of Allowance of $447,960		315,295
Total Assets	$	16,557,734
LIABILITIES		
Due to Other Funds	$	3,950
Due to Other Governments		32,369
Total Liabilities	$	36,319
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	315,295
Total Deferred Inflows of Resources	$	315,295
FUND BALANCES		
Restricted Fund Balance	$	16,206,120
Total Fund Balances	$	16,206,120
Total Liabilities and Fund Balances	$	16,557,734

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended June 30, 2022

DEBT SERVICE FUND

	Adopted Budget	Amended Budget	(Memo) Monthly Current 6/30/2022	(Memo) Monthly Prior Year 6/30/2021	(Memo) Year-to-Date Current 6/30/2022	(Memo) Year-to-Date Prior Year 6/30/2021	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES									
LOCAL SOURCES									
5710 Local Property Taxes	$ 14,884,859	14,584,356	96,923	91,891	14,426,074	14,049,960	(158,282)	98.91%	100.91%
5740 Other Local Revenue	1,064,586	1,765,089	17,942	5,541	1,690,374	1,172,796	(74,715)	95.77%	77.93%
Total Local Sources	$ 15,949,445	16,349,445	114,865	97,432	16,116,448	15,222,756	(232,997)	98.57%	98.67%
STATE SOURCES									
5820 Other State Program (TEA)	$ 307,292	307,292	-	-	286,169	285,550	(21,123)	0.00%	0.00%
Total State Sources	$ 307,292	307,292	-	-	286,169	285,550	(21,123)	0.00%	0.00%
Total Revenues	$ 16,256,737	16,656,737	114,865	97,432	16,402,617	15,508,306	(254,120)	98.47%	100.52%
EXPENDITURES									
71 Debt Service	$ 16,206,517	16,206,517	750	-	3,705,458	4,152,776	12,501,059	22.86%	28.24%
97 Payments to Tax Increment Fund	1,070,729	1,470,729	4,772	4,759	1,357,274	1,162,457	113,455	92.29%	78.92%
Total Expenditures	$ 17,277,246	17,677,246	5,522	4,759	5,062,732	5,315,233	12,614,514	28.64%	32.86%
Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (1,020,509)	(1,020,509)	109,343	92,673	11,339,885	10,193,073	12,360,394		
OTHER FINANCING SOURCES (USES)									
7900 Other Sources	-	-	-	-	-	124,160,122	-		
8900 Other Uses	-	-	-	-	-	(123,123,290)	-		
Total Other Financing Source (Uses)	$ -	-	-	-	-	1,036,832	-		
Total Changes in Fund Balances	$ (1,020,509)	(1,020,509)	109,343	92,673	11,339,885	11,229,905	12,360,394		
Fund Balances, Beginning	4,816,349	4,866,235			4,866,235	3,990,782	-		
Fund Balances, Ending	$ 3,795,840	3,845,726			16,206,120	15,220,687	12,360,394		

Waco Independent School District

Statement of Net Position

Proprietary Fund

As of June 30, 2022

	Governmental Activities	
		Internal Service Fund
Assets		
Current assets:		
Due from other funds	$	3,992,598
Other receivables		813
Prepaid items-health insurance		-
Total Assets	$	3,993,411
Liabilities		
Current liabilities:		
Accounts payable	$	96,015
Other current liabilities		818,031
Health claims payable		0
Total current liabilities	$	914,046
Total liabilities	$	914,046
Net position		
Unrestricted net position	$	3,079,365
Total net position	$	3,993,411

Waco Independent School District

Statement of Revenues, Expenses, and Changes in Net Position
Budget and Actual
For the Period Ended June 30, 2022

Proprietary Fund
Governmental Activities - Internal Service Fund

	Budget	Monthly Current 6/30/2022	Monthly (Memo) Prior Year 6/30/2021	Year-to-Date Current 6/30/2022	Year-to-Date (Memo) Prior Year 6/30/2021	Difference Budget to Current Year-to-Date	CY YTD As % of Budget	PY YTD As % of Budget
Operating revenues:								
Employee contributions:								
Group health	$ 3,034,000	$ 293,423	$ 468,447	$ 2,802,537	$ 3,134,656	$ (231,463)	92.37%	87.56%
Assessments to other funds:								
Group health	9,800,000	797,792	760,817	7,998,140	7,768,192	(1,801,860)	81.61%	84.41%
Unemployment	155,000	19,360	4,554	194,430	45,465	39,430	125.44%	84.19%
Workers compensation	230,000	20,247	10,001	202,915	190,434	(27,085)	88.22%	41.49%
Prescription drug rebates	860,000	5,610	-	958,191	-	98,191	111.42%	0.00%
Insurance recovery	-	-	-	79,071	-	79,071	0.00%	0.00%
Total operating revenues	$ 14,079,000	1,136,432	1,243,819	12,235,284	11,138,747	(1,843,716)	86.90%	83.78%
Operating expenses:								
Administrative fees	$ 1,539,900	96,384	105,729	1,035,420	1,249,074	504,480	67.24%	97.45%
Claims expense:								
Medical claims	7,153,600	615,005	645,731	7,201,366	5,467,861	(47,766)	100.67%	80.62%
Prescription drug claims	3,926,200	293,050	242,153	2,877,209	2,867,500	1,048,991	73.28%	89.19%
Unemployment	185,000	-	-	79,185	70,668	105,815	42.80%	80.12%
Workers compensation	265,000	11,698	345	194,122	122,116	70,878	73.25%	40.81%
Stop-loss insurance	1,625,000	-	134,672	1,268,170	1,308,142	356,830	78.04%	80.26%
Wellness Program	54,000	-	-	64,822	2,704	(10,822)	120.04%	0.00%
Total operating expenses	$ 14,748,700	1,016,137	1,128,630	12,720,294	11,088,065	2,028,406	86.25%	83.39%
Change in net position	$ (669,700)	120,295	115,189	(485,010)	50,682	184,690		
Net position:								
Net position, beginning	$ 3,564,375			3,564,375	3,935,906	-		
Net position, ending	$ 2,894,675			$ 3,079,365	$ 3,986,588	$ 184,690		

Waco Independent School District

Statement of Cash Flows

For the Period Ended June 30, 2022

	Proprietary Fund
	Governmental Activities
	Internal Service Fund
Cash flows from operating activities:	
Cash received from employee contributions	$ 293,423
Cash received from assessments to other funds	717,104
Cash received from prescription drug rebates	5,610
Cash received from insurance recoveries	-
Cash payments for claims	(919,753)
Cash payments for stop loss premiums	-
Cash payments for professional and contracted services	(96,384)
Cash payments for wellness program	-
Net cash provided by operating activities	$ -
Net increase in cash and cash equivalents	$ -
Cash and cash equivalents at beginning of year	-
Cash and cash equivalents at end of year	$ -
Reconciliation of operating income to net cash provided by operating activities:	
Operating gain	$ -
Effects of increases and decreases in current assets and liabilities:	
Decrease in receivables	77,432
Decrease in prepaid items	-
Decrease in accounts payable	(77,432)
Increase in current liabilities	-
Decrease in claims liability	-
Net cash provided by operating activities	$ -

Waco Independent School District

Board of Trustee Workshop Agenda Item

Date: August 25, 2022 **Contact Person**: Dr. Daniel Lopez

RE: T-TESS Appraisers for 2022-2023 School Year

==========

Background Information:

Per DNA (Local), the Board shall approve a list of certified appraisers who can appraise a teacher in place of the teacher's supervisor.

Attached is the 2022-2023 T-TESS Appraiser list for Board consideration. T-TESS Administrators who may serve as Second Appraisers for 2022-2023 are designated in the attached list with an asterisk (*).

Fiscal Implications:

None

Administrative Recommendation(s):

The administration recommends approval of the 2022-2023 T-TESS Appraisers list as presented.

2022-2023 T-TESS Appraisers
August 25, 2022

Last Name	First Name	Role
Adams	Bryant	Assistant Principal
Allen	Thia	Assistant Principal
Alvarado	Nancy	Assistant Principal
Barefield	Elijah	Dean/Assistant Principal
Bartlett	Sarah	Dean
Carridine*	Ronnita	District Administrator
Carpenter*	Larry	District Administrator
Castillo	Jessica	Assistant Principal
Collier	Krystal	Assistant Principal
Cornblum*	Deena	District Administrator
Craytor	Samantha	Principal
Curtis*	Larryl	District Administrator
Dean	Haley	Principal
Decker	Adrian	Assistant Principal
Detlefsen	Cari	Principal
Dillawn	Amie	Assistant Principal
Dominguez	Nancy	Assistant Principal
Edison*	Ricky	District Administrator
Flentge	Amanda	Assistant Principal
Frasure	Lauren	Principal
Goodman	Sheree	Assistant Principal
Guajardo	Diana	Assistant Principal
Hamilton*	David	District Administrator
Hamilton*	Suzanne	District Administrator
Hardeman	Desiree	Assistant Principal
Hassell*	Karen	District Administrator
Hernandez	Pedro	Principal
Helton	Lindsey	Principal
Holocek*	Christine	District Administrator
Jenkins	Glenna	Assistant Principal
Jenkins	Joi	Assistant Principal
Johnson	Kristan	Dean
Johnson	Valerie	Assistant Principal
Jones	Sammy	Assistant Principal
Kersch	Becky	Assistant Principal
Kidd*	Jeremy	District Coordinator
Kilgore	Kathleen	Assistant Principal
Knight	Kathleen	Assistant Principal
Lange	Erin	Principal
Laster	Anverly	Assistant Principal
Latchison	Daphanie	Principal

Lee	Twana	Assistant Principal
Logan*	Karmen	District Administrator
Logan	Jennifer	Assistant Principal
Lopez	Areli	Assistant Principal
Lopez*	Daniel	District Administrator
Love	Alfreda	Assistant Principal
Lozano	Isabel	Principal
McAdoo	Alonzo	Principal
McCall	Dale	Dean/Principal
McGruder	Sterlin	Principal
Mechell	Rebekah	Principal
Moore	Bamma	Assistant Principal
Northern	Marissa	Assistant Principal
Oliver	Elisha	Assistant Principal
Orchard	Amber	Assistant Principal
Ortiz	Lena	Principal
Parker	Rhonda	Assistant Principal
Pedrotti*	Sarah	District Administrator
Perry	Benny	Assistant Principal
Pfleging	Daniel	Assistant Principal
Pritchard*	Melissa	District Coordinator
Rambo	Mathew	Dean/Principal
Rankin	Chris	Principal
Salinas	Elizabeth	Assistant Principal
Sanders*	Brittany	District Coordinator
Saxenian*	Lisa	District Administrator
Sillar	Christin	Assistant Principal
Sora	Chemise	Assistant Principal
Stewart, Jr.	James	Dean
Tankersley*	Stephanie	District Administrator
Taylor*	Everett	District Administrator
Tinney*	Troy	District Coordinator
Trammell	Bonnie	Principal
Valdez	Rudy	Principal (Interim)
Volkmann	Troy	Assistant Principal
Walker	Lisa	Assistant Principal
Weeks	John	Principal
Whitaker	Courtney	Principal
White*	Keonna	District Administrator
Williams*	Yolanda	District Administrator

*Second Appraisers

Updated August, 2022



TEXAS TEACHER EVALUATION AND SUPPORT SYSTEM (T-TESS) APPRAISAL CALENDAR FOR 2022-2023	
APPRAISAL ACTIVITY	**DATE(S)**
T-TESS Calendar adopted by WISD Board of Trustees	**August 25, 2022**
First Day of School	**August 16, 2022**
T-TESS ORIENTATION	
T-TESS Orientation	Provided for new teachers during the Summer 2022 by Professional Development Department
Annual T-TESS Update	Campus update inclusive of SLO Updates and Goal Setting for ALL employees **August 4, 2022-August 15, 2022.**
T-TESS Orientation for New Teacher Late Hires *Ongoing throughout 2022-2023*	*Teachers new to the profession, or who were not previously appraised with T-TESS must receive T-TESS Orientation three weeks from hire date and two weeks prior to a formal T-TESS appraisal.*
T-TESS ANNUAL APPRAISAL PROCESS	
Informal Walkthrough Observations Ongoing throughout the School Year	Beginning as early as **August 17, 2022** Informal T-TESS Walkthroughs may begin upon completion of T-TESS Orientation.
Self-Assessment & Goal Setting	Complete before BOY Conference, no later than **September 9, 2022**
Goal Setting and Professional Development Plan	Due to appraiser by **September 23, 2022** in Eduphoria/ STRIVE. Completed during the first six weeks of school for returning teachers, or following T-TESS Orientation for teacher's not previously appraised with T-TESS.
Observation Pre-Conference	Pre-conference must occur no later than three calendar days prior to the five-day formal observation window. The pre-conference provides the teacher an opportunity to discuss the planning domain and upcoming observation.
Formal Observation Announcement (For the Five-Day Observation Window)	The formal observation should be announced to the teacher at least three calendar days prior to the five-day observation window.
Formal 45 Minute Observation	Formal observations may begin two weeks after the teacher completes T-TESS Orientation. For returning teachers, formal observations may begin **September 12, 2022.**
	Formal observations must be complete for the 2022-2023 school year no later than **March 31, 2023**
Observation Post Conference and Written Observation Report	Must be conducted within 10 working days after completion of the formal 45-minute observation.
	The Written Observation Report is provided by the appraiser to the teacher at the end of the Post Conference. (Appraisers select "Let Staff View" option in

	Eduphoria/STRIVE upon completion of the Post Conference.)
Mid-Year Check-In (Goal Setting & SLOs)	**January 9, 2023-February 10, 2023** Check-In with All Employees to gauge progress.
End-of-Year Conference and Written Summative Annual Report	No later than **May 5, 2023.** The Summative Report is shared with the teacher within 10 working days following the end-of-year conference, but no later than 15 working days before the last day of instruction. *Purpose of End-of-Year Conference:* ● *Review current and previous appraisal data* ● *Review T-TESS Domain IV evidence* ● *Review student performance evidence* ● *Identify potential goals and professional development activities for following year*
TEACHER RESPONSE AND REBUTTAL OR SECOND APPRAISAL (OPTIONAL)	
Optional Teacher Response/Rebuttal	Any written response or rebuttal by the teacher must be submitted to the appraiser within 10 working days of receiving a written observation summary, a written summative annual appraisal report, or any other written documentation associated with the teacher's appraisal.
Teacher Request for Second Appraisal	A teacher must request a second appraisal within 10 working days of receiving a written Observation Summary or written Summative Annual Report. Such a request must be sent by the teacher to the campus principal, who will then contact the Assistant Superintendent of HR for the assignment of a Second Appraiser.
Last Day of School	**May 26, 2023**
BLACK OUT DATES: It is recommended that formal observations NOT occur on the following days:	
Instructional Day Before/After Any School Holiday, Early Release Days, and Bad Weather Days **Thanksgiving Break 11/21/22-11/25/22 Winter Break 12/19/22-12/30/22 Spring Break 3/6/23-3/10/23**	**September 1 and 6, 2022 October 6 and 11, 2022 November 17, 18, and 28, 2022 December 15 and 16, 2022 January 3, 4, 13, and 17, 2023 February 9 & 13, 2023 & February 17 and 21, 2023 (if 2/20/23 is not used for bad weather day) March 2 and 13, 2023 April 4 and 10, 2023 & April 20 and 24, 2023**
No Formal T-TESS Observations	**March 31, 2023-May 26, 2023** This is the period for end-of-year conferences that ends no later than 15 working days before the last day of instruction for students.
Days Scheduled for End of Semester or End of Course Exams	TBD
Last Day of Instruction Prior to and During Standardized Test Administration	TBD

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: Gloria Barrera

RE: Final Completion of Paul Tyson Stadium and Release of Retainage to Northridge Construction

==========

Background Information:

In January of 2021 the Board approved the award of contract to Northridge Construction for the construction of the new Paul Tyson Stadium. The project was substantially complete on March 3, 2022. Completion of the final punch list and all closeout requirements has been confirmed by O'Connell Robertson and Waco ISD Facilities staff.

Fiscal Implications:

The total retainage for this project was $879,673.63. All but $36,000 has previously been released to the contractor.

Administrative Recommendation(s):

Approve the Final Completion of Paul Tyson Stadium and Authorize Release of Retainage to Northridge Construction.

O'CONNELL ROBERTSON
Mission driven.

05/13/22

Gloria Barrera
Chief of Facilities & Operations
Waco Independent School District
501 E. Franklin Ae.
Waco, Texas 76701

RE: Completion of Punchlist Paul Tyson Field Replacement

Austin
811 Barton Springs Road, Suite 900
Austin, TX 78704
512.478.7286

San Antonio
4040 Broadway, Suite 300
San Antonio, Texas 78209
210.224.6032

oconnellrobertson.com

Dear Gloria,

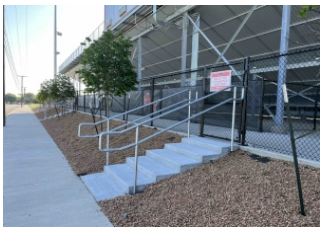
On Friday, May 6th, 2022 the punchlist for the Paul Tyson field project was verified complete. There are no outstanding items. Attached is the original punchlist with items marked complete.

Sincerely,

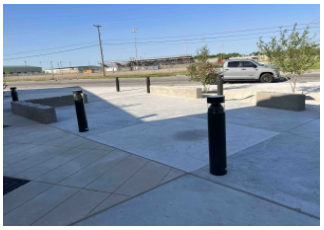
Elvira Avila, Construction Administrator
O'Connell Robertson

196108
Waco ISD - Paul Tyson Field
Prepared On: 5/6/2022

Assigned To	ID	Type	Space Name	Space Type	Element	Description	Location
	00036	Punch List	N/A		Handrails	Handrails At north steps are installed. Pending exit only signs as per ADA requirements.	



	00035	Punch List	N/A		Concrete seatwall	skate stops installed	



	00034	Punch List	N/A		Metal canopy @ Concession	Metal panels have been cleaned to include touch up paint. Light fixtures have been adjusted to fit properly.	





Punch List Item Create Report

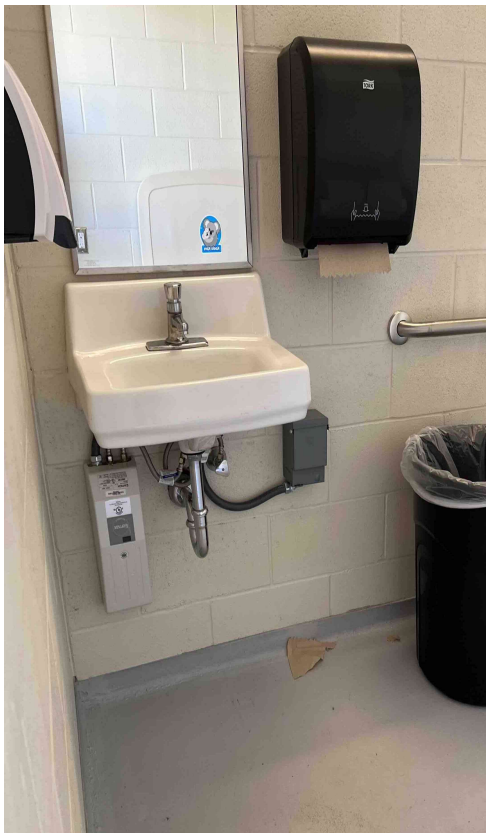
PROJECT: Waco ISD - Paul Tyson Field
MANAGER: Meg Grayson
PREPARED BY: Elvira Avila
DATE: 4/1/2022

O'CONNELL ROBERTSON

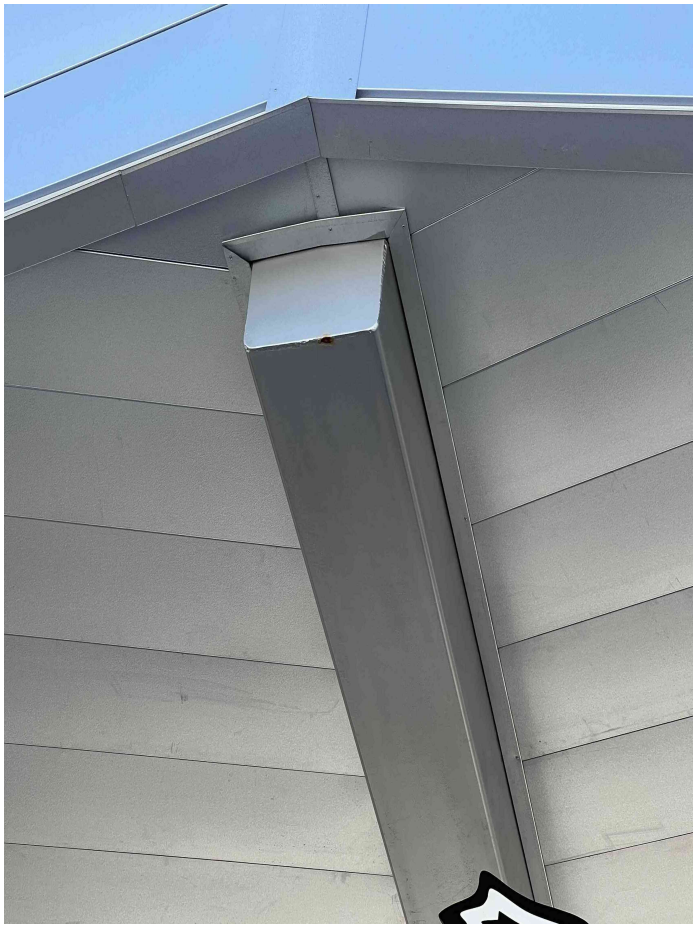
ID	Type	Space Name	Space Number	Space Type	Element	Description	Location	Spec Section	Assigned To	Last Action	Last Action Author	Last Action Remarks	Captured By	Date	Discipline	Purpose	Due Date	Status	Status Label	Team Members	Related Items	Keywords	Supporting Documents	Custom Defined Description
00012	Punch List	N/A			Site	Stairs to have hand rails. Done				--	--	--	Rob Hudock (O'Connell Robertson)	#####			3/11/2022 12:00:00 PM	Open	Open	--	Spaces		\\FS1\VOL1\19\196108\5 CA\CA Close Out\CA PunchList\Media\photo-PunchlistItem-Rob Hudock-01-28-22 10.07.09.jpg	Yes
00024	Punch List	N/A			Concession	Sink to have padding on drain. Done				--	--	--	Rob Hudock (O'Connell Robertson)	#####			3/11/2022 12:00:00 PM	Open	Open	--	Spaces		\\FS1\VOL1\19\196108\5 CA\CA Close Out\CA PunchList\Media\photo-PunchlistItem-Rob Hudock-01-28-22 11.1.3.41.jpg	Yes
00031	Punch List	N/A			Practice baseball fields womens restroom.	Missing pipe insulation under sink.	Has been replaced twice and continues to get stolen.		Robert Taliaferro	--	--	--	Elvira Avila (O'Connell Robertson)	4/1/2022			4/4/2022 12:00:00 AM	Open	Open	--	Spaces		\\FS1\VOL1\19\196108\5 CA\CA Close Out\CA PunchList\Media\photo-PunchlistItem-Elvira Avila - 04-01-22 14.4.5.50.jpg	Yes
00032	Punch List	N/A			Metal canopy @ Concession	Clean & paint areas discussed. Realign/caulk around light fixtures.	Northeast Done		Aubrey Allen (Northridge Construction Group); Robert Taliaferro	--	--	--	Elvira Avila (O'Connell Robertson)	4/1/2022			4/8/2022 12:00:00 AM	Open	Open	--	Spaces		\\FS1\VOL1\19\196108\5 CA\CA Close Out\CA PunchList\Media\photo-PunchlistItem-Elvira Avila - 04-01-22 14.1.1.26.jpg; \\FS1\VOL1\19\196108\5 CA\CA Close Out\CA PunchList\Media\photo-PunchlistItem-Elvira Avila - 04-01-22 14.1.3.48.jpg	Yes
00033	Punch List	N/A			Concrete seatwall	Pending skate stops, refer to sheet LA5.01 detail 6 & 7.	Northeast Done		Aubrey Allen (Northridge Construction Group); Robert Taliaferro	--	--	--	Elvira Avila (O'Connell Robertson)	4/1/2022			4/8/2022 12:00:00 AM	Open	Open	--	Spaces		\\FS1\VOL1\19\196108\5 CA\CA Close Out\CA PunchList\Media\photo-PunchlistItem-Elvira Avila - 04-01-22 14.44.07.jpg	Yes

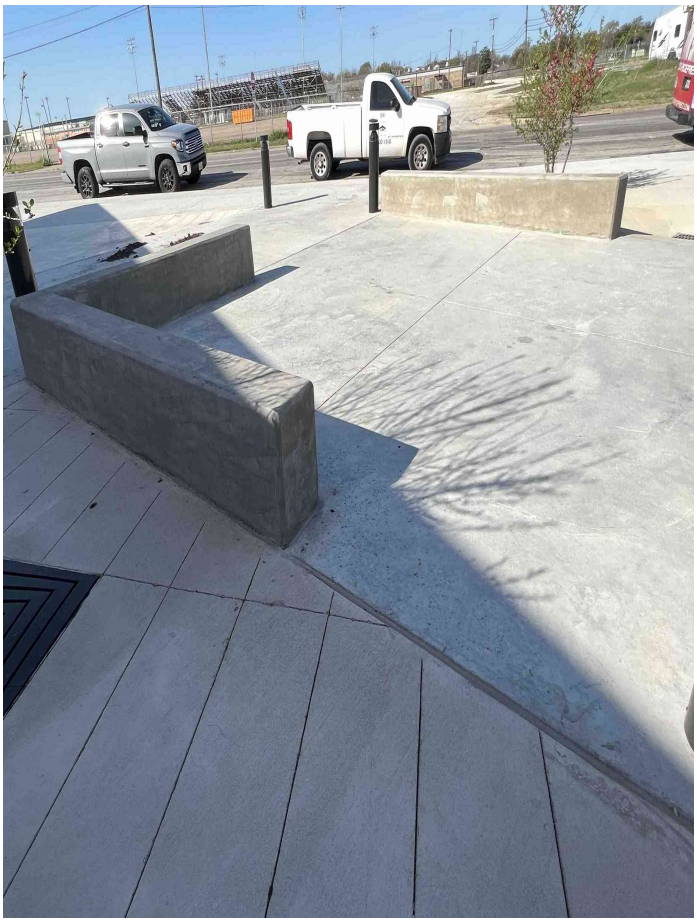


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Waco Independent School District

Board of Trustees Board Meeting Item

Date: August 25, 2022 **Contact Person**: Suzanne Hamilton

RE: 2022-2023 Student Handbook

==========

Background Information:

Attached is the Student Handbook (SHB) for 2022-2023, with changes and updates indicated in the chart.

Location	Date of Change	Name & Reason	Summary of Change
Entire Document Review	June 2022	Suzanne Hamilton; TASB model	Minor updates, titles & names of district representatives as needed
Consent Before Instruction; Annual Notification	June 2022	Suzanne Hamilton; TASB Model Updates	District must inform parents before the instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking; Parents must opt in before the instruction is presented. FFH(LOCAL), in Update 119, will reflect added language regarding Dating Violence.
Unassigned Epinephrine Auto-Injectors; Unassigned Prescription Asthma Medication; Unassigned Opioid Antagonist	July 2022	Suzanne Hamilton; TASB Model Updates	FFAC(LOCAL) updated to reflect the language in SHB; An authorized health care provider prescribes unassigned prescription medication in the name of the district.
Dating Violence	June 2022	Suzanne Hamilton; TASB Model Updates	Per law, when the district receives a dating violence report, a district official will immediately notify the parent of the alleged victim and alleged perpetrator.

Assistant Superintendents and their designees reviewed and made changes to the handbook to reflect updated policies & procedures in each department.

Fiscal Implications:

None

Administrative Recommendation(s):

2022-2023 Student Handbook provided for review; no action needed.



Waco ISD Student Handbook

2022–23 School Year

If you have difficulty accessing the information in this document because of disability, please contact the district at info@wacoisd.org or call 254-755-9473.

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Waco ISD Board of Trustees

- Stephanie Korteweg, President, District 2
- Jose Vidaña, Vice President, District 2
- Jeremy Davis, Secretary, District 2
- Keith Guillory, At-Large
- Emily Iazzetti, District 5
- Angelo Ochoa, At-Large
- Jonathan Grant, District 4

Waco ISD Administrative Team

- Dr. Susan Kincannon, Superintendent of School
- Dr. Josie Gutierrez, Deputy Superintendent
- Sheryl Davis, Chief Financial Officer
- Gloria Barrera, Chief of Facilities and Operations
- Deena Cornblum, Assistant Superintendent for Curriculum and Instruction
- Dr. Rachelle Warren, Assistant Superintendent for Student Services and Support
- Dr. Daniel Lopez, Assistant Superintendent for Human Resources
- Jerry Allen, Executive Director for Technology
- Alice Jauregui, Executive Director for Communications
- Ed Love, Director of Athletics

Preface Parents and Students:

Welcome to the new school year!

Education is a team effort. Students, parents, teachers, and other staff members working together will make this a successful year.

The Waco ISD Student Handbook is a general reference guide that is divided into two sections:

Section One: Parental Rights describes certain parental rights as specified in state or federal law.

Section Two: Other Important Information for Parents and Students is organized alphabetically by topic. Where applicable, the topics are further organized by grade level.

Note: Unless otherwise noted, the term “parent” refers to the parent, legal guardian, any person granted some other type of lawful control of a student, or any other person who has agreed to assume school-related responsibility for a student.

The Student Handbook is designed to align with law, board-adopted policy, and the Student Code of Conduct, a board-adopted document intended to promote school safety and an atmosphere for learning. The Student Handbook is not meant to be a complete statement of all policies, procedures, or rules in any given circumstance.

In case of conflicts between board policy (including the Student Code of Conduct) and any Student Handbook provision, the district will follow board policy and the Student Code of Conduct.

Therefore, parents and students should become familiar with the Waco ISD Student Code of Conduct. To review the Code of Conduct, visit the district’s website at www.wacoisd.org. State law requires that the Code of Conduct be prominently displayed or made available for review at each campus.

The Student Handbook is updated annually; however, policy adoption and revisions may occur throughout the year. The district encourages parents to stay informed of proposed policy changes by attending board meetings and reviewing newsletters and other communications explaining changes in policy or other rules that affect Student Handbook provisions. The district reserves the right to modify the Student Handbook at any time. Notice of revisions will be provided as is reasonably practical.

Although the Student Handbook may refer to rights established through law or district policy, it does not create additional rights for parents and students. It does not, nor is it intended to, represent a contract between any parent or student and the district.

A hard copy of either the Student Code of Conduct or Student Handbook can be requested at your child’s school campus or the Waco ISD Administration offices at 501 Franklin Ave, Waco, TX, 76701.

Note: References to board policy codes are included for ease of reference. The hard copy of the district’s official policy manual is available for review in the district administration office at 501 Franklin Ave, Waco, TX, 76701, and an unofficial electronic copy is available at www.wacoisd.org.

The policy manual includes:

- Legally referenced (LEGAL) policies that contain provisions from federal and state laws and regulations, case law, and other legal authorities that provide the legal framework for school districts.
- Board-adopted (LOCAL) policies articulate the board's choices and values regarding district practices.

For questions about the material in this handbook, please contact the campus principal or:

Suzanne Hamilton

Executive Director for Student Services

501 Franklin Ave., Waco, TX, 76701

suzanne.hamilton@wacoisd.org

254-755-9417

Complete and return to the student's campus the following forms (provided in the forms packet distributed at the beginning of the year or upon enrollment):

- Acknowledgment Form or Acknowledgment of Electronic Distribution of Student Handbook,
- Notice Regarding Directory Information and Parent's Response Regarding Release of Student Information,
- Parent's Objection to the Release of Student Information to Military Recruiters and Institutions of Higher Education (if you choose to restrict the release of information to these entities), and
- Consent/Opt-Out Form for participation in third-party surveys.

[See **Objecting to the Release of Directory Information** on page 17 and **Consent Required Before Student Participation in a Federally Funded Survey** on page 18 for more information.]

Accessibility

If you have difficulty accessing this handbook because of a disability, please contact:

Waco ISD Administrative Offices

5001 Franklin Ave., Waco, TX, 76701

info@wacoisd.org

254-755-9473

Section One: Parental Rights

This section describes certain parental rights as specified in state or federal law.

Consent, Opt-Out, and Refusal Rights

Consent to Conduct a Psychological Evaluation

Unless required under state or federal law, a district employee will not conduct a psychological examination, test, or treatment without obtaining prior written parental consent.

Note: An evaluation may be legally required under special education rules or by the Texas Education Agency for child abuse investigations and reports.

Consent to Human Sexuality Instruction

Annual Notification

As a part of the district's curriculum, students receive instruction related to human sexuality. The School Health Advisory Council (SHAC) makes recommendations for curriculum materials, and the school board adopts the materials and determines the specific content of the instruction.

Per state law, here is a summary of the district's curriculum regarding human sexuality instruction:

The Puberty: The Wonder Years Grade 5 "I Wonder What is Happening to Me" curriculum begins by reviewing prior knowledge about puberty and developing guidelines for a safe and productive classroom climate. Students learn about male and female reproductive systems and changes that occur during puberty. Additionally, students learn new personal hygiene and health habits. Students practice communicating with their family members, analyzing media influences for sexual messages, clarifying misinformation, and promoting healthy behavior among their peers. The emphasis is on promoting respect for peers as they experience puberty, impressing young people with the awe and responsibility of becoming physically capable of reproduction, and the importance of postponing sexual intercourse.

The Puberty: The Wonder Years Grade 5 "I Wonder What is Happening to Me" curriculum was recommended by the Waco ISD SHAC and approved by the school board. The curriculum is implemented on all elementary school campuses at the 5th-grade level.

The Big Decisions curriculum is recommended for young people ages 12 to 18. The Big Decisions curriculum aims to help young people make healthy and informed decisions about sex. Big Decisions is designed to vigorously—and effectively—encourage young people to postpone sexual involvement and provide the guidance and information they need to reduce their risks when they become sexually active. The Big Decisions curriculum was recommended by the Waco ISD SHAC and approved by the school board. The Big Decisions curriculum is implemented at both the 7th and 9th-grade levels.

Both the Puberty: The Wonder Years Grade 5 "I Wonder What is Happening to Me" curriculum and the Big Decisions curriculum conform to the Texas Education Code (§28.004) requirements for sex education programs in Texas public schools. In addition, both curricula cover the Texas Essential Knowledge and Skills (TEKS) for Health Education. For further information, see the district's human sexuality instruction website at www.wacoisd.org.

In accordance with state law, a parent may:

- Review, receive a copy of, or purchase a copy of curriculum materials depending on the materials' copyright.
- Remove their child from any part of the human sexuality instruction without academic, disciplinary, or other penalties.
- Become involved in the development of this curriculum by becoming a member of the district's SHAC or attending SHAC meetings. (See the campus principal for details.)
- Use the district's grievance procedure concerning a complaint. See **Complaints and Concerns (All Grade Levels)** on page 46 and FNG(LOCAL).

State law also requires that instruction related to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS):

- Present abstinence from sexual activity as the preferred choice in relation to all sexual activity for unmarried persons of school age;
- Devote more attention to abstinence from sexual activity than to any other behavior;
- Emphasize that abstinence, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted infections, and the emotional trauma associated with adolescent sexual activity;
- Direct adolescents to abstain from sexual activity before marriage as the most effective way to prevent pregnancy and sexually transmitted diseases; and
- If included in the content of the curriculum, teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates.

[See **Consent to Instruction of Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking** on page 14.]

Consent Before Human Sexuality Instruction

Before a student receives human sexuality instruction, the district must obtain written consent from the student's parent. Parents will be sent a request for written consent at least 14 days before the instruction begins.

Consent Before Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking

Before a student receives instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking, the district must obtain written consent from the student's parent. Parents will be sent a request for written consent at least 14 days before the instruction begins.

Annual Notification

Students in middle school and high school receive instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking. The School Health Advisory Council (SHAC) makes recommendations for curriculum materials, and the school board adopts the materials and determines the specific content of the instruction.

Counselors address issues like dating violence, family violence, and child abuse through individual and group meetings, guidance lessons, and community partnerships. Community partners may assist by providing resources, student support groups, student/parent assemblies,

and staff training.For further information, see the district's abuse prevention instruction website at www.wacoisd.org.

In accordance with state law, a parent may:

- Review, receive a copy of, or purchase a copy of curriculum materials depending on the copyright of the materials. As required by law, any curriculum materials in the public domain used in this instruction will be posted on the district's website at the location indicated above.
- Remove their child from any part of this instruction without academic, disciplinary, or other penalties.
- Become involved in the development of this curriculum by becoming a member of the district's SHAC or attending SHAC meetings. (See the campus principal for details.)
- Use the district's grievance procedure concerning a complaint. See **Complaints and Concerns (All Grade Levels)** on page 46 and FNG for information on the grievance and appeals process.

[See **Consent to Human Sexuality Instruction** on page 13; **Dating Violence** on page 51; and **Child Sexual Abuse, Trafficking, and Other Maltreatment of Children** on page 39.]

Consent to Provide a Mental Health Care Service

The district will not provide a mental health care service to a student or conduct a medical screening of a student as part of the district's intervention procedures except as permitted by law.

The district has established procedures for recommending to a parent an intervention for a student with early warning signs of mental health concerns, substance abuse, or suicide risk. The district's mental health liaison will notify the student's parent within a reasonable amount of time after the liaison learns that a student has displayed early warning signs and provide information about available counseling options.

The district has also established procedures for staff to notify the mental health liaison regarding a student who may need intervention.

The mental health liaison can be reached at:

Dr. Rachelle Warren

Assistant Superintendent for Student Services & Support

501 Franklin Ave., Waco, TX, 76701

rachelle.warren@wacoisd.org

254-755-9417

The mental health liaison can provide further information regarding these procedures as well as curriculum materials on identifying risk factors, accessing resources for treatment or support on and off campus, and accessing available student accommodations provided on campus.

[See **Mental Health Support** on page 73.]

Consent to Display a Student's Original Works and Personal Information

Teachers may display a student's work in classrooms or elsewhere on campus as recognition of student achievement without seeking prior parental consent. These displays may include personally identifiable student information. Student work includes:

- Artwork,
- Special projects,
- Photographs,
- Original videos or voice recordings, and
- Other original works.

However, the district will seek parental consent before displaying a student's work on the district's website, a website affiliated with or sponsored by the district (such as a campus or classroom website), or in district publications, which may include printed materials, videos, or other methods of mass communication.

Consent to Video or Audio Record a Student when Not Already Permitted by Law

State law permits the school to make a video or voice recording without parental permission when it:

- Is to be used for school safety,
- Relates to classroom instruction or a cocurricular or extracurricular activity,
- Relates to media coverage of the school, or
- Relates to the promotion of student safety as provided by law for a student receiving special education services in certain settings.

In other circumstances, the district will seek written parental consent before making a video or voice recording of a student.

Please note that parents and visitors to a classroom, both virtual and in person, may not record video or audio or take photographs or other still images without permission from the teacher or other school officials.

Limiting Electronic Communications between Students and District Employees

The district permits teachers and other approved employees to use electronic communications with students within the scope of professional responsibilities, as described by district guidelines.

For example, a teacher may create a social networking page for their class to relay information regarding class work, homework, and tests. A parent is welcome to access such a page.

However, text messages sent to an individual student are only allowed if a district employee responsible for an extracurricular activity must communicate with a student participating in that activity.

The employee is required to include their immediate supervisor and the student's parent as recipients on all text messages.

A parent who does not want their child to receive one-to-one electronic communications from a district employee should contact the campus principal.

Objecting to the Release of Directory Information

The Family Educational Rights and Privacy Act, or FERPA, permits the district to disclose appropriately designated "directory information" from a student's education records without written consent.

"Directory information" is information that, if released, is generally not considered harmful or an invasion of privacy. Examples include:

- A student's photograph (for publication in the school yearbook);
- A student's name and grade level (for communicating class and teacher assignments);
- The name, weight, and height of an athlete (for publication in a school athletic program);
- A list of student birthdays (for generating schoolwide or classroom recognition),
- A student's name and photograph (posted on a district-approved and -managed social media platform); and
- The names and grade levels of students submitted by the district to a local newspaper or other community publication (to recognize the A/B honor roll for a specific grading period.)

Directory information will be released to anyone who follows procedures for requesting it.

However, a parent or eligible student may object to the release of this information. Any objection must be made in writing to the principal within ten school days of the student's first day of instruction for this school year. [See **Notice Regarding Directory Information and Parent's Response Regarding Release of Student Information**, included in the forms packet.]

The district requests that families living in a shelter for survivors of family violence or trafficking notify district personnel that the student currently resides in such a shelter. Families may want to opt-out of the release of directory information so that the district does not release any information that might reveal the location of such a shelter.

For all other purposes, the district has identified the following as directory information: If a parent objects to the release of the student's information included on the directory information response form, this objection also applies to the use of that information for school-sponsored purposes, such as:

- Honor roll,
- School newspaper,
- Yearbook,
- Recognition activities,
- News releases, and
- Athletic programs.

Note: Review **Authorized Inspection and Use of Student Records** on page 21.

Objecting to the Release of Student Information to Military Recruiters and Institutions of Higher Education (Secondary Grade Levels Only)

Unless a parent has advised the district not to release their student's information, the Every Student Succeeds Act (ESSA) requires the district to comply with requests from military recruiters or institutions of higher education for the student's:

- Name,
- Address, and
- Telephone listing.

Military recruiters may also have access to a student's district-provided email address unless a parent has advised the district not to release this information.

[See **Parent's Objection to the Release of Student Information to Military Recruiters and Institutions of Higher Education**, included in the forms packet.]

Participation in Third-Party Surveys

Consent Required Before Student Participation in a Federally Funded Survey

The Protection of Pupil Rights Amendment (PPRA) provides parents certain rights regarding participation in surveys, the collection, and use of information for marketing purposes, and certain physical exams.

A parent has the right to consent before a student is required to submit to a survey funded by the U.S. Department of Education that concerns any of the following protected areas:

- Political affiliations or beliefs of the student or the student's parent;
- Mental or psychological problems of the student or the student's family;
- Sex behavior or attitudes;
- Illegal, antisocial, self-incriminating, or demeaning behavior;
- Critical appraisals of individuals with whom the student has a close family relationship;
- Legally recognized privileged relationships, such as with lawyers, doctors, and ministers;
- Religious practices, affiliations, or beliefs of the student or parent; or
- Income, except when the information is required by law and will be used to determine the student's eligibility for a program.

A parent may inspect the survey or other instrument and any corresponding instructional materials used in connection with such a survey. [See policy EF(LEGAL) for more information.]

"Opting Out" of Participation in Other Types of Surveys or Screenings and the Disclosure of Personal Information

The PPRA gives parents the right to receive a notice and an opportunity to opt a student out of:

- Activities involving the collection, disclosure, or use of personal information gathered from the child for the purpose of marketing, selling, or otherwise disclosing that information to others.

- Any nonemergency, invasive physical examination or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of the student.

Exceptions are hearing, vision, spinal screenings or any physical examination or screening permitted or required under state law. [See policies EF and FFAA for more information.]

A parent may inspect:

- Protected information surveys of students and surveys created by a third party;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instructional material used as part of the educational curriculum.

The ED provides extensive information about the Protection of Pupil Rights Amendment (https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance), including a PPRA Complaint Form (https://studentprivacy.ed.gov/file-a-complaint).

Removing a Student from Instruction or Excusing a Student from a Required Component of Instruction

See **Consent to Human Sexuality Instruction** on page 14 and **Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking** on page 14 for information on a parent's right to remove a student from such instruction.

Reciting a Portion of the Declaration of Independence in Grades 3–12

State law designates the week of September 17 as Celebrate Freedom Week and requires all social studies classes to provide:

- Instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution; and
- A specific recitation from the Declaration of Independence for students in grades 3–12.

Per state law, a student may be excused from a recitation of a portion of the Declaration of Independence if:

- A parent provides a written statement requesting that their child be excused;
- The district determines that the student has a conscientious objection to the recitation; or
- A parent is a representative of a foreign government to whom the U.S. government extends diplomatic immunity.

[See policy EHBK(LEGAL) for more information.]

Reciting the Pledges to the U.S. and Texas Flags

A parent may request that their child be excused from participation in the daily recitation of the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. The request must be made in writing.

State law, however, requires that all students participate in one minute of silence following the recitation of the pledges.

[See **Pledges of Allegiance and a Minute of Silence** on page 85 and policy EC(LEGAL) for more information.]

Religious or Moral Beliefs

A parent may remove their child temporarily from the classroom if a scheduled instructional activity conflicts with the parent's religious or moral beliefs.

The removal may not be used to avoid a test and may not extend for an entire semester. The student must also satisfy grade-level and graduation requirements as determined by the school and by state law.

Tutoring or Test Preparation

A teacher may determine that a student needs additional targeted assistance for the student to achieve mastery in state-developed essential knowledge and skills based on:

- Informal observations;
- Evaluative data such as grades earned on assignments or tests; or
- Results from diagnostic assessments.

The school will always attempt to provide tutoring and strategies for test-taking in ways that prevent removal from other instruction as much as possible.

In accordance with state law and policy EC, districts must obtain parental permission before removing a student from a regularly scheduled class for remedial tutoring or test preparation for more than ten percent of the days the class is offered.

Under state law, students with grades below 70 for a reporting period are required to attend tutorial services—if the district offers these services.

[For questions about school-provided tutoring programs, contact the student's teacher and see policies EC and EHBC. See **Standardized Testing** on page 93 for information regarding required accelerated instruction after a student fails to perform satisfactorily on certain state-mandated tests.]

Right of Access to Student Records, Curriculum Materials, and District Records/Policies

Instructional Materials

A parent has the right to review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum and to examine tests that have been administered, whether the instruction is delivered in-person, virtually, or remotely. The district will provide login credentials to each student's parent for any learning management system or online learning portal used in instruction to facilitate parent access and review.

A parent is also entitled to request that the school allow the student to take home instructional materials the student uses. The school may ask the student to return the materials at the beginning of the next school day.

A school must provide printed versions of electronic instructional materials to a student if the student does not have reliable access to technology at home.

Notices of Certain Student Misconduct to Noncustodial Parent

A noncustodial parent may request in writing that they be provided, for the remainder of the school year, a copy of any written notice usually provided to a parent related to their child's misconduct that may involve placement in a disciplinary alternative education program (DAEP) or expulsion. [See the Student Code of Conduct and policy FO(LEGAL) for more information.]

Participation in Federally Required, State-Mandated, and District Assessments

In accordance with the Every Student Succeeds Act (ESSA), a parent may request information regarding any federal, state, or district policy related to their child's participation in required assessments.

Student Records

Accessing Student Records

A parent may review their child's records. These records include:

- Attendance records;
- Test scores;
- Grades;
- Disciplinary records;
- Counseling records;
- Psychological records;
- Applications for admission;
- Health and immunization information;
- Other medical records;
- Teacher and school counselor evaluations;
- Reports of behavioral patterns;
- Records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child, as the term "intervention strategy" is defined by law;
- State assessment instruments that have been administered to the child; and
- Teaching materials and tests used in the child's classroom.

Authorized Inspection and Use of Student Records

The Family Educational Rights and Privacy Act (FERPA) affords parents and eligible students certain rights regarding student education records.

For purposes of student records, an "eligible" student is anyone age 18 or older or who attends a postsecondary educational institution. These rights, as discussed here and at **Objecting to the Release of Directory Information** on page 17, are the right to:

- Inspect and review student records within 45 days after the day the school receives a request for access;

- Request an amendment to a student record the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of FERPA;
- Provide written consent before the school discloses personally identifiable information from the student's records, except to the extent that FERPA authorizes disclosure without consent; and
- File a complaint (https://studentprivacy.ed.gov/file-a-complaint) with the U.S. Department of Education concerning failures by the school to comply with FERPA requirements.

Both FERPA and state laws safeguard student records from unauthorized inspection or use and provide parents and eligible students with certain rights of privacy.

Before disclosing personally identifiable information from a student's records, the district must verify the identity of the person, including a parent or the student, requesting the information.

Virtually all information pertaining to student performance—including grades, test results, and disciplinary records—is considered confidential educational records.

Inspection and release of student records are restricted to an eligible student or a student's parent unless the school receives a copy of a court order terminating parental rights or the right to access a student's education records. A parent's rights regarding access to student records are not affected by the parent's marital status.

Federal law requires that control of the records goes to the student as soon as the student:

- Reaches the age of 18;
- Is emancipated by a court; or
- Enrolls in a postsecondary educational institution.

However, the parent may continue to have access to the records if the student is a dependent for tax purposes and, under limited circumstances, when there is a threat to the health and safety of the student or other individuals.

FERPA permits the disclosure of personally identifiable information from a student's education records without the written consent of the parent or eligible student when school officials have what federal law refers to as a "legitimate educational interest" in a student's records.

Legitimate educational interest may include:

- Working with the student;
- Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
- Compiling statistical data;
- Reviewing an educational record to fulfill the official's professional responsibility; or
- Investigating or evaluating programs.

School officials may include:

- Board members and employees, such as the superintendent, administrators, and principals;

- Teachers, school counselors, diagnosticians, and support staff (including district health or medical staff);
- A person or company with whom the district has contracted or allowed to provide a specific institutional service or function (such as an attorney, consultant, third-party vendor that offers online programs or software, auditor, medical consultant, therapist, school resource officer, or volunteer);
- A person appointed to serve on a team to support the district's safe and supportive school program;
- A parent or student serving on a school committee; or
- A parent or student assisting a school official in the performance of their duties.

FERPA also permits the disclosure of personally identifiable information without written consent:

- To authorized representatives of various governmental agencies, including juvenile service providers, the U.S. Comptroller General's office, the U.S. Attorney General's office, the U.S. Secretary of Education, the Texas Education Agency, the U.S. Secretary of Agriculture's office, and Child Protective Services (CPS) caseworkers or, in certain cases, other child welfare representatives.
- To individuals or entities granted access in response to a subpoena or court order.
- To another school, district/system, or postsecondary educational institution to which a student seeks or intends to enroll or in which the student already is enrolled.
- In connection with financial aid for which a student has applied or has received.
- To accrediting organizations to carry out accrediting functions.
- To organizations conducting studies for, or on behalf of, the school to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- To appropriate officials in connection with a health or safety emergency.
- When the district discloses directory information-designated details. [See **Objecting to the Release of Directory Information** on page 17 to prohibit this disclosure.]

Release of personally identifiable information to any other person or agency—such as a prospective employer or for a scholarship application—will occur only with parental or student permission as appropriate.

The Campus Principal is the custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of all records for students who have withdrawn or graduated.

A parent or eligible student who wants to inspect the student's records should submit a written request to the custodian of records identifying the records they want to inspect.

Records may be reviewed in person during regular school hours. The records custodian or designee will be available to explain the record and to answer questions.

A parent or eligible student who submits a written request and pays copying costs of ten cents per page may obtain copies. If circumstances prevent inspection during regular school hours and the student qualifies for free or reduced-price meals, the district will either provide a copy of

the records requested or make other arrangements for the parent or student to review the records.

You may contact the custodian of records for currently enrolled students by contacting your child's campus principal. You may contact the custodian of records for students who have withdrawn or graduated at:

Margarita Ramirez

Records Management

P.O. Box 27, Waco, TX, 76703

margarita.ramirez@wacoisd.org

254-755-9473

A parent or eligible student may inspect the student's records and request a correction or amendment if the records are considered inaccurate, misleading, or otherwise in violation of the student's privacy rights.

A request to correct a student's record should be submitted to the appropriate records custodian. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information is inaccurate. If the district denies the request to amend the records, the parent or eligible student has the right to request a hearing. If, after the hearing, the records are not amended, the parent or eligible student has 30 school days to place a statement in the student's record.

Although improperly recorded grades may be challenged, contesting a student's grade in a course or on an examination is handled through the complaint process found in policy FNG(LOCAL). A grade issued by a teacher can be changed only if the board of trustees determines that the grade is arbitrary, erroneous, or inconsistent with the district's grading guidelines.

[See **Report Cards/Progress Reports and Conferences** on page 87, **Complaints, and Concerns** on page 46, and Finality of Grades at policy FNG(LEGAL).]

The district's student records policy is found at policy FL(LEGAL) and (LOCAL) and is available at the principal's or superintendent's office or on the district's website at *www.wacoisd.org*.

Note: The parent's or eligible student's right of access to and copies of student records does not extend to all records. Materials that are not considered educational records—such as a teacher's personal notes about a student shared only with a substitute teacher—do not have to be made available.

Teacher and Staff Professional Qualifications

A parent may request information regarding the professional qualifications of their child's teachers, including whether the teacher:

- Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- Has an emergency permit or other provisional status for which state requirements have been waived; and
- Is currently teaching in the field or discipline their certification.

The parent also has the right to request information about the qualifications of any paraprofessional who may provide services to the child.

A Student with Exceptionalities or Special Circumstances

Children of Military Families

The Interstate Compact on Educational Opportunities for Military Children entitles children of military families to flexibility regarding certain district and state requirements, including:

- Immunization requirements;
- Grade level, course, or educational program placement;
- Eligibility requirements for participation in extracurricular activities;
- Enrollment in the Texas Virtual School Network (TXVSN); and
- Graduation requirements.

The district will excuse absences related to a student visiting a parent, including a stepparent or legal guardian, who is:

- Called to active duty,
- On leave, or
- Returning from a deployment of at least four months.

The district will permit **no more than five** excused absences per year for this purpose. For the absence to be excused, the absence must occur no earlier than the 60th day before deployment or no later than the 30th day after the parent's return from deployment.

Additional information may be found at Military Family Resources at the Texas Education Agency (https://tea.texas.gov/about-tea/other-services/military-family-resources).

Parental Role in Certain Classroom and School Assignments

Multiple-Birth Siblings

State law permits a parent of multiple-birth siblings (for example, twins, triplets) assigned to the same grade and campus to request in writing that the children be placed in either the same classroom or separate classrooms.

Written requests must be submitted by the 14th day after the student's enrollment. [See policy FDB(LEGAL) for more information.]

Safety Transfers/Assignments

The board or its designee will honor a parent's request to transfer their child to another classroom or campus if the district has determined that the child has been a victim of bullying, including cyberbullying, as defined by Education Code 37.0832.

The board may transfer a student who has engaged in bullying to another classroom. The board will consult with the parent of a child who has engaged in bullying before deciding to transfer the child to another campus.

Transportation is not provided for a transfer to another campus. See the Superintendent ***OR*** campus principal for more information.

[See **Bullying** on page 36 and policies FDB and FFI for more information.]

The district will honor a parent's request for the transfer of their child to a safe public school in the district if the child attends a school identified by the Texas Education Agency as persistently dangerous or if the child has been a victim of a violent criminal offense while at school or on school grounds.

[See policy FDE for more information.]

The board will honor a parent's request for the transfer of their child to another district campus if the child has been the victim of sexual assault by another student assigned to the same campus, whether the assault occurred on or off campus, and that student has been convicted of or placed on deferred adjudication for the assault. In accordance with policy FDE, the board will transfer the assailant if the victim does not wish to transfer.

Student Use of a Service/Assistance Animal

A parent of a student who uses a service/assistance animal because of the student's disability must submit a written request to the principal before bringing the service/assistance animal on campus. The district will try to accommodate a request as soon as possible but will do so within ten district business days.

A Student in the Conservatorship of the State (Foster Care)

A student in the conservatorship (custody) of the state who enrolls in the district after the beginning of the school year will be allowed credit-by-examination opportunities at any point during the year.

The district will assess the student's available records to determine the transfer of credit for subjects and courses taken before the student's enrollment in the district.

The district will award partial course credit when the student only passes one-half of a two-half course. [For provisions on partial course credit for students who are not in the conservatorship of the state, see EI(LOCAL).]

A student in the conservatorship of the state who is moved outside the district's or school's attendance boundaries—or who is initially placed in the conservatorship of the state and moved outside the district's or school's boundaries—is entitled to remain at the school the student was attending prior to the placement or move until the student reaches the highest grade level at that particular school.

If a student in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, the student can request a diploma from the previous district if the student meets its graduation criteria.

For a student in the conservatorship of the state who is eligible for a tuition and fee exemption under state law and likely to be in care on the day preceding the student's 18th birthday, the district will:

- Assist the student with the completion of applications for admission or financial aid;
- Arrange and accompany the student on campus visits;
- Assist in researching and applying for private or institution-sponsored scholarships;
- Identify whether the student is a candidate for appointment to a military academy;

- Assist the student in registering and preparing for college entrance examinations, including (subject to the availability of funds) arranging for the payment of examination fees by the Texas Department of Family and Protective Services (DFPS); and
- Coordinate contact between the student and a liaison officer for students formerly in the conservatorship of the state.

[See **Credit by Examination for Advancement/Acceleration** on page 50, **Course Credit** on page 49, and **Students in Foster Care** on page 96.]

A Student Who Is Experiencing Homelessness

A student who is experiencing homelessness will be provided flexibility regarding certain district provisions, including:

- Proof of residency requirements;
- Immunization requirements;
- Educational program placement (if the student is unable to provide previous academic records or misses an application deadline during a period of homelessness);
- Credit-by-examination opportunities at any point during the year (if the student enrolled in the district after the beginning of the school year), per State Board of Education (SBOE) rules;
- Assessment of the student's available records to determine transfer of credit for subjects and courses taken before the student's enrollment in the district;
- Awarding partial credit when a student passes only one half of a two-half course;
- Eligibility requirements for participation in extracurricular activities; and
- Graduation requirements.

Federal law allows a student who is experiencing homelessness to remain enrolled in the "school of origin" or to enroll in a new school in the attendance area where the student is currently residing.

If a student who is experiencing homelessness in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, state law allows the student to request a diploma from the previous district if the student meets the criteria to graduate from the previous district.

A student or parent who is dissatisfied with the district's eligibility, school selection, or enrollment decision may appeal through policy FNG(LOCAL). The district will expedite local timelines, when possible, for prompt dispute resolution.

[See **Credit by Examination for Advancement/Acceleration** on page 50, **Course Credit** on page 49, and **Students who are Experiencing Homelessness** on page 96.]

A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services

For those students who are having difficulty in the regular classroom, all school districts must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The

implementation of RtI has the potential to have a positive impact on the ability of districts to meet the needs of all struggling students.

If a student is experiencing learning difficulties, their parents may contact the individuals listed below to learn about the school's overall general education referral or screening system for support services.

This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine whether the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or to a district administrative employee of the school district, the district must respond no later than 15 school days after receiving the request. At that time, the district must give the parent prior written notice of whether it agrees or refuses to evaluate the student, along with a copy of the *Notice of Procedural Safeguards*. If the district agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Note: A request for a special education evaluation may be made verbally; it does not need to be made in writing. Districts must still comply with all federal prior-written notices and procedural safeguard requirements, as well as the requirements for identifying, locating, and evaluating children who are suspected of having a disability and in need of special education. However, a verbal request does not require the district to respond within the 15 school-day timelines.

If the district decides to evaluate the student, it must complete the student's initial evaluation and evaluation report no later than 45 school days from the day it receives a parent's written consent. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period will be extended by the number of school days equal to the number of school days that the student is absent.

There is an exception to the 45-school-day timeline. If the district receives a parent's consent for the initial evaluation at least 35, but less than 45 school days before the last instructional day of the school year, it must complete the written report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30 due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

Upon completing the evaluation, the district must give the parent a copy of the evaluation report at no cost.

Additional information regarding special education is available from the school district in a companion document titled *Parent's Guide to the Admission, Review, and Dismissal Process*.

Contact Person for Special Education Referrals

The designated contact person regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is:

Cathy Parker

Coordinator-Special Education

501 Franklin Ave, Waco, TX, 76701

cathy.parker@wacoisd.org

254-755-9569

For questions regarding post-secondary transitions, including the transition from education to employment, for students receiving special education services, contact the district's transition and employment designee:

James Glidewell

Transition Specialist

P.O. Box 27, Waco, TX, 76703

james.glidewell@wacoisd.org

254-981-5839

Section 504 Referrals

Each school district must have standards and procedures in place for the evaluation and placement of students in the district's Section 504 program. Districts must also implement a system of procedural safeguards that includes:

- Notice;
- An opportunity for a parent or guardian to examine relevant records;
- An impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel; and
- A review procedure.

Contact Person for Section 504 Referrals

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Kourtni Parnell

Director for Intervention Services and State & Federal Programs

501 Franklin Ave., Waco, TX, 76701

kourtni.parnell@wacoisd.org

254-799-0983

[See **A Student with Physical or Mental Impairments Protected under Section 504** on page 30.]

Visit these websites for information regarding students with disabilities and the family:

- Legal Framework for the Child-Centered Special Education Process (https://fw.esc18.net/display/Webforms/ESC18-FW-LandingPage.aspx?DT=G&LID=en)
- Partner Resource Network (http://prntexas.org/)
- SPEDTEX: Special Education Information Center (https://www.spedtex.org/)

- Texas First Project (http://www.texasprojectfirst.org/)

Notification to Parents of Intervention Strategies for Learning Difficulties Provided to Students in General Education

In accordance with state law, the district will annually notify parents if their child receives assistance for learning difficulties. Details of such assistance can include intervention strategies. This notice is not intended for those students already enrolled in a special education program.

A Student Who Receives Special Education Services with Other School-Aged Children in the Home

If a student is receiving special education services at a campus outside their attendance zone, state law permits the parent or guardian to request that other students residing in the household be transferred to the same campus—if the grade level for the transferring student is offered on that campus.

The student receiving special education services would be entitled to transportation; however, the district is not required to provide transportation to other children in the household.

The parent or guardian should contact the school principal regarding transportation needs prior to requesting a transfer for other children in the home. [See policy FDB(LOCAL) for more information.]

A Student Who Speaks a Primary Language Other than English

A student may be eligible to receive specialized support if their primary language is not English and the student has difficulty performing ordinary class work in English.

If the student qualifies for these services, the Language Proficiency Assessment Committee (LPAC) will determine the types of services the student needs, including accommodations or modifications related to classroom instruction, local assessments, and state-mandated assessments.

[See **English Learners** on page 59 and **Special Programs** on page 93.]

A Student with Physical or Mental Impairments Protected under Section 504

A student with a physical or mental impairment that substantially limits a major life activity, as defined by law—and who does not otherwise qualify for special education services—may qualify for protections under Section 504 of the Rehabilitation Act.

Section 504 is a federal law designed to prohibit discrimination against individuals with disabilities.

When an evaluation is requested, a committee will be formed to determine whether the student needs services and support under Section 504 in order to receive a free appropriate public education (FAPE), as defined in federal law.

[See **A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services** on page 27 and policy FB for more information.]

Section Two: Other Important Information for Parents and Students

This section contains important information on academics, school activities, and school operations and requirements.

It is organized alphabetically to serve as a quick-reference guide. Where applicable, the topics are further organized by grade level.

Parents and children should take a moment together to become familiar with the issues addressed in this section. For guidance on a particular topic, please contact the campus principal.

Absences/Attendance

Regular school attendance is essential. Absences from class may result in serious disruption of a student's education. The student and parent should avoid unnecessary absences.

Two important state laws—one dealing with compulsory attendance and the other with how attendance affects the award of a student's final grade or course credit—are discussed below.

Compulsory Attendance

Prekindergarten and Kindergarten

Students enrolled in prekindergarten or kindergarten are required to attend school and are subject to the compulsory attendance requirements as long as they remain enrolled.

Ages 6–18

State law requires that a student who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached their 19th birthday, shall attend school, as well as any applicable accelerated instruction program, extended-year program, or tutorial session unless the student is otherwise excused from attendance or legally exempt.

State law requires a student in kindergarten–grade 2 to attend any assigned accelerated reading instruction program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program based on a diagnostic reading instrument.

A student will be required to attend any assigned accelerated instruction program before or after school or during the summer if the student does not meet the passing standards on an applicable subject area state assessment.

Age 19 and Older

A student who voluntarily attends or enrolls after their 19th birthday is required to attend each school day until the end of the school year. If the student incurs more than five unexcused absences in a semester, the district may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing. [See policy FEA for more information.]

Compulsory Attendance—Exemptions

All Grade Levels

State law allows exemptions to the compulsory attendance requirements for the following activities and events, as long as the student makes up all work:

- Religious holy days;

- Required court appearances;
- Activities related to obtaining U.S. citizenship;
- Documented health-care appointments for the student or a child of the student, including absences related to autism services, if the student returns to school on the same day of the appointment and brings a note from the health-care provider;
- Absences resulting from a serious or life-threatening illness or related treatment that makes a student's attendance infeasible, with certification by a physician;
- For students in the conservatorship of the state:
    - An activity required under a court-ordered service plan; or
    - Any other court-ordered activity, provided it is not practicable to schedule the student's participation in the activity outside of school hours.

For children of military families, absences of up to five days will be excused for a student to visit a parent, stepparent, or legal guardian going to, on leave from, or returning from certain deployments. [See **Children of Military Families** on page 25.]

Note that documented healthcare appointments may include telehealth appointments. Students who are physically on campus will not be allowed to participate in telehealth or other online appointments without specific authorization from an appropriate administrator. Students should not use district-issued technology, including wifi or internet, for telehealth appointments because district-owned equipment and its network systems are not private and will be monitored by the district. For more information, see **Telecommunication and Other Electronic Devices** on page 92.

Secondary Grade Levels

The district will allow a student who is 15 years of age or older to be absent for one day to obtain a learner license and one day to obtain a driver's license, provided that the board has authorized such excused absences under policy FEA(LOCAL). The student will be required to provide documentation of their visit to the driver's license office for each absence and must make up any work missed.

[See **Driver License Attendance Verification** on page 35.]

The district will allow junior and senior students to be absent for up to two days per year to visit a college or university, provided:

- The board has authorized such excused absences under policy FEA(LOCAL);
- The principal has approved the student's absence, and
- The student follows campus procedures to verify the visit and makes up any work missed.

The district will allow a student 17 years old or older to be absent for up to four days during the period the student is enrolled in high school to pursue enlistment in the U.S. armed services or Texas National Guard, provided the student verifies these activities to the district.

The district will allow a student to be absent for up to two days per school year to serve as:

- An early voting clerk, provided the district's board has authorized this in policy FEA(LOCAL), the student notifies their teachers, and the student receives approval from the principal prior to the absences; or

- An election clerk, if the student makes up any work missed.

The district will allow a student in grades 6–12 to be absent for the purpose of sounding “Taps” at a military honors funeral for a deceased veteran.

Compulsory Attendance—Failure to Comply

All Grade Levels

School employees must investigate and report violations of the compulsory attendance law.

A student absent without permission from the school, any class, any required special program, or any required tutorial will be considered in violation of the compulsory attendance law and subject to disciplinary action.

Students with Disabilities

If a student with a disability is experiencing attendance issues, the student’s ARD or Section 504 committee, will determine whether the attendance issues warrant an evaluation, a reevaluation, and/or modifications to the student's individualized education program or Section 504 plan, as appropriate.

Ages 6–18

When a student ages 6–18 incurs three or more unexcused absences within a four-week period, the law requires the school to send notice to the parent.

The notice will:

- Remind the parent of their duty to monitor the student’s attendance and require the student to attend school;
- Request a conference between school administrators and the parent; and
- Inform the parent that the district will initiate truancy prevention measures, including a behavior improvement plan, school-based community service, referrals to counseling or other social services, or other appropriate measures.

The truancy prevention facilitator for the district is:

Athena Nuness

Coordinator for Truancy Intervention

P.O. Box 27, Waco, TX, 76703

athena.nuness@wacoisd.org

254-755-9540

For any questions about student absences, parents should contact the facilitator or any other campus administrator.

A court of law may impose penalties against the parent if a school-aged student is deliberately not attending school. The district may file a complaint against the parent if the student incurs ten or more unexcused absences within a six-month period in the same school year.

If a student age 12–18 incurs ten or more unexcused absences within a six-month period in the same school year, the district, in most circumstances, will refer the student to truancy court.

[See policies FEA(LEGAL) and FED(LEGAL) for more information.]

Age 19 and Older

After a student age 19 or older incurs a third unexcused absence, the district is required by law to send the student a letter explaining that the district may revoke the student's enrollment for the remainder of the school year if the student has more than five unexcused absences in a semester. The district may implement a behavior improvement plan as an alternative to revoking a student's enrollment.

Attendance for Credit or Final Grade (All Grade Levels)

To receive credit or a final grade in a class, a student must attend the class at least 90 percent of the days it is offered. A student who attends at least 75 percent but fewer than 90 percent of the days may receive credit or a final grade if they complete a plan, approved by the principal, that allows the student to fulfill the class's instructional requirements. If a student is involved in a criminal or juvenile court proceeding, the judge presiding over the case must also approve the plan before the student receives credit or a final grade.

If a student attends fewer than 75 percent of the class days or does not complete the principal-approved plan, then the attendance review committee will determine whether there are extenuating circumstances for the absences and how the student can regain credit or a final grade. [See policy FEC for more information.]

With the exception of absences due to serious or life-threatening illness or related treatment, all absences, excused or unexcused, may be held against a student's attendance requirement. To determine whether there were extenuating circumstances for any absences, the attendance committee will consider:

- Whether the student has mastered the essential knowledge and skills and maintained passing grades in the course or subject.
- Whether the student has completed makeup work satisfactorily. If the student completes makeup work, absences listed under **Compulsory Attendance—Exemptions** on page 31 and absences for extracurricular activities will be considered extenuating circumstances.
- Whether the student or the student's parent had any control over the absences.
- Any information presented by the student or parent to the committee about the absences.

The student or parent may appeal the committee's decision to the board by following policy FNG(LOCAL).

Official Attendance-Taking Time (All Grade Levels)

The district will take official attendance every day at 9:30 am at all campuses. Transformation Zone campuses will use 10:30 am as the official attendance taking time.

A student absent for any portion of the day should follow the procedures below to provide documentation of the absence.

Documentation after an Absence (All Grade Levels)

A parent must provide an explanation for any absence upon the student's arrival or return to school. The student must submit a note signed by the parent. The campus may accept a phone call from the parent but reserves the right to require a written note.

A note signed by the student will not be accepted unless the student is age 18 or older or is an emancipated minor under state law.

The campus will document in its attendance records whether the absence is excused or unexcused.

Note: The district is not required to excuse any absence, even if the parent provides a note explaining the absence unless the absence is an exemption under compulsory attendance laws.

Doctor's Note after an Absence for Illness (All Grade Levels)

Within three days of returning to school, a student absent for more than five consecutive days because of a personal illness must bring a statement from a doctor or health clinic verifying the illness or condition that caused the absence. Otherwise, the absence may be considered unexcused and in violation of compulsory attendance laws.

Should the student develop a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health clinic verifying the illness or condition that caused the absence to determine whether an absence will be excused or unexcused.

Certification of Absence Due to Severe Illness or Treatment

If a student is absent because of a serious or life-threatening illness or related treatment that makes a student's attendance infeasible, a parent must provide certification from a physician licensed to practice in Texas specifying the student's illness and the anticipated period of absence related to the illness or treatment.

Driver License Attendance Verification (Secondary Grade Levels Only)

A currently enrolled student seeking a driver's license shall submit the Texas Department of Public Safety Verification of Enrollment and Attendance Form (VOE), signed by the parent, to the campus central office at least 10 days before it is needed. The district will issue a VOE only if the student meets class credit or attendance requirements. The VOE form (https://www.tdlr.texas.gov/driver/forms/VOE.pdf) is available online.

Further information may be found on the Texas Department of Public Safety website (https://www.dps.texas.gov/section/driver-license/how-apply-texas-driver-license-teen).

See **Compulsory Attendance—Exemptions for Secondary Grade Levels** on page for information on excused absences for obtaining a learner license or driver's license.

Accountability under State and Federal Law (All Grade Levels)

Waco ISD and each of its campuses is held to certain standards of accountability under state and federal law. A key component of accountability is the dissemination and publication of certain reports and information, including:

- The Texas Academic Performance Report (TAPR) for the district, compiled by the Texas Education Agency (TEA), based on academic factors and ratings;
- A School Report Card (SRC) for each campus in the district, compiled by TEA;
- The district's financial management report, which includes the financial accountability rating assigned to the district by TEA; and
- Information compiled by TEA for the submission of a federal report card that is required by federal law.

Accountability information can be found on the district's website at www.wacoisd.org. Hard copies of any reports are available to the district's administration office upon request.

TEA maintains additional accountability and accreditation information at TEA Performance Reporting Division (https://tea.texas.gov/texas-schools/accountability/academic-accountability/performance-reporting).

Armed Services Vocational Aptitude Battery Test (Grades 10–12)

A student in grades 10–12 will be offered an opportunity to take the Armed Services Vocational Aptitude Battery test and consult with a military recruiter.

A notice of date, time, and location of the test will be provided to students and parents by the campus counselors.

Contact the principal or campus counselor for information about this opportunity.

Bullying (All Grade Levels)

The district strives to prevent bullying, in accordance with the district's policies, by promoting a respectful school climate; encouraging reporting of bullying incidents, including anonymous reporting; and investigating and addressing reported bullying incidents.

Bullying is defined in state law as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- Infringes on the rights of the victim at school.

Bullying includes cyberbullying. Cyberbullying is defined in state law as bullying that is done through the use of any electronic communication device, including the use of:

- A cellular or other type of telephone
- A computer
- A camera
- Electronic mail
- Instant messaging
- Text messaging
- A social media application
- An internet website

- Any other internet-based communication tool.

Bullying is prohibited by the district and could include:

- Hazing
- Threats
- Taunting
- Teasing
- Confinement
- Assault
- Demands for money
- Destruction of property
- Theft of valued possessions
- Name-calling
- Rumor-spreading
- Ostracism.

If a student believes that they have experienced bullying or witnessed the bullying of another student, the student or parent should notify a teacher, school counselor, principal, or another district employee as soon as possible. Procedures for reporting allegations of bullying may be found on the district's website.

A student may anonymously report an alleged incident of bullying by accessing the District website at www.wacoisd.org.

The administration will investigate any allegations of bullying and related misconduct. The district will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying.

If an investigation determines that bullying occurred, the administration will take appropriate disciplinary action and may, in certain circumstances, notify law enforcement. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying.

Available counseling options will be provided to the affected individuals, including any student who witnessed the bullying.

Any retaliation against a student who reports an incident of bullying is prohibited.

Upon recommendation of the administration, the board may transfer a student found to have engaged in bullying to another classroom on the campus. In consultation with the student's parents, the board may transfer the student to another campus in the district.

The parent of a student who has been determined to be a victim of bullying may request that the student be transferred to another classroom or campus within the district. [See **Safety Transfers/Assignments** on page 25.]

A copy of the district's bullying policy is available in the principal's office, superintendent's office, and on the district's website and is included at the end of this handbook as an appendix.

A student or parent who is dissatisfied with the outcome of an investigation may appeal through policy FNG(LOCAL).

[See **Safety Transfers/Assignments** on page 25, **Dating Violence, Discrimination, Harassment, and Retaliation** on page 51, **Hazing** on page 68, policy FFI, the district's Student Code of Conduct, and the district improvement plan, a copy of which can be viewed in the campus office.]

Career and Technical Education (CTE) and Other Work-Based Programs (Secondary Grade Levels Only)

The District offers career and technical education programs in the following career clusters: Architecture & Construction, Arts, Audio-Visual Technology & Communications, Business Management & Administration, Education & Training, Finance, Health Sciences, Hospitality & Tourism, Information Technology, Manufacturing, Marketing, and Science, Technology, Engineering, & Math (STEM). In some Career and Technical Education (CTE) courses, Enrollment Review in Committee (ERIC) processes may be conducted when a course requires limited enrollment considerations due to facility space, safety and skills competence, and/or community partnership agreements.

Admission to these programs is based on student interest.

District policy prohibits discrimination on the basis of race, color, national origin, sex, or handicap in its vocational programs, services, or activities, as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

District policy also prohibits discrimination on the basis of race, color, national origin, sex, handicap, or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

The district will take steps to ensure that lack of English language skills will not be a barrier to admission or participation in all educational and vocational programs.

For information about your rights or grievance procedures, contact the Title IX Coordinator and the ADA/Section 504 coordinator.

[See **Nondiscrimination Statement** on page 82 for the name and contact information for the Title IX coordinator and ADA/Section 504 coordinator.]

Celebrations (All Grade Levels)

Although a parent or grandparent may provide food to share for a school-designated function or for a student's birthday, please be aware that children in the school may have severe allergies to certain food products. Therefore, it is imperative to discuss any classroom allergies with the teacher before bringing food to share.

Occasionally, the school or a class may host functions or celebrations tied to the curriculum that involves food. The school or teacher will notify students and parents of any known food allergies when soliciting potential volunteers to provide food.

[See **Food Allergies** on page 76.]

Child Sexual Abuse, Trafficking, and Other Maltreatment of Children (All Grade Levels)

The district has established a plan for addressing child sexual abuse, trafficking, and other maltreatment of children, which may be accessed at www.wacoisd.org. Trafficking includes both sex and labor trafficking.

Warning Signs of Sexual Abuse

Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare, as well as a failure to make a reasonable effort to prevent sexual conduct with a child. A person who compels or encourages a child to engage in sexual conduct commits the abuse. It is illegal to make or possess child pornography or to display such material to a child.

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or Child Protective Services (CPS).

A child who has been or is being sexually abused may exhibit physical, behavioral, or emotional warning signs, including:

- Difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches;
- Verbal references or pretend games of sexual activity between adults and children, fear of being alone with adults of a particular gender, or sexually suggestive behavior; or
- Withdrawal, depression, sleeping and eating disorders, and problems in school.

Be aware that children and adolescents who have experienced dating violence may show similar physical, behavioral, and emotional warning signs. [See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 51 and **Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking** on page 14.]

The Penal Code prohibits Warning Signs of Trafficking Child trafficking of any sort. Sex trafficking involves forcing a person, including a child, into sexual abuse, assault, indecency, prostitution, or pornography. Labor trafficking involves forcing a person, including a child, to engage in forced labor or services.

Traffickers are often trusted members of a child's community, such as friends, romantic partners, family members, mentors, and coaches. Some traffickers make contact with victims online.

Possible warning signs of sex trafficking in children include:

- Changes in school attendance, habits, friend groups, vocabulary, demeanor, and attitude;
- Sudden appearance of expensive items (for example, manicures, designer clothes, purses, technology);
- Tattoos or branding;
- Refillable gift cards;
- Frequent runaway episodes;

- Multiple phones or social media accounts;
- Provocative pictures posted online or stored on the phone;
- Unexplained injuries;
- Isolation from family, friends, and community; and
- Older romantic partners.

Additional warning signs of labor trafficking in children include:

- Being unpaid, paid very little, or paid only through tips;
- Being employed but not having a school-authorized work permit;
- Being employed and having a work permit but working outside the permitted hours for students;
- Owing a large debt and being unable to pay it off;
- Not being allowed breaks at work or being subjected to excessively long work hours;
- Being overly concerned with pleasing an employer and/or deferring personal or educational decisions to a boss;
- Not being in control of their own money;
- Living with an employer or having an employer listed as a student's caregiver; and
- A desire to quit a job but not being allowed to do so.

[See **Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking** on page 14.]

Reporting and Responding to Sexual Abuse, Trafficking, and Other Maltreatment of Children

Anyone who suspects that a child has been or may be abused, trafficked, or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or Child Protective Services (CPS).

A child who has experienced sexual abuse or any other type of abuse or neglect should be encouraged to seek a trusted adult. Children may be more reluctant to disclose sexual abuse than physical abuse and neglect and may only disclose sexual abuse indirectly. As a parent or trusted adult, it is important to be calm and comforting if your child or another child confides in you. Reassure the child that they did the right thing by telling you.

If your child is a victim of sexual abuse, trafficking, or other maltreatment, the school counselor or principal will provide information on counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (DFPS) also manages early intervention counseling programs.

To find out what services may be available in your county, see Texas Department of Family and Protective Services, Programs Available in Your County (http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_County/default.asp).

Reports of abuse, trafficking, or neglect may be made to the CPS division of the DFPS at 1-800-252-5400 or on the web at Texas Abuse Hotline Website (www.txabusehotline.org).

Further Resources on Sexual Abuse, Trafficking, and Other Maltreatment of Children

The following websites might help you become more aware of child abuse and neglect, sexual abuse, trafficking, and other maltreatment of children:

- Child Welfare Information Gateway Factsheet (https://www.childwelfare.gov/pubPDFs/*whatiscan*.pdf)
- KidsHealth, For Parents, Child Abuse (https://kidshealth.org/en/parents/child-abuse.html)
- Office of the Texas Governor's Child Sex Trafficking Team (https://gov.texas.gov/organization/cjd/childsextrafficking)
- Human Trafficking of School-aged Children (https://tea.texas.gov/about-tea/other-services/human-trafficking-of-school-aged-children)
- Child Sexual Abuse: A Parental Guide from the Texas Association Against Sexual Assault (https://taasa.org/product/child-sexual-abuse-parental-guide/)
- National Center of Safe Supportive Learning Environments: Child Labor Trafficking (https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/child-labor-trafficking)

Class Rank/Highest-Ranking Student (Secondary Grade Levels Only)

The District shall apply the same class rank calculation method and rules for local graduation honors for all students in a graduating class, regardless of the school year in which a student first earned high school credit.

Note: The following provisions shall apply to students in the graduating classes of 2021, 2022, and 2023.

Calculation
The district shall include in the calculation of class rank semester grades earned in high school credit courses taken in grades 9–12 only unless excluded below.
The calculation shall include failing grades.

Exclusions
The calculation of class rank shall exclude any course for which a pass/fail grade is assigned and any grades earned through credit by examination, with or without prior instruction.

Weighted Grade System
The district shall categorize and weight eligible courses as Tier 3, Tier 2, and Tier 1 in accordance with provisions of this policy and as designated in appropriate District publications. Eligible Advanced Placement (AP) courses, dual credit courses, and locally designated advanced courses shall be categorized and weighted as Tier 3 courses.

Eligible Pre-AP courses and locally designated college readiness courses shall be categorized and weighted as Tier 2 courses.

All other eligible courses, including specifically designated local credit courses, shall be categorized and weighted as Tier 1 courses.

The District shall assign weights to semester grades earned in eligible courses and calculate a weighted numerical grade average, in accordance with the following:

Category Weight
Tier 3 1.15
Tier 2 1.10
Tier 1 1.00

The District shall record unweighted numerical grades on student transcripts.
Note: The following provisions shall apply to students beginning with the graduating class of 2024.

Calculation
The District shall include in the calculation of class rank semester grades earned in Advanced Placement (AP) courses taken in grades 6–8 and in high school credit courses taken in grades 9–12, but only in the following subject areas: English, mathematics, science, social studies, economics, languages other than English, and all dual credit courses in these areas.
The calculation shall include failing grades.

Exclusions
The calculation of class rank shall exclude grades earned in any course for which a pass/fail grade is assigned; any local credit course; any course taken for credit recovery or remediation; distance learning in the form of traditional correspondence courses; any course for which credit is earned outside the regular school day or regular school year; and through credit by examination, with or without prior instruction.

Weighted Grade System
The District shall categorize and weight eligible courses as Tier 4, Tier 3, Tier 2, and Tier 1 in accordance with provisions of this policy and as designated in appropriate District publications.
Eligible Advanced Placement (AP) courses shall be categorized and weighted as Tier 4 courses.

Eligible dual credit courses shall be categorized and weighted as Tier 3 courses.
Eligible pre-advanced courses shall be categorized and weighted as Tier 2 courses.
All other eligible courses shall be categorized and weighted as Tier 1 courses.
The District shall assign weights to semester grades earned in eligible courses and calculate a weighted numerical grade average, in accordance with the following:

Category Weight
Tier 4 multiplied by 1.20
Tier 3 multiplied by 1.15
Tier 2 multiplied by 1.10
Tier 1 multiplied by 1.00

The District shall record unweighted numerical grades on student transcripts.

Note: The following provisions shall apply to all students, regardless of their graduating class.
When a student transfers semester grades for courses that would be eligible under the Tier 1 category and the District has accepted the credit, the District shall include the grades in the calculation of class rank.

When a student transfers semester grades for courses that would be eligible to receive additional weight under the District's weighted grade system, the district shall assign additional weight to the grades based on the categories and grade weight system used by the district only if a similar or an equivalent course is offered to the same class of students in the district.

Local Graduation Honors
For the purpose of determining honors to be conferred during graduation activities, the District shall calculate class rank in accordance with this policy and administrative regulations by using grades available at the time of calculation at the end of the third week of the six-week grading period of the senior year.

For the purpose of applications to institutions of higher education, the district shall also calculate class rank as required by state law. The District's eligibility criteria for local graduation honors shall apply only for local recognition and shall not restrict class rank for the purpose of automatic admission under state law. [See EIC (LEGAL/LOCAL)]

Valedictorian and Salutatorian
The valedictorian and salutatorian shall be the eligible students with the highest and second highest rank, respectively. To be eligible for this local graduation honor, a student must:
1. Have been continuously enrolled in the district high school for the four semesters immediately preceding graduation.
2. Have been enrolled and in attendance in at least four academic courses each year of high school;
3. Be graduating after exactly eight semesters of enrollment in high school; and
4. Have completed the foundation program with a distinguished level of achievement.

Breaking Ties
In case of a tie in weighted numerical grade averages after calculation to the fourth decimal place, the District shall calculate a weighted numerical grade average using only eligible grades in Tier 4, Tier 3, and Tier 2 courses taken in grades 9–12 to determine recognition as valedictorian or salutatorian. If the tie is not broken after applying these methods, the District shall recognize all students involved in the tie as sharing the honor and title.

The student meeting the local eligibility criteria for recognition as the valedictorian shall also be considered the highest-ranking graduate to receive the honor graduate certificate from the state of Texas.

[See policy EIC (LOCAL) for more information.]

- Courses that are included in class rank calculations;
- Any course exclusions;
- Whether courses taken in middle/junior high school are included in the calculation;
- Whether grades earned by alternative means (summer school, distance learning, credit by examination, dual credit off campus vs. on campus, and the like) are counted;
- The weighted grade system used in the district to calculate class rank [for example, weighted numerical average or weighted grade point average (GPA)];

- Whether and when transferred grades will be weighted;
- When class rank will be calculated for purposes of determining local honors;
- Criteria a student must meet to be declared valedictorian, salutatorian, and any other local honor designations, including how the district will resolve ties in these positions;
- Whether the district will award the honor graduate certificate provided by the state to the district-declared valedictorian or the true highest-ranking graduate;
- If appropriate for your handbook, the list of courses that meet each category within your weighted grade system; and
- Any other information related to class rank appropriate for this document.

[See policy EIC for more information.]

Class Schedules (Secondary Grade Levels Only)

All students are expected to attend school for the entire school day and maintain a full class schedule. Exceptions may be made occasionally by the campus principal for students in grades 9–12 who meet specific criteria and receive parental consent to enroll in less than a full-day schedule.

[See **Schedule Changes** on page 89 for information related to student requests to revise their course schedule.]

College and University Admissions and Financial Aid (All Grade Levels)

For two school years following graduation, a district student who graduates as valedictorian or in the top ten percent of their class is eligible for automatic admission into four-year public universities and colleges in Texas if the student:

- Completes the distinguished level of achievement under the foundation graduation program [see **Foundation Graduation Program** on page 46]; or
- Satisfies the ACT College Readiness Benchmarks or earns at least 1500 out of 2400 on the SAT.

The student is ultimately responsible for meeting the admission requirements of the university or college, including timely submission of a completed application.

If a college or university adopts an admissions policy that automatically accepts the top 25 percent of a graduating class, the provisions above will also apply to a student ranked in the top 25 percent of their class.

The University of Texas at Austin may limit the number of automatically admitted students to 75 percent of the University's enrollment capacity for incoming resident first-year students. From the summer 2022 term through the spring 2024 term, the University will admit the top six percent of a high school's graduating class who meet the above requirements. The University will consider additional applicants through a holistic review process.

As required by law, the district will provide written notice concerning:

- Automatic college admission;
- Curriculum requirements for financial aid;

- Benefits of completing the requirements for automatic admission and financial aid; and
- The Texas First Early High School Completion Program and the Texas First Scholarship Program.

Parents and students will be asked to sign an acknowledgment that they received this information.

Students and parents should contact the school counselor for further information about automatic admissions, the application process, and deadlines.

[See **Class Rank/Highest-Ranking Student** on page 41 for information specifically related to how the district calculates a student's rank in class and requirements for **Graduation** on page 63 for information associated with the foundation graduation program.]

[See **Students in the Conservatorship of the State (Foster Care)** on page 26 for information on assistance in transitioning to higher education for students in foster care.]

College Credit Courses (Secondary Grade Levels Only)

Students in grades 9–12 may earn college credit through the following opportunities:

- Certain courses taught at the high school campus, which may include courses termed dual credit, Advanced Placement (AP), International Baccalaureate (IB), or college preparatory;
- Enrollment in AP or dual credit courses through the Texas Virtual School Network (TXVSN);
- Enrollment in courses taught in conjunction and in partnership with McLennan Community College and Texas State Technical College, which may be offered on or off campus; and
- Enrollment in courses taught at other colleges or universities.

Enrollment in these programs is based on the corollary memorandum of understanding for each entity.

A student may be eligible for subsidies based on financial need for AP or IB exam fees. See **Fees (All Grade Levels)** on page 61 for more information.

A student may also earn college credit for certain Career and Technical Education (CTE) courses. See **Career and Technical Education (CTE) and Other Work-Based Programs (Secondary Grade Levels Only)** on page 38 for information on CTE and other work-based programs.

All these methods have eligibility requirements and must be approved prior to enrollment in the course. Please see the school counselor for more information. Depending on the student's grade level and the course, a state-mandated end-of-course assessment may be required for graduation.

Not all colleges and universities accept credit earned in all dual credit or AP courses taken in high school for college credit. Students and parents should check with the prospective college or university to determine if a particular course will count toward the student's desired degree plan.

Communications (All Grade Levels)

Parent Contact Information

A parent is legally required to provide in writing the parent's contact information, including address, phone number, and email address.

A parent must provide the contact information to the district upon enrollment and again within two weeks after the beginning of each following school year while the student is enrolled in the district.

If the parent's contact information changes during the school year, the parent must update the information in writing no more than two weeks after the date the information changes.

A parent may update contact information by informing the campus registrar, school secretary, principal or assistant principal, and/or front office staff.

Automated Emergency Communications

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. An emergency situation may include early dismissal, delayed opening, or restricted access to the campus due to severe weather, another emergency, or a security threat. It is crucial to notify your child's school when a phone number changes.

[See **Safety** on page 87 for information regarding contact with parents during an emergency situation.]

Automated Non-Emergency Communications

Your child's school periodically sends information by automated or pre-recorded messages, text messages, or real-time phone or email communications that are closely related to the school's mission and specific to your child, your child's school, or the district.

Standard messaging rates of your wireless phone carrier may apply.

If you do not wish to receive such communications, please contact your child's principal. [See **Safety** on page 87 for information regarding contact with parents during an emergency.]

Complaints and Concerns (All Grade Levels)

Usually, student or parent complaints or concerns can be addressed informally by a phone call or a conference with the teacher or principal.

For those complaints and concerns that cannot be resolved informally, the board has adopted a Student and Parent Complaints/Grievances policy at FNG(LOCAL). This policy can be viewed in the district's policy manual, available online at www.wacoisd.org. The complaint forms can be accessed at www.wacoisd.org, Student Services Offices, and at the principal's or Superintendent's office.

To file a formal complaint, a parent or student should complete and submit the complaint form. In general, the written complaint form should be completed and submitted to the campus principal in a timely manner.

If the concern is not resolved, a parent or student may request a conference with the superintendent or designee.

If the concern is still unresolved, the district provides a process for parents and students to appeal to the board of trustees.

Conduct (All Grade Levels)

Applicability of School Rules

The board has adopted a Student Code of Conduct that defines standards of acceptable behavior—on and off campus, during remote and in-person instruction, and on district vehicles—and outlines consequences for violation of these standards. The district has disciplinary authority over a student in accordance with the Student Code of Conduct. Students and parents should be familiar with the standards set out in the Student Code of Conduct and campus and classroom rules.

During summer instruction, the Student Handbook and Student Code of Conduct in place for the school year immediately preceding the summer period shall apply unless the district amends either or both documents for the purposes of summer instruction.

Campus Behavior Coordinator

Each campus has a campus behavior coordinator to apply discipline management techniques, administer consequences for certain student misconduct, and provide a point of contact for student misconduct. The contact information for each campus behavior coordinator is available on the district's website at www.wacoisd.org. For the names of each campus coordinator, please contact your child's campus principal or visit the campus website.

Deliveries

Except in emergencies, delivery of messages or packages to students will not be allowed during instructional time. A parent may leave a message or a package, such as a forgotten lunch, for the student to pick up from the front office during a passing period or lunch.

Disruption of School Operations

Disruption of school operations is not tolerated and may constitute a misdemeanor offense. As identified by state law, disruptions include the following:

- Interference with the movement of people at an exit, entrance, or hallway of a district building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to district property.
- Use of force, violence, or threats in an attempt to prevent people from entering or leaving district property without authorization from an administrator.

Disruption of classes or other school activities while on or within 500 feet of district property includes:

- Making loud noises;

- Trying to entice a student away from, or to prevent a student from attending, a required class or activity; and
- Entering a classroom without authorization and disrupting the activity with loud or profane language or any misconduct.

Interference with the transportation of students in vehicles owned or operated by the district is also considered a disruption.

Social Events

School rules apply to all school social events. Guests attending these events are expected to observe the same rules as students, and a student inviting a guest will share responsibility for the conduct of their guest.

A student attending a social event will be asked to sign out when leaving before the end of the event and will not be readmitted.

A parent interested in serving as a chaperone for any school social events should contact the campus principal.

Counseling

The district has a comprehensive school counseling program that includes:

- A guidance curriculum to help students develop their full educational potential, including the student interests and career objectives;
- A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk;
- An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development; and
- Systems to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

The district will make a preview of the program, including all materials and curriculum, available to parents to review during school hours.

Academic Counseling

Elementary and Middle School Grade Levels

The school counselor will provide information to students and parents about college and university admissions and the importance of planning for postsecondary education, including appropriate coursework and financial aid availability and requirements.

In either grade 7 or 8, each student will receive instruction on how best to prepare for high school, college, and a career.

High School Grade Levels

High school students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn more about course offerings, graduation requirements, and early graduation procedures.

Each year, high school students will be provided information on anticipated course offerings for the next school year, how to make the most of academic and career and technical education (CTE) opportunities, and the importance of postsecondary education.

The school counselor will also provide information each year a student is enrolled in high school regarding:

- The importance of postsecondary education;
- The advantages of earning an endorsement and completing the foundation program with a distinguished level of achievement;
- The disadvantages of pursuing a high school equivalency exam (GED) as opposed to earning a high school diploma;
- Financial aid eligibility and how to apply for financial aid;
- Automatic admission to state-funded Texas colleges and universities;
- Eligibility requirements for the TEXAS Grant;
- Availability of district programs that allow students to earn college credit;
- Availability of tuition and fee assistance for postsecondary education for students in foster care; and
- Availability of college credit awarded by institutions of higher education to veterans and military service members for military experience, education, and training.

Additionally, the school counselor can provide information about workforce opportunities after graduation or technical and trade school opportunities, including opportunities to earn industry-recognized certificates and licenses.

[See **Scholarships and Grants** on page 68 for more information.]

Personal Counseling (All Grade Levels)

The school counselor is available to assist students with a wide range of personal, social, and family concerns, including emotional or mental health issues and substance abuse. A student who wishes to meet with the school counselor should make an appointment. As a parent, if you are concerned about your child's mental or emotional health, please speak with the school counselor for a list of resources that may be of assistance.

If your child has experienced trauma, contact the school counselor for more information.

[See **Mental Health Support** on page 73, **Child Sexual Abuse, Trafficking, and Other Maltreatment of Children** on page 39, and **Dating Violence** on page 51.]

Course Credit (Secondary Grade Levels Only)

A student at any grade level enrolled in a high school course will earn credit for the course only if the final grade is 70 or above. For a two-part (two-semester, 1-credit course), the student's grades from both halves (semesters) will be averaged, and a credit will be awarded if the combined average is 70 or above. If the student's combined average is less than 70, the student will be awarded credit only for the half (semester) with the passing grade.

Credit by Examination—If a Student Has Taken the Course/Subject (Grades 6–12)

A student who has previously taken a course or subject but did not receive credit or a final grade for it may, in the circumstances determined by the principal or attendance committee, be permitted to earn credit or a final grade by passing an examination approved by the district's board of trustees on the essential knowledge and skills defined for that course or subject.

Examples of prior instruction include incomplete coursework due to a failed course or excessive absences, homeschooling, or coursework by a student transferring from a nonaccredited school. The opportunity to earn credit by examination after the student has had prior instruction is sometimes referred to as "credit recovery."

The attendance review committee may also offer a student with excessive absences an opportunity to earn credit for a course by passing an examination.

If a student is granted approval to take an examination for credit, the student must score at least 70 on the examination to receive credit for the course or subject.

[See the school counselor and policy EHDB(LOCAL) for more information.]

Credit by Examination for Advancement/Acceleration—If a Student Has Not Taken the Course/Subject

A student will be permitted to earn credit by examination for an academic course or subject area for which the student had no prior instruction for advancement or to accelerate to the next grade level.

The examinations offered by the district are approved by the district's board of trustees. Testing windows for these examinations will be published in district publications and on the district's website. A student may take a specific examination only once per testing window.

The only exceptions to the published testing windows will be for examinations administered by another entity or to accommodate a student experiencing homelessness or a student involved in the foster care system.

When another entity administers an examination, the student and the district must comply with the testing schedule of the other entity.

If a student plans to take an examination, the student or parent must register with the school counselor no later than 30 days prior to the scheduled testing date. [See policy EHDC for more information.]

Kindergarten Acceleration

[See Kindergarten Acceleration in EHDC(LOCAL).]

Students in Grades 1–5

A student in elementary school is eligible to accelerate to the next grade level if:

- The student scores at least an 80 on each examination in the subject areas of language arts, mathematics, science, and social studies;
- A district administrator recommends that the student be accelerated, and
- The student's parent gives written approval of the grade advancement.

Students in Grades 6–12

A student in grade 6 or above is eligible to earn course credit with:

- A passing score of at least 80 on an examination approved by the board; or
- A scaled score of 50 or higher on an examination administered through the College Level Examination Program (CLEP); or
- A score of 3 or higher on an AP examination, as applicable.

A student may take an examination to earn high school course credit no more than twice. If a student fails to achieve the designated score on the applicable exam before the beginning of the school year in which the student would need to enroll in the course according to the school's high school course sequence, the student must complete the course.

Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)

Students learn best, and their welfare is best served in a school environment that is free from dating violence, discrimination, harassment, and retaliation.

Students are expected to treat peers and district employees with courtesy and respect, avoid offensive behaviors, and stop those behaviors as directed. District employees are likewise expected to treat students with courtesy and respect.

The board has established policies and procedures to prohibit and promptly address inappropriate and offensive behaviors that are based on a person's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. A district policy copy is available in the principal's office and the superintendent's office at www.wacoisd.org. [See policy FFH for more information.]

Dating Violence

Dating violence will not be tolerated at school. To report dating violence, see **Reporting Procedures** on page 53.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship or any of the person's past or subsequent partners. This type of conduct is considered harassment if it is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of dating violence against a student may include, but are not limited to:

- Physical or sexual assaults;
- Name-calling;
- Put-downs;
- Threats to hurt the student, the student's family members, or members of the student's household;
- Destroying property belonging to the student;
- Threats to commit suicide or homicide if the student ends the relationship;

- Threats to harm a student's past or current dating partner;
- Attempts to isolate the student from friends and family;
- Stalking; or
- Encouraging others to engage in these behaviors.

In accordance with the law, when the district receives a report of dating violence, a district official will immediately notify the parent of the alleged victim and alleged perpetrator.

The counselor's office has information about the dangers of dating violence and resources for seeking help.

For more information on dating violence, see:

- Texas Attorney General's office recognizing and responding to dating violence flier (https://www.texasattorneygeneral.gov/sites/default/files/files/child-support/papa/session%2010/recognizing-relationship-violence-en.pdf)
- The CDC's Preventing Teen Dating Violence (https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teendatingviolence/fastfact.html).

[See **Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking** on page 14.]

Discrimination

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law that negatively affects the student.

Harassment

Harassment, in general terms, is conducte so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to:

- Offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation;
- Threatening, intimidating, or humiliating conduct;
- Offensive jokes, name-calling, slurs, or rumors;
- Physical aggression or assault;
- Graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or
- Other kinds of aggressive conduct such as theft or damage to property.

Sexual Harassment and Gender-Based Harassment

Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited.

Examples of sexual harassment may include, but are not limited to:

- Touching private body parts or coercing physical contact that is sexual in nature;
- Sexual advances;
- Jokes or conversations of a sexual nature; and
- Other sexually motivated conduct, communications, or contact.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact that a reasonable person would not construe as sexual in nature, such as comforting a child with a hug or taking the child's hand. However, romantic, sexual, and other inappropriate social relationships between students and district employees are prohibited, even if consensual.

Gender-based harassment includes physical, verbal, or nonverbal conduct based on a student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity.

Gender-based harassment can occur regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity. Examples of gender-based harassment directed against a student may include, but are not limited to:

- Offensive jokes, name-calling, slurs, or rumors;
- Physical aggression or assault;
- Threatening or intimidating conduct; or
- Other kinds of aggressive conduct such as theft or damage to property.

Retaliation

Retaliation against a person who makes a good-faith report or participates in an investigation of discrimination, harassment, or dating violence is prohibited. A person who makes a false claim offers false statements, or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Reporting Procedures

Any student who believes that they have experienced dating violence, discrimination, harassment, or retaliation should immediately report the problem to a teacher, school counselor, principal, or other district employees. The student's parents may make the report. [See policy FFH(LOCAL) and (EXHIBIT) for other appropriate district officials to whom to make a report.]

Upon receiving a report, the district will determine whether the allegations, if proven, constitute prohibited conduct as defined by policy FFH. If not, the district will refer to policy FFI to determine whether the allegations, if proven, constitute bullying, as defined by law and policy FFI. If the alleged prohibited conduct also meets the statutory and policy definitions for bullying, an investigation of bullying will also be conducted. [See **Bullying** on page 36.]

The district will promptly notify the parent of any student alleged to have experienced prohibited conduct involving an adult associated with the district. In the event alleged prohibited conduct

involves another student, the district will notify the parent of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy FFH.

Investigation of Report

Allegations of prohibited conduct, which include dating violence, discrimination, harassment, and retaliation, will be promptly investigated.

To the extent possible, the district will respect the privacy of the student. However, limited disclosures may be necessary to conduct a thorough investigation and comply with the law.

If law enforcement or other regulatory agency notifies the district that it is investigating the matter and requests that the district delay its investigation, the district will resume its investigation at the conclusion of the agency's investigation.

During the course of an investigation and when appropriate, the district will take interim action to address the alleged prohibited conduct.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary action and, in some cases, corrective action will be taken to address the conduct. The district may take disciplinary and corrective action even if the conduct was not unlawful.

All involved parties will be notified of the outcome of the district investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act (FERPA).

A student or parent dissatisfied with the investigation's outcome may appeal in accordance with policy FNG(LOCAL).

Discrimination

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 51.]

Distance Learning (All Grade Levels)

Distance learning and correspondence courses include courses that encompass the state-required essential knowledge and skills but are taught through multiple technologies and alternative methodologies such as mail, satellite, internet, video-conferencing, and instructional television.

The distance learning opportunities that the district makes available to district students are determined by individual needs.

If a student wishes to enroll in a correspondence course or a distance learning course that is not provided through the Texas Virtual School Network (TXVSN), as described below, to earn credit in a course or subject, the student must receive permission from the principal prior to enrolling in the course or subject. If the student does not receive prior approval, the district may not recognize and apply the course or subject toward graduation requirements or subject mastery.

[See **Remote Instruction** on page 86.]

Distribution of Literature, Published Materials, or Other Documents (All Grade Levels)

School Materials

Publications prepared by and for the school may be posted or distributed with the prior approval of the principal, sponsor, or teacher. Such items may include school posters, newspapers, yearbooks, brochures, flyers, and the like.

All school publications are under the supervision of a teacher, sponsor, and principal.

Non-School Materials

From Students

Students must obtain prior approval from the Communications Department at Waco ISD before selling, posting, circulating, or distributing more than ten copies of written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that were not developed under the oversight of the school. To be considered, any nonschool material must include the name of the sponsoring person or organization. Approval will be granted or denied within two school days.

The campus principal has designated the school's front office as the location for approved non-school materials to be placed for voluntary viewing or collection by students. [See policy FNAA for more information.]

A student may appeal a decision in accordance with policy FNG(LOCAL). Any student who sells, posts, circulates, or distributes nonschool material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without approval will be removed.

[See policy FNG(LOCAL) for student complaint procedures.]

From Others

No person or group will sell, circulate, distribute, or post on any district premises written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that are not sponsored by the district or by a district-affiliated school-support organization, except as permitted by policy GKDA.

To be considered for distribution, any nonschool material must meet the limitations on the content established in the policy, including the name of the sponsoring person or organization, and be submitted to the Communications Department at Waco ISD for prior review. The Communications Team will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal rejection in accordance with the appropriate district complaint policy. [See policies DGBA or GF for more information.]

The campus principal has designated the school's front office as the location for approved non-school materials to be placed for voluntary viewing or collection.

Prior review will not be required for:

- Distribution of materials by an attendee to other attendees of a school-sponsored meeting intended for adults and held after school hours.

- Distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy GKD(LOCAL) or a non-curriculum-related student group meeting held in accordance with policy FNAB(LOCAL).
- Distribution for electioneering purposes during the time a school facility is being used as a polling place, in accordance with state law.

All nonschool materials distributed under these circumstances must be removed from district property immediately following the event at which the materials are distributed.

Dress and Grooming (All Grade Levels)

The district's dress code teaches grooming and hygiene, prevents disruption, minimizes safety hazards, and maintains a positive learning climate. Students and parents may determine a student's personal dress and grooming standards, provided that they comply with the specific standards for appropriate dress and grooming for all **District** students as described below:

General Dress and Grooming Code*:*

- Articles of clothing with pictures, emblems, or writings that are lewd, offensive, vulgar, or obscene, or advertise or depict tobacco products, alcoholic beverages, drugs, or any other substances prohibited under Board Policy FNCA (Local) are not allowed.
- Students must wear shoes. No beach-style flip-flops or house shoes will be allowed.
- Hats, caps, and hoods may not be worn inside the school building during the school day. These items may be worn at other school-sponsored events as determined appropriate by the principal or designee.
- Hair must be neat and well-groomed. Hair must not be tied up in a bandana or covered by a hat, a hood, a cap, a doo rag, or a visor.
- Sunglasses, or other glasses not required for vision correction, may not be worn inside the building.
- Longer athletic/gym-style shorts may be worn.
- Undergarments must be appropriately covered by a student's clothing.
- Pierced earrings may be worn on the ear(s) only. All other body-piercing jewelry is prohibited.
- Tattoos or fake tattoos are allowed if they are not lewd, offensive, vulgar, or obscene or advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under Board Policy FNCA (Local).
- "Grillz" or temporary decorations on teeth are not to be worn.
- Inappropriate appearance will not be allowed. Clothes should fit and be worn appropriately. Pants are to be worn at the waist and with a belt (if the pants have belt loops),
  and shirts buttoned. All shirts must be tucked in pants and/or skirts if they extend beyond the end of the student's fingertips. Cardigan sweaters, pullover sweaters, and sweatshirts may be worn outside of pants and skirts. No sagging pants or oversized clothes are permitted. Underwear-type shirts such as tank tops or muscle shirts are not acceptable and may only be worn with t-shirts under them. The decision on whether a style is appropriate will be at the discretion of the principal or their designee.

Female Dress and Grooming Code:

- Females will not wear halters, tank tops, tops that expose any part of the midriff, low-cut dresses/tops, short shorts, or excessively tight clothing. The neck opening on any type of dress, shirt, or blouse may not exceed the equivalent of the second button below the collar.
- Hair rollers must not be worn.
- Females must wear brassieres or appropriate undergarments.
- Skirts, dresses, and shorts must extend beyond the end of the student's fingertips when standing.

Male Dress and Grooming Code:

- Males must wear shirts with sleeves. The neck opening on any type of shirt may not exceed the equivalent of the second button below the collar.
- Mustaches and beards shall be acceptable if neatly trimmed.

Dress and Grooming Code Violation Procedure:

One of the following procedures will be followed when students are found to be inappropriately dressed:

- The student will be given a change of clothing, and the parent/guardian will be notified or,
- Parents/guardians will be notified and requested to bring the appropriate apparel to school. If parents cannot come with a change of clothes, the student will be asked to change into clothing provided by the school, or they will be assigned to in-school suspension (ISS) for the remainder of the day or until the problem is corrected.

If the principal determines that a student's grooming or clothing violates the school's dress code, the student will be given an opportunity to correct the problem at school and return to the classroom. If the problem cannot be corrected at school, the principal will work with the student and parent to obtain an acceptable change of clothing for the student in a way that minimizes the loss of instructional time.

Repeated or severe offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

Electronic Devices and Technology Resources (All Grade Levels)

Possession and Use of Personal Telecommunications Devices, Including Cell Phones and Other Electronic Devices

The district permits students to possess personal cell phones for safety purposes; however, these devices must remain turned off during the instructional day, including during all testing, unless they are being used for approved instructional purposes. [See **Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials** on page 98 for graphing calculator applications on computing devices.]

A student must have the approval to possess other personal telecommunications devices on campus, such as laptops, tablets, or other portable computers.

Without such permission, teachers will collect the items and turn them into the principal's office. The principal will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

The use of cell phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.

If a student uses a telecommunications device without authorization during the school day, the device will be confiscated. The parent may pick up the confiscated telecommunications device from the principal's office for a fee of $15.

Confiscated telecommunications devices that are not retrieved by the student or the student's parent will be disposed of after the notice required by law. [See policy FNCE for more information.]

In limited circumstances and in accordance with the law, a student's personal telecommunications device may be searched by authorized personnel. [See **Searches** on page 92 and policy FNF for more information.]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for damaged, lost, or stolen telecommunications devices.

Instructional Use of Personal Telecommunications and Other Electronic Devices

Students must obtain prior approval to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must also sign a user agreement that contains applicable rules for use (separate from this handbook).

All personal devices must be turned off during the instructional day when not in use for approved instructional purposes. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

Acceptable Use of District Technology Resources

District-owned technology resources may be issued to individual students for instructional purposes. Use of the district's network systems and equipment is restricted to approved purposes only. Students and parents will be asked to sign a user agreement (separate from this handbook) regarding the use of these district resources. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, and damaging to another's reputation, or illegal. This prohibition also applies to conduct off-school property, whether on district-owned or personally owned equipment, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually-oriented, lewd, or otherwise illegal images or other content—commonly referred to as "sexting"—will be disciplined in accordance with the Student Code of Conduct and may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement.

This type of behavior may constitute bullying or harassment, as well as impede future endeavors of a student. We encourage parents to review with their child the "Before You Text"

Sexting Prevention Course (https://txssc.txstate.edu/tools/courses/before-you-text/), a state-developed program that addresses the consequences of sexting.

Any student who engages in conduct that results in a breach of the district's computer security will be disciplined in accordance with the Student Code of Conduct. In some cases, the consequence may be expulsion.

End-of-Course (EOC) Assessments

[See **Graduation** on page 63 and **Standardized Testing** on page 93.]

English Learners (All Grade Levels)

An Emergent Bilingual is a student who is in the process of acquiring English and has another language as the primary language. A student who meets the criteria to qualify as an Emergent Bilingual is entitled to receive specialized services from the district. A Language Proficiency Assessment Committee (LPAC), consisting of a campus administrator, Bilingual/English as a Second Language (ESL) educators, and the parent of a current Emergent Bilingual (the parent may not be an employee of the school district) participating in the required Bilingual or ESL program will determine whether the student qualifies for services. The student's parent must consent to any services recommended by the LPAC. However, pending the receipt of parental consent or denial of services, an eligible student will receive the services to which the student is entitled and eligible.

To determine a student's level of proficiency in English, the LPAC will use information from a variety of assessments. If the student qualifies for services, and once a level of proficiency has been established, the LPAC will designate instructional accommodations or additional special programs that the student will require to eventually become proficient at grade level work in English. Ongoing assessments will be conducted to determine a student's continued eligibility for the program.

The LPAC will also determine whether certain accommodations are necessary for any state-mandated assessments. The STAAR Spanish, as mentioned in **Standardized Testing** on page 63 , may be administered to an Emergent Bilingual up to grade 5. In limited circumstances, a student's LPAC may exempt the student from an otherwise required state-mandated assessment or may waive certain graduation requirements related to the English I end-of-course (EOC) assessment. Emergent Bilinguals in grades K-12 are also required to participate in the Texas English Language Proficiency Assessment System (TELPAS). This includes Emergent Bilingual students whose parents have declined Bilingual or ESL program services. Emergent Bilinguals will stop participating in TELPAS when their LPAC determines that they are English proficient and meet the criteria for reclassification. This applies to all Emergent Bilinguals, even those who are not in a Bilingual or ESL program.

A student in Prekindergarten or Kindergarten may not be reclassified as an Emergent Bilingual; the first opportunity for an Emergent Bilingual to be considered for reclassification is at the end of first grade. An Emergent Bilingual student that has met reclassification criteria and is English proficient cannot exit the Bilingual or ESL program until the LPAC has obtained parental consent for an exit.

If a student is dually identified as an Emergent Bilingual and receives special education services because of a qualifying disability, the student's ARD committee will make instructional, assessment, and reclassification decisions in conjunction with the LPAC.

Extracurricular Activities, Clubs, and Organizations (All Grade Levels)

Participation in school-sponsored activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships.

Some extracurricular activities may include off-campus events. Students are required to use transportation provided by the district to and from the events. Exceptions may only be made with the approval of the activity's coach or sponsor. [See **Transportation** on page 98.]

Eligibility for many of these activities is governed by state law and the rules of the University Interscholastic League (UIL), a statewide association overseeing interdistrict competition. If a student is involved in an academic, athletic, or music activity governed by UIL, the student and parent are expected to know and follow all rules of the UIL organization. Students and parents can access the UIL Parent Information Manual (https://www.uiltexas.org/athletics/manuals) online. A hard copy can be provided by the coach or sponsor of the activity on request.

To report alleged noncompliance with required safety training or an alleged violation of safety rules required by law and the UIL, please contact the curriculum division of TEA at (512) 463-9581 or curriculum@tea.texas.gov.

[See UIL Texas (https://www.uiltexas.org/) for additional information on all UIL-governed activities.]

Student safety in extracurricular activities is a priority of the district. Parents are entitled to review the district's records regarding the age of each football helmet used by the campus, including when a helmet has been reconditioned.

Generally, a student who receives a grade below 70 at the end of a grading period in any academic class may not participate in extracurricular activities for at least three school weeks.

However, if a student receives a grade below 70 at the end of a grading period in an Advanced Placement (AP) or International Baccalaureate (IB) course, or an honors or dual credit course in English language arts, mathematics, science, social studies, economics, or languages other than English, the student remains eligible for participation in all extracurricular activities.

If a student is enrolled in a state-approved course that requires demonstration of the mastery of an essential knowledge and skills in public performance and the student receives a grade below 70 in any course at the end of the grading period, the student may participate in a performance so long as the general public is invited.

If a student is enrolled in a state-approved music course that participates in UIL Concert and Sight-reading Evaluation, and the student receives a grade below 70 in any course at the end of a grading period, the student may perform with the ensemble during the UIL evaluation performance, but is ineligible for other extracurricular activities for at least three weeks.

In addition, the following applies to all extracurricular activities:

- A student who receives special education services and who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse but may not participate in any competitive activity.
- Per policy FM (LOCAL), a student is allowed in a school year up to a maximum of 15 extracurricular absences not related to post-district competition; however, a student shall be

allowed unlimited absences for participation in post-district, state, or national competition. All extracurricular activities and public performances, whether UIL activities or other activities approved by the board, are subject to these restrictions.
- An absence for participation in an activity that has not been approved will be considered an unexcused absence.

Standards of Behavior

Sponsors of student clubs and performing groups such as the band, choir, and drill and athletic teams may establish standards of behavior—including consequences for misbehavior—that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by board policy will apply in addition to any consequences specified by the organization's standards of behavior.

Offices and Elections

Certain clubs, organizations, and performing groups will hold elections for student officers.

Fees (All Grade Levels)

Basic educational program materials are provided at no charge to a student. However, a student is expected to provide their own supplies, such as pencils, paper, erasers, and notebooks. A student may also be required to pay certain other costs, fees, or deposits, including:

- Materials for a class project that the student will keep.
- Membership dues in voluntary clubs or student organizations.
- Admission fees to extracurricular activities.
- Security deposits.
- Personal physical education and athletic equipment and apparel.
- Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, and the like.
- Voluntarily purchased student health and accident insurance.
- Musical instrument rental and uniform maintenance when uniforms are provided by the district.
- Personal apparel used in extracurricular activities that becomes the property of the student.
- Parking fees and student identification cards.
- Fees for lost, damaged, or overdue library books.
- Fees for driver training courses.
- Fees for optional courses offered for credit that require the use of facilities not available on district premises.
- Summer school for courses that are offered tuition-free during the regular school year.
- A reasonable fee for providing transportation to a student who lives within two miles of the school. [See **Buses and Other School Vehicles** on page 98.]

- A maximum fee of $50 for an educational program outside of regular school hours for a student who has lost credit or has not been awarded a final grade because of absences and whose parent chooses the program for the student to meet the 90 percent attendance requirements. The fee will be charged only if the parent or guardian signs a district-provided request form.
- In some cases, a fee for a course is taken through the Texas Virtual School Network (TXVSN).

Any required fee or deposit may be waived if the student and parent are unable to pay. Application for such a waiver may be made to the principal. [See policy FP for more information.]

Fundraising (All Grade Levels)

Student groups or classes and/or parent groups may be permitted to conduct fundraising drives for approved school purposes in accordance with administrative regulations. [See policies FJ and GE for more information.]

Gang-Free Zones (All Grade Levels)

Certain criminal offenses, including gang-related crimes, will be enhanced to the next-highest category of offense if they are committed in a gang-free zone. Gang-free zones include a school bus and any location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

Gender-Based Harassment

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 51.]

Grade-Level Classification (Grades 9–12 Only)

After grade 9, students are classified according to the number of credits earned toward graduation.

Credits Earned	Classification
6	Grade 10 (Sophomore)
12	Grade 11 (Junior)
12	Grade 12 (Senior)

Grading Guidelines (All Grade Levels)

Approved grading guidelines for each grade level or course will be communicated to students and their parents by the classroom teacher. These guidelines establish:

- The minimum number of assignments, projects, and examinations required for each grading period;
- How the student's mastery of concepts and achievement will be communicated (for example, letter grades, numerical averages, checklist of required skills, and the like);

- Circumstances under which a student will be allowed to redo an assignment or retake an examination the student originally failed; and
- Procedures for a student to follow after an absence.

[See **Report Cards/Progress Reports and Conferences** on page 87 for additional information on grading guidelines.]

Graduation (Secondary Grade Levels Only)

Requirements for a Diploma

A student must meet the following requirements to receive a high school diploma from the district:

- Achieve passing scores on certain end-of-course (EOC) assessments or approved substitute assessments, unless specifically waived as permitted by state law;
- Complete the required number of credits established by the state and any additional credits required by the district;
- Complete any locally required courses in addition to the courses mandated by the state;
- Demonstrate proficiency, as determined by the district, in the specific communication skills required by the State Board of Education (SBOE); and
- Complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

Testing Requirements for Graduation

Students are required, with limited exceptions and regardless of graduation program, to perform satisfactorily on EOC assessments in:

- English I,
- English II,
- Algebra I,
- Biology, and
- U.S. History.

A student who does not achieve a satisfactory score will have opportunities to retake an assessment.

State law allows a student to meet EOC requirements by substituting satisfactory performance on approved national standardized assessments or on the state-developed assessment used for entrance into Texas public universities. [See the school counselor for more information on the state testing requirements for graduation.]

If a student fails to perform satisfactorily on an EOC assessment, the district will provide remediation in the applicable content area. This may require the student's participation outside normal school operating times.

In limited circumstances, a student who fails to demonstrate proficiency on up to two of the required assessments may still be eligible to graduate if an individual graduation committee,

formed in accordance with state law unanimously determines that the student is eligible to graduate.

[See **Standardized Testing** on page 93.]

Foundation Graduation Program

Every Texas public school student will graduate under the foundation graduation program. The foundation graduation program features endorsements, which are paths of interest that include:

- Science, Technology, Engineering, and Mathematics (STEM);
- Business and Industry;
- Public Service;
- Arts and Humanities; and
- Multidisciplinary Studies.

Endorsements earned by a student will be noted on the student's transcript.

A student can complete the foundation graduation program with a "distinguished level of achievement," which reflects the completion of at least one endorsement and Algebra II as one of the required advanced mathematics credits.

A **Personal Graduation Plan** will be completed for each high school student, as described on page 64.

State law generally prohibits a student from graduating solely under the foundation graduation program without an endorsement. However, after the student's sophomore year, the student and student's parents may request that the student graduate without an endorsement. The district will advise the student and the student's parents of the specific benefits of graduating with an endorsement. The student and the student's parent must then submit written permission to the school counselor for the student to graduate without an endorsement. A student who wishes to attend a four-year university or college after graduation must carefully consider whether graduation under the foundation program without an endorsement will satisfy the admission requirements of the student's desired college or university.

A student graduating under the foundation graduation program can also earn performance acknowledgments on their transcript. Performance acknowledgments are available for outstanding performance in bilingualism and biliteracy, in a dual credit course, on an AP or IB examination, on certain national college preparatory and readiness or college entrance examinations, or for earning a license or certificate recognized at the state, national, or international level. The school counselor can provide more information about these acknowledgments.

A student is not required to complete an Algebra II course to graduate under the foundation graduation program, and the district will annually notify a student's parent of this fact. However, not taking Algebra II will make a student ineligible for automatic admission to four-year public universities and colleges in Texas and for certain financial aid and grants while attending those institutions.

A school district will permit a student to satisfy the curriculum requirements for graduation under the foundation program with a distinguished level of achievement, including an endorsement, by

successfully completing courses in the core curriculum of a public Texas institution of higher education. Please see your counselor for more information.

Credits Required

The foundation graduation program requires completion of the following credits:

Course Area	Number of Credits: Foundation Graduation Program	Number of Credits: Foundation Graduation Program with an Endorsement
English/Language Arts	4	4
Mathematics	3	4
Science	3	4
Social Studies	3	3
Physical Education	1	1
Languages other than English	2	2
Fine Arts	1	1
Electives	5	7
Total	**22 credits**	**26 credits**

Additional considerations apply in some course areas, including:

- **Mathematics.** To obtain the distinguished level of achievement under the foundation graduation program, a student must complete an endorsement and take Algebra II as one of the 4 mathematics credits. A student's completion of the distinguished level of achievement is a requirement to be considered for automatic admission to a Texas four-year college or university and will be included on a student's transcript.
- **Physical education.** A student who is unable to participate in physical activity due to a disability or illness may be able to substitute a course in English language arts, mathematics, science, social studies, or another locally determined credit-bearing course for the required credit of physical education. This determination will be made by the student's ARD committee, Section 504 committee, or other campus committees, as applicable.
- **Languages other than English.** Students are required to earn two credits in the same language other than English to graduate. Any student may substitute computer programming languages for these credits.
    - A student may satisfy one of the two required credits by successfully completing in elementary school a dual language immersion program or a course in American Sign Language.
    - In limited circumstances, a student may be able to substitute this requirement with other courses, as determined by a district committee authorized by law to make these decisions for the student.

Available Endorsements

A student must specify upon entering grade 9 which endorsement they wish to pursue.

Financial Aid Application Requirement

Before graduating from high school, each student must complete and submit an application for financial aid for post-secondary education. Students must complete and submit either a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

A student is not required to complete and submit a FAFSA or TASFA if:

- The student's parent submits a form provided by the district indicating that the parent authorizes the student to opt out;
- A student who is 18 years of age or older or a legally independent minor submits a form provided by the district indicating that the student opts out, or
- A school counselor authorizes the student to opt out for a good cause.

Please contact the school counselor for more information.

To confirm that a student has completed and submitted a TASFA, the student must submit:

- A screenshot that includes the processed date field of the FAFSA ApplyTexas Counselor Suite;
- Notification, such as a copy of an email, from the United States Department of Education verifying completion of the FAFSA;
- A copy or screenshot of the FAFSA acknowledgment page;
- A screenshot of the TASFA submission acknowledgment page (from those institutions that offer an electronic form);
- An acknowledgment receipt from an institution of higher education (IHE); or
- A copy of a financial aid award letter from an IHE.

Personal Graduation Plans

A personal graduation plan will be developed for each high school student.

The district encourages all students to pursue a personal graduation plan that includes the completion of at least one endorsement and to graduate with a distinguished level of achievement. Attainment of the distinguished level of achievement entitles a student to be considered for automatic admission to a public four-year college or university in Texas, depending on their rank in class.

The school will review personal graduation plan options with each student entering grade 9 and their parents. Before the end of grade 9, a student and their parents will be required to sign off on a personal graduation plan that promotes college and workforce readiness, promotes career placement and advancement, and facilitates the transition from secondary to postsecondary education.

The student's personal graduation plan will outline an appropriate course sequence based on the student's choice of endorsement.

Please review TEA's Graduation Toolkit (https://tea.texas.gov/about-tea/news-and-multimedia/brochures/tea-brochures).

A student may, with parental permission, amend their personal graduation plan after the initial confirmation.

Available Course Options for All Graduation Programs

Each spring, the district will update students on the courses required or offered in each curriculum area so students can enroll for the upcoming school year.

Note: The district may require the completion of certain courses for graduation even if these courses are not required by the state for graduation.

Not all courses are offered at every secondary campus in the district. A student who wants to take a course not offered at their regular campus should contact the school counselor about a transfer or other alternatives. If the parents of at least 22 students request a transfer for a course in the required curriculum other than fine arts or career and technical education (CTE), the district will offer the course the following year either by teleconference or at the school from which the transfers were requested.

Certificates of Coursework Completion

A certificate of coursework completion will not be issued to a student who has successfully completed state and local credit requirements for graduation but has not yet demonstrated satisfactory performance on the state-mandated tests required for graduation.

Students with Disabilities

Admission, review, and dismissal (ARD) committees will make instructional and assessment decisions for students with disabilities who receive special education services in accordance with state law.

Upon the recommendation of the ARD committee, a student with a disability who receives special education services may be permitted to graduate under the provisions of their individualized education program (IEP) and in accordance with state rules.

A student who receives special education services may earn an endorsement under the foundation program. If the student's curriculum requirements for the endorsement were modified, the student's ARD committee would determine whether the modified curriculum is sufficiently rigorous to earn the endorsement. The ARD committee must also determine whether the student must perform satisfactorily on any end-of-course assessment to earn an endorsement.

A student who receives special education services and has completed four years of high school but has not met the requirements of their IEP may participate in graduation ceremonies and receive a certificate of attendance. The student may then remain enrolled to complete the IEP and earn their high school diploma but will only be allowed to participate in one graduation ceremony.

[See policy FMH(LEGAL) for more information.]

Graduation Activities

Students who have met coursework requirements for graduation but have not yet demonstrated satisfactory performance on end-of-course assessments or been declared eligible to graduate by an individual graduation committee, if applicable, will be allowed to participate in graduation

activities. Keep in mind that participating in the ceremonies is not the same as graduating. Ultimately, the final awarding of a diploma will be contingent upon the student's completion of all applicable requirements for graduation.

Students who are eligible to graduate but are assigned to a disciplinary alternative education program at the end of the school year will be allowed to participate in the graduation ceremony and related graduation activities.

Graduation Speakers

Certain graduating students will be given an opportunity to speak at graduation ceremonies.

A student must meet local eligibility criteria, which may include requirements related to student conduct, to have a speaking role. Students eligible for speaking roles will be notified by the principal and given an opportunity to volunteer.

[See the Student Code of Conduct and policy FNA(LOCAL) for more information.]

[See **Student Speakers** on page 97 for student speakers at other school events.]

Graduation Expenses

Because students and parents will incur expenses to participate in the traditions of graduation—such as the purchase of invitations, senior ring, cap, and gown, and senior picture—both the student and parent should monitor progress toward completion of all requirements for graduation. The expenses often are incurred in the junior year or first semester of the senior year. [See **Fees** on page 61.]

Scholarships and Grants

Students who have a financial need according to federal criteria and who complete the foundation graduation program may be eligible under the TEXAS Grant Program and the Teach for Texas Grant Program for scholarships and grants toward tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions. Certain students who graduate early may also be eligible for the Texas First Scholarship Program.

See **College and University Admissions and Financial Aid (All Grade Levels)** on page 44 for more information.

Contact the school counselor for information about other scholarships and grants available to students.

Harassment

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page .]

Hazing (All Grade Levels)

Hazing is defined as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

- Any type of physical brutality;
- An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements,

confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;

- An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
- Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

The district will not tolerate hazing. Disciplinary consequences for hazing will be in accordance with the Student Code of Conduct. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to the principal or superintendent.

[See **Bullying** on page 36 and policies FFI and FNCC for more information.]

Health—Physical and Mental

Illness (All Grade Levels)

When your child is ill, please contact the school to let us know they will not be attending that day.

State rules require schools to exclude students with certain illnesses from school for certain periods of time. For example, if a child has a fever over 100 degrees, they must stay out of school until fever-free for 24 hours without the use of fever-reducing medications. Students with diarrheal illnesses must stay home until they are diarrhea-free without the use of diarrhea-suppressing medications for 24 hours.

A parent should contact the school nurse if a student has been diagnosed with COVID-19.

A full list of conditions for which the school must exclude children can be obtained from the school nurse.

If a student becomes ill during the school day and the school nurse determines that the child should go home, the nurse will contact the parent.

The district is required to report certain contagious (communicable) diseases or illnesses to the Department of State Health Services (DSHS) or our local/regional health authority. The school nurse can provide information from DSHS on these notifiable conditions.

The school nurse is available to answer any questions for parents who are concerned about whether or not their child should stay home.

Immunization (All Grade Levels)

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized.

For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. You may access the DSHS exemption form (https://dshs.texas.gov/immunize/school/exemptions.aspx) online or by writing to this address:

Texas Department of State Health Services

Immunization Section, Mail Code 1946
P.O. Box 149347
Austin, Texas 78714-9347

The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student.

The immunizations required are:

- Diphtheria, tetanus, and pertussis
- Polio
- Measles, mumps, and rubella
- Hepatitis B
- Varicella (chicken pox)
- Meningococcal
- Hepatitis A

The school nurse can provide information on immunization requirements. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. registered and licensed physician stating that, in the doctor's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or a member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a lifelong condition.

For information on immunization against bacterial meningitis and college enrollment and attendance, see **Bacterial Meningitis** on page 75.

[See the DSHS's Texas School & Child Care Facility Immunization Requirements (https://www.dshs.state.tx.us/immunize/school/default.shtm) and policy FFAB(LEGAL) for more information.]

Lice (All Grade Levels)

Head lice is very common among children. Although not an illness or a disease, it spreads easily through head-to-head contact during play, sports, nap time, and when children share things like brushes, combs, hats, and headphones.

The district does not require or recommend that students be removed from school because of lice or nits.

If careful observation indicates that a student has head lice, the school nurse will contact the student's parent to discuss a treatment plan using an FDA-approved medicated shampoo or cream rinse that may be purchased from any drug or grocery store. After the student undergoes one treatment, the parent should contact the school nurse to discuss the treatment used. The nurse can also offer additional recommendations, including subsequent treatments, how best to get rid of lice, and how to prevent lice from returning.

The district will provide notice to parents of elementary school students in an affected classroom without identifying the student with lice.

More information on head lice can be obtained from the DSHS website Managing Head Lice in School Settings and at Home (https://www.dshs.state.tx.us/schoolhealth/lice.shtm).

[See policy FFAA for more information.]

Medicine at School (All Grade Levels)

If a student must take medication during school hours, the student's parent must provide the medication. All medication, whether prescription or nonprescription, must be kept in the nurse's office and be administered by the nurse or another authorized district employee. A student may be authorized to possess their own medication because of asthma or a severe allergy as described below or as otherwise allowed by law.

The district will not purchase nonprescription medication to give to a student.

In accordance with policy FFAC, authorized employees may administer:

- Prescription medication in the original, properly labeled container, provided by the parent along with a written request.
- Prescription medication from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee from the original, properly labeled container provided by the parent along with a written request.
- Nonprescription medication in the original, properly labeled container, provided by the parent along with a written request. **Note:** Insect repellant is considered a nonprescription medication.
- Herbal or dietary supplements provided by the parent only if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.

Students whose schedules provide for regular time spent outdoors, including for recess and physical education classes, should apply sunscreen before coming to school.

At the elementary level, a student's teacher or other district personnel will apply sunscreen to the student's exposed skin if the student brings the sunscreen to school and asks for help applying it. A student at this level may apply their own sunscreen if the student is able to do so.

At the secondary level, a student may possess and apply sunscreen when necessary. If the student needs assistance with the sunscreen application, please address the need with the school nurse.

Whether a student is at the elementary or secondary level, if sunscreen needs to be administered to treat any type of medical condition, this should be handled through communication with the school nurse so that the district is made aware of any safety and medical issues.

Asthma and Severe Allergic Reactions

A student with asthma or severe allergic reaction (anaphylaxis) may possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if they have written authorization from their parents and a physician or other licensed health-care provider. The student must also demonstrate to their health-care provider and the school nurse

the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal.

See also **Food Allergies** on page 76.

Unassigned Epinephrine Auto-injectors

In accordance with Chapter 38, Subchapter E of the Education Code, the board has adopted a policy to allow authorized school personnel who have been adequately trained to administer an unassigned epinephrine auto-injector to a person who is reasonably believed to be experiencing a severe allergic reaction (anaphylaxis).

An “unassigned epinephrine auto-injector” is an epinephrine auto-injector prescribed by an authorized healthcare provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector.

Epinephrine auto-injectors include brand-name devices such as EpiPens®.

Authorized and trained individuals may administer an epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.

The district will ensure that at each campus, a sufficient number of school personnel are trained to administer epinephrine so that at least one trained individual is present on campus during regular school hours and whenever school personnel are physically on-site for school-sponsored activities.

For additional information, see FFAC(LOCAL).

Unassigned Prescription Asthma Medication

In accordance with Chapter 38, Subchapter E of the Education Code, the board has adopted a policy to allow a school nurse to administer an unassigned prescription asthma medication on a school campus to a student with diagnosed asthma if the nurse, in their professional judgment, reasonably believes the student is experiencing symptoms of asthma that warrant administration of the medication and the district has obtained prior written consent from the student’s parent or guardian.

The school nurse may only administer unassigned prescription asthma medication to a student on a school campus. Please be aware that a school nurse will not always be available on campus to administer this medication.

“Unassigned asthma medication” means a fast-acting bronchodilator delivered by metered dose inhaler with single use spacer or by nebulizer as a rescue medication, prescribed by an authorized health-care provider in the name of the district with a non-patient-specific standing delegation order for the administration of asthma medication, and issued by an authorized health-care provider.

For additional information, see FFAC(LOCAL).

Administration of Opioid Antagonist Medication

The District shall purchase and store opioid antagonist medication, such as Naloxone, to assist a person who may be experiencing an opioid-related drug overdose. Only a registered nurse or other designated and trained District employee shall be authorized to administer this medication

and may do so only in accordance with a standing order or procedures approved by a physician licensed to practice medicine in the state of Texas.

The Superintendent shall develop administrative procedures addressing the acquisition, maintenance, expiration, disposal, and availability of opioid antagonist medication in the District, as well as employee training and emergency notification requirements.

For additional information, see FFAC(LOCAL).

Steroids (Secondary Grade Levels Only)

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for physician-prescribed medical use only.

Bodybuilding, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

Mental Health Support (All Grade Levels)

The district has implemented programs to address the following mental health, behavioral health, and substance abuse concerns:

- Mental health promotion and early intervention;
- Building skills to manage emotions, establish and maintain positive relationships, and engage in responsible decision-making;
- Substance abuse prevention and intervention;
- Suicide prevention, intervention, and postvention (interventions after a suicide in a community);
- Grief, trauma, and trauma-informed care;
- Positive behavior interventions and supports;
- Positive youth development; and
- Safe, supportive, and positive school climates.

Waco ISD utilizes programs such as Safe and Civil Schools, No Place for Hate, and Care Solace, plus additional programs specific to the needs of individual campuses. Please contact the counselor at your child's school for further information.

If a student has been hospitalized or placed in residential treatment for a mental health condition or substance abuse, the district has procedures to support the student's return to school. Please contact the district's mental health liaison for further information.

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend the use of psychotropic drugs. A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication that is intended to alter perception, emotion, mood, or behavior.

A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [See policy FFEB for more information.]

For related information, see:

- Consent to Conduct a Psychological Evaluation on page 13 and Consent to Provide a Mental Health Care Service on page 15 for the district's procedures for recommending a mental health intervention and the mental health liaison's contact information;
- Counseling on page 48 for the district's comprehensive school counseling program;
- Physical and Mental Health Resources on page 77 for campus and community mental and physical health resources; and
- Policies and Procedures that Promote Student Physical and Mental Health on page 77 for board-adopted policies and administrative procedures that promote student health.

Physical Activity Requirements

Elementary School

The district will ensure that students in full-day prekindergarten–grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week, in accordance with policies at EHAB, EHAC, EHBG, and FFA.

For additional information on the district's elementary school student physical activity programs and requirements, please see the principal.

Middle School

The district will ensure that students in middle or junior high school will engage in 30 minutes of moderate or vigorous physical activity per day for at least four semesters or at least 225 minutes of moderate or vigorous physical activity within each two-week period for at least four semesters, in accordance with policies at EHAB, EHAC, EHBG, and FFA.

For additional information on the district's junior high and middle school student physical activity programs and requirements, please see the principal.

Temporary Restriction from Participation in Physical Education

Students who are temporarily restricted from participation in physical education will not actively participate in skill demonstration but will remain in class to learn the concepts of the lessons.

Physical Fitness Assessment (Grades 3–12)

Annually, the district will conduct a physical fitness assessment of students in grades 3–12 who are enrolled in a physical education course or a course for which physical education credit is awarded. At the end of the school year, a parent may submit a written request to obtain the results of their child's physical fitness assessment conducted during the school year by contacting:

Ed Love

Director of Athletics

1401 S. New Road, Waco, TX, 76711

ed.love@wacoisd.org

254-745-2250

Physical Health Screenings/Examinations

Athletics Participation (Secondary Grade Levels Only)

For certain extracurricular activities, a student must submit certification from an authorized health-care provider. The certification must state that the student has been examined and is physically able to participate in the relevant program, including:

- A district athletics program.
- District marching band.
- Any district extracurricular program identified by the superintendent.

This examination is required in the first year of middle school competition and the first and third years of high school competition. During the alternate years, the student must complete a medical appraisal form, and the results of this appraisal may prompt the district to require a physical examination.

Students should be aware of the rare possibility of sudden cardiac arrest, which in athletes is usually caused by previously unsuspected heart disease or disorder. A student may request an electrocardiogram (ECG or EKG) to screen for such disorders, in addition to their required physical examination.

See the UIL's explanation of sudden cardiac arrest (https://www.uiltexas.org/health/info/sudden-cardiac-death) for more information.

Spinal Screening Program

School-based spinal screening helps identify adolescents with abnormal spinal curvature at an early stage when the curve is mild and may go unnoticed. Early detection is key to controlling spinal deformities. Spinal screening is non-invasive and conducted in accordance with the most current nationally accepted and peer-reviewed standards.

All students who meet the Texas Department of State Health Services criteria will be screened for abnormal spinal curvature before the end of the school year. As appropriate, students will be referred for follow-up with their physician.

For information on spinal screening by an outside professional or exemption from spinal screening based on religious beliefs, contact the superintendent or see policy FFAA(LEGAL).

Other Examinations and Screenings (All Grade Levels)

Students are required to participate in district screenings for hearing and vision issues or for abnormal spinal curvatures.

[See policy FFAA for more information.]

Special Health Concerns (All Grade Levels)

Bacterial Meningitis (All Grade Levels)

Please see the district's website at www.wacoisd.org for information regarding meningitis.

Note: Entering college students must show, with limited exception, evidence of receiving a bacterial meningitis vaccination within the five-year period prior to enrolling in and taking courses at an institution of higher education. Please see the school nurse for more information, as this may affect a student who wishes to enroll in a dual credit course taken off campus.

[See **Immunization** on page 69.]

Diabetes

In accordance with a student's individual health plan for the management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF(LEGAL) for more information.]

Food Allergies (All Grade Levels)

Parents should notify the district when a student has been diagnosed with a food allergy, especially an allergy that could result in dangerous or life-threatening reactions either by breathing, eating, or touching the particular food. It is important to disclose the food to which the student is allergic as well as the nature of the allergic reaction. Please contact the school nurse or campus principal if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

The district has developed and annually reviews a food allergy management plan based on the Texas Department of State Health Services (DSHS) *Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis* found on the DSHS Allergies and Anaphylaxis website (https://www.dshs.texas.gov/schoolhealth/allergiesandanaphylaxis/)

When the district receives information that a student has a food allergy that puts the student at risk for anaphylaxis, an individual care plan will be developed to assist the student in safely accessing the school environment. The district's food allergy management plan can be accessed at www.wacoisd.org.

[See **Celebrations** on page 38 and policy FFAF for more information.]

Seizures (All Grade Levels)

To address the care of a student with a seizure disorder while at school or participating in a school activity, a parent may submit a seizure management and treatment plan to the district before the beginning of the school year upon enrollment of the student, or as soon as practicable following diagnosis of a seizure disorder.

[See **A Student with Physical or Mental Impairments Protected under Section 504** on page 30 and contact the school nurse for more information.]

Tobacco and E-Cigarettes Prohibited (All Grade Levels and All Others on School Property)

Students are prohibited from possessing or using any type of tobacco product, electronic cigarette (e-cigarette), or any other electronic vaporizing device while on school property or while attending an off-campus school-related activity.

The district and its staff strictly enforce prohibitions against the use of all tobacco products, e-cigarettes, or any other electronic vaporizing device by students and all others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies FNCD and GKA for more information.]

Health-Related Resources, Policies, and Procedures

Physical and Mental Health Resources (All Grade Levels)

Parents and students in need of assistance with physical and mental health concerns may contact the following campus and community resources:

- All WISD schools have either a school RN/LVN/CNA on campus or access to a health care professional, to provide quality and preventative health care to all students. Please contact your child's campus or visit https://www.wacoisd.org/Page/4152, the health services webpage.
- All WISD schools have at least one degreed and certified school counselor on campus to provide support, resources and guidance to all students and families. Please contact your child's campus or visit https://www.wacoisd.org/Page/11120 for a list of the campus counselor(s).
- The local public health authority, Waco-McLennan County Public Health District, may be contacted at 254-750-5450.
- The local mental health authority, Heart of Texas Region MHMR, may be contacted at 866-752-3451. The Crisis Hotline may be reached at 866-752-3451.

Policies and Procedures that Promote Student Physical and Mental Health (All Grade Levels)

The district has adopted board policies that promote student physical and mental health. (LOCAL) policies on the topics below can be found in the district's policy manual, available at https://pol.tasb.org/Home/Index/867.

- Food and nutrition management: CO, COA, COB
- Wellness and Health Services: FFA
- Physical Examinations: FFAA
- Immunizations: FFAB
- Medical Treatment: FFAC
- Communicable Diseases: FFAD
- School-Based Health Centers: FFAE
- Care Plans: FFAF
- Crisis Intervention: FFB
- Trauma-informed Care: FFBA
- Student Support Services: FFC
- Student Safety: FFF
- Child Abuse and Neglect: FFG
- Freedom from Discrimination, Harassment, and Retaliation: FFH
- Freedom from Bullying: FFI

In addition, the District Improvement Plan details the district's strategies to improve student performance through evidence-based practices that address physical and mental health. *These strategies include:*

- *Expand the use of the Stop It anonymous reporting systems for students, parents, and/or others to report incidents of bullying or other unsafe behaviors. Ensure the program is widely communicated. [Goal 6, Objective 2.2]*
- *Provide training to staff on the identification of student mental health needs with partners such as Ascension Providence. Use federal stimulus funds to support training efforts for administrators and other staff members. [Goal 6, Objective 2.6]*
- *Continue the use of Care Solace to provide online case management and timely access to mental health support for students and staff [Goal 6, Objective 2.7]*
- *Continue Klaras support at Waco High School to provide direct mental health service to identified students. [Goal 6, Objective 2.8]*
- *Identify, implement and/or refine strategies to address mental health, substance abuse, coping mechanisms, grief-informed care, trauma-informed practices, and suicide prevention with students in compliance with SB11. [Goal 6, Objective 2.9]*
- *Partner with the City of Waco Police Department to explore the potential implementation of the Teen and Police Service Academy (TAPS) program. The 11-week curriculum covers specific topic areas associated with Children and Youth Safety, such as violence, physical and sexual abuse, stalking, domestic trafficking, sexual exploitation, and bullying. The Academy covers law enforcement-related subject areas that are important to youth. [Goal 6, Objective 2.10]*
- *Implement Social-Emotional Learning (SEL) strategies as district-wide initiatives. [Goal 6, Objective 3]*

The district has developed administrative procedures as necessary to implement the above policies and plans.

For further information regarding these procedures and access to the District Improvement Plan, please contact:

Dr. Rachelle Warren

Assistant Superintendent for Student Services & Support

501 Franklin Ave., Waco, TX, 76701

rachelle.warren@wacoisd.org

254-755-9417

School Health Advisory Council (SHAC) (All Grade Levels)

During the preceding school year, the district's School Health Advisory Council (SHAC) held five meetings. Additional information regarding the district's SHAC is available from the Executive Director for Student Services.

Notification of upcoming SHAC meetings will be posted at each campus administrative office at least 72 hours before the meeting. Notification of upcoming SHAC meetings, meeting minutes, and a recording of each meeting will be posted on the district website at https://www.wacoisd.org/Page/4216.

[See **Consent to Human Sexuality Instruction** on page 13, **Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking** on page 14, and policies BDF and EHAA. for more information.]

Student Wellness Policy/Wellness Plan (All Grade Levels)

To encourage healthy habits in our students, the district has developed a board-adopted wellness policy at FFA(LOCAL) and corresponding plans and procedures to implement it. For questions about the content or implementation of the district's wellness policy and plan, please contact:

Rhiannon Settles, RN-BC, BSN

Director for Health Services

P.O. Box 27, Waco, TX, 76703

rhiannon.settles@wacoisd.org

254-754-9480

Law Enforcement Agencies (All Grade Levels)

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school, the principal will cooperate fully regarding the conditions of the interview, including without parental consent, if necessary, if it is part of a child abuse investigation. In other circumstances, the principal will:

- Verify and record the identity of the officer or other authority and ask for an explanation of the need to question the student at school.
- Ordinarily make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.
- Ordinarily be present for the questioning or interview unless the interviewer raises what the principal considers to be a valid objection.

Students Taken into Custody

State law requires the district to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a law enforcement officer to obtain fingerprints or photographs for comparison in an investigation.
- By a law enforcement officer to obtain fingerprints or photographs to establish a student's identity where the child may have engaged in conduct indicating a need for supervision, such as running away.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.

- By an authorized representative of Child Protective Services (CPS), Texas Department of Family and Protective Services (DFPS), a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.
- To comply with a properly issued directive from a juvenile court to take a student into custody.

Before a student is released to a legally authorized person, the principal will verify the person's identity and, to the best of their ability, will verify the person's authority to take custody of the student.

The principal will immediately notify the superintendent and will attempt to notify the parent unless the legally authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a legally authorized person, any notification will most likely be after the fact.

Notification of Law Violations

The district is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody, arrested, or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who has been convicted, received deferred prosecution, received deferred adjudication or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors that occur in school, on school property, or at a school-sponsored or school-related activity on or off school property. These personnel will also be notified if the principal has reasonable grounds to believe the student has engaged in certain conduct.
- All appropriate district personnel regarding a student who is required to register as a sex offender.

[See policy GRAA(LEGAL) for more information.]

Leaving Campus (All Grade Levels)

Remember that student attendance is crucial. Appointments should be scheduled outside of school hours if possible. Except for extenuating circumstances, students will not regularly be released before the end of the school day.

State rules require parental consent before any student leaves campus for any part of the school day.

For students in elementary and middle school, a parent or authorized adult must come to the office and show identification to sign the student out. A campus representative will ask the student to report to the office. For safety purposes and stability of the learning environment, we cannot allow any unescorted adult to go to the classroom or other area to pick up the student. If the student returns to campus the same day, the parent or authorized adult must sign the student back in through the main office upon the student's return. Documentation regarding the reason for the absence will also be required.

The same process applies to students in high school if a parent picks the student up from campus. If the student's parent authorizes the student to leave campus unaccompanied, a note

provided by the parent must be submitted to the main office no later than two hours prior to the student's need to leave campus. A phone call from the parent may be accepted, but the school may ultimately require a note for documentation purposes. The student must sign out through the main office and sign in upon their return if the student returns the same day.

If a student becomes ill during the school day and the school nurse or other district personnel determines that the student should go home, the nurse will contact the student's parent and document the parent's wishes regarding release from the school.

Unless the parent directs district personnel to release the student unaccompanied, the parent or other authorized adult must follow the sign-out procedures listed above. If a student is permitted by their parents to leave campus unaccompanied, the nurse will document the time of day the student was released. Under no circumstances will a student in elementary or middle school be released unaccompanied.

If a student is 18 years of age or is an emancipated minor, the student may sign him- or herself out of school. Documentation regarding the reason for the absence will be required.

During Lunch

Students are not allowed to leave campus during lunch without a parent.

At Any Other Time during the School Day

Students are not authorized to leave campus during regular school hours for any other reason except with the permission of the principal.

Students who leave campus in violation of these rules will be subject to disciplinary action in accordance with the Student Code of Conduct.

Lost and Found (All Grade Levels)

A lost and found collection box is located in the campus office. A student who loses an item should check the lost and found box. The district discourages bringing personal items of high monetary value to the school, as the district is not responsible for lost or stolen items. The campus will dispose of lost and found items at the end of each semester.

Makeup Work

Makeup Work Because of Absence (All Grade Levels)

A teacher may assign makeup work to a student who misses class based on instructional objectives and the needs of the student in mastering the essential knowledge and skills or meeting subject or course requirements.

The student will be responsible for obtaining and completing the makeup work within the time specified by the teacher. A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

The student is encouraged to speak with their teacher if the student knows of an absence ahead of time so that the teacher and student may plan any makeup work. Please remember the importance of student attendance at school. With limited exceptions, all absences count for the 90 percent threshold set in state law regarding attendance for credit or final grade. [See **Attendance for Credit or Final Grade** on page 34.]

A student involved in an extracurricular activity must notify their teachers ahead of time about any absences.

A student will be permitted to make up tests and turn in projects due in any class missed because of absence. Teachers may assign a late penalty to any long-term project in accordance with timelines approved by the principal and previously communicated to students.

DAEP Makeup Work

Elementary and Middle School Grade Level

The academic mission of DAEP shall be to enable students to perform at grade level. A DAEP shall focus on English language arts, mathematics, science, history, and self-discipline.

Grades 9–12

If a high school student is enrolled in a foundation curriculum course at the time of removal to a disciplinary alternative education program (DAEP), they will have an opportunity to complete the course before the beginning of the next school year. The district may provide the opportunity to complete the course through an alternative method, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FOCA(LEGAL) for more information.]

In-School Suspension (ISS) and Out-of-School Suspension (OSS) Makeup Work (All Grade Levels)

Alternative Means to Receive Coursework

While a student is in ISS or OSS, the district will provide the student with all course work for the student's foundation curriculum classes that the student misses as a result of the suspension.

Opportunity to Complete Courses

A student removed from the regular classroom to ISS or another setting other than a DAEP will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FO(LEGAL) for more information.]

Nondiscrimination Statement (All Grade Levels)

In its efforts to promote nondiscrimination and as required by law, the district does not discriminate on the basis of race, religion, color, national origin, gender, sex, age, disability, or any other basis prohibited by law in providing education services, activities, and programs, including Career and Technical Education (CTE) programs. The district provides equal access to the Boy Scouts and other designated youth groups.

In accordance with Title IX, the district does not and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends employment. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

The district has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual

harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment:

Dr. Rachelle Warren

Assistant Superintendent for Student Services & Support

501 Franklin Ave, Waco, TX 76701

rachelle.warren@wacoisd.org

254-755-9417

Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon the district receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described at FFH(LOCAL).

The following district representatives have been designated to address concerns or inquiries about other kinds of discrimination:

- For concerns regarding discrimination on the basis of disability, see the ADA/Section 504 Coordinator:

Charlotte Davis

Executive Director for Special Education

501 Franklin Ave, Waco, TX, 76701

charlotte.davis@wacoisd.org

254-755-9569

- For all other concerns regarding discrimination, see the Superintendent:

Dr. Susan Kincannon

Superintendent of Schools

501 Franklin Ave, Waco, TX, 76701

susan.kincannon@wacoisd.org

254-755-9420

[See policies FB, FFH, and GKD for more information.]

Nontraditional Academic Programs (All Grade Levels)

Brazos High School

Brazos High School is a dropout recovery program that focuses on students that have dropped out or are at high risk of dropping out due to credit deficiencies. Students must be Waco ISD students and be referred from their home campus.

Night School

The Waco ISD Night School program is focused on students that are at high risk of dropping out

so as to allow multiple options for students. Night School is offered at Waco High School, University High School, and Brazos High School (beginning in Fall 2021).

Waco ISD Future Educators Academy

Waco ISD Future Educators Academy is a Pathways in Technology Early College High School (P-TECH). The purpose of the program is to culminate in an Associate's Degree for students who complete the program and offer the possibility of a Bachelor's of Education two years after high school graduation. The program reflects the populace of the district and shall be weighted via lottery if more than the maximum number of students apply. (beginning in Fall 2022).

Parent and Family Engagement (All Grade Levels)

Working Together

Experience and research tell us that a child succeeds in education with good communication and a strong partnership between home and school. A parent's involvement and engagement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child every day to make the most of the educational opportunities the school provides.
- Ensuring that your child completes all homework assignments and special projects and comes to school each day prepared, rested, and ready to learn.
- Becoming familiar with all your child's school activities and with the academic programs, including special programs, offered in the district.
- Discuss with the school counselor or principal any questions you may have about the options and opportunities available to your child.
- Reviewing the requirements and options for graduation with your child in middle school and again while your child is enrolled in high school.
- Monitoring your child's academic progress and contacting teachers as needed. [See **Academic Counseling** on page 48.]
- Attending scheduled conferences and requesting additional conferences as needed. To schedule a telephone or in-person conference with a teacher, school counselor, or principal, please call the school office for an appointment. The teacher will usually return your call or meet with you during their conference period or before or after school. [See **Report Cards/Progress Reports and Conferences** on page 87.]
- Becoming a school volunteer. [See **Volunteers** on page 101 and policy GKG for more information.]
- Participating in campus parent organizations. Parent organizations include:
    - Quality District Advisory Committee (QDAC)
    - Parent Teacher Organizations; Parent Teacher Associations (PTOs, PTAs)
    - Campus Decision Making Councils (CDMC)

- Serving as a parent representative on the district-level or campus-level planning committees that develop educational goals and plans to improve student achievement. For more information, see policies BQA and BQB and contact:

Dr. Josie Gutierrez

Deputy Superintendent

501 Franklin Ave., Waco, TX, 76701

josie.gutierrez@wacoisd.org

254-755-9419

- Serving on the School Health Advisory Council (SHAC) and assisting the district in aligning local community values with health education instruction, human sexuality instruction, instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking, and other wellness issues. [See **School Health Advisory Council (SHAC)** on page 78 and policies BDF, EHAA, FFA for more information.]
- Being aware of the school's ongoing bullying and harassment prevention efforts.
- Contact school officials if you are concerned with your child's emotional or mental well-being.
- Attending board meetings to learn more about district operations. Regular board meetings are held on the fourth Thursday of each month at 7:00 p. m. at 115 South 5th Street, Waco, TX, 76701. An agenda for a regular or special meeting is posted no later than 72 hours before each meeting at 501 Franklin Ave, Waco, TX, 76701 and 115 South 5th Street, Waco, TX, 76701 and online at https://www.wacoisd.org/domain/2487] [See policies BE and BED for more information.]

Pledges of Allegiance and a Minute of Silence (All Grade Levels)

Each school day, students will recite the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. Parents may submit a written request to the principal to excuse their child from reciting a pledge. [See **Reciting the Pledges to the U.S. and Texas Flags** on page 19.]

State law requires that one minute of silence follow the recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that minute so long as the silent activity does not interfere with or distract others.

In addition, state law requires that each campus provides for the observance of one minute of silence in remembrance of those who lost their lives on September 11, 2001, at the beginning of the first class period when September 11 falls on a regular school day.

[See policy EC for more information.]

Prayer (All Grade Levels)

Each student has a right to pray individually, voluntarily, and silently or to meditate in school in a manner that does not disrupt school activities. The school will not encourage, require, or coerce a student to engage in or refrain from such prayer or meditation during any school activity.

Promotion and Retention

A student will be promoted only on the basis of academic achievement or proficiency. In making promotion decisions, the district will consider:

- Teacher recommendations,
- Grades,
- Scores on criterion-referenced or state-mandated assessments, and
- Any other necessary academic information as determined by the district.

Prekindergarten or Kindergarten—Grade 3

A parent may request in writing that a student repeat prekindergarten, kindergarten, or grade 1, 2, or 3. Before granting the request, the district may convene a retention committee to meet and discuss the request and will invite the parent to participate.

Elementary and Middle-Grade Levels

In grades 1-5, promotion is based on an overall final average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) in mathematics, reading, and language arts, and a combined average of 70 in science and social studies.

In grades 6-8, promotion is based on an overall final average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in English language arts and mathematics, and a grade of 70 in either science or social studies. [For additional information, see policies EIE(LEGAL) and EIE(LOCAL).]

High School Grade Levels

To earn credit in a course, a student must receive a grade of at least 70 based on course-level standards.

A student in grades 9–12 will be advanced a grade level based on the number of course credits earned. [See **Grade-Level Classification** on page 62.]

Students will also have multiple opportunities to retake EOC assessments. [See **Graduation** on page 63 and **Standardized Testing** on page 93.]

Release of Students from School

[See **Leaving Campus** on page 81.]

Remote Instruction

The district may offer remote instruction in accordance with TEA guidelines.

All district policies, procedures, guidelines, rules, and other expectations of student behavior will be enforced as applicable in a remote or virtual learning environment.

Report Cards/Progress Reports and Conferences (All Grade Levels)

Report cards with each student's performance and absences in each class or subject are issued at least once every 6 weeks.

At the end of the first three weeks of a grading period, parents will receive a progress report if their child's performance in any course/subject area is near or below 70 or below the expected level of performance. If a student receives a grade lower than 70 in any class or subject at the end of a grading period, the parent will be asked to schedule a conference with the teacher. [See **Working Together** on page 84 for how to schedule a conference.]

Teachers follow grading guidelines that have been approved by the superintendent pursuant to the board-adopted policy. Grading guidelines are designed to reflect each student's relative mastery of each assignment. State law provides that a test or course grade issued by a teacher cannot be changed unless the board determines that the grade was arbitrary or contains an error or that the teacher did not follow the district's grading policy. [See **Grading Guidelines** on page 62 and policy EIA(LOCAL) for more information.]

Questions about grade calculation should first be discussed with the teacher. If the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG(LOCAL).

The report card or unsatisfactory progress report will state whether tutorials are required for a student who receives a grade lower than 70.

Report cards and unsatisfactory progress reports must be signed by the parent and returned to the school. The district may communicate academic information about a student electronically, including for progress reporting purposes. An electronic signature will be accepted by the district, but parents are entitled to request a handwritten signature of acknowledgment instead.

Retaliation

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 51.]

Safety (All Grade Levels)

Student safety on campus, at school-related events, and in district vehicles is a high priority of the district. The cooperation of students is essential to ensuring school safety. A student is expected to:

- Avoid conduct that is likely to put the student or others at risk.
- Follow all behavioral standards in this handbook and the Student Code of Conduct or set by district employees.
- Remain alert to any safety hazards, such as intruders on campus or threats made by any person toward a student or staff member, and promptly report any incidents to a district employee. A student may make anonymous reports about safety concerns by using the WISD online reporting tool, Stop It, at www.wacoisd.org.
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

Accident Insurance

Soon after the school year begins, parents will have the opportunity to purchase low-cost accident insurance that would help meet medical expenses in the event of injury to their child.

Insurance for Career and Technical Education (CTE) Programs

The district may purchase accident, liability, or automobile insurance coverage for students and businesses involved in the district's CTE programs.

Preparedness Drills: Evacuation, Severe Weather, and Other Emergencies

Periodically, the school will conduct preparedness drills for emergency procedures. When the command is given or an alarm is sounded, students need to follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

Preparedness Training: CPR and Stop the Bleed

The district will annually offer instruction in CPR at least once to students enrolled in grades 7–12. The instruction can be provided as part of any course and is not required to result in CPR certification.

The district will annually offer students in grades 7–12 instruction on the use of bleeding control stations to respond to traumatic injury. For more information, see:

- Homeland Security's Stop the Bleed (https://www.dhs.gov/stopthebleed)
- Stop the Bleed Texas (https://stopthebleedtexas.org/)

Emergency Medical Treatment and Information

All parents are asked each year to complete a medical care authorization form, providing written parental consent to obtain emergency treatment and information about allergies to medications or drugs. Parents should contact the school nurse to update emergency care information (name of a doctor, emergency phone numbers, allergies, and the like).

The district may consent to medical treatment, which includes dental treatment, if necessary, for a student if:

- The district has received written authorization from a person having the right to consent;
- That person cannot be contacted; and
- That person has not given the district actual notice to the contrary.

The emergency care authorization form will be used by the district when a student's parent or authorized designee cannot be contacted. A student may provide consent if authorized by law or court order.

Regardless of parental authorization for the district to consent to medical treatment, district employees will contact emergency medical services to provide emergency care when required by law or when deemed necessary, such as to avoid a life-threatening situation.

Emergency School Closing Information

Each year, parents are asked to complete an emergency release form to provide contact information in the event that the district needs to notify parents of early dismissal, delayed opening, or restricted access to campus because of severe weather, a security threat, or another emergency cause.

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. It is crucial to notify your child's school when a phone number changes. State law requires parents to update contact information within two weeks after the date the information changes.

If the campus must close, delay opening, or restrict access to the building because of an emergency, the district will also alert the community in the following ways: automated phone calls, texts, emails, District website, Twitter, Facebook, and local news outlets.

[See **Automated Emergency Communications** on page 46.]

SAT, ACT, and Other Standardized Tests

[See **Standardized Testing** on page 93.]

Schedule Changes (Middle and High School Grade Levels)

Course assignments were made based on the course selection and alternate choices. If an error has been made, please indicate the error. Every effort will be made to correct the error as soon as possible. Changes will NOT be approved without valid documentation and/or reasoning.

Changes MAY be considered for the following reasons:

1. Students are in need of a graduation requirement.
2. Error in the schedule. (wrong class assigned, no class assigned, duplicate class assigned)
3. Balancing class sizes (counselor or principal may change a student's schedule to balance class size in order to facilitate an optimal learning environment.)
4. A student may be removed from a class if counseling and other corrective measures have failed to create a positive situation for the student and the rest of the class.

Students must attend all classes listed on their original schedule until a new schedule is issued.

School Facilities

Asbestos Management Plan (All Grade Levels)

The district works diligently to maintain compliance with federal and state laws governing asbestos in school buildings. A copy of the district's asbestos management plan is available in the central administrative office. If you have any questions or would like to examine the district's plan in more detail, please contact the district's designated asbestos coordinator:

Randy Sulak

Director Maintenance & Grounds

4315 Beverly Dr., Waco, TX, 76711

randy.sulak@wacoisd.org

254-752-3497

Food and Nutrition Services (All Grade Levels)

The district participates in the School Breakfast Program and National School Lunch Program and offers students nutritionally balanced meals daily in accordance with standards set forth in state and federal law.

Some students are eligible for free and reduced-price meals based on financial need. Information about a student's participation is confidential. The district may share information such as a student's name and eligibility status to help enroll eligible children in Medicaid or the

state children's health insurance program (CHIP) unless the student's parent requests the student's information not be disclosed.

Participating students will be offered the same meal options as their peers and will not be treated differently from their peers.

For information about the Waco ISD Child Nutrition Services program, contact:

Cliff Reece

Director of Child Nutrition

2025 South 19th Street

cns@wacoisd.org

254-752-5522

[See policy CO for more information.]

Parents should continually monitor their child's meal account balance. When a student's meal account is depleted, the district will notify the parent. The student may continue to purchase meals according to the grace period set by the school board. The district will present the parent with a schedule of repayment for any outstanding account balance and an application for free or reduced meals.

If the district is unable to work out an agreement with the student's parent on replenishment of the meal account and payment of any outstanding balance, the student will receive a meal. The district will make every effort to avoid bringing attention to the student.

Vending Machines (All Grade Levels)

The district has adopted and implemented the state and federal policies for food service, including guidelines to restrict student access to vending machines. For more information regarding these policies and guidelines, see www.wacoisd.org. [See policy FFA for more information.]

Pest Management Plan (All Grade Levels)

The district is required to follow integrated pest management (IPM) procedures to control pests on school grounds. Although the district strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, regular indoor and outdoor pesticide use is sometimes necessary to ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the U.S. Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area.

Parents who have questions or who want to be notified of the times and types of applications prior to pesticide application inside their child's school assignment area may contact the district's IPM coordinator:

Lucas Wells

Custodial Supervisor / IPM Coordinator

4315 Beverly Dr., Waco, TX, 76711

lucas.wells@wacoisd.org

254-750-3404

Conduct Before and After School (All Grade Levels)

Teachers and administrators have full authority over student conduct at before- or after-school activities. Whether a school activity is on or off district premises, students must follow the same rules of conduct that apply during the instructional day. Misbehavior will be subject to consequences established by the Student Code of Conduct or any stricter standards of behavior established by the sponsor for extracurricular participants.

Library (All Grade Levels)

The library is a learning laboratory with books, computers, magazines, and other materials available to assist with classroom instruction and assignments, projects, and reading or listening pleasure. The library is open for independent student use before and after school and during the day according to the specific campus schedule.

Use of Hallways during Class Time (All Grade Levels)

During class times, loitering or standing in the halls is not permitted, and a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action in accordance with the Student Code of Conduct.

Use by Students Before and After School (All Grade Levels)

Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place.

Unless the teacher or sponsor overseeing an activity gives permission, a student will not be permitted to go to another area of the building or campus.

Students must leave campus immediately after dismissal from school in the afternoon unless the student is involved in an activity under the supervision of a teacher or other authorized employee or adult.

Meetings of Noncurriculum-Related Groups (Secondary Grade Levels Only)

Student-organized, student-led non-curriculum-related groups are permitted to meet during the hours designated by the principal before and after school. These groups must comply with the requirements of policy FNAB(LOCAL).

A list of these groups is available in the principal’s office.

School-Sponsored Field Trips (All Grade Levels)

The district periodically takes students on field trips for educational purposes.

A parent must provide permission for a student to participate in a field trip.

The district may ask the parent to provide information about a student’s medical provider and insurance coverage and may also ask the parent to sign a waiver allowing for emergency medical treatment in the case of a student's accident or illness during the field trip.

The district may require a fee for student participation in a field trip that is not required as part of a basic educational program or course to cover expenses such as transportation, admission,

and meals; however, a student will not be denied participation because of financial need. See **Fees (All Grade Levels)** on page 61 for more information.

The district is not responsible for refunding fees paid directly to a third-party vendor.

Searches

Searches in General (All Grade Levels)

In the interest of promoting student safety and drug-free schools, district officials may occasionally conduct searches.

District officials may search students, their belongings, and their vehicles in accordance with law and district policy. Searches of students will be conducted without discrimination, based on, for example, reasonable suspicion or voluntary consent or pursuant to district policy providing for suspicionless security procedures, including the use of metal detectors.

In accordance with the Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on district property.

If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a district official may conduct a search in accordance with law and district regulations.

District Property (All Grade Levels)

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice. Students have no expectation of privacy on district property.

Students are responsible for any item found on district property provided to the student that is prohibited by law, district policy, or the Student Code of Conduct.

Metal Detectors (All Grade Levels)

To maintain a safe and disciplined learning environment, the district reserves the right to subject students to metal detector searches when entering a district campus and at off-campus, school-sponsored activities.

Telecommunications and Other Electronic Devices (All Grade Levels)

Use of district-owned equipment and its network systems is not private and will be monitored by the district. [See policy CQ for more information.]

Any searches of personal electronic devices will be conducted in accordance with the law, and the device may be confiscated to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed.

[See **Electronic Devices and Technology Resources** on page 57 and policy FNF(LEGAL) for more information.]

Trained Dogs (All Grade Levels)

The district may use trained dogs to screen for concealed, prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in an area

that is going to be screened, such as a classroom, a locker, or a vehicle. If a dog alerts to an item or an area, it may be searched by district officials.

Drug Testing (Secondary Grade Levels Only)

[For further information, see policy FNF (LEGAL/LOCAL).

[See **Steroids** on page 73.]

Vehicles on Campus (Secondary Grade Levels Only)

If a vehicle subject to the search is locked, the student will be asked to unlock the vehicle. If the student refuses, the district will contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the district may turn the matter over to law enforcement. The district may contact law enforcement even if permission to search is granted.

Sexual Harassment

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 14.]

Special Programs (All Grade Levels)

The district provides special programs for gifted and talented students, students who are experiencing homelessness, students in foster care, bilingual students, migrant students, English learners, students diagnosed with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the district or by other organizations. A student or parent with questions about these programs should contact the campus counselor/principal or the Waco ISD Administrative Offices at 254-755-9473.

The Texas State Library and Archives Commission's Talking Book Program (https://www.tsl.texas.gov/tbp/index.html) provides audiobooks free of charge to qualifying Texans, including students with visual, physical, or reading disabilities such as dyslexia.

Standardized Testing

Secondary Grade Levels

SAT/ACT (Scholastic Aptitude Test and American College Test)

Many colleges require either the American College Test (ACT) or the Scholastic Aptitude Test (SAT) for admission. These assessments are usually taken at the end of junior year. Students are encouraged to talk with the school counselor early during their junior year to learn about these assessments and determine the appropriate examination to take. The Preliminary SAT (PSAT) and ACT-Aspire are the corresponding preparatory and readiness assessments for the SAT and ACT.

Note: These assessments may qualify a student to receive a performance acknowledgment on the student's transcript under the foundation graduation program and may qualify as a substitute for an end-of-course testing requirement in certain circumstances. A student's performance at a certain level on the SAT or ACT also makes the student eligible for automatic admission to a Texas public institution of higher education.

TSI (Texas Success Initiative) Assessment

Prior to enrollment in a Texas public college or university, most students must take a standardized test called the Texas Success Initiative (TSI) assessment. The TSI assesses the reading, mathematics, and writing skills that first-year students need to perform effectively as

undergraduates in Texas public colleges and universities. This assessment may also be required before a student enrolls in a dual credit course offered through the district. Achieving certain benchmark scores on this assessment may also waive certain end-of-course assessment requirements in limited circumstances.

STAAR (State of Texas Assessments of Academic Readiness)

Grades 3–8

In addition to routine tests and other measures of achievement, students at certain grade levels are required to take the state assessment, called STAAR, in the following subjects:

- Mathematics, annually in grades 3–8
- Reading, annually in grades 3–8
- Science in grades 5 and 8
- Social Studies in grade 8

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain state-established criteria as determined by the student's ARD committee.

STAAR Spanish is available for eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

Failure to Perform Satisfactorily on STAAR Reading or Math

If a student in grades 3–8 does not perform satisfactorily on the state assessment, the district will provide accelerated instruction for the student. A student who does not attend accelerated instruction may violate school attendance requirements.

For a student who does not perform satisfactorily on the math or reading assessment in grades 3, 5, or 8, the district will establish an accelerated learning committee (ALC), which includes the student's parent, to develop an educational plan for accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the next school year. The district will document the educational plan in writing and provide a copy to the student's parents.

The parent of a student in grades 3, 5, or 8 who fails to perform satisfactorily on the math or reading assessment may:

- Request that the district consider assigning the student to a particular classroom teacher in the applicable subject area if more than one classroom teacher is available.
- File a grievance or complaint regarding the content or implementation of the ALC's educational plan. See **Complaints and Concerns (All Grade Levels)** on page 46 and FNG(LOCAL).

Standardized Testing for a Student Enrolled Above Grade Level

If a student in grades 3–8 are enrolled in a class or course intended for students above their current grade level in which the student will be administered a state-mandated assessment, the student will be required to take an applicable state-mandated assessment only for the course in which he or she is enrolled, unless otherwise required to do so by federal law.

A student in grades 3–8 shall be assessed at least once in high school with the ACT or the SAT if the student completes the high school end-of-course assessments in mathematics, reading/language arts, or science prior to high school.

Standardized Testing for a Student in Special Programs

Certain students—some with disabilities and some classified as English learners—may be eligible for exemptions, accommodations, or deferred testing. For more information, see the principal, school counselor, or special education director.

Personal Graduation Plans - Middle or Junior High School Students

For a middle-school student who does not perform satisfactorily on a state-mandated examination, a school official will prepare a personal graduation plan (PGP).

School officials will also develop a PGP for a middle-school student who is determined by the district to be unlikely to earn a high school diploma within five years of high school enrollment. The plan will, among other items;

- Identify the student's educational goals,
- Address the parent's educational expectations for the student, and
- Outline an intensive instruction program for the student.

[See the school counselor ***or*** principal and policy EIF(LEGAL) for more information.]

For a student receiving special education services, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

[See **Personal Graduation Plans** on page 66 for information related to the development of personal graduation plans for high school students.]

High School Courses End-of-Course (EOC) Assessments

STAAR end-of-course (EOC) assessments are administered for the following courses:

- Algebra I
- English I and English II
- Biology
- U.S. History

Satisfactory performance on the applicable assessments is required for graduation unless waived or substituted as allowed by state law and rules.

There are three testing windows during the year in which a student may take an EOC assessment. The windows occur in the fall, spring, and summer months. If a student does not meet satisfactory performance, the student will have opportunities to retake the assessment.

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain criteria established by the state as determined by the student's ARD committee.

An admission, review, and dismissal (ARD) committee for a student receiving special education services will determine whether successful performance on the EOC assessments will be required for graduation within the parameters identified in state rules and the student's personal graduation plan (PGP).

[See **Graduation** on page 63.]

Failure to Perform Satisfactorily on an EOC

If a student does not perform satisfactorily on an EOC, the district will provide accelerated instruction.

Failure of a student to attend accelerated instruction may result in violations of required school attendance.

Students in Foster Care (All Grade Levels)

In an effort to provide educational stability, the district will provide enrollment and registration assistance, as well as other educational services throughout the student's enrollment, to any student who is currently placed or newly placed in foster care (temporary or permanent custody of the state, sometimes referred to as substitute care).

If you have questions, please contact the district's foster care liaison:

Dr. Kathy Wigtil

Supervisor, Homeless Outreach & Foster Liaison

201 Franklin Ave, Waco, TX, 76701

kathy.wigtil@wacoisd.org

254-755-9433, 254-755-9417

[See **A Student in the Conservatorship of the State (Foster Care)** on page 26.]

Students Who are Experiencing Homelessness (All Grade Levels)

A parent is encouraged to inform the district if their child is experiencing homelessness. District staff can share resources that may be able to assist families.

Please also check the campus website for information related to services available in the area that can help families who are experiencing homelessness.

For more information on services for students who are experiencing homelessness, contact the district's homeless education liaison:

Dr. Kathy Wigtil

Supervisor, Homeless Outreach & Foster Liaison

201 Franklin Ave, Waco, TX, 76701

kathy.wigtil@wacoisd.org

254-755-9433, 254-755-9417

[See **A Student Who is Experiencing Homelessness** on page 27.]

Student Speakers (All Grade Levels)

The district provides students the opportunity to introduce the following school events as Introductory Speakers. If a student meets the eligibility criteria and wishes to introduce one of the school events listed above, the student should submit their name in accordance with policy FNA(LOCAL).

[See **Graduation** on page 63 for information related to student speakers at graduation ceremonies and policy FNA(LOCAL) regarding other speaking opportunities.]

Summer School (All Grade Levels)

Academic Program

Elementary and middle school students who do not meet the District's Promotion Criteria for report card grades and attendance during the regular school year may attend summer school to help meet individual student needs in acquiring the knowledge and skills required at their grade level. High school students may attend the WISD Summer School Program for credit recovery. A maximum of one credit may be earned during the program. Most students participate in the regular classroom instruction environment.

Accelerated Program

If a student fails to demonstrate proficiency on a state-mandated assessment, the student shall be provided accelerated instruction in accordance with state law. By participating in summer school and passing the state-required assessment, and if all other promotion criteria for the year are met, the student will be promoted to the next grade level during the summer.

Language Acquisition

This program is for children of limited English proficiency who will be eligible for admission to kindergarten or first grade at the beginning of the next school year and the instructional focus is on language development and basic core content appropriate to the level of the student. The program addresses the affective, linguistic, and cognitive needs of the limited English proficient students. [For additional information, see policy (EHBE(LEGAL).]

Special Education

Extended School Year services are designed for eligible students with disabilities. ESY services are available as necessary to provide a student with a disability with FAPE. ESY services are provided if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. [For additional information, see policy (EHBA(LEGAL).]

Tardies (All Grade Levels)

A student who is more than 10 minutes tardy to class may be assigned to a detention hall or given another appropriate consequence.

Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials (All Grade Levels)

Instructional materials are any resources used in classroom instruction as part of the required curriculum, such as textbooks, workbooks, computer software, or online services.

The district selects instructional materials in accordance with state law and policy EFA.

The district provides approved instructional materials to students free of charge for each subject or class. Students must treat instructional materials with care, as directed by the teacher.

If a student needs a graphing calculator for a course and the district does not provide one, the student may use a calculator application with graphing capabilities on a phone, laptop, tablet, or other computing devices.

A student who is issued a damaged item should report the damage to the teacher.

Any student who does not return an item or returns an item in an unacceptable condition loses the right to free textbooks and technological equipment until the item is returned or the damage is paid for by the parent. However, the student will be provided the necessary instructional resources and equipment for use at school during the school day.

For information on library books and other resources, students may access voluntarily, see **Library (All Grade Levels)** on page 91.

Transfers (All Grade Levels)

The principal is authorized to transfer a student from one classroom to another.

The superintendent is authorized to investigate and approve transfers between schools.

[See **Safety Transfers/Assignments** on page 25, **Bullying** on page 36, and **A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services** on page 27, for other transfer options.]

Transportation (All Grade Levels)

School-Sponsored Trips

Students who participate in school-sponsored trips are required to use school-provided transportation to and from the event. However, in accordance with campus procedures, a parent may provide written consent for their child to ride with or be released after the event to the parent or another adult designated by the parent. [See **School-Sponsored Field Trips** on page 91.]

Buses and Other School Vehicles

The district makes school bus transportation available to all students living two or more miles from school and to any students who are experiencing homelessness. This service is provided at no cost to students.

Bus routes and stops will be designated annually. Any subsequent changes will be posted at the school and on the district's website. For the safety of the driver and all passengers, students must board district vehicles only at authorized stops and drivers must unload passengers only at authorized stops.

For additional information, please contact Goldstar at 254-752-9200 or the District Representative below:

LaToya Conley

Goldstar Transit

2001 South 18th Street, Waco, TX, 76706

A parent may designate a child-care facility or grandparent's residence as the regular pickup and drop-off location for their child. The designated location must be an approved stop on an approved route. For information on bus routes and stops or to designate an alternate pickup or drop-off location, contact www.infofinder.com.

Students are expected to assist district staff in ensuring that buses and other district vehicles are clean and safe. When riding in district vehicles, students are held to behavioral standards established in this handbook and the Student Code of Conduct. Students must:

- Follow the driver's directions at all times.
- Enter and leave the vehicle in an orderly manner at the designated stop.
- Keep feet, books, instrument cases, and other objects out of the aisle.
- Not deface the vehicle or its equipment.
- Not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the vehicle.
- Not possess or use any form of tobacco or e-cigarettes in any district vehicle.
- Observe all usual classroom rules.
- Be seated while the vehicle is moving.
- Fasten their seat belts, if available.
- Wait for the driver's signal upon leaving the vehicle and before crossing in front of the vehicle.
- Follow any other rules established by the operator of the vehicle.

Misconduct will be punished in accordance with the Student Code of Conduct, including loss of the privilege to ride in a district vehicle.

[See the Student Code of Conduct for provisions regarding transportation to the DAEP.]

Vandalism (All Grade Levels)

Littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

Video Cameras (All Grade Levels)

For safety purposes, the district uses video and audio recording equipment to monitor student behavior, including on buses and in common areas on campus. Students will not be told when the equipment is being used.

The principal will review the video and audio recordings as needed and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

In accordance with state law, a parent of a student who receives special education services, a staff member (as this term is defined by law), a principal or assistant principal, or the board may make a written request for the district to place video and audio recording equipment in certain self-contained special education classrooms. The district will provide notice before placing a video camera in a classroom or other setting in which a child receives special education

services. For more information or to request the installation and operation of this equipment, contact the principal or Special Education Offices at 254-755-6569, which the district has designated to coordinate the implementation of and compliance with this law.

[See policy EHBAF(LOCAL) for more information.]

[See **Consent to Video or Audio Record a Student when Not Already Permitted by Law** on page 16 for video and other recordings by parents or visitors to virtual or in-person classrooms.]

Visitors to the School (All Grade Levels)

General Visitors

Parents and others are welcome to visit district schools. For the safety of those within the school and to avoid disruption of instructional time, all visitors must first report to the main office and comply with all applicable district policies and procedures. All visitors should be prepared to show identification.

Individuals may visit classrooms or observe virtual instruction during instructional time only with the approval of the principal and teacher. Visitors may not interfere with instruction or disrupt the normal school environment.

All visitors are expected to demonstrate the highest standards of courtesy and conduct. Disruptive behavior or violations of student privacy will not be permitted.

[See **Consent to Video or Audio Record a Student when Not Already Permitted by Law** on page 16 for video and other recordings by parents or visitors to virtual or in-person classrooms.]

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer has the authority to refuse entry to or eject a person from district property if the person refuses to leave peaceably on request and:

- The person poses a substantial risk of harm to any person; or
- The person behaves in a manner that is inappropriate for a school setting and persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding the refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL).

[See the Student Code of Conduct.]

Visitors Participating in Special Programs for Students

Business, Civic, and Youth Groups

The district may invite representatives from patriotic societies listed in Title 36 of the United States Code to present information to interested students about membership in the society.

Career Day

On college and career days, the district invites representatives from colleges and universities and other higher education institutions, prospective employers, and military recruiters to present information to interested students.

Volunteers (All Grade Levels)

The district invites and appreciates the efforts of volunteers who are willing to serve our district and students.

If you are interested in volunteering, please contact:

Stephanie Hines

Specialist – Community Partnerships

501 Franklin Ave, Waco, TX, 76701

stephanie.hines@wacoisd.org

254-755-9510; 254-755-9454

The district does not require state criminal history background checks for volunteers who are parents, guardians, or grandparents of a child enrolled in the district.

Subject to exceptions in accordance with state law and district procedures, other volunteers will be subject to a state criminal history background check, and the volunteer must pay all costs for the background check.

Voter Registration (Secondary Grade Levels Only)

A student who is eligible to vote in any local, state, or federal election may obtain a voter registration application at the main campus office.

Withdrawing from School (All Grade Levels)

To withdraw a student under age 18 from school, the parent or guardian must submit a written request to the principal specifying the reasons for withdrawal and the final day the student will be in attendance. Withdrawal forms are available from the principal's office.

A student who is age 18 or older, who is married, or who has been declared by a court to be an emancipated minor may withdraw without parental signature.

Please provide the school with at least three days' notice of withdrawal so that records and documents may be prepared.

Glossary

Accelerated instruction, also referred to as supplemental instruction, is an intensive supplemental program designed to help an individual student acquire the knowledge and skills required at their grade level. It is required when a student does not meet the passing standard on a state-mandated assessment.

Accelerated learning committee (ALC) is a committee that must be established when a student does not perform satisfactorily on the math or reading assessment in grades 3, 5, or 8. The committee includes district personnel and the student's parents and develops an educational plan for accelerated instruction to enable the student to perform at the appropriate grade level by the end of the next school year.

ACT, or the American College Test, is one of the two most frequently used college or university admissions examinations. The test may be required for admission to certain colleges or universities.

ACT-Aspire is designed as a preparatory and readiness assessment for the ACT. This is usually taken by students in grade 10.

ARD stands for admission, review, and dismissal. The ARD committee convenes for each student who is identified as needing a full and individual evaluation for special education services. The eligible student and their parents are members of the committee.

Attendance review committee is responsible for reviewing a student's absences when the student's attendance drops below 90 percent, or in some cases 75 percent, of the days the class is offered. Under guidelines adopted by the board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit or a final grade lost because of absences.

CPS stands for Child Protective Services.

DAEP stands for a disciplinary alternative education program, a placement for students who have violated certain provisions of the Student Code of Conduct.

DFPS stands for the Texas Department of Family and Protective Services.

DPS stands for the Texas Department of Public Safety.

DSHS stands for the Texas Department of State Health Services.

ED stands for the U.S. Department of Education.

EOC (end-of-course) assessments are state-mandated and are part of the STAAR program. Successful performance on EOC assessments is required for graduation. These examinations will be given in English I, English II, Algebra I, Biology, and U.S. History.

ESSA is the federal Every Student Succeeds Act.

FERPA refers to the federal Family Educational Rights and Privacy Act, which grants specific privacy protections to student records. The law contains certain exceptions, such as for directory information, unless a student's parent or a student 18 years of age or older directs the school not to release directory information.

IEP stands for the individualized education program and is the written record prepared by the ARD committee for a student with disabilities who is eligible for special education services.

IGC is the individual graduation committee formed in accordance with state law to determine a student's eligibility to graduate when the student has failed to demonstrate satisfactory performance on no more than two of the required state assessments.

ISS refers to in-school suspension, a disciplinary technique for misconduct found in the Student Code of Conduct. Although different from out-of-school suspension and placement in a DAEP, ISS removes the student from the regular classroom.

PGP stands for personal graduation plan, which is required for high school students and for any student in middle school who fails a section on a state-mandated test or is identified by the district as not likely to earn a high school diploma before the fifth school year after they begin grade 9.

PSAT is the preparatory and readiness assessment for the SAT. It also serves as the basis for the awarding of National Merit Scholarships.

SAT refers to the Scholastic Aptitude Test, one of the two most frequently used college or university admissions examinations. The test may be required for admissions to certain colleges or universities.

SHAC stands for School Health Advisory Council, a group of at least five members, a majority of whom must be parents, appointed by the school board to help ensure that local community values and health issues are reflected in the district's health education instruction, as well as assist with other student and employee wellness issues.

Section 504 is the federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined to be eligible for special education services under the Individuals with Disabilities Education Act (IDEA), general education with appropriate instructional accommodations will be provided.

STAAR is the State of Texas Assessments of Academic Readiness, the state's system of standardized academic achievement assessments.

STAAR Alternate 2 is an alternative state-mandated assessment designed for students with severe cognitive disabilities receiving special education services who meet the participation requirements as determined by the student's ARD committee.

STAAR Spanish is an alternative state-mandated assessment administered to eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

State-mandated assessments are required of students at certain grade levels and in specified subjects. Except under limited circumstances, students must pass the STAAR EOC assessments to graduate. Students have multiple opportunities to take the tests, if necessary, for graduation.

Student Code of Conduct is developed with the advice of the district-level committee and adopted by the board and identifies the circumstances, consistent with law, when a student may be removed from a classroom, campus, or district vehicle; sets out the conditions that authorize or require the principal or another administrator to place the student in a DAEP, and outlines

conditions for out-of-school suspension and for expulsion. The Student Code of Conduct also addresses notice to the parent regarding a student's violation of one of its provisions.

TAC stands for the Texas Administrative Code.

TEA stands for the Texas Education Agency, which oversees primary and secondary public education in Texas.

TELPAS stands for the Texas English Language Proficiency Assessment System, which assesses the progress that English learners make in learning the English language and is administered for those who meet the participation requirements in kindergarten–grade 12.

TSI stands for the Texas Success Initiative, an assessment designed to measure the reading, mathematics, and writing skills that entering college-level first-year students should have if they are to be successful in undergraduate programs in Texas public colleges and universities.

TXVSN stands for the Texas Virtual School Network, which provides online courses for Texas students to supplement the instructional programs of public school districts. Courses are taught by qualified instructors and are equivalent in rigor and scope to a course taught in a traditional classroom setting.

UIL refers to the University Interscholastic League, the statewide, voluntary nonprofit organization that oversees educational extracurricular academic, athletic, and music contests.

Appendix: Freedom from Bullying Policy

Note: School board policies may be revised at any time. For legal context and the most current copy of the local policy, visit:
https://pol.tasb.org/Policy/Download/867?filename=FFI(LOCAL).pdf

Below is the text of Waco ISD's policy FFI(LOCAL) as of the date this handbook was finalized for this school year.

Student Welfare: Freedom from Bullying

Policy FFI(LOCAL) date issued November 6, 2017.

A Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying. For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

Bullying Prohibited

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples: Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism.

Retaliation

The District prohibits retaliation by a student or District employee against any person who, in good faith, makes a report of bullying, serves as a witness, or participates in an investigation.

Examples: Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Timely Reporting

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

Reporting Procedures

Student Report: To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report: Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

Report Format: A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

Notice of Report

When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.

Prohibited Conduct

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

Investigation of Report

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation. The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the superintendent or designee.

Notice to Parents

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

District Action

Bullying: If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the

District's Student Code of Conduct and may take corrective action reasonably calculated to address the

conduct. The District may notify law enforcement in certain circumstances.

Discipline: A student who is a victim of bullying and who used reasonable self-defense in

response to the bullying shall not be subject to disciplinary action. The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Corrective Action:

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

Transfers:

The principal or designee shall refer to FDB for transfer provisions.

Counseling:

The principal or designee shall notify the victim, the student who engaged in

bullying, and any students who witnessed the bullying of available counseling options.

Improper Conduct:

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code

of Conduct or any other appropriate corrective action.

Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeals

A student who is dissatisfied with the outcome of the investigation may appeal through

FNG(LOCAL), beginning at the appropriate level.

Records Retention

Retention of records shall be in accordance with CPC(LOCAL).

Access to Policy and Procedures

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

Waco Independent School District

Board of Trustees Meeting Agenda

Date: August 25, 2022 **Contact Person**: **Dr. Daniel Lopez**

RE: School District Teaching Permit for Selected Teacher Candidate to Teach a Non-Core Academic CTE Course

==========

Background Information:

Since 1995, Texas law has allowed school districts to issue a school district permit to someone who does not hold a teaching certificate subject to approval by the Commissioner of Education (Texas Education Code 21.055). For "non-core academic career and technical education (CTE) courses" only, state law allows the school district's Board of Trustees the authority to determine if a school district may issue a school district teaching permit without approval by the Commissioner of Education (House Bill 2205, 84th Regular Legislative Session).

In order for a non-core academic CTE teacher candidate to be qualified for a school district teaching permit, the individual must demonstrate subject matter expertise, such as:

- Professional work experience
- Formal training and education
- Relevant industry license, certification, or registration
- Any combination of work experience, training and education, or industry credential related to the subject matter he or she will be teaching

A bachelor's degree is not a requirement.

Lisa Saxenian (Director of Career and Technical Education) and Dean Sara Bartlett (Waco High school) are requesting the following candidates be issued a school district teaching permit effective for the 2022-2023 school year:

Miguel Limones – Commercial Photography

Mr. Limones has a natural teaching personality and ample background as a photographer and videographer. Miguel displays knowledge in lights, lenses, camera options, shutter speed, still photos and action shots which is essential when teaching this professional trade to others. His extensive work and ten years in photography and design will be an asset to the students at Waco High School.

Fiscal Implications:

Salary included in fiscal year budget for CTE.

Administrative Recommendation(s):

Approve Miguel Limones to be issued a school district teaching permit.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contacts**: Rachelle Warren and Charlotte Davis

RE: Ratification of Memorandum of Understanding Regarding Collaboration on Applied Behavior Analysis Supervised Fieldwork Experience

==========

Background Information

In order to further mitigate learning loss experienced as a result of the pandemic, Waco ISD sought creative strategies to recruit and retain the best talent, especially in areas requiring specialized knowledge and skills. Responding to teacher requests for additional resources to maintain safe and supportive learning environments, the District is expanding its partnership with Texas Tech University to launch a master's degree and certification program in Applied Behavior Analysis (ABA) for current employees.

ABA uses proven methods to teach new skills and change behavior. The goal is to increase positive behaviors and decrease negative or less desirable ones. ABA professionals are frequently sought out by schools and organizations serving individuals on the autism spectrum or those with other developmental disabilities. They assist both children and adults to improve communication skills, be more independent, and/or perform better at school or work.

One of the most sought-after credentials related to ABA is the Board Certified Behavior Analyst certification. This master's level certification is awarded after passing a rigorous professional exam. To be eligible to sit for the exam, students must complete a series of ABA courses and a supervised practicum or fieldwork experience.

Five current Waco ISD employees have been accepted into the ABA program at Texas Tech University. After two years of coursework, these employees will receive a master's degree in special education with an ABA emphasis. Texas Tech University will then supervise the graduates as they prepare to sit for the board certification exam.

The impact of their ongoing learning will be immediately applied within the scope of their current assignments to offer individualized support for students demonstrating unsafe behaviors. Participants are expected to remain employees in good standing for the two years of coursework plus an additional three years.

The deadline for these students to enroll for this semester is Aug. 25. To meet Texas Tech University's timeline, Dr. Kincannon signed the memorandum of understanding, and it is now being presented to the board for consideration and ratification.

Fiscal Implications

The anticipated cost is $100,000, which will be paid with federal stimulus funds from ESSER II and ESSER III.

Administrative Recommendation(s):

Ratify the Memorandum of Understanding Regarding the Collaboration on Applied Behavior Analysis Supervised Fieldwork Experience.

TEXAS TECH UNIVERSITY
The Burkhart Center *for* Autism Education & Research

Memorandum of Understanding
Collaboration on Applied Behavior Analysis Supervised Fieldwork Experience

This memorandum of understanding ("MOU") is entered into by Texas Tech University on behalf of the Burkhart Center ("TTU"), located at 2902 18th Street, Lubbock, Texas, 79409, and Waco ISD ("Waco ISD"), located at 501 Franklin Avenue, Waco, TX 76701. TTU and Waco ISD may be referred to throughout individually as a "Party" or collectively as the "Parties".

The purpose of this MOU is to articulate the goals of the partnership, and to specify each party's responsibilities associated with implementing the BCBA Preparation Program ("Program") as they relate to TTU collaborating for Autism Trainings with Waco ISD.

TTU and Waco ISD agree that the roles and responsibilities of each Party under this MOU are as follows:

A. COLLABORATIVE GOALS
   1. Design and implement within Waco ISD, a district-based, clinically intensive Supervised Fieldwork Experience with the aim of mentoring Texas Tech University College of Education (TTUCOE) students (sometimes hereinafter referred to, individually, as a "Trainee") who are graduate students pursuing a degree in Special Education with an emphasis on Applied Behavior Analysis to become highly competent in their subject area, pedagogy, and by the end of their degree program, prepared to sit for board certification in behavior analysis.
   2. Establish a framework for transferring teacher-level data between Waco ISD and TTU for the purposes of monitoring and evaluating the preparation and effectiveness of TTUCOE students who are working in Waco ISD, specifically treatment integrity for interventions utilized by teachers in their classroom setting.

B. TTU RESPONSIBILITIES
   1. SUPERVISED FIELDWORK EXPERIENCE: TTU will provide online training with coaching and feedback to Waco ISD to provide required Supervised Fieldwork Experience to fulfill training requirements for board certification. All trainings will be supported by a board certified behavior analyst (BCBA) who meets supervisory requirements and is part of the TTU Burkhart Center team.
      a. Provide supervision in accordance with the BACB's ethics requirements, including, but not limited to providing supervision to the Trainee only within the boundaries of his/her competence.
      b. Provide ongoing documented performance feedback to the Trainee in accordance with BACB's ethics requirements, including, but not limited to, providing feedback on the Trainee's progress toward stated training objectives (e.g., including specific areas where the Trainee is making adequate or inadequate progress) and client interactions.
      c. Sign the Monthly and Final Fieldwork Verification Forms if the fieldwork hours are completed satisfactorily.
      d. Use TTUCOE student clinical competency data to modify and adjust supervised fieldwork experience to better foster TTUCOE student competencies. Clinical competency data will include regular and frequent use of video-capture as part of required supervised fieldwork experience.

i. TTU will direct TTUCOE students to identify students within their classroom that have circumstances forbidding recording as well as gain informed consent from student guardians. TTU will also direct TTUCOE students to capture video in such a way that the camera will be positioned on the teacher in order to measure treatment integrity of interventions used while teaching.
ii. Handling and storage of the video capture. TTU will:
    1. Prepare all TTUCOE students to utilize Swivl application, a FERPA compliant software solution for recording required supervised fieldwork experience.
    2. Restrict only authorized individuals to access videos; access authorization will be established by the TTU Program Director.
    3. Train TTUCOE students to upload the secure videos to Swivl within 24 hours of capture
    4. Coordinate maintenance of video on the secure Swivl website for a period not to exceed seven (7) years from
iii. Use of video for instructional purposes. TTUCOE students' videos will be used for:
    1. For the purpose of observation of evidence-based intervention related to the 5th Edition Behavior Analyst Certification Board (BACB) Task List
    2. For coaching and feedback from BCBA Supervisor on implementation of evidence-based practices related to the 5th Edition BACB Task List
    3. For purposes of program evaluation
    4. For use by TTU researchers to extract data relevant to instructional competencies of TTUCOE students, to share findings with the scientific community, contingent on TTU Institutional Research Board Human Subjects Committee review and approval, and
    5. In no case will images of TTUCOE students or their students (including any Waco ISD students) appear in public forum for purposes of program evaluation, or for purposes of research presentation unless the identity of TTUCOE students and their students is completely masked (I.e., blurring of facial or other identifiable features).

e. Brief all TTUCOE students in the program on all standard data collection procedures and the criticality of protecting student identity from unauthorized disclosure.

2. STUDENT TUITION: TTU will coordinate with Student Business Services so that all participating staff who are taking classes will have tuition billed to Waco ISD for payment each semester. Tuition will billed to Waco ISD through Student Business Services per courses taken each academic semester for each student, up to $22,000 for 2-year degree program per student, based on the current TTU tuition calculator: https://www.depts.ttu.edu/studentbusinessservices/feeinfo/tuition-estimator.php
    a. This dollar amount is billed per semester and is separate from the costs detailed below in the "COSTS" section.

C. WACO ISD RESPONSIBILITIES

1. Waco ISD will partner with TTU to provide specialized training for designated employees who are identified as part of ABA cohort completing their degree and Supervised Fieldwork Experience.
2. Waco ISD will incorporate in its informed consent form that media coverage includes the use of video-capture technology for purposes of Supervised Fieldwork Experience and improving the instructional practice of TTUCOE students.

D. JOINT TTU AND WACO ISD RESPONSIBILITIES
   1. Meetings. Representatives of Waco ISD and TTU will meet two (2) times per year to review Program data, discuss implementation of the Program, and plan for future needs of Waco ISD and TTUCOE students.

E. COSTS
   Payment for services will be as follows:
   1. TTU will provide a yearly invoice electronically to Waco ISD for up to ($23,250) twenty-three thousand, two hundred fifty each year for two years. Fees are in association with: 1) provision of online Supervised Fieldwork Experience with coaching and feedback through TTU for up to ten (10) TTUCOE students who are employed at Waco ISD; and 2) yearly Swivl license per individual TTUCOE students at a rate of $75 per year for two years. This cost reflects direct supervision experience to each individual TTUCOE student for 5%, or 100 direct hours for each TTUCOE student, of their required two thousand (2,000) Supervised Fieldwork Experience needed for board certification over the course of their two-year degree program.
   2. Waco ISD will remit payment within 30 days of receipt of yearly invoice for up to ($23,250) twenty-three thousand, two hundred fifty each year for two years for no more than ten (10) students. Payment will be remitted to The Burkhart Center for Autism Education and Research.

F. DURATION. This MOU shall be in effect upon the date of last signature (the "Effective Date") and shall terminate August 2024. Either Party may withdraw from this MOU in its sole discretion upon thirty (30) days' prior written notice to the other Party for any or no reason. Any fees for services provided prior to the expiration of this MOU or withdrawal of a Party to this MOU will remain payable under the term of this MOU.

G. GOVERNING LAW. This MOU is governed by and interpreted under Texas law, and Lubbock County, Texas, will be the proper place of venue for any disputes relating to this MOU.

H. NO BOYCOTT. If this MOU has a value of $100,000 or more that is to be paid wholly or partly from public funds of TTU, and if Waco ISD is a company, other than a sole proprietorship, with ten (10) or more full-time employees, then pursuant to Texas Government Code Chapter 2271, Waco ISD affirmatively states that it does not boycott Israel and will not boycott Israel during the term of this MOU. In this paragraph, the terms "company" and "boycott Israel" shall have the meanings described in Texas Government Code §808.001.

I. TRAFFICKING OF PERSONS. Under §2155.0061, Texas Government Code, Waco ISD certifies that the individual or business entity named in the MOU is not ineligible to receive the specified MOU and acknowledges that the MOU may be terminated, and payment withheld if this certification is inaccurate.

J. DISPUTE RESOLUTION. The Parties shall utilize the Dispute Resolution process provided for in Texas Government Code 2260 for all disputes arising from this MOU. Neither the execution of this MOU by TTU or Waco ISD nor any other conduct of any representative of TTU or Waco ISD relating to the MOU will be considered a waiver of TTU's sovereign immunity to suit or a waiver of any sovereign immunity Waco ISD has under applicable Texas law.

K. LIMITATION ON TTU'S AND WACO ISD'S LIABILITY. It is understood and agreed that TTU will not be liable for any negligent or wrongful acts, either of commission or omission, chargeable to it unless such liability is imposed by Texas law and that this MOU shall not be construed as seeking to either enlarge or diminish any obligation or duty owed by TTU to Waco ISD or to any third party. It is understood and agreed that Waco ISD

Commented [PR1]: Just so I am clear, is this the $22,000 (from the Student Tuition section above) plus an additional $1,250 in fees? If so, we should tie it all together to make that clear and also explain what makes up the $1,250 in fees.
I ask for several reasons, including the language highlighted in yellow above.
Or is this an additional amount of $23,250 in fees alone that Waco ISD owes? Is it impacted by the number of students?

Commented [AT2R1]: No, the $22,000 is for tuition, which the students will handle with Waco ISD. The $23,250 is what they will pay the Burkhart Center for our services. So the total could be up to $45,250.

Commented [HJ3R1]: To be clear, the student is handling the 22k with Waco ISD through Student Business Services by allowing Waco ISD to be a third party payor in the system for their tuition payments.

will not be liable for any negligent or wrongful acts, either of commission or omission, chargeable to it unless such liability is imposed by Texas law and that this MOU shall not be construed as seeking to either enlarge or diminish any obligation or duty owed by Waco ISD to TTU or to any third party.

L. RELATIONSHIP BETWEEN WACO ISD AND TTU. TTU represents and warrants that it is an independent contractor with no authority to contract for Waco ISD or in any way to bind or to commit Waco ISD to any agreement of any kind or to assume any liabilities of any nature in the name of or on behalf of Waco ISD. Under no circumstances will TTU, or any of its staff, if any, hold out as or be considered an agent, employee, joint venture, or partner of Waco ISD.

M. FORCE MAJEURE. "Event of Force Majeure" means an event beyond the control of Waco ISD or TTU which prevents or makes a Party's compliance with any of its obligations under the MOU illegal or impracticable, including but not limited to: act of God (including, without limitation, fire, explosion, earthquake, tornado, drought, and flood); war, act or threats of terrorism, hostilities (whether or not war be declared), invasion, act of enemies, mobilization, requisition, or embargo; rebellion, insurrection, military or usurped power, or civil war; contamination or destruction from any nuclear, chemical, or biological event; riot, commotion, strikes, go slows, lock outs, or disorder; epidemic, pandemic, viral outbreak, or health crisis; or directive of governmental authority. No Party will be considered in breach of the MOU to the extent that performance of their respective obligations is prevented or made illegal or impracticable by an Event of Force Majeure that arises during the term (or after execution of the MOU but prior to the beginning of the term). A Party asserting an Event of Force Majeure hereunder ("Affected Party") will give reasonable notice to the other Party of an Event of Force Majeure upon it being foreseen by, or becoming known to, Affected Party. In the event of an Event of Force Majeure, the Affected Party will endeavor to continue to perform its obligations under the MOU only so far as reasonably practicable.

N. ENTIRE AGREEMENT; AMENDMENTS. This MOU supersedes all prior agreements, written or oral, between Waco ISD and TTU and will constitute the entire agreement and understanding between the Parties with respect to the subject matter hereof. This MOU and each of its provisions will be binding upon the Parties and may not be waived, modified, amended or altered except in writing signed by TTU and Waco ISD.

O. FERPA. If given access to the personally identifiable information about any student during performance of the services, the Parties agree to abide by the limitations on re-disclosure of personally identifiable information from student records as set forth in The Family Educational Rights and Privacy Act ("FERPA") 34 CFR, §99.3.

P. PROPRIETARY RIGHTS. Waco ISD acknowledges that, in the course of performing the services, TTU may provide access to instructions, methods, and techniques that have been previously developed by TTU (collectively, the "Pre-existing Materials") and that the same will remain the sole and exclusive property of TTU. Except as expressly set forth herein, no license is granted to the Waco ISD with respect to any Pre-existing Materials. Nothing in this MOU will be construed to grant to Waco ISD any ownership or other interest in Pre-existing Materials, except as may be provided under a license specifically applicable to such Pre-existing Materials. The provisions of this section will survive the termination of the MOU.

Q. APPLICABLE LAWS & REGULATIONS. Waco ISD agrees that it will comply with all federal, state, or local laws or regulations applicable to Waco ISD's performance under the MOU. Waco ISD also agrees that pursuant to Texas Education Code §51.9335(h), in any agreement for the acquisition of goods or services to which TTU is a party, any provision required by applicable law to be included in the agreement is considered to be part of the

agreement whether or not the provision appears on the face of the agreement or if the agreement contains any provision to the contrary.

R. EMERGENCY HEALTH & SAFETY PROCEDURES. In the event of pandemic, epidemic, viral outbreak, health crisis, or other emergency ("Emergency"), TTU may, at its sole discretion, implement new or modified health and safety procedures in order to protect the health and safety of the TTU community. In the event of Emergency, Waco ISD agrees to adhere to all such procedures and related directives from TTU when entering onto and/or performing services on TTU's campus.

S. CONTACTS. Contacts for the MOU execution described herein are as follows:

TTU Burkhart Center
Tom Allen
Financial Manager
Burkhart Center for Autism Education
and Research
Texas Tech University
Box 41071
Lubbock, Texas 79409
tom.allen@ttu.edu
(806) 834-5212

Waco ISD
Dr. Rachelle Warren
Assistant Superintendent, Student Services
Waco ISD
501 Franklin Avenue
Waco, TX 76701
rachelle.warren@wacoisd.org
(254)755-9417

With a copy to:
Contracting Procurement Services
Texas Tech University
PO Box 41094
Lubbock, Texas 79409
Email: contracting@ttu.edu

T. EVENT VENUE. TTU shall provide an online venue for the Supervised Fieldwork Experience through TTU's eLearning programs.

U. CANCELLATION. Should Waco ISD cancel the collaboration, the Waco ISD shall reimburse TTU for any out-of-pocket expenses it has incurred within 30 days of receipt of an invoice for such expenses.

V. NO WARRANTY. TTU makes no warranties or representations concerning the subject matter or content of or materials for the Supervised Fieldwork Experience. The Supervised Fieldwork Experiences are general education only and are not the provision of medical advice.

W. EXECUTION OF UNDERSTANDING
The undersigned authorizes this MOU under the aforementioned terms.

Jennifer Hamrick Date
Co-Interim Director of the Burkhart Center for Autism Education and Research
Texas Tech University

Dr. Susan Kincannon Date
Superintendent
Waco ISD

Jennifer Adling Date
Chief Procurement Officer
Procurement Services
Texas Tech University

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: Kyle DeBeer

RE: First Reading of Board Policy Update 119

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Background Information:
Board Policy Update 118 from the Texas Association of School Boards, which the Board adopted in March, addressed legislative changes with "an immediate effect" on governance and management. Update 119 addresses "the remainder of the legislative changes from the 87th Legislature, Regular Session; other revisions resulting from legislation enacted during the special sessions; and revisions based on updates to the Texas Administrative Code."

Update 119 proposes changes to the following local policies:

- CPC(LOCAL): OFFICE MANAGEMENT - RECORDS MANAGEMENT
- DMA(LOCAL): PROFESSIONAL DEVELOPMENT - REQUIRED STAFF DEVELOPMENT
- EHAA(LOCAL): BASIC INSTRUCTIONAL PROGRAM - REQUIRED INSTRUCTION (ALL LEVELS)
- EIF(LOCAL): ACADEMIC ACHIEVEMENT - GRADUATION
- FFBA(LOCAL): CRISIS INTERVENTION - TRAUMA-INFORMED CARE
- FFH(LOCAL): STUDENT WELFARE - FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Update 119 also proposes the addition of the following new local policies:

- EHB(LOCAL): CURRICULUM DESIGN - SPECIAL PROGRAMS
- EHBAA(LOCAL): SPECIAL EDUCATION - IDENTIFICATION, EVALUATION, AND ELIGIBILITY
- EHBB(LOCAL): SPECIAL PROGRAMS - GIFTED AND TALENTED STUDENTS

Fiscal Implications:
None

Administration Recommendations:
At this time, Board Policy Update 119 is presented for first reading and consideration only. The second reading and proposed adoption will be part of the agenda for the board's meeting on Sept. 29.

Instruction Sheet
TASB Localized Policy Manual Update 119

Waco ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AIB	(LEGAL)	Replace policy	Revised policy
BBB	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BBE	(LEGAL)	Replace policy	Revised policy
BBG	(LEGAL)	Replace policy	Revised policy
BBI	(LEGAL)	Replace policy	Revised policy
BDAA	(LEGAL)	Replace policy	Revised policy
BDB	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CDB	(LEGAL)	Replace policy	Revised policy
CDC	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CI	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CPC	(LOCAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CRD	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
CV	(LEGAL)	Replace policy	Revised policy
DC	(LEGAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DECB	(LEGAL)	Replace policy	Revised policy
DFE	(LEGAL)	Replace policy	Revised policy
DG	(LEGAL)	Replace policy	Revised policy
DHC	(LEGAL)	Replace policy	Revised policy
DMA	(LEGAL)	Replace policy	Revised policy
DMA	(LOCAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EF	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy

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Code	Type	Action To Be Taken	Note
EHAA	(LOCAL)	Replace policy	Revised policy
EHB	(LOCAL)	ADD policy	See explanatory note
EHBAA	(LEGAL)	Replace policy	Revised policy
EHBAA	(LOCAL)	ADD policy	See explanatory note
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBAC	(LEGAL)	Replace policy	Revised policy
EHBB	(LOCAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EHDE	(LEGAL)	Replace policy	Revised policy
EHDF	(LEGAL)	ADD policy	See explanatory note
EIF	(LEGAL)	Replace policy	Revised policy
EIF	(LOCAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EMB	(LEGAL)	Replace policy	Revised policy
FEC	(LEGAL)	Replace policy	Revised policy
FFBA	(LOCAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FFH	(LOCAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
FNA	(LEGAL)	Replace policy	Revised policy
FOC	(LEGAL)	Replace policy	Revised policy
FOCA	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy
GKA	(LEGAL)	Replace policy	Revised policy
GKD	(LEGAL)	Replace policy	Revised policy
GKG	(LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 119

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ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note: Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 87th Legislature Regular and Special Sessions.

AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

Quality of learning indicators for remote instruction performance reporting have been added from SB 15 (Second Called Session). (See page 6.)

BBB(LEGAL) BOARD MEMBERS: ELECTIONS

Provisions have been added to this legally referenced policy on elections for a more complete presentation of applicable legal content.

BBBA(LEGAL) ELECTIONS: CONDUCTING ELECTIONS

Upon the board's receipt of certification that a candidate is unopposed in an election, SB 1 (Second Called Session) requires the board to cancel the election and declare each unopposed candidate elected to office.

SB 1 also changed the definition for *eligible county polling place*. Other revisions are to better match legal sources.

BBE(LEGAL) BOARD MEMBERS: AUTHORITY

Provisions on board authority that are addressed at other codes have been removed to eliminate duplication.

BBG(LEGAL) BOARD MEMBERS: COMPENSATION AND EXPENSES

A revision clarifies that an officer *or employee* may participate in the comptroller's contract for travel services when traveling for official business. The comptroller can no longer charge fees for these services.

BBI(LEGAL) BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS

Revisions are to update citations and better reflect legal sources.

BDAA(LEGAL) OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF BOARD OFFICERS

Revisions are to better reflect legal sources.

BDB(LEGAL) BOARD INTERNAL ORGANIZATION: INTERNAL COMMITTEES

Provisions on board committees have been revised based on current legal authority.

BE(LEGAL) BOARD MEETINGS

This legally referenced policy on board meetings has been revised to reorder and add some existing legal provisions, delete nonessential provisions, and better reflect legal sources.

BQ(LEGAL) PLANNING AND DECISION-MAKING PROCESS

Revised Administrative Code rules resulted in changes to shared services arrangements for DAEP services.

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CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

As provided by SB 611 (Regular Session) and Senate Joint Resolution 35 and approved by voters in November 2021, the surviving spouse of a member of the U.S. armed forces who is fatally injured in the line of duty is entitled to the residence homestead property tax exemption as long as the surviving spouse remains unmarried. (See page 5.)

CDB(LEGAL) OTHER REVENUES: SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

Revisions are to better reflect statutory sources.

CDC(LEGAL) OTHER REVENUES: GIFTS AND SOLICITATIONS

SB 3 (Second Called Session) revised the provisions on prohibited use of private funding for certain curriculum and professional development purposes.

CH(LEGAL) PURCHASING AND ACQUISITION

We have added a reference on page 12 to amended rules from the Texas Department of Information Resources on purchasing information technology commodity items.

CI(LEGAL) SCHOOL PROPERTIES DISPOSAL

Revisions are to better reflect statutory sources.

CPC(LEGAL) OFFICE MANAGEMENT: RECORDS MANAGEMENT

Revisions to this legally referenced policy are based on revised Administrative Code rules from the Texas State Library and Archives Commission (TSLAC) published in Bulletin B: Electronic Records Standards and Procedures. An overview of Bulletin B is available on the TSLAC website.

CPC(LOCAL) OFFICE MANAGEMENT: RECORDS MANAGEMENT

Recent updates by the Texas State Library and Archives Commission (TSLAC) to Bulletin B: Electronic Records Standards and Procedures prompted recommended revisions to this local policy on records management. The new rules add local policy requirements for district management of electronic records.

To meet these requirements, new policy provisions delegate to the records management officer the responsibility to develop procedures for the management of electronic records that comply with the district's records control schedules and meet minimum components required by law.

The *Regulations Resource Manual* includes updated sample procedures on this topic, and the *Legal Issues in Update 119* memo describes common legal concerns and best practices specific to this policy topic.

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

Based on HB 1525 (Regular Session) and SB 9 (Second Called Session), we have added the requirement to post curriculum materials on human sexuality instruction and instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking to the extent the materials are in the public domain. (See item 42.)

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

Revisions to TRS-ActiveCare provisions are based on amended Administrative Code rules. New text addresses prohibitions on offering alternative group health coverage (see page 2) and highlights the information that must be submitted with written elections to participate in TRS-ActiveCare (see page 3).

CS(LEGAL) FACILITY STANDARDS

Changes throughout this legally referenced policy on facility standards are from new Administrative Code rules that add extensive standards for capital improvement projects on or after November 1, 2021, and revised Administrative Code rules on the standards applicable to these projects before November 1, 2021.

CV(LEGAL) FACILITIES CONSTRUCTION

Changes to this legally referenced policy on facilities construction are from new Administrative Code rules that add extensive facility standards for construction of capital improvement projects on or after November 1, 2021.

An existing provision has been added on page 3 regarding the board's notice of delegation.

DC(LEGAL) EMPLOYMENT PRACTICES

We have added on page 4 new Administrative Code rules addressing the monthly certified statement of employment the district must submit to TRS for retirees employed by the district.

DEAA(LEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

Changes reflect revised Administrative Code rules on the local optional teacher designation system and mentor teacher programs.

DECB(LEGAL) LEAVES AND ABSENCES: MILITARY LEAVE

This legally referenced policy on military leave has been updated based on revisions to the Uniformed Services Employment and Reemployment Rights Act (USERRA).

DFE(LEGAL) TERMINATION OF EMPLOYMENT: RESIGNATION

Provisions on contract abandonment are revised based on amended rules from the State Board for Educator Certification. The reasons an educator may abandon a contract for good cause now include the educator's reasonable belief that the educator had written permission from the district to resign. Several new mitigating factors have also been added.

DG(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

SB 3 (Second Called Session) broadened a provision from HB 3979 (Regular Session) so that a teacher may not be compelled to discuss a widely debated and controversial issue of public policy or social affairs for any course or subject. The provision is no longer limited to social studies courses in the required curriculum. (See page 5.)

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

Amended Administrative Code rules revise terminology from *solicitation of sexual conduct* to *solicitation of sexual contact* to better align with statute.

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DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

Revisions are to update citations and better reflect statutory wording.

DMA(LOCAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

SB 1267 (Regular Session) requires the board to annually review the State Board for Educator Certification (SBEC) clearinghouse regarding best practices and industry recommendations for professional development and adopt a professional development policy based on the training recommendations in the clearinghouse.

To meet the policy requirements, the recommended local policy text reflects that the board shall annually approve the district's professional development plan, which must be guided by the clearinghouse; note any differences from the clearinghouse recommendations; and include a schedule of required professional development.

The district's locally developed text dating from 2010 is recommended for deletion. Extensive detail of this nature is better suited for administrative regulations. Please contact your policy consultant if you have any questions.

Please note: SB 1267 requires SBEC to publish the clearinghouse by June 1, 2022, and districts to adopt a professional development policy by August 1, 2022. TASB Policy and Legal Services recommend that the board adopt DMA(LOCAL) and approve the district professional development plan by August 1, or as soon as possible thereafter, to ensure compliance with the bill.

DP(LEGAL) PERSONNEL POSITIONS

Provisions on school psychological services have been updated based on revised Administrative Code rules.

E(LEGAL) INSTRUCTION

The E section table of contents has been updated to add the new code EHDF, which includes provisions on local remote learning programs, and to update the subtitle for EFB, Library Materials.

EF(LEGAL) INSTRUCTIONAL RESOURCES

SB 3 (Second Called Session) requires a district to provide login credentials to parents to access learning management or online learning portals used for student instructional materials.

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

Effective with the 2022–23 school year, SB 9 (Second Called Session) provides that the SHAC must recommend the appropriate grade levels and curriculum for instruction on child abuse, family violence, dating violence, and sex trafficking.

The bill also imposes several requirements regarding curriculum materials on those topics, including:

- Revised parental notification and new parental consent provisions;
- Posting of proposed and adopted curriculum materials and options for a parent to purchase copyrighted materials from the publisher; and
- New board policy on adopting curriculum materials [see EHAA(LOCAL), below].

The *Regulations Resource Manual* includes a sample board resolution for convening the SHAC and a sample parental consent form.

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

New provisions are recommended based on SB 9 (Second Called Session), which imposes several requirements for instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking, including a board policy on adopting curriculum materials. The policy follows the steps required by law, including board adoption of a resolution to convene the school health advisory council (SHAC) to hold meetings and make recommendations to the board at a public meeting, as well as board confirmation that the recommendations meet the requirements in law before taking action by a record vote.

The *Regulations Resource Manual* includes a sample board resolution for convening the SHAC and a sample parental consent form.

EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

This policy requiring the district to provide regular training opportunities for teachers of students with dyslexia is recommended to meet TEA policy requirements for the ongoing TEA special education cyclical monitoring reviews.

Please note: This policy will need to be adopted by the board and linked to the Legal Framework by the August 31, 2022, deadline. See TEA's FAQ on Special Education Operating Procedures.

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

Amended Administrative Code rules now refer to a student with an *auditory impairment as* a student who is *deaf or hard of hearing* to match statute. (See page 5.)

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

This policy requiring the district to ensure that a student who is transitioning from early childhood intervention (ECI) has an individualized education program (IEP) developed and implemented by the child's third birthday is recommended to meet TEA policy requirements for the ongoing TEA special education cyclical monitoring reviews.

Please note: This policy will need to be adopted by the board and linked to the Legal Framework by the August 31, 2022, deadline. See TEA's FAQ on Special Education Operating Procedures.

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

Amended Administrative Code rules revise the list of individuals who must be included in ARD committee meetings for students with deaf-blindness and revise terminology addressing students who are deaf or hard of hearing. Participating special education teachers or providers must be appropriately certified or licensed as required by federal law. The rules also address, as reflected on page 5, IEP implementation for students who enroll in a new district during the summer.

A new Administrative Code rule prohibits consideration of eligibility for supplemental special education services when developing or revising a student's IEP, determining the appropriate educational setting, or in the provision of a free appropriate public education. (See page 8.)

EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

We have removed a repealed Administrative Code provision on out-of-state placement.

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EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

HB 1525 (Regular Session) removed the statutory requirement for a district to annually certify to the commissioner of education that the district's gifted and talented program is consistent with the Texas State Plan for the Education of Gifted/Talented Students. We recommend deletion of the corresponding local policy provision.

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Reporting provisions on expenditure of the state compensatory education allotment have been added from the Administrative Code.

EHDE(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: DISTANCE LEARNING

A new provision from SB 15 (Second Called Session) explains how off-campus electronic courses or programs are counted for purposes of average daily attendance. (See page 12.)

EHDF(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: LOCAL REMOTE LEARNING PROGRAM

Provisions on local remote learning programs from SB 15 (Second Called Session) are reflected in this new legally referenced policy. All provisions in the bill expire on September 1, 2023.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

Revised Administrative Code rules provide additional detail on the requirement for a student to complete a financial aid application to meet graduation requirements. The rules, beginning on page 3 of this policy, require the board to adopt the TEA-provided form a student may submit to opt out of the financial aid application requirement and require adoption of a board policy to address the methods by which a student can confirm submission of a financial aid application. See EIF(LOCAL), below.

EIF(LOCAL) ACADEMIC ACHIEVEMENT: GRADUATION

Revised Administrative Code rules require a board policy to address the methods by which a student can confirm completion and submission of a financial aid application to meet graduation requirements. The recommended text aligns with TEA guidance and addresses methods for both the free application for federal financial aid (FAFSA) and the Texas application for state financial aid (TASFA). Please contact your policy consultant if you have questions or need additional edits to this policy.

Additional TEA guidance on this topic is available.

The *Regulations Resource Manual* includes sample procedures on this topic, and the *Legal Issues in Update 119* memo describes common legal concerns and best practices specific to this policy topic.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

HB 3261 (Regular Session) allows a district to administer a state assessment instrument on the first instructional day of the week upon authorization by the commissioner of education.

EMB(LEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: TEACHING ABOUT CONTROVERSIAL ISSUES

SB 3 (Second Called Session) revised provisions on instructional requirements and prohibitions, including prohibited concepts and activities.

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FEC(LEGAL) ATTENDANCE: ATTENDANCE FOR CREDIT

From SB 15 (Second Called Session) we have added a provision permitting a district to exempt students from the 90 percent attendance requirement for courses that are offered under a local remote learning program.

FFBA(LOCAL) CRISIS INTERVENTION: TRAUMA-INFORMED CARE

SB 1267 (Regular Session) requires training in trauma-informed care to be provided in accordance with the board's professional development policy. Therefore, at Training, a reference has been added to the district's professional development plan. See DMA(LOCAL), above, for more information.

SB 1267 also repealed the requirement for a district to annually report to TEA the number of employees who participated in trauma-informed care training. We recommend deleting the local policy provision.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Revisions are to update citations and better reflect legal sources.

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

From SB 9 (Second Called Session) we have added the following on page 2:

- New policy requirements on dating violence, including parental notification upon a report of dating violence [see FFH(LOCAL), below]; and
- A provision requiring districts to make available to students age-appropriate materials on the dangers of dating violence and resources for students seeking help.

Other revisions are to better reflect legal sources.

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

To meet new board policy requirements from SB 9 (Second Called Session), we recommend text at Notice to Parents, which requires the district, upon receipt of a report of dating violence, to immediately notify the parent of the student identified as the alleged victim or perpetrator.

District policy must also include reporting procedures and guidelines for students who are victims of dating violence and include a clear statement that dating violence is not tolerated at school. No changes to your district's policy are recommended regarding these elements based on the district's existing policy provisions, which include reporting procedures and a statement of nondiscrimination that specifically prohibits dating violence.

Additional revisions are recommended to clarify the definition of prohibited conduct and the district’s response to such conduct.

FM(LEGAL) STUDENT ACTIVITIES

Provisions from HB 25 (Third Called Session) address transgender students in athletic activities sponsored or authorized by a district and prohibit a student from participating in an athletic competition that is designated for a biological sex that differs from the biological sex stated on the student's official birth certificate. (See page 8.)

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FNA(LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION

We have added the recent U.S. Supreme Court case on student speech, *Mahanoy Area School District v B.L.* The case holds that public schools may have a special interest in regulating some off-campus student speech where the district's interest is sufficient to overcome the student's interest in free expression, such as in situations of serious or severe bullying or harassment, threats, or breaches of school security devices.

FOC(LEGAL) STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

Revisions are to better reflect legal sources.

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

Amended Administrative Code rules resulted in revisions to shared services arrangements for DAEP services and to provisions regarding transitions for students in DAEP.

FOF(LEGAL) STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

From HB 785 (Regular Session) we have added a provision requiring the commissioner of education to adopt rules regarding the use of restraint and time-out with a student who is receiving special education services. (See page 8.)

GKA(LEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

An existing statutory provision has been added to clarify the effect of failing to post signs at each entrance to the premises or other property indicating that firearms and other weapons are prohibited. (See page 8.)

GKD(LEGAL) COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES

We have added existing statutory provisions regarding the use of district facilities by places of worship.

GKG(LEGAL) COMMUNITY RELATIONS: SCHOOL VOLUNTEER PROGRAM

We have updated for clarification the provisions on obtaining criminal history record information.

District Annual Report

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

Texas Academic Performance Report (TAPR)

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

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

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

Other Annual Report Information

The annual report must also include:

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

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and

8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

Education Code 39.306(a)

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

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

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;

2. Financial information, including revenues and expenditures;

3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held; teacher and administrator salaries; and teacher turnover;

4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and

5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Education Code 39.306(e)

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

Public Hearing

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

A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. *19 TAC 61.1022(c)*

Publication

The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. *19 TAC 61.1022(d)*

The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. *Education Code 39.306(c); 19 TAC 61.1022(f)*

Report Uses

The information in the annual report shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. *Education Code 39.307*

Campus Performance Report

Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.

Distribution

The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.

The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.

The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.

Education Code 39.305; 19 TAC 61.1021

Website Notices

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

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

Education Code 39.362

Student Performance Report

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

Notice to Parents

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

Notice to Teachers and Students

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

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

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

Education Code 39.304

Quality of Learning Indicators

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

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under Education Code 28.0211 [see EHBC] after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the subsequent school year on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;

11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301(a)–(c)

Remote Instruction

In addition to the indicators described above, the indicators for reporting purposes must include, for each district and campus, the performance of students who spend at least half of the students' instructional time:

1. In virtual courses offered under a local remote learning program under Education Code 29.9091 [see EHDF]; or

2. Receiving remote instruction, regardless of whether the student is enrolled in a remote learning program offered under Education Code 29.9091, and including students receiving remote instruction who are:

    a. Medically fragile;

    b. Placed in a virtual setting by an admission, review, and dismissal (ARD) committee; or

    c. Receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

Education Code 39.301(c-1)

Results Driven Accountability (RDA)

In accordance with Education Code 7.028(a), the purpose of the Results Driven Accountability (RDA) framework is to evaluate and report annually on the performance of districts for certain populations of students included in selected program areas. The performance of a district is included on the RDA report through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner. *19 TAC 97.1005; Education Code 7.028(a)*

Federal Report Card

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

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a

language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

Minimum Requirements

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

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;
2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and
3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

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

District Data on Academic Achievement

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

The website must:

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

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

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

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

Education Code 11.1516

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

Membership

The board consists of the number of members that the district had on September 1, 1995. *Education Code 11.051(b)*

Increase in Membership

A board that has three or five members may by resolution increase the membership to seven. A board that votes to increase its membership must consider whether the district would benefit from also adopting a single-member election system under Education Code 11.052. [See Single-Member Districts, below.]

A resolution increasing the number of trustees takes effect with the second regular election of trustees that occurs after the adoption of the resolution. The resolution must provide for a transition in the number of trustees so that when the transition is complete, trustees are elected as provided by Education Code 11.059 (terms).

Education Code 11.051(c)

Terms

A trustee of a district serves a term of three or four years.

Elections for trustees with three-year terms shall be held annually. The terms of one-third of the trustees, or as near to one-third as possible, expire each year.

Elections for trustees with four-year terms shall be held biennially. The terms of one-half of the trustees, or as near to one-half as possible, expire every two years.

Board policy must state the schedule on which specific terms expire.

Education Code 11.059

Note: For website posting requirements regarding trustee information, see CQA.

Uniform Election Dates

Each general or special election of board members shall be on one of the following dates:

1. The first Saturday in May.

2. The first Tuesday after the first Monday in November.

Election Code 41.001(a)

Joint Elections

Required

A district trustee election shall be held on the same date as:

1. The election for the members of the governing body of a municipality located in the district;
2. The general election for state and county officers, which is held on the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002;
3. The election for the members of the governing body of a hospital district, if the school district:
    a. Is wholly or partly located in a county with a population of less than 40,000 that is adjacent to a county with a population of more than three million; and
    b. Held its election for board members jointly with the election for the members of the governing body of the hospital district before May 2007; or
4. The election for the members of the governing board of a public junior college district in which the school district is wholly or partly located.

Elections held on the same date as provided above shall be held as a joint election under Election Code Chapter 271, and the voters shall be served by common polling places consistent with Election Code 271.003(b).

Education Code 11.0581(a)–(c)

A board may enter into an agreement with another political subdivision holding an election on the same day in all or part of the same county to hold the elections jointly. The terms of a joint election agreement must be stated in an order, resolution, or other official action adopted by the board. *Election Code 271.002*

Methods of Election—Options

In a district in which the positions of trustees are not designated by number or in which the trustees are not elected from single-member trustee districts, the candidates receiving the highest number of votes shall fill the positions the terms of which are normally expiring. *Education Code 11.057(b)*

At Large

Position or Place

The positions on the board shall be designated by number in any district in which the board by resolution orders that all candidates for trustee be voted on and elected separately for positions on the board and that all candidates be designated on the official ballot

according to the number of the positions for which they seek election.

Not later than the 60th day before the date of an election, the board must make the resolution and number the positions on the board in the order in which the terms of office expire. Once a board has ordered the election of trustees by numbered positions, neither the board nor their successors may rescind the action.

Education Code 11.058(c)–(f)

Single-Member Districts

On Board's Motion

Except as provided below, the board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 70 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

If a majority of the area of a district is located in a county with a population of less than 10,000, a board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 50 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

Before adopting an order, a board must:

1. Hold a public hearing at which registered voters of a district are given an opportunity to comment on whether or not they favor the election of trustees in the manner proposed by the board; and

2. Publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the date of the hearing.

An order adopted by the board must be entered not later than the 120th day before the date of the first election at which all or some of the trustees are elected from single-member districts authorized by the order.

Education Code 11.052(a)–(d)

By Voter Petition

If at least 15 percent or 15,000 of the registered voters of the district, whichever is less, sign and present to the board a petition requesting submission to the voters of the proposition that trustees be elected in a specific manner, which must be generally described on the petition and which must be a manner of election the board could have ordered on its own motion, the board shall order that the appropriate proposition be placed on the ballot at the first regular election of trustees held after the 120th day after the date the

petition is submitted to the board. The proposition must specify the number of trustees to be elected from single-member districts. Beginning with the first regular election of trustees held after an election at which a majority of the registered voters voting approve the proposition, trustees shall be elected in the manner prescribed by the approved proposition. *Education Code 11.052(e)*

Board Member Districts

If single-member districts are adopted or approved by either method described above, the board shall divide the district into the appropriate number of trustee districts, based on the number of members that are to be elected from single-member districts, and shall number each trustee district. The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population. In a district with 150,000 or more students in average daily attendance, the boundary of a trustee district shall not cross a county election precinct boundary except at a point at which the district boundary crosses the county election precinct boundary. Trustee districts must be drawn not later than the 90th day before the date of the first election of trustees from those districts. *Education Code 11.052(f)*

Residency for First Election

Residents of each trustee district are entitled to elect one trustee to the board. A trustee elected to represent a trustee district at the first election of members must be a resident of the district the trustee represents not later than the 90th day after the date election returns are canvassed, or the 60th day after the date of a final judgment in an election contest filed concerning that trustee district. A trustee vacates the office if the trustee fails to move into the district the trustee represents within the time provided. [For more information on residency, see BBA and BBC.] *Education Code 11.052(g)*

Number and Term

At the first election at which some or all of the trustees are elected from single-member trustee districts and after each redistricting, all positions on a board shall be filled. The trustees then elected shall draw lots for staggered terms as provided by Education Code 11.059 (terms). *Education Code 11.052(h)*

Redistricting

Not later than the 90th day before the date of the first regular board election at which trustees may officially recognize and act on the last preceding federal census, a board shall redivide a district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision of a district shall be in the manner provided above at Board Member Districts. *Education Code 11.052(i)*

Phase-in Option

The board of a district that adopts a redistricting plan may provide for the trustees in office when the plan is adopted or the district is

redistricted to serve for the remainder of their terms in accordance with this provision. The trustee district and any at-large positions provided by the district's plan shall be filled as the staggered terms of trustees then in office expire. Not later than the 90th day before the date of the first election from trustee districts and after each redistricting, a board shall determine the order in which the positions will be filled. *Education Code 11.053*

Boundary Change Notice

A district that changes its boundaries or the boundaries of districts used to elect members to the board shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and
2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

Election Code 42.0615

Methods of Voting—Options

Except as otherwise provided at Majority, below, to be elected to a public office, a candidate elected at large, at large by position, or by single-member districts must receive more votes than any other candidate for the office. *Education Code 11.057(a), (b); Election Code 2.001*

Plurality

Cumulative

The board of a district that elects its trustees at large or at large by position may order that elections for trustees be held using the cumulative voting procedure.

If a board adopts an order requiring the use of cumulative voting, only the board member positions that were scheduled to be filled at the election are filled through the use of cumulative voting.

At an election at which more than one board member position is to be filled, all of the positions that are to be filled at the election shall be voted on as one race by all the voters of a district. Each voter is entitled to cast a number of votes equal to the number of positions to be filled at the election.

A voter may cast one or more of the specified number of votes for any one or more candidates in any combination. Only whole votes may be cast and counted. If a voter casts more than the number of votes to which the voter is entitled in the election, none of the voter's votes may be counted in that election. If a voter casts fewer votes than entitled, all of the voter's votes are counted in that election.

The candidates who are elected are those, in the number to be elected, receiving the highest number of votes.

A district that adopts an order requiring the use of cumulative voting may not elect its members by position as provided by Education Code 11.058.

Education Code 11.054

Majority

The board of a district in which the positions of trustees are designated by number or in which the trustees are elected from single-member districts may provide by resolution, not later than the 180th day before the date of an election, that a candidate must receive a majority of the votes cast for a position or in a trustee district, as applicable, to be elected.

The resolution is effective until rescinded by a subsequent resolution adopted not later than the 180th day before the date of the first election to which the rescission applies.

Education Code 11.057(c)

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

Notice of Polling Place

Any written notice of a polling place location must state the building name, if any, and the street address, including the suite or room number, if any, of the polling place. *Election Code 1.021*

Election Order

The board shall order an election. An election to be held on a uniform election date shall be ordered not later than the 78th day before election day. *Election Code 3.004, .005*

Each election order must state:

1. The date of the election;
2. The offices or measures to be voted on;
3. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;
4. The location of the main early voting polling place;
5. The dates and hours for early voting; and
6. The dates and hours of any Saturday and Sunday early voting.

Election Code 3.006, 83.010, 85.004, .007

A board shall preserve the election order for the period for preserving the precinct election records. The date and nature of each election shall be entered in the official records of the board. For an election on a measure, the entry must include a description of the measure. *Election Code 3.008*

Failure to Order an Election

Failure to order a general election does not affect the validity of the election. *Election Code 3.007*

Election Notice

Contents

Notice of the election must state:

1. The nature and date of the election;
2. The location of each polling place;

3. The hours the polls will be open;

4. The internet website of the authority conducting the election;

5. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;

6. The location of the main early voting polling place; and

7. The dates and hours for early voting, including the dates and hours of any Saturday and Sunday early voting.

Election Code 4.004(a), 83.010, 85.004, .007

Notice of Special Election

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. *Election Code 4.004(b)*

Publication

Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published within the district's boundaries or in a newspaper of general circulation in the district if none is published within the district's boundaries. The board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication. *Election Code 4.003(a)(1), (c), .005(a)*

Posting

In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of election provided to the county [see Notice to County Clerk and Voter Registrar, below], which must include the location of each polling place, on the county's internet website, if the county maintains a website. A district may post a copy of the notice on the bulletin board used for posting notices of the meetings of the board. If a county does not maintain a website, the district shall post a copy of the notice of the election on the bulletin board used for posting notice of meetings of the board. The notice must remain posted continuously through election day. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the board after the last posting is made. *Election Code 4.003(b), .005(b)*

A district that maintains a website must post the notice described above on the internet website of the district. *Election Code 85.007(d)*

Note: For additional website posting requirements regarding the date and location of the next election, see CQA.

Notice to County Clerk and Voter Registrar

The board shall deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day. The county clerk shall post notice of the election, including the location of each polling place, on the county's internet website, if the county maintains a website, as provided by Election Code 4.003(b). *Election Code 4.008(a)* [See Posting, above]

Notice to Election Judge

Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the board shall deliver to the presiding judge of each election precinct in which the election is to be held in the district a written notice of:

1. The nature and date of the election;
2. The location of the polling place for the precinct served by the judge;
3. The hours that the polls will be open;
4. The judge's duty to hold the election in the precinct specified by the notice; and
5. The maximum number of clerks that the judge may appoint for the election.

Election Code 4.007

Failure to Give Notice of Election

Failure to give notice of a general election does not affect the validity of the election. *Election Code 4.006*

Internet Posting

Not later than the 21st day before election day, a district that holds an election and maintains an internet website shall post on the public internet website for the district:

1. The date of the next election;
2. The location of each polling place;
3. Each candidate for an elected office on the ballot; and
4. Each measure on the ballot.

Election Code 4.009(b)

Filing Information

Notice to Candidates

A district shall post notice of the dates of the filing period in a public place in a building in which the district has an office not later than the 30th day before the first day on which a candidate may file an application for a place on the ballot. A district shall designate an email address in the notice for the purpose of filing an application for a place on the ballot under Election Code 143.004, below. *Election Code 141.040*

Note: For additional website posting requirements regarding the requirements and deadline for filing for candidacy of board member, see CQA.

Application

To be entitled to a place on the ballot, a candidate must make an application for a place on the ballot. An application, other than an application required to be accompanied by fee, may be filed through email transmission of the completed application in a scanned format to the email address designated by the filing authority in the notice required under Election Code 141.040, above. *Election Code 143.004*

A candidate application for a place on the ballot must:

1. Be in writing;
2. Be signed and sworn to before a person authorized to administer an oath in this state by the candidate and indicate the date that the candidate swears to the application;
3. Be timely filed with the appropriate authority; and
4. Include all statutorily required information.

Election Code 141.031, .039

Deadline

An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline.

An application must be filed not later than 5:00 p.m. of the 78th day before the date of the election for an election to be held on a uniform election date.

Education Code 11.055(a); Election Code 144.005(a), (d)

Death of Candidate

If a candidate dies on or before the deadline for filing an application for a place on the ballot:

1. The authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and
2. If the authority omits the candidate's name under item 1, the filing deadline for an application for a place on the ballot for

the office sought by the candidate is extended until the fifth day after the filing deadline.

Election Code 145.098(b)

Write-in Candidate

A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day for an election to be held on a uniform election date. *Education Code 11.056(b); Election Code 146.054*

Special Election

An application for a place on a special election ballot may not be filed before the election is ordered.

An application must be filed not later than:

1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or
2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.

Exception

For a special election to be held on the date of the general election for state and county officers (the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002), the day of the filing deadline is 6:00 p.m. of the 75th day before election day.

Write-in Candidate

A declaration of write-in candidacy for a special election must be filed not later than the filing deadline.

Election Code 201.054

Delivery or Submission of Documents

When the Election Code provides for the delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under that code, a delivery, submission, or filing with an employee of the district at the district's usual place for conducting official business constitutes filing with the district. The district may accept the document or paper at a place other than the district's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, email, or any other method of transmission.

Election Code 1.007

Election of Unopposed Candidate

Certification of Unopposed Status

The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted. The certification shall be delivered to the board as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

A certification may be made following the filing of a withdrawal request by a candidate after the deadline prescribed by Election Code 145.092 if:

1. The withdrawal request is valid except for the untimely filing;
2. Ballots have not been prepared; and
3. The other conditions for certification are met.

A certification under these circumstances shall be delivered to the board as soon as possible.

Election Code 2.052

Special Election

For purposes of these provisions, a special election of a district is considered to be a separate election with a separate ballot from a general election for board members or another special election of the district held at the same time. *Election Code 2.051(a)*

Single-Member Districts

In the case of an election in which any members of the board are elected from single-member districts, these provisions apply to the election in a particular single-member district if each candidate for an office that is to appear on the ballot in that single-member district is unopposed and no opposed at-large race is to appear on the ballot. These provisions apply to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. *Election Code 2.051(b)*

Action on Certification

On receipt of the certification, the board by order or ordinance shall declare each unopposed candidate elected to office. If a declaration is made, the election is not held.

If no election is to be held on election day by the district, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

The ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected shall include the offices and names of the candidates declared elected listed separately after the measures or contested races in the separate election under the heading

"Unopposed Candidates Declared Elected." The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

Election Code 2.053

[See BBBB regarding issuance of a certificate of election to an unopposed candidate declared elected and qualification for office.]

Ballot

The ballot shall be prepared in accordance with Election Code Chapter 52.

Drawing

The district shall conduct a drawing to determine the order of the candidates' names in an election at which the names of more than one candidate for the same office are to appear on the ballot. The district shall post in the district's office a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing. The district shall provide notice of the date, hour, and place of the drawing to each candidate by:

1. Written notice:
    a. Mailed to the address stated on the candidate's application for a place on the ballot, not later than the fourth day before the date of the drawing; or
    b. Provided at the time the candidate files an application with the district;
2. Telephone, if a telephone number is provided on the candidate's application for a place on the ballot; or
3. Email, if an email address is provided on the candidate's application for a place on the ballot.

Each candidate affected by a drawing is entitled to be present or have a representative present at the drawing.

Election Code 52.093–.094 [See BBBB regarding ballot order in a runoff election or election to resolve a tie.]

Ballots for an election by position must clearly show the position for which each person is a candidate. A board shall arrange by lot the names of the candidates for each position. *Education Code 11.058(g)*

Election Services Contract

The county election officer, as defined by Election Code 31.091(1), may contract with the board of a district situated wholly or partly in the county served by the officer to perform election services, as

provided by Election Code Chapter 31, Subchapter D, in any one or more elections ordered by the board.

If requested to do so by a district, the county elections administrator, as defined under Election Code Chapter 31, Subchapter B, shall enter into a contract to furnish the election services requested in accordance with a cost schedule agreed on by the contracting parties. A county elections administrator is not required to enter into a contract to furnish elections services for an election held on the first Saturday in May in an even-numbered year.

Election Code 31.092, .093, 41.001(d)

Election Judges and Clerks

By written order, a board shall appoint a presiding election judge and an alternate presiding judge for each election precinct in which an election is held. A board shall prescribe the maximum number of clerks that each presiding judge may appoint for each election. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code 32.001(a), .008, .033*

Polling Places

A board shall designate polling places for election day and early voting. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities. *Election Code 43.004, .034, Ch. 85 (early voting by personal appearance)*

In an election held on the November uniform election date, a district shall use the regular county election precincts. The district shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the district. *Election Code 42.002(a)(5), .0621, 43.004(b)*

Electioneering

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

A district that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting period, as applicable, prohibit electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Definitions

"Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114.

"Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

"Early voting period" means the period prescribed by Election Code 85.001.

Election Code 61.003, 85.036

Early Voting

In each election, early voting shall be conducted by personal appearance at an early voting polling place and by mail, in accordance with Election Code Title 7, Chapters 81–114. *Election Code 81.001*

November Early Voting Polling Places

In an election on the November uniform election date in which the district is not holding a joint election with a county and has not executed a contract with a county elections officer under which the district and the county share early voting polling places, the district:

1. Shall designate as an early voting polling place for the election an eligible county polling place located in the district; and
2. May not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the district is designated as an early voting polling place by the district.

"Eligible county polling place" means an early voting polling place established by a county.

Election Code 85.010(a), (a-1), (b)

Temporary Branch Days and Hours

County with 100,000 or More

Election Code 85.064 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, that section applies if the sum of the populations of the counties is 100,000 or more.

Early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Election Code 85.005 and remain open for at least:

1. Eight hours each day; or
2. Three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

Election Code 85.064

County with Less than 100,000

Election Code 85.065 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is under 100,000.

Except as provided below, voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

Election Code 85.065

Records

Branch Daily Register

The early voting clerk shall provide, in a downloadable database format, a current copy of the register for posting on the internet website of the district, if the district maintains a website, each day early voting is conducted. At a minimum, the voter registration number for each voter listed in the register must be posted. *Election Code 85.072*

Early Voting Rosters

The early voting clerk shall maintain for each election a roster listing each person who votes an early voting ballot by personal appearance and a roster listing each person to whom an early voting ballot to be voted by mail is sent. Information on the roster for a person who votes an early voting ballot by personal appearance shall be made available for public inspection as provided below not later than 11 a.m. on the day after the date the information is entered on the roster. Information on the roster for a person who votes an early voting ballot by mail shall be made available for public inspection as provided below not later than 11 a.m. on the day

following the day the early voting clerk receives any ballot voted by mail.

The information must be made available:

1. For an election in which the county clerk is the early voting clerk:
    a. On the publicly accessible internet website of the county; or
    b. If the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court; or
2. For an election not described by item 1:
    a. On the publicly accessible internet website of the district; or
    b. If the district does not maintain a website, on the bulletin board used for posting notice of board meetings.

Election Code 87.121(a), (g)–(i)

Conducting Elections

Elections shall be conducted in accordance with Election Code Title 6, Chapters 61–68.

Bilingual Materials

Spanish

Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions. *Election Code 272.002*

Other Languages

If the director of the census determines that a district must provide election materials in a language other than English or Spanish, the district shall provide election materials in that language in the same manner in which the district would be required to provide materials in Spanish, to the extent applicable. *Election Code 272.011; 52 U.S.C. 10503*

Voting Systems

A voting system shall be adopted and utilized in accordance with Election Code Title 8.

Accessible Voting Stations

Except as provided below, each polling place must provide at least one voting station that complies with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments, Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments, and the requirements for accessibility under 52 U.S.C. Section

21081(a)(3) [formerly 42 U.S.C. Section 15481(a)(3)] and its subsequent amendments, and that provides a practical and effective means for voters with physical disabilities to cast a secret ballot. *Election Code 61.012*

Electronic Voting System Exceptions

For an election other than an election of a district that is held jointly with another election in which a federal office appears on the ballot, a district is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the district is located in a county that meets certain population and other requirements set forth in Election Code 61.013(a). A district that intends to use this provision to provide fewer voting stations that meet the requirements for accessibility than required must provide notice under Election Code 61.013(d). *Election Code 61.013*

Unless authorized by the board, a member of the board may not, individually, act on behalf of the board. *Education Code 11.051(a-1)* [See BE regarding action by a majority of the board]

Access to Information

When acting in the member's official capacity, a board member has an inherent right of access to information, documents, and records maintained by the district.

"Official capacity" means all duties of office and includes administrative decisions or actions.

The district shall provide the information, documents, and records to the board member without requiring the board member to submit a public information request under Government Code Chapter 552 (Public Information Act) and without regard to whether the requested items are the subject of or relate to an item listed on an agenda for an upcoming meeting.

A district shall provide a board member with information, documents, and records requested not later than the 20th business day after the date the district receives the request. The district may take a reasonable additional period of time, not to exceed the 30th business day after the date the district receives the request, to respond to a request if compliance by the 20th business day would be unduly burdensome given the amount, age, or location of the requested information. The district shall inform the board member of the reason for the delay and the date by which the information will be provided.

If a district does not provide requested information to a board member in the time required, the member may bring suit against the district for appropriate injunctive relief. A member who prevails in a suit is entitled to recover court costs and reasonable attorney's fees. The district shall pay the costs and fees from the budget of the superintendent's office.

Confidential Information

The district may withhold or redact information, a document, or a record requested by a board member to the extent that the item is excepted from disclosure or is confidential under the Public Information Act or other law [see GBA].

A board member shall maintain the confidentiality of information, documents, and records received from the district as required by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) and any other applicable privacy laws. [See FL]

Report of Requests

A district shall post, in a place convenient to the public, the cost of responding to one or more requests submitted by a board member under Education Code 11.1512(c) if the requests are for 200 or more pages of material in a 90-day period.

A district shall report annually to the Texas Education Agency not later than September 1 of each year:

1. The number of requests submitted by a board member under Education Code 11.1512(c) during the preceding school year; and
2. The total cost to the district for that school year of responding to the requests.

Education Code 11.1512(c)–(f)

Access to Student Records

Personally identifiable information in education records may be released, without the written consent of the student's parents, only to a school official who has a legitimate educational interest in the education records. *34 C.F.R. 99.31* [See FL]

Offenses Regarding Records and Information

A person commits an offense if the person:

1. Willfully destroys, mutilates, removes without permission as provided by Government Code Chapter 552 (Public Information Act), or alters public information; or
2. Distributes information considered confidential under the terms of Government Code Chapter 552.

Gov't Code 552.351, .352

[For information regarding the offenses of destruction or alienation of record and tampering with governmental record, see CPC(LEGAL). For information regarding misuse of official information, see BBFB(LEGAL).]

Visits to District Facility

A district shall create a policy on visits to a district campus or facility by a member of the board. *Education Code 11.1512(g)*

Protections for Legislative Activity

A local officer, including a school board member, may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

1. An action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;
2. Proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;
3. The effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
4. A breach of duty, in connection with the board member's practice of or employment in a licensed or regulated profession or

occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding the officer's actions relating to a legislative measure; or the substance, effects, or potential effects of a legislative measure.

Gov't Code 572.059

Board Member Immunities

The statutory immunity detailed below is in addition to and does not preempt the common law doctrine of official and governmental immunity. *Education Code 22.051(b)*

State Law Immunities

A board member is not personally liable for any act that is incident to or within the scope of the duties of the board member's position and that involves the exercise of judgment or discretion. *Education Code 22.0511(a)*

Federal Law Immunities

Except as provided in 20 U.S.C. Section 7946(b), no board member shall be liable for harm caused by an act or omission of the board member on behalf of a district if the conditions of the Paul D. Coverdell Teacher Protection Act of 2001 are met. *20 U.S.C. 7943, 7946(a)* [See also DGC]

Board members serve without compensation. *Education Code 11.061(d)*

Members' Expenses

Local funds and state funds not designated for a specific purpose may be used for purposes necessary in the conduct of the public schools determined by the board. Reimbursement of travel expenses for school board members is not illegal if the reimbursement is determined to be necessary in the conduct of the school and to serve a proper public purpose. *Education Code 45.105(c); Atty. Gen. Op. H-133 (1973)*

Nonmembers' Expenses

A board may not pay the travel expenses of spouses and other persons who have no responsibilities or duties to perform for the board when they accompany board members to board-related activities. *Atty. Gen. Op. MW-93 (1979)*

Travel Services

An officer or employee of a district who is engaged in official business may participate in the comptroller's contract for travel services. *Gov't Code 2171.055(f); 34 TAC 20.406(b)(2)(F)*

Note: For guidance regarding board member expense reimbursement and income tax issues, see the *TEA Financial Accountability System Resource Guide*, Section 1.7.4.7 Employee or Board Member Travel and Business Expenses.

Note: For employee and student use of district technology resources, see CQ.

Public Information on Private Device

A current or former board member or employee of a district who maintains public information on a privately owned device shall:

1. Forward or transfer the public information to the district or a district server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under Government Code 552.004(a).

Gov't Code 552.004(b) [See GB]

Online Message Board

A communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation for purposes of Government Code Chapter 551 (Open Meetings Act) if:

1. The communication is in writing;
2. The writing is posted to an online message board or similar internet application that is viewable and searchable by the public; and
3. The communication is displayed in real time and displayed on the online message board or similar internet application for no less than 30 days after the communication is first posted.

A board may have no more than one online message board or similar internet application to be used for the purposes described above. The online message board or similar internet application must be owned or controlled by the board, prominently displayed on the district's primary internet web page, and no more than one click away from the district's primary internet web page.

The online message board or similar internet application may only be used by members of the board or district staff members who have received specific authorization from a member of the board. In the event that a staff member posts a communication to the online message board or similar internet application, the name and title of the staff member must be posted along with the communication.

If a board removes from the online message board or similar internet application a communication that has been posted for at least 30 days, the board shall maintain the posting for a period of six

years. This communication is public information and must be disclosed in accordance with Government Code Chapter 552 (Public Information Act).

The board may not vote or take any action that is required to be taken at a meeting under the Open Meetings Act by posting a communication to the online message board or similar internet application. In no event shall a communication or posting to the online message board or similar internet application be construed to be an action of the board.

Gov't Code 551.006

Selection of Officers

At the first meeting after each election and qualification of trustees, the members shall organize by selecting:

1. A president, who must be a member of the board.
2. A secretary, who may or may not be a member of the board.
3. Other officers and committees the board considers necessary.

Education Code 11.061(c)

Reorganization

In addition to the required post-election organization, a board may also organize at other times. *Atty. Gen. Op. MW-531 (1982)*

Duties/Powers of Board President

The duties and powers of the president of a board include, but are not limited to, the following:

1. Call a meeting of the board for the purpose of adopting a budget and provide for the publication of notice of the budget and proposed tax rate meeting under Education Code 44.004. [See CE and CCG]
2. Submit the annual financial statement to a newspaper for publication under Local Government Code 140.006. [See CFA]
3. Execute a mineral deed or lease under Education Code 11.153. [See CDB]
4. Execute the deed for the sale of property, other than minerals, held in trust for public school purposes under Education Code 11.154(b). [See CDB]

Government Code Chapter 551 (Open Meetings Act) applies to board committee meetings if:

1. At least a quorum of the board is on the committee;
2. A quorum of the board is present at the committee meeting, even though less than a quorum is actually on the committee; or
3. Less than a quorum of the board is on the committee, but the committee is authorized to make final decisions or control or supervise public business.

A committee that includes less than a quorum of board members is not subject to the Open Meetings Act if it serves a purely advisory function, with no power to supervise or control public business.

Atty. Gen. Op. Nos. GA-0957 (2012), JC-0060 (1999), JH-0994 (1977); Willmann v. City of San Antonio, 123 S.W.3d 469 (Tex. App.—San Antonio 2003, pet. denied) [See BE]

Majority Vote

The board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551 (Open Meetings Act), at which a quorum of the board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present. *Education Code 11.051(a-1); Atty. Gen. Op. GA-689 (2009)*

No Secret Ballot

No vote shall be taken by secret ballot. *Atty. Gen. Op. JH-1163 (1978)*

Definitions

Deliberation

"Deliberation" means a verbal or written exchange between a quorum of a board, or between a quorum of a board and another person, concerning an issue within the jurisdiction of the board. *Gov't Code 551.001(2)*

Meeting

"Meeting" means:

1. A deliberation between a quorum of a board, or between a quorum of the board and another person, during which public business or public policy over which the board has supervision or control is discussed or considered, or during which the board takes formal action; or
2. Except as otherwise provided below, a gathering:
    a. That is conducted by the board or for which the board is responsible;
    b. At which a quorum of members of the board is present;
    c. That has been called by the board; and
    d. At which board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the district, about the public business or public policy over which the board has supervision or control.

Gov't Code 551.001(4)

Exceptions to Meeting

Social Function, Convention, or Candidate Event

The term does not include the gathering of a quorum of a board at a social function unrelated to the public business that is conducted by the board, the attendance by a quorum of a board at a regional, state, or national convention or workshop, ceremonial event, or press conference, or the attendance by a quorum of a board at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, press conference, forum, appearance, or debate. *Gov't Code 551.001(4)*

Legislative Committee or Agency Meeting

The attendance by a quorum of a board at a meeting of a committee or agency of the legislature is not considered to be a meeting of the board if the deliberations at the meeting by the board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. *Gov't Code 551.0035(b)*

Online Message Board

For information on communications posted to an online message board, see BBI.

Quorum

"Quorum" means a majority of the number of members fixed by statute. *Gov't Code 551.001(6); 311.013(b)*

Disaster Exception

Notwithstanding any other law, a quorum is not required for the board to act if:

1. The district's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster.

Gov't Code 418.1102

Recording

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

Videoconference Call

"Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the internet. *Gov't Code 551.001(8)*

Prohibited Series of Communications

A board member commits an offense if the member:

1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by Government Code Chapter 551 and that concern an issue within the jurisdiction of the board in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and
2. Knew at the time the member engaged in the communication that the series of communications:
    a. Involved or would involve a quorum; and

b. Would constitute a deliberation once a quorum of members engaged in the series of communications.

Gov't Code 551.143

Superintendent Participation

The board shall provide the superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting. *Education Code 11.051(a-1)*

Access to Board Meetings

Open to Public

Every regular, special, or called meeting of a board shall be open to the public, except as provided by Government Code Chapter 551. *Gov't Code 551.002* [See BEC for exceptions for closed meetings.]

Parental Access

A parent is entitled to complete access to any meeting of the board, other than a closed meeting held in compliance with Government Code Chapter 551, Subchapters D and E. *Education Code 26.007(a)*

Exclusion of Witnesses

A board that is investigating a matter may exclude a witness from a hearing during the examination of another witness in the investigation. *Gov't Code 551.084*

Location

A board must hold each public meeting within the boundaries of the district, except:

1. As required by law; or
2. To hold a joint meeting with another district or with another governmental entity, as defined by Government Code 2051.041, if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

Education Code 26.007(b)

Required Meeting Records

Minutes or Recording

A board shall prepare and keep minutes or make a recording of each open meeting. The minutes must state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. *Gov't Code 551.021*

Board Member Attendance

The minutes, certified agenda, or recording, as applicable, of a regular or special meeting of the board must reflect each member's attendance at or absence from the meeting. *Education Code 11.0621*

Availability

The minutes and recordings of an open meeting are public records and shall be available for public inspection and copying on request to the superintendent or designee. *Gov't Code 551.022; Education Code 11.0621*

Note: For website posting requirements regarding the record of a board meeting, see CQA.

Notice Required

A board shall give written notice of the date, hour, place, and subject of each meeting held by the board. *Gov't Code 551.041*

Continued Meeting

Government Code 551.041, above, does not require a board that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, the board continues the meeting to another day, the board must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a)*

Inquiry During Meeting

If, at a meeting of a board, a member of the public or of the board inquires about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. *Gov't Code 551.042*

Time and Accessibility of Notice

The notice of a meeting of a board must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting, except as provided at Emergency Meeting or Emergency Addition to Agenda, below. A district shall post notice of each meeting on a bulletin board at a place convenient to the public in the central administrative office of the district. *Gov't Code 551.043(a), .051*

If a district is required to post notice of a meeting on the internet:

1. The district satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the internet during the prescribed period;
2. The district must still comply with any duty imposed by Government Code Chapter 551 to physically post the notice at a particular location; and
3. If the district makes a good-faith attempt to continuously post the notice on the internet during the prescribed period, the notice physically posted must be readily accessible to the general public during normal business hours.

Gov't Code 551.043(b)

Internet Posting—Notice

If a district maintains an internet website, in addition to the other place at which notice is required to be posted, a board must also concurrently post notice of a meeting on the internet website.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also concurrently post the agenda for the board meeting on the district's internet website.

The validity of a posted notice of a meeting or an agenda by a board subject to these provisions that made a good-faith attempt to comply with these requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the district.

Gov't Code 551.056

[See CQA for other website posting requirements.]

Specificity of Agenda/Notice

Agendas for all meetings must be sufficiently specific to inform the public of the subjects to be discussed at the meeting, setting out any special matters to be considered or any matter in which the public has a particular interest. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist., 706 S.W.2d 956 (Tex. 1986); Point Isabel Indep. Sch. Dist. v. Hinojosa, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); Atty. Gen. Op. JH-1045 (1977)*

Emergency Meeting or Emergency Addition to Agenda

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which notice has been posted in accordance with Government Code Chapter 551, Subchapter C, is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened.

A board may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted as described above other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting; or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

An emergency or urgent public necessity exists only if immediate action is required of a board because of:

1. An imminent threat to public health and safety, including a threat described in item 2, below, if imminent; or
2. A reasonably unforeseeable situation, including:
    a. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
    b. Power failure, transportation failure, or interruption of communication facilities;
    c. Epidemic; or
    d. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

The board shall clearly identify the emergency or urgent public necessity in the notice of an emergency meeting or supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster to a district's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation.

Gov't Code 551.045

Catastrophe

A board that is prevented from convening an open meeting that was otherwise properly posted under Government Code 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If the board is unable to convene the open meeting within those 72 hours, the board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of a board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or

4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.0411(b), (c)

Special Notice to News Media

A district shall provide special notice of each meeting to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. The notice shall be by telephone, facsimile transmission, or electronic mail. *Gov't Code 551.052*

The board president or board member who calls an emergency meeting or adds an emergency item to the agenda of a board meeting shall notify the news media of the emergency meeting or emergency item. The president or member is required to notify only those members of the news media that have previously filed a request containing all pertinent information for the special notice and agreed to reimburse the board for the cost of providing the special notice. The president or member shall give the notice by telephone, facsimile transmission, or electronic mail at least one hour before the meeting is convened. *Gov't Code 551.047*

Meeting by Telephone Conference Call

A board may hold a meeting by telephone conference call only if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the board is difficult or impossible, or if the meeting is held by an advisory board.

Technical Requirements and Recording

Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be recorded. The recording shall be made available to the public.

The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

Notice of Location

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting the location where meetings of the board are usually held.

Gov't Code 551.125

Meeting by Videoconference Call

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the

provisions below. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes. A board member who participates in a meeting by video conference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The board may continue the meeting only if a quorum remains present at the meeting location or, if applicable, continues to participate in a meeting conducted as specified at Multiple Counties, below. *Gov't Code 551.127(a-1)–(a-3)*

Quorum in One Location

A meeting may be held by videoconference call only if a quorum of the board is physically present at one location of the meeting, except as provided at Multiple Counties, below.

Multiple Counties

A meeting of a board of a district that extends into three or more counties may be held by videoconference call only if the board member presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

Additional Notice Requirements

A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the board will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting held by videoconference call described above at Multiple Counties must specify as a location of the meeting the location where the board member presiding over the meeting will be physically present and specify the intent to have that member present at that location.

Gov't Code 551.127(b)–(e)

Quality of Audio and Video Signals

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The location specified in the notice, and each remote location from which a member of the board participates, shall have two-way audio and video communication with each other location during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and

the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at the location of the meeting described by the notice and at each remote location from which a member participates must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

Gov't Code 551.127(f), (h)–(j); 1 TAC 209.10–.11

Recording

The board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

Remote Participation by the Public

Without regard to whether a member of the board is participating in a meeting from a remote location by videoconference call, a board may allow a member of the public to testify at a meeting from a remote location by videoconference call.

Gov't Code 551.127(g), (k)

Internet Broadcast

Except as provided by Government Code 551.128(b-1), below, and subject to the requirements at Video and Audio Recording of Meeting, below, a board may broadcast an open meeting over the internet.

Except as provided by Government Code 551.128(b-2) [see Existing Website, below], a board that broadcasts a meeting over the internet shall establish an internet site and provide access to the broadcast from that site. The board shall provide on the internet site the same notice of the meeting that the board is required to post under Government Code Chapter 551, Subchapter C. The notice on the internet must be posted within the time required for posting notice under Subchapter C.

Gov't Code 551.128(b), (c)

Note: The provisions at Video and Audio Recording of Meeting apply to a board for a district that has a student enrollment of 10,000 or more.

Video and Audio Recording of Meeting

A board shall:

Required Recording

1. Make a video and audio recording of reasonable quality of each:
   a. Regularly scheduled open meeting that is not a work session or a special called meeting; and
   b. Open meeting that is a work session or special called meeting at which the board votes on any matter or allows public comment or testimony [see BED for requirements regarding public testimony]; and
2. Make available an archived copy of the video and audio recording of each meeting described in item 1.

Internet Posting—Recordings

A board shall:

1. Make the archived recording of each meeting to which these provisions apply available on the internet not later than seven days after the date the recording was made; and
2. Maintain the archived recording on the internet for not less than two years after the date the recording was first made available.

Existing Website

A board may make available the required archived recording on an existing internet site, including a publicly accessible video-sharing or social networking site. The board is not required to establish a separate internet site and provide access to archived recordings of meetings from that site.

District Website

A district that maintains an internet site shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting.

Exemption

A board is exempt from the internet posting requirements if the board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 [see Catastrophe, above], or a technical breakdown. Following a catastrophe or breakdown, a board must make all reasonable efforts to make the required recording available in a timely manner.

Television Broadcast

A board may broadcast a regularly scheduled open meeting on television.

Gov't Code 551.128(b-1)–(b-6)

Recording by Attendee

A person in attendance may record all or any part of an open meeting of a board by means of a recorder, video camera, or other means of aural or visual reproduction. A board may adopt reasonable rules to maintain order at a meeting, including rules relating to the location of recording equipment and the manner in which the recording is conducted. A rule adopted under this provision may not prevent or unreasonably impair a person from exercising a right granted under this provision. *Gov't Code 551.023*

Attorney Consultation

A board may use a telephone conference call, videoconference call, or communications over the internet to conduct a public consultation with its attorney in an open meeting of the board or a private consultation with its attorney in a closed meeting of the board. [See BEC]

Each part of a public consultation by a board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

These provisions do not authorize the members of a board to conduct a meeting of the board by telephone conference call, video conference call, or communications over the internet; or create an exception to the application of Government Code Chapter 551, Subchapter F (meetings using telephone, videoconference, or internet).

Exception

These provisions do not apply to a consultation with an attorney who is an employee of a district. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by the district, is an employee of the district.

Gov't Code 551.129

Persons with Hearing Impairments

In a proceeding before a board in which the legal rights, duties, or privileges of a party are to be determined by the board after an adjudicative hearing, the board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Commission for the Deaf and Hard of Hearing.

"Deaf or hearing impaired" means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of an examination or proceeding, or communication with others.

Gov't Code 558.001, .003

Planning and Decision-Making Process

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

The planning and decision-making requirements do not:

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

Education Code 11.251(g)

Evaluation

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

Administrative Procedure

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

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

Education Code 11.251(d)

Federal Requirements

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

Required Plans

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

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

Education Code 11.251(a)

Shared Services Arrangement for DAEP Services

Each district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:

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

19 TAC 103.1201(b) [See FOCA]

District Improvement Plan

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

Availability to TEA

A district's plan for the improvement of student performance is not filed with the Texas Education Agency (TEA), but the district must make the plan available to TEA on request. *Education Code 11.252(b)*

Required Provisions

The district improvement plan must include provisions for:

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

h. Accelerated education.

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

4. Strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

a. Higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program.

b. The need for students to make informed curriculum choices to be prepared for success beyond high school.

c. Sources of information on higher education admissions and financial aid.

5. Resources needed to implement identified strategies.

6. Staff responsible for ensuring the accomplishment of each strategy.

7. Timelines for ongoing monitoring of the implementation of each improvement strategy.

8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

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

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

Education Code 11.252(a)

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

Discipline Management — A district shall adopt and implement a discipline management program to be included in the district improvement plan. *Education Code 37.083(a)* [See FNC]

Dating Violence — A district shall adopt and implement a dating violence policy to be included in the district improvement plan. *Education Code 37.0831* [See FFH]

Mental Health, Substance Abuse, and Suicide

The practices and procedures developed under Education Code 38.351(i) or (i-1) (mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention) must be included in the district improvement plan. *Education Code 38.351(k)(2)* [See FFEB]

Campus-Level Plan

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

Each campus improvement plan must:

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

b. Student academic performance data;

c. Student attendance rates;

d. The percentage of students who are educationally disadvantaged;

e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and

f. Any other indicator recommended by the local school health advisory council.

Education Code 11.253(d)

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Note: For more information on property tax exemptions, see the Texas Comptroller's Property Tax Exemptions[1] website.

Exemptions

Homestead

Mandatory

An adult is entitled to exemption from taxation by a district of $25,000 of the appraised value of the adult's residence homestead, as defined by Tax Code 11.13(j), except that only $5,000 of the exemption applies to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995, as permitted by Education Code 11.301. *Tax Code 11.13(b)*

Persons 65 or Older or Disabled

In addition to the mandatory exemption above, an adult who is disabled, as defined by Tax Code 11.13(m)(1), or 65 or older is entitled to an exemption of $10,000 of the appraised value of the individual's residence homestead. *Tax Code 11.13(c)*

Tax Limitation

A district may not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. *Tax Code 11.26(a)*

Improvements

If an individual subject to a tax limitation makes improvements to the individual's residence homestead, other than improvements required to comply with governmental requirements or repairs, the district may increase the tax on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. A limitation then applies to the increased amount of tax until more improvements, if any, are made. *Tax Code 11.26(b)*

Exception

An improvement to property that would otherwise constitute an improvement discussed above is not treated as an improvement if it is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement, the replacement structure is considered to be an improvement only if the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred or the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure. *Tax Code 11.26(o)*

Portability of Tax Limitation

If an individual who receives a tax limitation, including a surviving spouse, discussed below, subsequently qualifies a different residence homestead for the same exemption, a district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes calculated in accordance with Tax Code 11.26(g). *Tax Code 11.26(g)*

Surviving Spouse

If an individual who qualifies for the exemption at Persons 65 or Older or Disabled, above, dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. *Tax Code 11.26(i)*

Local Options

All Taxpayers

In addition to other exemptions in Tax Code 11.13, an individual is entitled to an exemption from taxation by a district of a percentage of the appraised value of the individual's residence homestead if the exemption is adopted by the board before July 1 in the manner provided by law for official action by the board. If the percentage set by the district produces an exemption in a tax year of less than $5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of $5,000 of the appraised value. The percentage adopted by the district may not exceed 20 percent. *Tax Code 11.13(n)*

Disabled or 65 or Older

An individual who is disabled or 65 or older is entitled to an exemption from taxation by a district of a portion of the appraised value of the individual's residence homestead if the exemption is adopted either by the board or by a favorable vote of a majority of the qualified voters of the district at an election called by the board, and the board shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the district.

Amount

The amount of an exemption adopted as provided at Disabled or 65 or Older is $3,000 of the appraised value of the residence homestead unless a larger amount is specified by the board if the board authorizes the exemption or the petition for the election if the exemption is authorized through an election. Once authorized, an exemption adopted may be repealed or decreased or increased in amount by the board or by the petition and election procedure. In the case of a decrease, the amount of the exemption may not be reduced to less than $3,000 of the market value.

Tax Code 11.13(d)–(f)

Continuation of Exemption during Construction

If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135. *Tax Code 11.135(a), .26(n); 34 TAC 9.416*

Surviving Spouse of First Responder

The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615 as determined by the Employees Retirement System of Texas and has not remarried since the first responder's death. *Tax Code 11.134*

Veteran Exemptions

100 Percent Disabled

A disabled veteran who has been awarded by the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. *Tax Code 11.131(b)*

Partially Disabled with Donated Residence

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, or at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date of the donation. *Tax Code 11.132(b)*

Surviving Spouse of Veteran

The surviving spouse of a disabled veteran, as defined by Tax Code 11.22(h)(3), is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if it had been in effect on the date of death if:

1. The surviving spouse has not remarried since the death of the disabled veteran; and

2. The property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

Tax Code 11.131(c), .132(c)

Surviving Spouse of Individual Killed in Action

The surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. *Tax Code 11.133(b)*

Tex. Const. Art. VIII, Sec. 1-b (Residence Homestead Tax Exemptions and Limitations)

Disabled Veteran

A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22(f). *Tax Code 11.22*

Exemption for Subsequent Residence

The surviving spouse of a first responder, disabled veteran, or armed services member killed in action who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a different property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried. *Tax Code 11.131(d), .132(d), .133(c), .134(d)*

Temporary Exemption for Property Damaged by Disaster

A person is entitled to an exemption from taxation by a district of a portion of the appraised value of qualified property, as defined by Tax Code 11.35(a), that the person owns in an amount determined by the chief appraiser under Tax Code 11.35(h). *Tax Code 11.35(b)*

A person who qualifies for an exemption under this provision must apply for the exemption not later than the 105th day after the date the governor declares the area in which the person's qualified property is located to be a disaster area. *Tax Code 11.43(s)*

"Damage" means physical damage. *Tax Code 11.35(a)(1)*

Optional Exemptions

Among others, a board may grant additional tax exemptions in accordance with applicable law for:

1. Residential property owned by the United States or an agency of the United States and used to provide transitional housing for the indigent under a program operated or directed by the

U.S. Department of Housing and Urban Development. *Tax Code 11.111*

2. Land and housing units on the land owned by a community land trust. *Tax Code 11.1827*

3. Certain historic structures or archeological sites and the land necessary to access and use the structure or archeological site. The board may not repeal or reduce the amount of an exemption for a property that otherwise qualifies for the exemption unless the property owner consents to the repeal or reduction or the district provides written notice of the repeal or reduction to the owner not later than five years before the date the board repeals or reduces the exemption. *Tax Code 11.24*

4. Property on which approved water conservation initiatives, desalination projects, or brush control initiatives have been implemented. *Tax Code 11.32*

If a district adopts, amends, or repeals an exemption that the district by law has the option to adopt or not, the district shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. *Tax Code 6.08*

Goods-in-Transit *Exemption*

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit, as defined in Tax Code 11.253(a)(2). *Tax Code 11.253(b)*

[For information on the board's option in a district located in a disaster area to extend the date by which goods-in-transit must be transported, see Tax Code 11.253(l).]

Option to Tax

A board, by official action, may provide for the taxation of goods-in-transit exempt under Tax Code 11.253(b) and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the board proposes to tax goods-in-transit. Before acting to tax the exempt property, a board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). If the board provides for the taxation of the goods-in-transit as provided by this provision, the exemption stated above does not apply to that district. The goods-in-transit remain subject to taxation by the district until the board, by official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to that district.

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, a district may not tax such goods-in-

transit in a tax year that begins on or after January 1, 2012, unless the board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

Exception

If a board, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the district, the district tax officials may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created.

Tax Code 11.253(j)–(j-2)

Payment Options

The board may adopt, by official action, one or both of the discount options below. *Tax Code 31.05(a)*

Discounts

Option 1

A district may adopt the following discounts to apply regardless of the date on which the district mails its tax bills:

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

Tax Code 31.05(b)

This discount does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

Option 2

A district may adopt the following discounts to apply when the district mails its tax bills after September 30:

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.
2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

Tax Code 31.05(c)

Both Options

If a board adopts both discounts, the discounts described at Option 1 apply unless the tax bills for the district are mailed after September 30, in which case only the discounts described at Option 2 apply. *Tax Code 31.05(a)*

Rescission

The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. *Tax Code 31.05(d)*

Split Payments

The board of a district that collects its own taxes may provide, by official action, that a person who pays one-half of the district's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year.

If a board contracts with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the appraisal district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the appraisal district collects and filed with the secretary of the appraisal district board of directors. The split-payment option may be revoked in the same manner as provided for adoption.

Tax Code 31.03

This payment option does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

In Certain Counties

The board of a district located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide, by official action, that the split-payment option does not apply to the district's taxes collected by the other taxing unit. *Tax Code 31.03(d)*

Installment Payments

Certain Homesteads

An individual who is disabled or at least 65 years of age and qualified for a homestead exemption under Tax Code 11.13(c), or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22, may pay district taxes imposed on the person's residence homestead property in four equal installments without penalty or interest if paid by the applicable dates set out in Tax Code 31.031. *Tax Code 31.031*

Disaster or Emergency Area

Property Damaged—Automatic

A person may pay district taxes imposed on certain property the person owns in four equal installments without penalty or interest if paid in accordance with Tax Code 31.032.

This provision applies to real and tangible personal property described in Tax Code 31.032(a) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.

Tax Code 31.032

Property Not Damaged—Board Option

The board may authorize a person to pay district taxes imposed on certain property that the person owns in installments. If the board adopts the installment-payment option under this provision, Tax Code 31.032(b), (b-1), (c), and (d) apply to the payment by a person of district taxes imposed on property that the person owns in the same manner as those subsections apply to the payment of taxes imposed on property to which Tax Code 31.032 applies.

This provision applies to real and tangible personal property described in Tax Code 31.033(b) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.

Tax Code 31.033

Definitions

"Disaster" has the meaning assigned by Government Code 418.004.

"Emergency" means a state of emergency proclaimed by the governor under Government Code 433.001.

Tax Code 31.032(g), .033(a)

Services in Lieu of Paying Taxes

The board by resolution may permit certain individuals or business entities to perform certain services for the district in lieu of paying the district property taxes. While performing services for a district, the individual is not an employee of the district and is not entitled to any benefit, including workers' compensation coverage, that the district provides to its employees. *Tax Code 31.035, .036, .037*

Persons 65 and Over

Subject to the requirements of Tax Code 31.035, the board by order or resolution may permit an individual who is at least 65 years of age to perform service for the district in lieu of paying taxes imposed by a district on property owned by the individual and occupied as the individual's residence homestead. Property owners performing services for a district under this provision may only supplement or complement the regular personnel of the district. A district may not reduce the number of persons the district employs or reduce the number of hours to be worked by employees of the district because the district permits property owners to perform services for the district under this provision. *Tax Code 31.035(a), (g)*

Teaching Services

An individual is qualified to perform teaching services for a district under the provisions below only if the individual holds a baccalaureate or more advanced degree in a field related to each course to be taught and:

1. Is certified as a classroom teacher under Education Code Chapter 21, Subchapter B; or

2. Obtains a school district teaching permit under Education Code 21.055.

Tax Code 31.036(h), .037(i)

By Individual

Subject to the requirements of Tax Code 31.036, the board by resolution may permit qualified individuals to perform teaching services for the district at a junior high school or high school of the district in lieu of paying taxes imposed by the district on property owned and occupied by the individual as a residence homestead. *Tax Code 31.036*

By Employee of Business Entity

Subject to the requirements of Tax Code 31.037, a board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the district in lieu of paying taxes imposed by the district on property owned by the business entity. *Tax Code 31.037*

Delinquent Taxes

Delinquency Date

Except as provided by Tax Code 31.02(b) (payment by certain eligible persons on active duty in the armed forces), 31.03 (split payments), and 31.04 (postponement of delinquency date based on mailing date of tax bills), taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. *Tax Code 31.02*

Note: Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.

Delinquent Tax Collection

A board may contract with any competent attorney to represent the district to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)* [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

Additional Penalties

The board may provide, by official action, that taxes that become delinquent at a certain time incur an additional penalty to defray costs of collection if the board has contracted with an attorney as provided above. *Tax Code 33.07, .08*

[1] Texas Comptroller Property Tax Exemptions website: https://comptroller.texas.gov/taxes/property-tax/exemptions/

Note: For legal requirements applicable to the disposition of real property acquired with federal funds, see CBB.

Sale or Exchange of Real Property

The board may, by resolution, authorize the sale of any property, other than minerals, held in trust for public school purposes. The board president shall execute a deed to the purchaser reciting the board resolution authorizing the sale. A district may employ, retain, contract with, or compensate a licensed real estate broker or salesperson for assistance in the acquisition or sale of real property. *Education Code 11.154*

Publication of Notice and Bidding Requirements

Except for the types of land and interests described at Exceptions, below, before land owned by a district may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication. Local Government Code 272.001 does not require the board to accept any bid or offer or to complete a sale or exchange. *Local Gov't Code 272.001(a), (d)*

Open-Enrollment Charter School Offer

The board of a district that intends to sell, lease, or allow use for a purpose other than a district purpose of an unused or underused district facility must give each open-enrollment charter school located wholly or partly within the boundaries of the district the opportunity to make an offer to purchase, lease, or use the facility, as applicable, in response to any terms established by the board, before offering the facility for sale or lease or to any other specific entity. The board is not required to accept an offer made by an open-enrollment charter school. *Education Code 11.1542*

Exceptions

Generally

The notice and bidding requirements set out above do not apply to the types of land and real property interests described below and owned by a district. The land and those interests described below may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest unless the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple. The fair market value is determined by an appraisal obtained by the district that owns the land or interest. The appraisal price is conclusive of the fair market value of the land or interest. This applies to:

1. Narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;
2. Streets or alleys, owned in fee or used by easement;
3. Land or a real property interest originally acquired for streets, rights-of-way, or easements that the district chooses to exchange for other land to be used for streets, rights-of-way, easements, or other public purposes, including transactions partly for cash;
4. Land that the district wants to have developed by contract with an independent foundation;
5. A real property interest conveyed to a governmental entity that has the power of eminent domain; or
6. The land or interests described by items 1 and 2, above, may be sold to abutting property owners:
    a. In the same subdivision if the land has been subdivided; or
    b. In proportion to their abutting ownership, and the division between owners must be made in an equitable manner.

Local Gov't Code 272.001(b)–(c)

Higher Education Institutions

A district may donate, exchange, convey, sell, or lease land, improvements, or any other interest in real property to an institution of higher education for less than its fair market value and without complying with the notice and bidding requirements in order to promote a public purpose related to higher education. The district shall determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose. *Local Gov't Code 272.001(j)*

Other Political Subdivisions

A district may donate or sell for less than fair market value and without complying with the notice and bidding requirements a designated parcel of land or an interest in real property to another political subdivision if:

1. The land or interest will be used by the political subdivision to which it is donated or sold in carrying out a purpose that benefits the public interest of the donating or selling district;
2. The donation or sale of the land or interest is made under terms that effect and maintain the public purpose for which the donation or sale is made; and

3. The title and right to possession of the land or interest revert to the donating or selling district if the acquiring political subdivision ceases to use the land or interest in carrying out the public purpose.

Local Gov't Code 272.001(l)

Sale of Instructional Facility Financed with State Allotment

If an instructional facility financed by bonds paid with state and local funds under Education Code Chapter 46, Subchapter A, is sold before the bonds are fully paid, a district shall send to the comptroller a percentage of the district's net proceeds as determined by Education Code 46.011(a). *Education Code 46.011* [See also CCA]

Lease of Property to a Governmental Entity

To promote a public purpose of the district, a district may:

1. Lease property owned by the district to another political subdivision or an agency of the state or federal government; or

2. Make an agreement to provide office space in property owned by the district to the other political subdivision or agency.

The district:

1. Shall determine the terms of the lease or agreement so as to promote and maintain the public purpose;

2. May provide for the lease of the property or provision of the office space at less than fair market value; and

3. Is not required to comply with any competitive purchasing procedure or any notice and publication requirement imposed by Local Government Code Chapter 272 or other law.

Local Gov't Code 272.005

Sale or Lease of Minerals

Minerals in land belonging to a district may be sold to any person. The sale must be authorized by a resolution adopted by majority vote of the board. *Education Code 11.153(a)–(b)*

After the board determines that it is advisable to lease land belonging to the district, it shall give notice of its intention to lease the land. The notice shall be published once a week for three consecutive weeks in a newspaper published in the county and with general circulation in the county, and shall:

1. Describe the land to be leased; and

2. Designate the time and place at which the board will receive and consider bids for the lease.

Natural Resources Code 71.005

After adoption of a resolution authorizing sale, the board president may execute an oil or gas lease or sell, exchange, and convey the minerals. The mineral deed or lease must recite the approval of the resolution of the board authorizing the sale. *Education Code 11.153(c)*

Donation of Former School Campus

The board may, by resolution, authorize the donation of real property and improvements formerly used as a school campus to a municipality, county, state agency, or nonprofit organization if:

1. Before adopting the resolution, the board holds a public hearing concerning the donation and, in addition to any other notice required, gives notice of the hearing by publishing the subject matter, location, date, and time of the hearing in a newspaper having general circulation in the territory of a district;
2. The board determines that:
    a. The improvements have historical significance;
    b. The transfer will further the preservation of the improvements; and
    c. At the time of the transfer, the district does not need the real property or improvements for educational purposes; and
3. The entity to whom the transfer is made has shown, to the satisfaction of the board, that the entity intends to continue to use the real property and improvements for public purposes.

The board president shall execute a deed transferring ownership of the real property and improvements to the municipality, county, state agency, or nonprofit organization. The deed must:

1. Recite the resolution of a board authorizing the donation; and
2. Provide that ownership of the real property and improvements revert to a district if the municipality, county, state agency, or nonprofit organization:
    a. Discontinues use of the real property and improvements for public purposes; or
    b. Executes a document that purports to convey the property.

Education Code 11.1541(a)–(b)

Note: Regarding disposal of school buses, see CNB.

Regarding disposal of school-owned personal property, see CI.

Regarding geospatial data products, see CQA.

Use of Donations

General Rule

A conveyance, devise, or bequest of property for the benefit of the public schools, if not otherwise directed by the donor, vests the property in the board or their successors as trustees for those to be benefited by the donation. Funds or other property donated or the income from the property may be spent by the trustees:

1. For any purpose designated by the donor that is in keeping with the lawful purposes of the schools for the benefit of which the donation was made; or
2. For any legal purpose if a specific purpose is not designated by the donor.

Funds for Staff Positions

A district shall accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus and spend the donation accepted for the designated purpose at the direction of and within the time period specified by the campus for which the donation was designated. This provision expires September 1, 2025. [See DC]

Education Code 11.156

Prohibited Use

A district may not accept private funding for the purpose of developing a curriculum, purchasing or selecting curriculum materials, or providing teacher training or professional development related to a concept listed in Education Code 28.0022(a)(4)(A). *Education Code 28.0022(c)* [See EMB]

Charitable Raffles

A district is not a "qualified nonprofit organization" for purposes of the Charitable Raffle Enabling Act (Occupations Code 2002.001 et seq.). *Atty. Gen. Op. JM-1176 (1990)*

"Raffle" means the award of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize. *Occupations Code 2002.002(6)* [See also GKB]

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For information on procuring school buses, see CNB.

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

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

Board Authority

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

Delegation of Authority

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

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

Disaster Delegation

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

Education Code 44.0312

Purchases Valued at or Above $50,000

Methods

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

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

Education Code 44.031(a)

Exceptions

Emergency Damage or Destruction

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

Sole Source

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

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

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

Education Code 44.031(j)–(k)

Competitive Bidding

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

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

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

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

Education Code 44.0351

[For information on additional competitive procedures under the Public Property Finance Act, see CHH.]

Competitive Sealed Proposals

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

Request for Proposals

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

Opening Proposals

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

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected

offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

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

Education Code 44.0352

Interlocal Contracts

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

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract;

2. State the purpose, terms, rights, and duties of the contracting parties; and

3. Specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

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

Gov't Code 791.011(d)–(f), (i)

A district may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and any services reasonably required for the installation, operation, or

maintenance of the goods. This provision does not apply to services provided by firefighters, police officers, or emergency medical personnel. *Gov't Code 791.025(b)*

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

Reverse Auction

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

"Reverse auction procedure" means:

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

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

Gov't Code 2155.062(d)

Site-Based Purchasing

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

Contract Selection Factors

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

1. The purchase price.

2. The reputation of the vendor and of the vendor's goods or services.

3. The quality of the vendor's goods or services.

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 ten 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 procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

Electronic Bids or Proposals

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

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

Education Code 44.0313

Right to Work

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

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

Education Code 44.043

Contract with Person Indebted to District

The board by resolution may establish regulations permitting the district to refuse to enter into a contract or other transaction with a person indebted to the district. It is not a violation of Education Code Chapter 44, Subchapter B (Purchases; Contracts) for a district, under regulations adopted under this provision, to refuse to 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 surveying, 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 20.391* [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

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

State Purchasing Program

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

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

Local Gov't Code 271.082

District Participation

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

1. Designate an official to act for the district in all matters relating to the program, including the purchase of items from the vendor under any contract, and that the board will direct the decisions of the representative;
2. Be responsible for:
    a. Submitting requisitions to the comptroller under any contract; or

b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending to the comptroller reports on actual purchases made under this provision that provide the information and are sent at the times required by the comptroller;

3. Be responsible for making payment directly to the vendor;

4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

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

quential, 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 legal requirements applicable to property acquired with federal funds, see CBB.

For information on disposal of instructional materials and technological equipment, see CMD.

All rights and title to district property, whether real or personal, shall be vested in the board and its successors in office. The trustees may, in any appropriate manner, dispose of property that is no longer necessary for the operation of the district. *Education Code 11.151(c)* [See also CDB(LEGAL)]

Surplus or Salvage Property from a State Agency

A district may not lease, lend, bail, deconstruct, encumber, sell, trade, or otherwise dispose of property acquired under Government Code 2175.184 or 2175.241 before the second anniversary of the date the property was acquired. A district that violates this provision shall remit to the Texas Facilities Commission the amount the district received from the lease, loan, bailment, deconstruction, encumbrance, sale, trade, or other disposition of the property unless the commission authorizes the district's action. *Gov't Code 2175.184(b)*

Law Enforcement Vehicles

A district may not sell or transfer a marked patrol car or other law enforcement motor vehicle to:

1. The public unless the district first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, or emergency vehicle equipment; or
2. A security services contractor who is regulated by the Department of Public Safety and licensed under Occupations Code 1702 unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

A district that sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of these provisions is liable for damages proximately caused by the use of the vehicle during the commission of a crime, and to the state for a civil penalty of $1,000. Governmental immunity to suit and from liability is waived and abolished to the extent of this liability.

Local Gov't Code 272.006

Note: For information regarding security breaches, see CQB.

For record retention requirements under specific statutes, see the applicable policy code.

Definitions

Custodian — "Custodian" means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records. *Local Gov't Code 201.003(2)*

Disposition — "Disposition" means final processing of local government records by archival transfer under Local Government Code 203.049 or destruction under Local Government Code 202.001 or Government Code 441.0945. *13 TAC 7.71(5)*

Electronic Record — "Electronic record" means any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in Local Government Code 201.003(8), below. *13 TAC 7.71(6)*

Note: Additional definitions related to standards and procedures for management of electronic records are found in 13 Administrative Code 7.71.

Electronic Records System — "Electronic records system" means any information system that produces, manipulates, and stores local government records by using a computer. *13 TAC 7.71(7)*

Electronic Storage Media — "Electronic storage media" means all physical media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media. *13 TAC 7.71(8)*

Essential Record — "Essential record" means any local government record necessary to the resumption or continuation of district operations in an emergency or disaster, to the re-creation of the legal and financial status of the district, or to the protection and fulfillment of obligations to the people of the state. *Local Gov't Code 201.003(5)*

Local Government Record — "Local government record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a district or any of its officers or employees, pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the district;
2. Notes, journals, diaries, and similar documents created by an officer or employee of the district for the officer's or employee's personal convenience;
3. Blank forms, stocks of publications, or library and museum materials acquired solely for the purposes of reference or display;
4. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law; or
5. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a district participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Local Gov't Code 201.003(8)

Permanent Record	"Permanent record" or "record of permanent value" means any local government record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission (TSLAC) is given as permanent. *Local Gov't Code 201.003(10)*
Records Control Schedule	"Records control schedule" means a document prepared by or under the authority of a records management officer listing the records maintained by a district, their retention periods, and other records disposition information that the records management program in each district may require. *Local Gov't Code 201.003(12)*
Records Management	"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems. *Local Gov't Code 201.003(13)*

Records Management Officer	"Records management officer" means the person designated under Local Government Code 203.025 as the records management officer. [See Designation, below] *Local Gov't Code 201.003(14)*
Records Retention Schedule	"Records retention schedule" means a document issued by TSLAC under authority of Government Code Chapter 441, Subchapter J, establishing mandatory retention periods for local government records. *Local Gov't Code 201.003(15)*
Retention Period	"Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. *Local Gov't Code 201.003(16)*
Third-Party Custodians	"Third-party custodians" means parties with which a district may contract for services who are temporarily responsible for the maintenance of local government records, other than an interlocal contract under Local Government Code 203.025(f). *13 TAC 7.71(16)*

Board's Responsibilities

The board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the district and designed to furnish the information necessary to protect the legal and financial rights of the district, the state, and persons affected by the district's activities;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with TSLAC in its conduct of statewide records management surveys.

Local Gov't Code 203.021

District's Duties

Each district shall:

1. Submit to the director and librarian of TSLAC the name of the district's records management officer and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian;
3. Notify TSLAC at least ten days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the district has prepared a records control schedule that:
    a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
    b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

Gov't Code 441.169

Minimum Requirements for Electronic Records

Each district must:

1. Manage electronic records according to the district's records management program and records retention schedule regardless of format, system, or storage location;
2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;
4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the district through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;

5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;
6. Preserve the authenticity, integrity, reliability, and usability of the records;
7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;
8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and
9. Require all third-party custodians of records to provide the district with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the district's essential records.

Any technology for electronic records developed, used, or acquired by a district must support the district's ability to meet the minimum requirements in 13 Administrative Code 7.74(a) to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

13 TAC 7.74

Security of Electronic Records

Districts must implement and maintain an electronic records security program for office and storage areas that complies with 13 Administrative Code 7.75.

Note: The district's duties regarding maintenance of electronic storage media are set out in 13 Administrative Code 7.76. The minimum requirements for all electronic records systems are found in 13 Administrative Code 7.77.

Custodians of Records

District custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by a district for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;

2. Adequately document the transaction of district business and the services, programs, and duties for which they and their staff are responsible; and

3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.

Local Gov't Code 203.022

Records Management Officer

Designation

The board shall designate a records management officer by designating an individual or designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the board. The name or the name and office or position of the records management officer shall be filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with TSLAC within 30 days after the date of assuming the office or position.

Local Gov't Code 203.025(a)–(e)

Duties

The district's records management officer shall:

1. Assist in establishing and developing policies and procedures for a district's records management program;

2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;

3. In cooperation with the custodians of the records:

   a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;

b. Identify and take adequate steps to preserve local government records of permanent value;

c. Identify and take adequate steps to protect essential local government records;

d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with a district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it;

4. Disseminate to the board and custodians of records information concerning state laws, administrative rules, and government policies relating to local government records; and

5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov't Code 203.023

Electronic Records Management Practices

District records management officers, in conjunction with the board, shall approve and institute written policies and procedures that communicate the district's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

A district's policies and procedures must:

1. Establish a component of the district's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;

2. Integrate the management of electronic records into existing records and information resources management programs;

3. Incorporate electronic records management objectives, responsibilities, and authorities;

4. Address electronic records management requirements, including retention requirements and final disposition;

5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other

necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and

6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

A district's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement

13 TAC 7.73

Records Management Program

A board by ordinance or order shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the board, custodians, and the records management officer to fulfill the statutory duties and responsibilities concerning management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C rules adopted under it. A copy of the ordinance or order must be filed by the records management officer with TSLAC within 30 days after the date of its adoption. *Local Gov't Code 203.026(a)–(c)*

Electronic Records Management

The board and its records management officer, in cooperation with other employees of the district, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;

2. Integrate the management of electronic records with other records and information resources management programs;

3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;

4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;

5. Make training available for users of electronic records systems that addresses:

    a. The operation, care, and handling of the equipment, software, media, and information contained in the system; and

b. Records management concepts and applicable requirements, including any records management issues as they relate to item 5a;

6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and

7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

13 TAC 7.72(c)

Records Control Schedules

The records management officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each:

   a. All records created or received by the district;

   b. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has not expired; and

   c. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and

2. File with the director and librarian a written certification of compliance that the district has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

Amendment of Schedules

The records management officer shall review the district's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the district or revisions to retention periods established in a records retention schedule issued by TSLAC. The records management officer shall file with the director and librarian a written certification of compliance that the district has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The board shall require in the ordinance or order establishing the records management program the review or approval of a records

control schedule or amended schedule by the officers of the district as it considers necessary.

Local Gov't Code 203.041

Retention Periods

A retention period for each record on the records control schedule shall be determined by the board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court; or a retention period for the record established on a records retention schedule issued by TSLAC. *Local Gov't Code 203.042*

TSLAC Retention Schedules

TSLAC has adopted the following retention schedules, among others: Local Schedule GR—Records Common to All Governments, Local Schedule EL—Records of Elections and Voter Registration, Local Schedule TX—Records of Property Taxation, and Local Schedule SD—Records for Public School Districts. These schedules establish mandatory minimum retention periods for the records listed. *13 TAC 7.125*

Note: Local government records retention schedules[1] are available on the TSLAC website.

Destruction of Records

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal requirements;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044;
3. The record is not listed on a records retention schedule issued by TSLAC and the district provides notice to TSLAC at least ten days before destroying the record as required by Government Code 441.169;
4. A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law; and
5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

Local Gov't Code 202.001; 13 TAC 7.123(c)

Electronic Records Destruction

Electronic records may be destroyed only in accordance with Local Government Code 202.001, above.

Each district must ensure that:

1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and
2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

13 TAC 7.78(a), (b)

Exceptions

A local government record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A local government record that is subject to a request under Government Code Chapter 552 (Public Information Act) may not be destroyed until the request is resolved. *Local Gov't Code 202.002*

[See FL regarding student records.]

Recordkeeping

As a board may require, the records management officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. *Local Gov't Code 203.046*

Preservation of Records

Permanent records shall be stored under conditions that meet the requirements of 13 Administrative Code 7.164.

Permanent Records

Microfilm

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and rules adopted under it. *Local Gov't Code 204.002*

Electronic Storage

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205 and rules adopted under it. *Local Gov't Code 205.002*

Records Offenses

Destruction or Alienation of Record

A board member or district employee commits an offense if the board member or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records) or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

Tampering with Governmental Record

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an exception to the application of item 3, above, that the governmental record is destroyed pursuant to legal authorization or transferred under Government Code 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Local Government Code Title 6, Subtitle C.

Penal Code 37.10

Federal Investigations

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

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[1] Local Government Retention Schedules:
https://www.tsl.texas.gov/slrm/recordspubs/localretention.html

The Superintendent shall oversee the performance of records management functions prescribed by state and federal law:

- Records administrator, as prescribed by Local Government Code 176.001 and 176.0065. [See BBFA]
- Officer for public information, as prescribed by Government Code 552.201–.205. [See GBAA]
- Public information coordinator, as prescribed by Government Code 552.012. [See BBD]

Local Government Records Act

The term "local government record" shall pertain to all items identified as such by the Local Government Records Act.

"Local Government Record"

Records Management Officer

The records management specialist shall serve as and perform the duties of the District's records management officer as prescribed by Local Government Code 203.023 and shall administer the District's records management program pertaining to local government records in compliance with the Local Government Records Act.

Notification

The records management officer shall file his or her name with the Texas State Library and Archives Commission (TSLAC) within 30 days of assuming the position.

Electronic Records

The records management officer shall develop procedures for the management of electronic records that comply with the District's records control schedules and meet the minimum components required by law.

The procedures shall:

1. Specify the objectives of the electronic records management program;
2. Identify the responsibilities of employees who create, receive, or maintain electronic records;
3. Ensure the maintenance of electronic records until the expiration of the applicable retention period and final disposition; and
4. Ensure that electronic records that must be protected from unauthorized use or disclosure are appropriately protected as required by law, regulation, or other applicable requirements.

Records Control Schedules

The records management officer shall file with the TSLAC a written declaration that the District has adopted records control schedules that comply with records retention schedules issued by the TSLAC as provided by law.

Website Postings

The District's records management program shall address the length of time records will be posted on the District's website when the law does not specify a posting period.

Records Destruction Practices

All local government records shall be considered District property and any unauthorized destruction or removal shall be prohibited. The District shall follow its records control schedules, records management program, and all applicable laws regarding records destruction. However, the District shall preserve records, including electronically stored information, and suspend routine record destruction practices where appropriate and in accordance with procedures developed by the records management officer. Such procedures shall describe the circumstances under which local government records scheduled for destruction must be retained. Notification shall be given to appropriate staff when routine record destruction practices must be suspended and when they may be resumed.

Training

The records management officer shall receive appropriate training regarding the Local Government Records Act and shall ensure that custodians of records, as defined by law, and other applicable District staff are trained on the District's records management program, including this policy and corresponding procedures.

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 tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]

7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

8. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii) and Education Code 39A.056. [See AIC]

9. 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]

10. 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]

11. A district shall post an election notice required under Election Code 85.007. [See BBBA]

12. A district shall post election information under Election Code 4.009. [See BBBA]

13. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

14. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

15. A district shall post election results under Election Code 65.016. [See BBBB]

16. 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]

17. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]

18. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

19. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

20. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]

21. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]

22. 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]

23. 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]

24. 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]

25. 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]

26. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

27. 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]

28. 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]

29. 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]

30. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

31. 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]

32. 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]

33. 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]

34. 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]

35. 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]

36. 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]

37. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]

38. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

39. 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]

40. 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]

41. 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]

42. 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]

43. 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]

44. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]

45. 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]

46. 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]

47. 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]

48. 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]

49. 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]

50. 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]

51. 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]

52. 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]

53. 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]

54. 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]

55. 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]

56. 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]

57. 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]

58. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code

37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of 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]
6. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered

professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

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[1] TDSHS Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis: https://www.dshs.texas.gov/uploadedFiles/Content/Prevention_and_Preparedness/schoolhealth/SHAC/Guidelines-Food%20Allergy-Final.pdf

Definitions

Participating Entity — "Participating entity" means an entity participating in the uniform group coverage program established under Insurance Code Chapter 1579.

Program — "Program" means the uniform group coverage program established under Insurance Code Chapter 1579 (TRS-ActiveCare).

Insurance Code 1579.002(5), (6)

Coverage Requirements — A district shall participate in the uniform group coverage program established under Insurance Code Chapter 1579 as provided by Subchapter D of that chapter. *Education Code 22.004(a)*

Districts with 500 or Fewer Employees — Each district with 500 or fewer employees is required to participate in the program. *Insurance Code 1579.151(a)*

Self-Funded Districts — Notwithstanding the above, a district otherwise subject to the requirement that, on January 1, 2001, was individually self-funded for the provision of health coverage to its employees may elect not to participate in the program. *Insurance Code 1579.151(b)*

Districts with More Than 500 Employees — A district with more than 500 employees may elect to participate in the program. A district that elects to participate shall apply for participation in the manner prescribed by TRS rule. *Insurance Code 1579.152*

TRS-ActiveCare — The Teacher Retirement System (TRS) shall implement and administer the uniform group coverage program described by Insurance Code Chapter 1579. TRS shall establish plans of group coverages for employees participating in the program and their dependents. *Insurance Code 1579.051, .101*

Eligibility — Participation in the program is limited to employees of participating districts who are full-time employees and to part-time employees who are participating members in TRS. *Insurance Code 1579.202(a)*

Full-Time Employees — A "full-time employee" is a participating member who is currently employed by a district in a position that is eligible for membership in TRS and who is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under Insurance Code Chapters 1551 (Texas Employees Group Benefits Act), 1601 (State University Employees Uniform Insurance Benefits Act), or 1575 (Texas Public School Retired Employees Group Benefits Act [TRS-Care]). *34 TAC 41.33(2)*

Certain Part-Time Employees — A part-time employee of a district who is not a participating member in TRS is eligible to participate in the program only if the employee pays all of the premiums and other costs associated with

the health coverage plan selected by the employee. *Insurance Code 1579.204*

A "part-time employee" is an individual who:

1. Is currently employed by a district for ten hours or more each week;

2. Is employed in a position that is not eligible for membership in TRS or is not eligible for membership in TRS because of a service or disability retirement; and

3. Is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under Insurance Code Chapters 1551, 1601, or 1575 (TRS-Care).

34 TAC 41.33(6)

Alternative Group Health Coverage Prohibited

Notwithstanding any other law, a participating entity may not offer or make available to the entity's employees or their dependents group health coverage not provided under the program. *Insurance Code 1579.1045; 34 TAC 41.30(e)*

If, contrary to 34 Administrative Code 41.30(e) and Insurance Code 1579.1045, a participating entity offers alternative group health coverage, TRS may pursue remedies for noncompliance, including but not limited to removal from or denial of entry into TRS-ActiveCare. TRS may impose or pursue one or more remedies. The pursuit of one remedy does not constitute a waiver of any other remedy that TRS may have at law or equity. If TRS discovers that a participating entity is in violation of 34 Administrative Code 41.30(e) after the beginning of a plan year, in addition to any other available remedy, TRS will remove the entity from the program effective at the end of the month in which TRS discovers the situation; and it will be the entity's liability to procure alternative coverage or provide other remedies for the employees and their dependents that lose coverage under these circumstances. *34 TAC 41.30(f)*

Participation Election

Election to Discontinue

Effective September 1, 2022, a participating entity may elect to discontinue the entity's participation in the program by providing written notice to TRS not later than December 31 of the year preceding the first day of the plan year in which the election will be effective.

A participating entity that elects to discontinue participation in the program may not elect to:

1. Participate in the program until the fifth anniversary of the effective date of the entity's election to discontinue participation; or

2. Discontinue the entity's participation after an election described by item 1 until the fifth anniversary of the effective date of that election.

Election to Continue

Effective September 1, 2022, an entity that elects to participate in the program shall provide written notice to TRS not later than December 31 of the year preceding the first day of the plan year in which the election will be effective. The entity may not elect to discontinue the entity's participation until the fifth anniversary of the effective date of the entity's election to participate.

Insurance Code 1579.155; 34 TAC 41.30

An eligible entity that submits a written election to participate in TRS-ActiveCare under 34 Administrative Code 41.30 must include with the notice of election the information specified in 34 Administrative Code 41.45. Written notices of election to participate in TRS-ActiveCare without the information required will be considered incomplete and will be denied by TRS. *34 TAC 41.45*

Optional Coverages

Education Code 22.004 does not preclude a district that is participating in the uniform group coverage program established under Insurance Code Chapter 1579 from entering into contracts to provide optional insurance coverages for district employees. *Education Code 22.004(j)*

Other Health Coverage Programs

A district that does not participate in the program shall make available to its employees group health coverage provided by a risk pool established by one or more districts under Local Government Code Chapter 172 ("authorized risk pool"), or under a policy of insurance or group contract issued by an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization under Insurance Code Chapter 843.

Comparability

The coverage provided by a district that does not participate in the program must meet the substantive coverage requirements of Insurance Code Chapter 1251, Subchapter A, Chapter 1364, and Chapter 1366, Subchapter A, and any other law applicable to group health insurance policies or contracts issued in this state. The coverage must include major medical treatment but may exclude experimental procedures. "Major medical treatment" means a medical, surgical, or diagnostic procedure for illness or injury. The coverage may include managed care or preventive care and must be comparable to the basic health coverage provided under Insurance Code Chapter 1551 (Texas Employees Group Benefits Act).

The following factors shall be considered in determining whether the district's coverage is comparable to the basic health coverage specified above:

1. The deductible amount for service provided inside and outside of the network;
2. The coinsurance percentages for service provided inside and outside of the network;
3. The maximum amount of coinsurance payments a covered person is required to pay;
4. The amount of the copayment for an office visit;
5. The schedule of benefits and the scope of coverage;
6. The lifetime maximum benefit amount; and
7. Verification that the coverage is issued by a provider licensed to do business in this state by the Texas Department of Insurance (TDI) or is provided by an authorized risk pool or that a district is capable of covering the assumed liabilities in the case of coverage provided through district self-insurance.

Education Code 22.004(b)

Financial Statement

A district that does not participate in the program may not contract with an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization to issue a policy or contract under Education Code 22.004, or with any person to assist the district in obtaining or managing the policy or contract unless, before the contract is entered, the insurer, company, organization, or person provides the district with an audited financial statement showing the financial condition of the insurer, company, organization, or person. *Education Code 22.004(f)*

Small Employer Market Election

A district may elect to participate as a small employer without regard to the number of employees in the district. A district that makes this election is treated as a small employer under Insurance Code Chapter 1501 for all purposes.

A district that is participating in the uniform group coverage program established under Insurance Code Chapter 1579 may not participate in the small employer market under this provision and may not renew a health insurance contract obtained in accordance with this provision after the date on which the program of coverages provided under Chapter 1579 is implemented. This provision does not affect a contract for the provision of optional coverages not included in a health benefit plan under Insurance Code Chapter 1501.

Insurance Code 1501.009

Employee Election — Spouses

A district employee who is eligible for coverage under a large or small employer health benefit plan providing coverage to the district's employees and who is the spouse of another district employee covered under the plan may elect whether to be treated under the plan as an employee or as the dependent of the other employee. *Insurance Code 1501.0095*

Self-Funded Health-Care Plan

The board may establish a health-care plan for district employees and their dependents. In implementing the plan, the board shall establish a fund to pay, as authorized under the plan, all or part of the actual costs for hospital, surgical, medical, dental, or related health care incurred by employees or any dependent whose participation in the program is being supported by deductions from an employee's salary. Under the plan, the fund also may be used to pay the costs of administering the fund. The fund consists of money contributed by the district and money deducted from salaries of employees for dependent or employee coverage. Money for the fund may not be deducted from an employee's salary unless the employee authorizes the deduction in writing. The plan shall attempt to protect the district against unanticipated catastrophic individual loss, or unexpectedly large aggregate loss, by securing individual stop-loss coverage, or aggregate stop-loss coverage, or both, from a commercial insurer.

The board may amend or cancel the district's health-care plan at any regular or special board meeting. If the plan is canceled, any valid claim against the fund for payment of health-care costs resulting from illness or injury occurring during the time the plan was in effect shall be paid out of the fund. If the fund is insufficient to pay the claim, the costs shall be paid out of other available district funds.

Education Code 22.005

Compliance Report

Each district that does not participate in the program shall prepare a report addressing its compliance with Education Code 22.004. The report must be available for review, together with the policy or contract for the group health coverage plan, at the central administrative office of each campus in the district and be posted on the district's internet website if the district maintains a website, must be based on the district group health coverage plan in effect during the current plan year, and must include:

1. Appropriate documentation of:

    a. The district's contract for group health coverage with a provider licensed to do business in this state by TDI or an authorized risk pool; or

b. A resolution of the board authorizing a self-insurance plan for district employees and of the district's review of district ability to cover the liability assumed;

2. The schedule of benefits;

3. The premium rate sheet, including the amount paid by the district and employee;

4. The number of employees covered by the health coverage plan offered by the district; and

5. Information concerning the ease of completing the report.

Education Code 22.004(d)

Cost of Coverage

The cost of coverage under the program shall be paid by the state, the district, and the employees in the manner provided by Insurance Code, Chapter 1579, Subchapter F, below. *Education Code 22.004(c)*

TRS-ActiveCare

State Contribution

The state shall provide for each covered employee the amount of $900 each state fiscal year or a greater amount as provided by the General Appropriations Act. The state contribution shall be distributed through the school finance formulas under Education Code Chapters 48 and 49 and used by districts as provided by Education Code 48.275*. Insurance Code 1579.251(a)*

Employee Contribution

An employee covered by the program shall pay that portion of the cost of coverage selected by the employee that exceeds the amount of the state contribution and a district's contribution.

District Contribution

A district may pay any portion of what otherwise would be the employee share of premiums and other costs associated with the coverage selected by the employee.

Insurance Code 1579.253

A district shall make contributions for the program as provided by Insurance Code Chapter 1581. *Insurance Code 1579.252* [See District Required Minimum Effort, below]

Other Health Coverage Programs

The cost of coverage under a plan adopted by a district that does not participate in the program shall be shared by the employees and the district, using the contributions by the state described by Insurance Code Chapter 1579, Subchapter F. [See State Contribution, above] *Education Code 22.004(c)*

District Required Minimum Effort

A district shall, for each fiscal year, use to provide health coverage an amount equal to the number of participating employees of the district multiplied by $1,800. *Insurance Code 1581.052(a)*

Designation of Compensation for Benefits

An employee who is covered by a cafeteria plan or who is eligible to pay health-care premiums through a premium conversion plan may elect to designate a portion of the employee's compensation to be used as health-care supplementation. [See DEA] *Education Code 22.103(a), (c)*

Use

An employee may use compensation designated for health-care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the employee is enrolled or using the designated amount for health-care premiums through a premium conversion plan. *Education Code 22.106*

Written Election

Each year, an active employee must elect in writing whether to designate a portion of the employee's compensation to be used as health-care supplementation. An election must be made at the same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 22.105*

Continuation Coverage

After Resignation

Notwithstanding any other law, an employee whose resignation is effective after the last day of an instructional year is entitled to participate or be enrolled in the uniform group coverage plan or the district's group health coverage through the earlier of:

1. The first anniversary of the date participation in or coverage under the uniform group coverage plan or the group health coverage was first made available to district employees for the last instructional year in which the employee was employed by the district; or
2. The last calendar day before the first day of the instructional year immediately following the last instructional year in which the employee was employed by the district.

If an employee's resignation is effective after the last day of an instructional year, the district may not diminish or eliminate the amount of a contribution available to the employee under Insurance Code Chapter 1581 [see District Required Minimum Effort, above] before the last date on which the employee is entitled to participation or enrollment.

Education Code 22.004(k), (l); 34 TAC 41.38

During Military Leave

An employee who is absent from a position of employment by reason of service in the uniformed services may elect to continue coverage under a health plan. The maximum period of coverage of such a person and the person's dependents shall be the lesser of:

1. The 24-month period beginning on the date on which the person's absence begins; or

2. The day after the date on which the person fails to apply for or return to a position of employment. [See DECB]

38 U.S.C. 4317(a)

During FMLA Leave

During any period of leave under the Family and Medical Leave Act (FMLA), a district shall maintain coverage under any group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. *29 U.S.C. 2614(c); 29 C.F.R. 825.209, .210, .213* [See also DECA]

Upon Termination or Other Qualifying Event (COBRA)

In accordance with regulations that the Secretary of Health and Human Services shall prescribe, each group health plan that is maintained by any state that receives funds under 42 U.S.C. Chapter 6A, by any political subdivision of such a state, or by any agency or instrumentality of such a state or political subdivision, shall provide, in accordance with 42 U.S.C. Chapter 6A, Subchapter XX, that each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event is entitled, under the plan, to elect, within the election period, continuation coverage under the plan. *42 U.S.C. 300bb-1(a)*

[For more information on the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), see 42 U.S.C. 300bb-1 through 300bb-8.]

Note: See DEB for continuation benefits that are available to survivors of district peace officers under certain conditions.

Coverage of Preexisting Conditions

Notwithstanding any other law, group health benefit coverage provided by or offered through a district to its employees under any law other than the uniform group coverage program is subject to the requirements of Insurance Code Sections 1501.102–.105, which limit exclusion for preexisting conditions. This provision applies to all group health benefit coverage provided by or offered through a district to its employees, including a standard health benefit plan issued under Insurance Code Chapter 1507 and health and accident coverage provided through a risk pool established under Local Government Code Chapter 172. *Education Code 22.004(m)*

TRS-ActiveCare

Coverage provided under the uniform group coverage program may not be made subject to a preexisting condition limitation during the initial period of eligibility. *Insurance Code 1579.105*

Federal Law

A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any preexisting condition exclusion with respect to such plan or coverage. *42 U.S.C. 300gg-3(a)*

Privacy of Health Information

To the extent a district is a covered entity under the Administrative Simplification provisions of HIPAA (42 U.S.C. Chapter 7, Subchapter XI, Part C; 45 C.F.R. Parts 160, 162, 164), the district must maintain the privacy of protected health information in accordance with the Privacy Rule, 45 C.F.R. Part 164, Subpart E.

Definitions

"Covered entity" means:

Covered Entity

1. A health plan;
2. A health-care clearinghouse; or
3. A health-care provider who transmits any health information in electronic form in connection with a transaction covered by 45 C.F.R. Subtitle A, Subchapter C.

45 C.F.R. 160.103

Protected Health Information

"Protected health information" means individually identifiable health information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any form or medium. "Protected health information" excludes individually identifiable health information:

1. In education records covered by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. [See FL]
2. In records described at 20 U.S.C. 1232g(a)(4)(B)(iv) (medical treatment records on a student who is at least 18 years of age).
3. In employment records held by a covered entity in its role as employer.

45 C.F.R. 160.103

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

In addition to the facility standards contained in this policy, additional requirements are set out in 19 Administrative Code 61.1036 and 61.1040.

All new facilities must meet the commissioner's standards for adequacy of school facilities to be eligible to be financed with state or local tax funds. *Education Code 46.008*

State Standards for Construction on or After November 1, 2021

Applicability

The school facilities standards established in 19 Administrative Code 61.1040 ("section 61.1040") shall apply to all district capital improvement projects as follows, regardless of the type of school facility or the type of construction delivery method used by the district.

1. A district capital improvement project of any type or size relating to a school facility subject to section 61.1040 must comply with applicable requirements established in section 61.1040(d), (e), (f), (j), and (k).

2. A project for new construction or major renovation at an instructional facility must comply with the requirements established in section 61.1040(d), (e), (f), (g), (j), and (k) and one of the methods required to demonstrate compliance with minimum space requirements established in section 61.1040(h) and (i).

3. A project for minor renovation at an instructional facility must comply with applicable requirements established in section 61.1040(d)(1), (e), (f), (j), and (k).

4. A project for new construction, major renovation, or minor renovation at a specialized instructional facility, noninstructional facility, or noninstructional specialized assembly facility must comply with applicable requirements established in section 61.1040(d)(1), (e), (f), (j), and (k).

5. A project for major renovation that includes minor scopes of work in an area of a school facility that is separate and distinct from the project scope of the major renovation may be performed as a part of a construction services contract for the major renovation without the minor scope of work becoming subject to the standards in section 61.1040(g), (h), or (i) if:

    a. The minor scopes of work would not, on a stand-alone basis, be considered a major renovation project; and

b. The cost of the minor scopes of work is included in the total cost of the project construction budget to determine the appropriate scope of work to be included in the project, as specified in section 61.1040(k)(1)(B).

19 TAC 61.1040(b)(1)

Definitions

The words and terms used in section 61.1040 shall have the meanings set out in section 61.1040(a).

Capital Improvement Project

Any school facility project consisting of new construction, major renovation, or minor renovation for which construction services are procured under Government Code Chapter 2269, in accordance with Education Code 44.031(a)(5). *19 TAC 61.1040(a)(4)* [See CV]

Implementation

The school facilities standards established in section 61.1040 shall apply to a capital improvement project for which at least one of the following has occurred on or after November 1, 2021:

1. A board adopts a fiscal year maintenance and operations budget where a capital improvement project title and a design or design and construction budget are delineated;

2. A board calls a bond election where one or more capital improvement project titles and design or design and construction budgets are delineated; or

3. A new contract or amendment to an existing contract for architectural services for new construction or a major renovation project or a contract for engineering services for a major renovation or minor renovation has been agreed to and signed and dated by both parties to the agreement.

19 TAC 61.1040(c)(1)

A district shall consider implementing the safety and security standards under section 61.1040(k) for any safety and security upgrades to an existing instructional facility that does not require compliance with section 61.1040. *19 TAC 61.1040(c)(4)*

Option for Actions Taken Before November 1, 2021

A board may elect to treat a capital improvement project, for which an action listed above was taken prior to November 1, 2021, under standards established in 19 Administrative Code 61.1036, below, or under the standards established in section 61.1040. If an election to comply with section 61.1040 is made by a board, the district and architect may mutually agree that the contract for design services may be adjusted and then must signify in writing that the project will become subject to the facilities standards established in section 61.1040 through an affirmative indication on the required

certification form for the project or through some other written document or addendum to the contract signifying election under section 61.1040 and any modifications to the contract terms agreed to by the parties.

If a board makes an election to comply with section 61.1036, it may still elect to comply with section 61.1040(k) (safety and security standards).

19 TAC 61.1040(c)(2)–(3)

Educational Adequacy

Long-Range Facility Plan

A district shall ensure that a capital improvement project subject to section 61.1040 complies with the requirements and standards as follows.

Elements

The long-range facility plan shall include all of the following elements that apply to the facility and project and must also be updated prior to commencement of construction to include the access control document required in section 61.1040(k)(1)(B):

1. Existing and proposed instructional programs at the project campus, including special education, dual language, course offerings, and partnerships;
2. The age and condition of all buildings and systems at the project campus;
3. History of completed capital improvement projects at the facility;
4. Site evaluation of the project campus, including, but not limited to, overall site; shape; useable land; suitability for intended use as well as planned improvements; adequate vehicular, pedestrian, and emergency access; queueing; parking; and site amenities;
5. The district's educational specifications;
6. The district's enrollment projections, maximum student enrollment of the facility, and the facility's maximum instructional capacity, if applicable; and
7. The noncompliance, partial compliance, or full compliance with each of the safety and security standards required in section 61.1040(k).

Process

The process of developing the long-range facility plan shall consider input from teachers, students, parents, taxpayers, and other district stakeholders.

Compliance

The requirement for a long-range facility plan is met when a district completes the long-range facility plan, presents it to the board, and makes it available to the prime design professional for a capital improvement project. The long-range facility plan expires after five years from the date of the final plan presented to the board and must be updated prior to commencement of a subsequent capital improvement project. A long-range facility plan developed as part of a district-wide long-range facilities plan may be used to satisfy this requirement.

19 TAC 61.1040(d)(1)

Educational Specifications

A district shall ensure that a project for new construction and major renovation subject to section 61.1040 complies with the requirements and standards as follows.

Elements

Educational specifications are a written document prepared by the district and approved by the board and shall include all of the following:

1. The district mission, vision, goals, and pedagogy;
2. Preliminary details related to facility type, grades served, and maximum student enrollment;
3. Pertinent provisions of the multi-hazard emergency operations plan that may inform the functionality of the built environment, including how the district complies with Education Code 37.108 [see CKC];
4. A written statement that includes:
    a. Inclusive design goals and considerations supported by the district; and
    b. How inclusive design should be addressed in new and renovated facility designs;
5. Minimum total square footage required to comply with the quantitative method of compliance; and
6. Innovative teaching or operational practices intended for implementation at the instructional facility that may lead to the use of the qualitative method of compliance.

Schedule

An educational specification shall be created for each campus type. If the design and construction of a new campus or major renovation of an existing campus differs substantially from an educational specification that exists for the same campus type, a separate educational specification must be developed. Educational specifications shall be initiated upon the first proposed project of its

type and must be completed prior to initiating the planning or programming phase of a project. Each educational specification must be updated after five years from the date of approval.

Compliance

The requirement for educational specifications is met when a district delivers the approved document to the architect.

19 TAC 61.1040(d)(2)

Exceptions

A district is exempt from the requirements of section 61.1040(d) (Educational Adequacy):

1. If a school facility experiences catastrophic damage and the board approves a capital improvement project in accordance with Education Code 44.0312(c) (delegation of contracting authority); or
2. In a situation deemed urgent by action of the board that warrants immediate action because, if left unresolved, it would impair the conduct of classes.

19 TAC 61.1040(d)(3)

Administration

Section 61.1040(e) establishes standards for the administration and procurements of design professional services and other professional services and for the administration of competitive bids and contracting requirements for construction services. A district shall comply with requirements in section 61.1040(e) and with all applicable requirements, restrictions, and responsibilities established in state law, administrative code, or by a local authority having jurisdiction.

A district shall comply with the administrative and procedural requirements established in section 61.1040(e) and with the standards established in section 61.1040(j) to promote construction quality and best value for a capital improvement project subject to section 61.1040.

A standard in section 61.1040 that incorporates by reference a key statutory provision or administrative rule is established as a compliance requirement for a district seeking to procure, obtain a competitive bid, or administer a contract for construction services, construction-related services, design professional services, or any other professional service required for a capital improvement project. The requirements establish a method by which a district shall demonstrate compliance with the requirements in section 61.1040(e) and with the construction quality standards and construction code requirements in section 61.1040(j). Any express reference to, or omission of, an applicable statutory provision in section 61.1040(e) may not be construed to diminish, alter, or abate a

provision of law applicable to a district or to a district capital improvement project subject to section 61.1040.

19 TAC 61.1040(e)(1)

District Requirements and Responsibilities

In addition to the provisions below, district requirements and responsibilities are set out in section 61.1040(e)(2).

Procurement Transparency

In accordance with Education Code 46.003(g), the board and voters of a district shall determine district needs concerning construction, acquisition, renovation, or improvement to instructional facilities. District funding is entrusted to the district by the taxpayers, and a district must ensure procurement processes and procedures are transparent and provide the best value to the district by complying with applicable laws governing procurement of professional design services and construction services [see CV] and with the standards established in section 61.1040(e) to promote construction quality. *19 TAC 61.1040(e)(2)(A)*

Superintendent's Duties

In accordance with Education Code 11.201, a superintendent shall oversee and ensure compliance with the standards for school facilities established in section 61.1040 and shall ensure board consideration for any action specified as being required to be made by the board, whether by statute, board rule, or other applicable requirement. *19 TAC 61.1040(e)(2)(B)*

Requirements for Other Services

Requirements for construction services, design professional services, and third-party consultants are set out in section 61.1040(e)(3)–(5).

Contract Compliance and Quality Control

A district shall ensure that services sought by or provided to the district for a school facility capital improvement project, including, but not limited to, professional design services, construction services, construction administration services, third-party inspection services, third-party testing services, or third-party code compliance services, are provided through a project-specific written agreement that meets the requirements of section 61.1040(e)(6). *19 TAC 61.1040(e)(6)*

Certification of Compliance with Standards

A district, design professional, contractor, and prime subcontractors, if applicable, shall certify compliance with all applicable standards required in section 61.1040(d), (g)–(k) as required by section 61.1040(f). *19 TAC 61.1040(f)(1)*

Instructional Facility Space Standards

Standards for space for instructional facilities are set out in section 61.1040(g).

Board Approval of Compliance

A board shall approve compliance with the quantitative method of compliance for instructional facility space requirements under sec-

tion 61.1040(h) or the qualitative method of compliance for instructional facility space requirements under section 61.1040(i) before the commencement of design development for a capital improvement project for an instructional facility. *19 TAC 61.1040(h), (i)*

A district may use the qualitative method of compliance for a capital improvement project only if the board has prior documented approval of one or more instructional or operational practices for the proposed project that distributes or manages student capacity in an innovative or nontraditional manner. Prior to approving the qualitative method of compliance, all instructional and operational practices applicable to the proposed project must have been documented and approved by the board to demonstrate compliance with the requirements in section 61.1040(i). *19 TAC 61.1040(i)*

Construction Quality Standards

A capital improvement project for a school facility must reasonably comply with the following construction code requirements.

Construction Code Requirements

Projects located outside of a municipal jurisdiction in the unincorporated area of a county must reasonably comply with the requirements of section 61.1040(j)(1)(A).

Projects located inside of a municipal jurisdiction must reasonably comply with the requirements of section 61.1040(j)(1)(B).

19 TAC 61.1040(j)(1)

Third-Party Code Compliance Requirement

District responsibilities and other requirements related to third-party code compliance are set out in section 61.1040(j)(2).

Safety and Security Standards

A capital improvement project of a district must include campus-wide implementation of the provisions of section 61.1040(k)(1) related to communications infrastructure and access control. *19 TAC 61.1040(k)(1)*

Requirements for All Instructional Facilities

A district shall develop a document that designates each exterior door of each instructional facility campus-wide as either primary, secondary, or nondesignated entrances and shall ensure that the documented designation of all exterior doors becomes part of the long-range facility plan prior to commencement of construction of a capital improvement project. *19 TAC 61.1040(k)(1)(B)*

Additional Standards Based on Budget

A district shall approve a project construction budget for a capital improvement project at completion of the design development phase of the project and prior to commencement of the construction documents phase. The project construction budget approved by the district shall determine how many of the additional safety and security standards established in section 61.1040(k)(3) are required for the project. A district shall designate in writing which of

the additional safety and security standards in section 61.1040(k)(3) have been approved by the board for a capital improvement project and shall provide to the prime design professional and each design professional of record written documentation of the approved safety and security standards for the proposed facility prior to commencement of the construction documents phase of a capital improvement project. The following standards shall apply to a capital improvement project for an instructional facility until all instructional facilities campus-wide fully comply with all of the additional safety and security standards specified in section 61.1040(k).

1. If a project construction budget is $1 million to $5 million, the facility is required to comply with at least one additional safety and security standard specified in section 61.1040(k)(3).
2. If a project construction budget is $5 million to $10 million, the facility is required to comply with at least two additional safety and security standards specified in section 61.1040(k)(3).
3. If a project construction budget is over $10 million, the facility is required to comply with all of the additional safety and security standards specified in section 61.1040(k)(3).
4. For a capital improvement project that includes new construction, the new construction of an instructional facility is required to comply with all three of the additional safety and security standards specified in section 61.1040(k)(3).

19 TAC 61.1040(k)(2)

Exceptions

A district may opt out of the requirements specified in section 61.1040(k)(2) if:

1. The facility is scheduled to, according to the long-range facilities plan, cease operations as an instructional facility within three years of the project; and
2. The five-year long-range facility plan clearly states that, prior to the end date of the plan, the facility will be compliant with at least two additional safety and security standards if ceasing operation does not occur or operation resumes. The long-range facility plan must specify which two additional safety and security standards will be implemented.

19 TAC 61.1040(k)(4)

Public Disclosure

A board shall ensure information or documents collected, developed, or produced by the district as part of a capital improvement project are reviewed to ensure that any project-specific safety and

security information is adjusted for disclosure if necessary to accommodate the requirement for a district to use protections provided in Education Code 37.108, which directs the district to protect sensitive information, while also providing general information to the public indicating district compliance commitments made in accordance with section 61.1040(k). *19 TAC 61.1040(k)(5)* [See CKC]

State Standards for Construction Before November 1, 2021

The requirements for school facility standards set out in 19 Administrative Code 61.1036 ("section 61.1036") shall apply to projects for new construction or major space renovations if:

1. A board adopts a fiscal year maintenance and operations budget where a capital improvement project title and a design or design and construction budget are delineated;
2. A board calls a bond election where one or more capital improvement project titles as well as design or design and construction budgets are delineated; or
3. A new contract or amendment to an existing contract for architectural services for new construction or a major renovation for a school facility project has been agreed to, and signed and dated by both parties to the agreement after January 1, 2004, and before November 1, 2021.

19 TAC 61.1036(b)

Definitions and Procedures

The words, terms, and procedures used in section 61.1036 shall have the meanings set out in section 61.1036(a) unless the context clearly indicates otherwise.

Certification of Design and Construction

In section 61.1036, "certify" indicates that the architect or engineer has reviewed the standards contained in 19 Administrative Code Chapter 61 and used the best professional judgment and reasonable care consistent with the practice of architecture or engineering in the state of Texas in executing the construction documents. The architect or engineer also certifies that these documents conform to the provisions of section 61.1036, except as indicated on the certification.

The district shall notify and obligate the architect or engineer to provide the required certification. The architect's or engineer's signature and seal on the construction documents shall certify compliance. To ensure that facilities have been designed and constructed according to the provisions of section 61.1036, each involved party shall execute responsibilities as set forth in section 61.1036(c)(3).

19 TAC 61.1036(c)

Construction Quality *Districts with Building Codes*	A district located in an area that has adopted local construction codes shall comply with section 61.1036(f)(1).
Districts without Building Codes	A district located in an area that has not adopted local building codes shall comply with section 61.1036(f)(2).
International Energy Conservation Code	The International Energy Conservation Code as it existed on May 1, 2015, is adopted as the energy code for use in this state for all commercial construction. *Health and Safety Code 388.003(b); 34 TAC 19.53(b)* Because a public school building is not a residential building, it falls within the scope of "commercial" construction for purposes of the International Energy Conservation Code and likely for purposes of Health and Safety Code Chapter 388. *Atty. Gen. Op. KP-148 (2017)*
Portable, Modular Buildings	Any portable, modular building capable of being relocated that is purchased or leased for use as a school facility by a district, whether that building is manufactured off-site or constructed on-site, must comply with all provisions of section 61.1036. *19 TAC 61.1036(a)(11), (f)(3)*
Fire Escapes	School buildings of at least two stories shall be equipped with fire escapes as required by law. *Health and Safety Code 791.002, .035, .036*
Security Criteria	A district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using Instructional Facilities Allotment funds shall consider, in the design of the instructional facility, appropriate security criteria. *Education Code 46.0081*
Accessibility	No qualified individual with a disability shall, because a district's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in or be denied the benefits of the services, programs, and activities of a district or be subject to discrimination. *42 U.S.C. 12132; 28 C.F.R. 35.149; 29 U.S.C. 794; 34 C.F.R. 104.21* A district shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. A district is not required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities. A district may comply with these requirements by: 1. Redesigning or acquisitioning equipment.

2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities that comply with 34 C.F.R. 104.23 and 28 C.F.R. 35.151.
8. Any other methods that result in making services, programs, and activities accessible to individuals with disabilities.

A district is not required to make structural changes in existing facilities when other methods will achieve compliance with Title II of the Americans with Disabilities Act and its implementing regulation. In choosing among available alternatives for meeting these requirements, a district shall give priority to methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

28 C.F.R. 35.150; 34 C.F.R. 104.22

Review of Plans

All plans and specifications for construction or for the substantial renovation or modification of a building or facility must be submitted to the Department of Licensing and Regulation for review and approval if the estimated construction cost is at least $50,000. The architect, interior designer, landscape architect, or engineer who has overall responsibility for the design of a constructed or reconstructed building or facility shall submit the plans and specifications required. A district as owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, or modification of the building or facility to begin before the date the plans and specifications are submitted to the Department. On application to a local governmental entity for a building construction permit, the district as owner shall submit to the entity proof that the plans and specifications have been submitted to the Department under Government Code Chapter 469 (Elimination of Architectural Barriers).

A district, as owner of a building or facility described above is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation under Government Code Chapter 469 not later than the first anniversary of the date that the

construction or substantial renovation or modification of the building or facility is completed. The inspection must be performed by the Department, an entity with which the Commission contracts, or a person who holds a certificate of registration under Government Code Chapter 469, Subchapter E.

Gov't Code 469.101, .102(a), (c), .105

Notice

A district shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. *34 C.F.R. 104.22(f)*

Relocatable Educational Facility

In this section, "relocatable educational facility" means a portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required under Education Code 28.002.

A relocatable educational facility that is purchased or leased on or after January 1, 2010, must comply with all provisions applicable to industrialized buildings under Occupations Code Chapter 1202.

Occupations Code 1202.004

Playgrounds

Public funds may not be used to purchase or install:

1. Playground equipment that:
    a. Does not comply with each applicable provision of ASTM Standard F1487-07ae1, "Consumer Safety Performance Specification for Playground Equipment for Public Use," published by ASTM International; or
    b. Has a horizontal bare metal platform or a bare metal step or slide, unless the bare metal is shielded from direct sun by a covering provided with the equipment or by a shaded area in the location where the equipment is installed;
2. Surfacing for the area under and around playground equipment if the surfacing will not comply with each applicable provision of ASTM Standard F2223-04e1, "Standard Guide for ASTM Standards on Playground Surfacing," published by ASTM International.

Exception

Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 2009, even if

the equipment or surfacing does not comply with the applicable specifications described above.

Health and Safety Code 756.061

Outdoor Lighting

An outdoor lighting fixture may be installed, replaced, maintained, or operated using state funds only if it meets standards for state-funded outdoor lighting fixtures in Health and Safety Code Chapter 425.

Exceptions

The standards for state-funded outdoor lighting fixtures do not apply if:

1. A federal law, rule, or regulation preempts state law;
2. The fixture is used on a temporary basis:
3. Because emergency personnel temporarily require additional illumination for emergency procedures;
4. For nighttime work;
5. Special events or circumstances require additional illumination;
6. The fixture is used solely to enhance the aesthetic beauty of an object; or
7. A compelling safety interest cannot be addressed by another method.

Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

Health and Safety Code 425.002

Natural Gas Piping Pressure Testing

A district shall perform biennial pressure tests on the natural gas piping system in a school facility before the beginning of the school year. A district with more than one facility may perform the testing on a two-year cycle under which the district pressure tests the natural gas piping system in approximately one-half of the facilities each year. If a district operates the facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the pressure test is performed.

A natural gas piping pressure test performed under a municipal code in compliance with Railroad Commission rules shall satisfy the pressure testing requirements.

Utilities Code 121.502; 16 TAC 8.230(c)(1), (4)

Requirements of Test

A district shall perform the pressure test to determine whether the natural gas piping downstream of a district facility's meter holds at least normal operating pressure over a specified period determined by the Railroad Commission. During the pressure test, each system supply inlet and outlet in the facility must be closed. The pressure test shall be performed by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in developing a procedure for conducting the test. *Utilities Code 121.503; 16 TAC 8.230(c)(2), (3)*

Notice

A district shall provide written notice to the district's natural gas supplier specifying the date and result of each pressure test or other inspection. The supplier shall develop procedures for receiving such written notice from the district. *Utilities Code 121.504(a); 16 TAC 8.230(b)(1)*

Termination of Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or
2. A test or other inspection is not performed as required.

Utilities Code 121.505(a)

A supplier shall develop procedures for terminating service to a district if the supplier:

1. Receives notification of a hazardous natural gas leak in the school facility piping system; or
2. Does not receive written notification from the district specifying the completion date and results of the testing.

16 TAC 8.230(b)(2)

Reporting Leaks

An identified natural gas leakage in a district facility must be reported to the board. The firm or individual conducting the natural gas piping pressure test shall immediately report any hazardous natural gas leak in a district facility to the board and the natural gas supplier. *Utilities Code 121.506; 16 TAC 8.230(c)(6)*

LP-Gas Systems Testing

At least biennially, a district shall perform leakage tests on the LP-gas piping system in each district facility before the beginning of the school year. The district may perform the leakage tests on a

two-year cycle under which the tests are performed for the LP-gas piping systems of approximately half of the facilities each year. If a district operates one or more district facilities on a year-round calendar, the leakage test in each of those facilities must be conducted and reported not later than July 1 of the year in which the test is performed.

A test performed under a municipal code satisfies the testing requirements.

Natural Resources Code 113.352; 16 TAC 9.41

Requirements of Test

A district shall perform the leakage test to determine whether the LP-gas piping system holds at least the amount of pressure specified by the Railroad Commission. The leakage test must be conducted in accordance with Railroad Commission rules at 16 Administrative Code 9.41. The leakage test shall be conducted by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in providing for the certification of a district employee to conduct the test and in developing a procedure for conducting the test. *Natural Resources Code 113.353; 16 TAC 9.41(b)–(d)*

Notice

Before the introduction of any LP-gas into the LP-gas piping system, a district shall provide verification to its supplier that the piping has been tested.

Documentation

A district shall retain documentation specifying the date and the result of each leakage test or other inspection of each LP-gas piping system until at least the fifth anniversary of the date the test or other inspection was performed. The Railroad Commission may review a district's documentation of each leakage test or other inspection conducted by the district.

Natural Resources Code 113.354; 16 TAC 9.41(b)(3)–(4)

Termination of Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the district or the person conducting the test that there is leakage in a school LP-gas system;
2. The leakage test performed on a school LP-gas system was not performed as required; or
3. The supplier has not received a copy of the required form from the district verifying that the LP-gas system has been tested in accordance with 16 Administrative Code 9.41.

Natural Resources Code 113.355; 16 TAC 9.41(e)

Reporting Leaks

An identified school LP-gas leakage in a school district facility shall be reported to the board. The district shall immediately remove the affected school district facility from LP-gas service until repairs are made and it passes a subsequent school LP-gas system leakage test. If a district employee performs the initial test, then the subsequent test may not be performed by a district employee. *Natural Resources Code 113.356; 16 TAC 9.41(b)(2)*

Definitions

"School district facility" means each building or structure operated by a school district and equipped with a school LP-gas system in which students receive instruction or participate in school sponsored extracurricular activities, excluding maintenance or bus facilities, vehicle fueling facilities, administrative offices, and similar facilities not regularly used by students.

"School LP-gas system" means all piping, fittings, valves, regulators, appliance connectors, equipment, and connections supplying fuel gas from the outlet of the shutoff valve at each LP-gas storage container or upstream of each meter to the shutoff valve(s) on each appliance in a school district facility.

16 TAC 9.41(a)(3)–(4)

Intrastate Pipeline Emergency Response Plan

The Railroad Commission shall require the owner or operator of each intrastate hazardous liquid or carbon dioxide pipeline facility, any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of another public school facility where students congregate, to:

1. On written request from a district, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:
    a. A description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;
    b. A list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;
    c. The designated emergency number for the pipeline facility operator;
    d. Information on the state's excavation one-call system; and
    e. Information on how to recognize, report, and respond to a product release; and
2. Mail a copy of the requested items by certified mail, return receipt requested, to the superintendent of the district in which the school building or facility is located.

A pipeline operator or the operator's representative shall appear at a regularly scheduled board meeting to explain the above items if requested by the board or district.

The Railroad Commission may not require the release of parts of an emergency response plan that include security sensitive information, including maps or data. Security sensitive information shall be made available for review by but not provided to the board.

Natural Resources Code 117.012(k)–(m); 16 TAC 8.315

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

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

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

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

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

For facility standards, see CS.

Definition

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

Board Authority

A district may adopt rules as necessary to implement Government Code Chapter 2269. *Gov't Code 2269.051; 19 TAC 61.1040(e)(2)(H)*

Delegation of Authority

The board may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person. *Gov't Code 2269.053(a)*

The district shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request. *Gov't Code 2269.053(b); Education Code 44.0312(a)*

If the district fails to provide that notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the board in an open public meeting is advisory only. *Education Code 44.0312(a); 19 TAC 61.1040(e)(2)(E)*

A superintendent shall ensure that a requirement to specify the level of delegation of authority is included in the bid specifications when procuring construction services to select a contractor, in accordance with Education Code 44.0312. *19 TAC 61.1040(e)(2)(F)*

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

Contracts Valued at or Above $50,000

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

1. An interlocal contract. *Education Code 44.031(a)(4)* [See CH]
2. A method provided by Government Code Chapter 2269 for construction services. *Education Code 44.031(a)(5)*
    a. Competitive bidding. *Gov't Code 2269 Subch. C* [See CVA]
    b. Competitive sealed proposals. *Gov't Code 2269 Subch. D* [See CVB]
    c. Construction manager-agent method. *Gov't Code 2269 Subch. E* [See CVC]
    d. Construction manager-at-risk method. *Gov't Code 2269 Subch. F* [See CVD]
    e. Design-build method. *Gov't Code 2269 Subch. G* [See CVE]
    f. Job order contracting. *Gov't Code 2269 Subch. I* [See CVF]
3. The reverse auction procedure as defined by Government Code 2155.062(d). *Education Code 44.031(a)(6)* [See CH]

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

Exceptions

Emergency Damage or Destruction

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

Contracts Requiring a Bond

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

Notice Publication

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

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

Gov't Code 2269.052(a)–(b)

[See CH for additional notice publication requirements.]

Contract Selection Criteria

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

1. Any existing laws, including any criteria, related to historically underutilized businesses; and
2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

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

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

Gov't Code 2269.055

Using Method Other Than Competitive Bidding

Determine Best Value

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

Publish Criteria

The district shall base its selection among offerors on applicable criteria listed for the particular method used. The district shall publish in the request for proposals or qualifications:

1. The criteria that will be used to evaluate the offerors;

2. The applicable weighted value for each criterion; and

3. A detailed methodology for scoring each criterion.

Make Evaluations Public

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

Gov't Code 2269.056

Submission

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

Documents Related to Evaluation and Ranking

An offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under Government Code Chapter 2269 may, after the contract is awarded, make a request in writing to the district to provide documents related to the evaluation of the offeror's submission.

Not later than the 30th day after the date a request is made, the district shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission.

Gov't Code 2269.060

Uniform General Conditions for Contracts

After reviewing the uniform general conditions adopted by the Texas Facilities Commission under Government Code 2166.302, a school district may adopt uniform general conditions to be incorporated in all district building construction contracts. *Education Code 44.035*

Right to Work

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

1. May not consider whether a person is a member of or has another relationship with any organization; and

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

Gov't Code 2269.054

Collective Bargaining

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

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or

2. Discriminate against a person described by item 1 based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

Gov't Code 2269.0541(a)

Out-of-State Bidders

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

Change Orders

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

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

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

Education Code 44.0411

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) [See CH for more information on interlocal contracts and purchasing cooperatives.]

Procuring Architectural or Engineering Services

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

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

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and

2. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

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

Gov't Code 2254.004

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

Contracts for Engineering or Architectural Services

Indemnification

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

Duty to Defend

Except as provided below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the

covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the district, the district's agent, the district's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the district exercises control. A covenant or promise may provide for the reimbursement of a district's reasonable attorney's fees in proportion to the engineer's or architect's liability.

District as Additional Insured

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

Standard of Care

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

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

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

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

Local Gov't Code 271.904

Payment and Performance Bonds

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

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

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

Gov't Code 2253.021(a), (d)–(e)

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

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

Failure to Obtain Payment Bond

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

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and

2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

Gov't Code 2253.027(a)

Bond for Insured Loss

A district shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the district, furnishes or has furnished by a contractor:

1. A performance bond as described above for the benefit of a district; and

2. A payment bond, as described above for the benefit of the beneficiaries described above.

If the payment bond is not furnished, the district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

The bonds required to be furnished by the provisions above shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

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 accommodate the specific document in which they are contained or to impose stricter standards of documentation.

28 TAC 110.110(c)

Exception — This coverage requirement does not apply to sole proprietors, partners, and corporate officers who meet the requirements of Labor Code 406.097(c), and who are explicitly excluded from coverage in accordance with Labor Code 406.097(a). *28 TAC 110.110(i)*

Definitions — "Persons providing services on the project" includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes but is not limited to independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on

the project. “Services” includes but is not limited to providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. “Services” does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets. *28 TAC 110.110(a)(7)*

“Project” includes the provision of all services related to a building or construction contract for a district. *28 TAC 110.110(a)(8)*

Criminal Offenses

For information on criminal offenses for violations of Education Code 44.031, see CH.

Enforcement Actions

Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the 15th day after the date on which the contract is awarded. *Gov’t Code 2269.452*

Defects in Facilities

A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district facility financed by bonds shall provide the commissioner with written notice of the action by registered or certified mail, return receipt requested, not later than the 30th day after the date the action is filed. If the district fails to comply with this provision, the court or an arbitrator or other adjudicating authority shall dismiss the action without prejudice. The dismissal of an action under this provision extends the statute of limitations on the action for a period of 90 days.

The notice must include a copy of the petition and an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages under the action.

In an action involving an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment), the commissioner may join in the action on behalf of the state to protect the state’s share in the action.

A district that brings an action under these provisions shall use the net proceeds from the action for:

1. The repair of the defective design, construction, renovation, or improvement of the facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;

2. The replacement of the facility on which the action is brought;

3. The reimbursement of the district for a repair or replacement; or

4. Any other purpose with written approval from the commissioner.

Education Code 46.008 applies to the repair. A district shall provide to the commissioner an itemized accounting of any repairs made.

The state's share resulting from an action brought under these provisions involving an instructional facility financed by bonds for which the school district receives state assistance under Education Code Chapter 46, Subchapter A is state property. The district shall send to the comptroller any portion of the state's share not used by the district to repair the defective design, construction, renovation, or improvement of the instructional facility on which the action is brought or to replace the facility. Education Code 48.272 applies to the state's share.

Definitions

"Net proceeds" means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

"State's share" means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

Education Code 44.151

Attorney General Enforcement

If the attorney general believes that a district has violated or is violating Education Code 44.151(d), (e), or (f) (use of proceeds, accounting, and the state's share), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections.

In such an action, the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of:

1. A civil penalty in an amount not to exceed $20,000 for each violation;

2. The attorney general's reasonable costs for investigating and prosecuting the violation; or

3. If applicable, the amount of the state's share.

Education Code 44.152(a)–(b)

Attorney Fees

A governmental contract may not provide for the award of attorney's fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute.

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

Gov't Code 2252.904

Construction Liability Claims

To assert a claim against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work in which the district has an interest, the district must comply with Government Code Chapter 2272. *Gov't Code 2272.002(a)*

Employment Policies

A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:

1. A board employs and evaluates the superintendent;
2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];
3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP];
4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and
5. Each employee has the right to present grievances to the board. [See Grievances, below]

Education Code 11.1513

Tax Identifier

A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. *Education Code 11.1514* [See DBA]

Contract Positions

A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)* [See DCB and DCC]

Delegation of Authority

A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. *Education Code 11.1513(c)* [For nepotism implications, see BBFB and DBE]

Availability

A district shall post on its internet website, if the district has a website, the employment policy adopted by the board under Education Code 11.1513(a) and the full text of any regulations referenced in the policy.

A district shall make available any forms referenced in its employment policy on an intranet website that is maintained by the district and accessible to district employees, or at a district administrative office designated by the district if the district does not maintain an intranet website.

Education Code 11.1513(k)

Internal Auditor

If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. *Education Code 11.170* [See CFC]

Superintendent Recommendation

A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. *Education Code 11.1513(b)*

Posting of Vacancies

A district's employment policy must provide that not later than the tenth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:

1. Notice of the position by posting the position on:
    a. A bulletin board at:
        (1) A place convenient to the public in the district's central administrative office, and
        (2) The central administrative office of each campus during any time the office is open; or
    b. The district's internet website, if the district has a website; and
2. A reasonable opportunity to apply for the position.

Education Code 11.1513(d)

Exception

If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. *Education Code 11.1513(e)*

Grievances

A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of

a district, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

Education Code 11.1513(i)–(j) [See DGBA]

Transfers

A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)* [See DK]

Contract Employees

A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. *Education Code 21.002*

Classroom Teacher

"Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. *Education Code 5.001(2)*

Minimum Length of Contract

A contract between a district and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. *Education Code 21.401(a), (b)*

Proportionate Reduction

If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's academic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator's salary. *Education Code 21.401(c-1)*

Commissioner Waiver

The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduction by the commissioner does not reduce an educator's salary. *Education Code 21.401(c), 25.081(b)*

Educational Aides

A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.363(f)*

Employment of Retirees

Monthly Certified Statement

A district shall submit to the Teacher Retirement System of Texas (TRS) a monthly certified statement of employment for all retirees employed by the district during each month of a school year. A district shall inform TRS of changes in status of the district that affect the district's reporting responsibilities.

Deadline

A district must submit the monthly certified statement and all required employer surcharges under 34 Administrative Code 31.3 (relating to Return-to-Work Employer Pension Surcharges) for each report month from September through July before the eleventh day of the month following the applicable report month. For the monthly certified statement for the report month of August, the employer shall submit the monthly certified statement and all required employer surcharges before the seventh day of September.

If the due date for submission of a monthly certified statement and required employer surcharges falls on a weekend or federal holiday, a district shall submit the monthly certified statement and required employer surcharges on the last business day prior to the due date.

Late Submissions

A district that fails to timely submit a monthly certified statement and all required employer surcharges must also pay all applicable interest and late fees. A district must pay to TRS the late fee established by rule for each business day that the monthly certified statement is past due.

Required Information

A monthly certified statement is not considered submitted to TRS until it is completed. To be complete, the monthly certified statement must include all the following information regarding a retiree employed by the employer during the report month:

1. The number of hours and days worked by the retiree;
2. Whether the retiree's employment qualifies as one or more of the following types:
    a. Substitute employment;
    b. One-half time or less employment;
    c. Employment as a tutor under Education Code 33.913;
    d. Employment in a federally funded COVID-19 personnel position that meets the requirements of Government Code 824.6021 and 34 Administrative Code 31.16 (relating to Federally Funded COVID-19 Personnel);
    e. Full-time employment;

f. Trial employment of a disability retiree for up to three months; or

g. Any combination of these types;

3. The amount of gross compensation paid to the retiree during the report month;

4. The total amount due under 34 Administrative Code 41.4 (relating to Employer Health Benefit Surcharge); and

5. Any other information requested by TRS.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

Gov't Code 824.6022, 825.403(k); 34 TAC 31.2

Former Board Member Employment

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

New Hires

I-9 Forms

A district shall ensure that an employee properly completes section 1—"Employee Information and Verification"—on Form I-9 at the time of hire.

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)

New Hire Reporting

A district shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain a district's name, address, and employer identification number.

A district may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the district's payroll address for mailing of notice to withhold child support.

A district shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the district and in a format acceptable to the attorney general.

Deadline

New hire reports are due:

1. Not later than 20 calendar days after the date a district hires the employee; or
2. In the case of a district transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

Penalties

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I

Donations for Supplemental Educational Staff

A district shall accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus and spend the donation accepted for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated. This provision expires September 1, 2025. *Education Code 11.156(c), (d)*

Social Security Numbers

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514* [See DBA]

Federal Law

A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

Exceptions

The federal law does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;

2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or

3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses

A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)

Employment Assistance Prohibited

Federal Law

A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;

2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C 7926 [See also CJ]

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and

2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

Education Code 21.0581; 19 TAC 249.15(b)(13)

Incentive Grants—Contract Provision

A district shall provide in employment contracts that qualifying employees may receive an incentive payment under an awards program established under Education Code Chapter 21, Subchapter O (Educator Excellence Award Program and Educator Excellence Innovation Program) if the district participates in the program. A district shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. *Education Code 21.415*

Educator Excellence Innovation Program

The Educator Excellence Innovation Program (EEIP) is a grant program under which a district may receive a competitive grant for the purposes of systematically transforming educator quality and effectiveness. The Texas Education Agency (TEA) will give priority to districts that receive Title I funding and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.

Eligibility

A district is eligible to apply for EEIP grant funds if the district:

1. Completes and submits a Notice of Intent to Apply to TEA by the date established by the commissioner of education;
2. Complies with all assurances in the Notice of Intent to Apply and grant application;
3. Participates in the required technical assistance activities established by the commissioner, including establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
4. Agrees to participate for four years; and
5. Complies with any other activities set forth in the program requirements.

An eligible district must submit an application in a form prescribed by the commissioner. Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application. The commissioner may waive any eligibility requirements as specified in 19 Administrative Code 102.1073.

Local Plan

An eligible district that intends to participate in the EEIP shall submit a local educator excellence innovation plan to TEA. A local educator excellence innovation plan must address the elements at 19 Administrative Code 102.1073(e)(2).

A district must act pursuant to its local board policy [see DEAA (LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and

submit a plan and grant application may not be appealed to the commissioner.

A district may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to TEA. With TEA approval, a district may amend its local plan in accordance with 19 Administrative Code 102.1073(c) and (h) for each school year the district receives a program grant.

Use of Grant Funds

A district may use grant funds only to carry out purposes of the program as described at Education Code 21.7011, in accordance with the district's local plan, which may include the following specific methods or procedures:

1. Implementation and administration of a high-quality mentoring program for teachers in the first three years of classroom teaching using mentors who meet the qualifications prescribed by Education Code 21.458 [see Mentor Teachers, below];
2. Implementation of a teacher evaluation system using multiple measures that include:
    a. The results of classroom observation, which may include student comments;
    b. The degree of student educational growth and learning; and
    c. The results of teacher self-evaluation;
3. To the extent permitted under Education Code Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development [see EC];
4. Establishment of an alternative teacher compensation or retention system; and
5. Implementation of incentives designed to reduce teacher turnover.

Waiver Request

A district may apply to the commissioner in writing for a waiver to exempt the district or one or more district campuses from one or more of the statutory sections listed at Education Code 21.7061(a).

The application for the waiver must demonstrate:

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;

2. Approval for the waiver by a vote of a majority of the members of the board;

3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and

4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the board nor the superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the commissioner shall notify the district in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan.

Education Code Ch. 21, Subch. O; 19 TAC 102.1073

Local Optional Teacher Designation System

A district may designate a classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals [see DNA]. *Education Code 21.3521(a)*

Commissioner's Rules

The commissioner's rules specify the requirements for districts to implement local teacher designation systems, including:

1. Teacher eligibility;

2. Application procedures and approval process;

3. System expansion, spending modifications, and changes;

4. Monitoring and annual program evaluation of approved local designation systems;

5. Continuing approval and renewal; and

6. Funding.

19 TAC 150.1012

Standards

The commissioner's rules establish performance and validity standards for each local optional teacher designation system that:

1. Must provide a mathematical possibility that all teachers eligible for a designation may earn the designation; and

2. May not require a district to use an assessment instrument adopted under Education Code 39.023 to evaluate teacher performance.

Education Code 21.3521(b); 19 TAC 150.1014

A classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards may be designated as recognized in accordance with the commissioner's rules for eligibility. *Education Code 21.3521(c); 19 TAC 150.1013*

Assistance

TEA shall develop and provide technical assistance for districts that request assistance in implementing a local optional teacher designation system, including assistance in prioritizing high needs campuses. *Education Code 21.3521(e)*

No Property Right

A teacher has no vested property right in a teacher designation assigned under a local optional teacher designation system. A teacher designation is void in the determination that the designation was issued improperly, and the Administrative Procedure Act does not apply to the voiding of a local optional teacher designation. *Education Code 21.3521(f)*

Teacher Incentive Allotment

For each classroom teacher with a local optional teacher designation, a district is entitled to an allotment, adjusted by high needs and rural factors, as determined under Education Code 48.112.

A district shall annually certify that:

1. Funds received were used as follows:

    a. At least 90 percent was used for the compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed; and

    b. Any other funds were used for costs associated with implementing the local optional teacher designation system, including efforts to support teachers in obtaining designations; and

2. The district prioritized high needs campuses in the district in using funds.

Education Code 48.112(c), (i)

Evaluations

TEA shall periodically conduct evaluations of the effectiveness of the local optional teacher designation systems and the teacher incentive allotment and report the results of the evaluations to the legislature. A district that has implemented a local optional teacher

designation system or received funds under the teacher incentive allotment shall participate in the evaluations. *Education Code 21.3521(g)*

Mentor Teachers

A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

1. To the extent practicable, teach in the same school;
2. To the extent practicable, teach the same subject or grade level, as applicable; and
3. Meet the qualifications prescribed by commissioner's rules.

Education Code 21.458(a)

Commissioner's Rules

The commissioner's rules for receiving funds under the mentor program allotment specify the requirements for districts to implement a mentor training program, including:

1. Program requirements related to mentor selection, mentor assignment, training, roles and responsibilities, and meetings;
2. An application approval process;
3. Ongoing verification of compliance with program requirements;
4. Allowable expenditures; and
5. Program review through periodic reports.

19 TAC 153.1011

Assignment of Mentor

To be assigned as a mentor, a teacher must agree to serve as a mentor teacher for at least one school year. The assignment must begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. A district must agree to assign a mentor to a new classroom teacher for at least two school years. *Education Code 21.458(a-1)*

Requirements for Mentor

The commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the commissioner;
2. Complete a mentor training program provided by the district, which the district may allow to be satisfied by completing the commissioner's research-based mentor and induction training program above;

3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance; and

4. Demonstrate interpersonal skills, instructional effectiveness, and leadership skills.

Education Code 21.458(b)

Training

A district must provide the training program described above to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. A district may allow the commissioner's research-based mentor and induction training program to qualify for the district's required training. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. A district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices. *Education Code 21.458(b-1)*

Mentoring Sessions

A mentor teacher must meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor may count toward the 12 hours of meeting time required for the semester.

Unless the district has created a mentoring curriculum as provided below, the mentoring sessions must address the following topics:

1. Orientation to the context, policies, and practices of the school district;

2. Data-driven instructional practices;

3. Specific instructional coaching cycles, including coaching regarding conferences between parents and the classroom teacher;

4. Professional development; and

5. Professional expectations.

Subject to approval by TEA, in determining the topics to be addressed in the mentoring sessions, a school district may create an appropriate curriculum that meets the district needs.

A district must:

1. Designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor; and

2. Schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

Education Code 21.458(f), (f-1)

Allotment

A school district that has implemented a mentoring program is entitled to an allotment to fund the mentoring program and provide stipends for mentor teachers under a formula adopted by the commissioner.

Funding may be used only for providing:

1. Mentor teacher stipends;
2. Scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities; and
3. Mentoring support through providers of mentor training.

Education Code 48.114

Achievement Academy Stipends

A stipend received by a teacher who attends a literacy or mathematics achievement academy is not considered in determining whether a district is paying the teacher the minimum monthly salary under Education Code 21.402. *Education Code 21.4552(d), .4553(d)*

A stipend received by a school counselor or teacher who attends a postsecondary education and career counseling academy under Education Code 33.009 is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Education Code 21.402. *Education Code 33.009(h)*

Autism Training

A district may provide a salary incentive or similar compensation to a teacher who completes training provided by a regional education service center (ESC) relating to autism. A school district that decides to provide an incentive or compensation shall adopt a policy to implement this section. *Education Code 21.465*

Retirement Incentives

A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

Attendance Supplement

A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

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; 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; and a period for which a person is absent from employment for the purpose of performing funeral honors duty.

The term “state active duty” means training or other duty, other than inactive duty, performed by a member of the National Guard of a state not under 32 U.S.C. 502 or under U.S.C. Title 10; in service to the governor of a state; and for which the member is not entitled to pay from the federal government.

A person who is reemployed under USERRA is entitled to the seniority, and other rights and benefits determined by seniority, that the person had on the date of the commencement of uniformed service, plus the additional seniority, rights, and benefits that such person would have attained if the person had remained continuously employed.

38 U.S.C. 4303(13), (15)–(16), 4316(a)

Exceptions

An employer, including a school district is not required to reemploy a person if:

1. The employer’s circumstances have so changed as to make reemployment impossible or unreasonable;
2. The person is entitled to reemployment under 38 U.S.C. 4313(a)(3), 4313(a)(4), or 4313(b)(2)(B), and the reemployment of the person would impose an undue hardship on the employer; or
3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

38 U.S.C. 4312(d)

A person's entitlement to the benefits of 38 U.S.C. Chapter 43 by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

1. A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.
2. A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the U.S. secretary concerned.
3. A dismissal of such person permitted under or a dropping of such person from the rolls pursuant to 10 U.S.C. 1161(a) (dismissal of commissioned officers).

38 U.S.C. 4304

Notice

Each employer shall provide to persons entitled to rights and benefits under 38 U.S.C. Chapter 43 a notice of the rights, benefits, and obligations of such persons and such employers. The requirement for the provision of notice may be met by the posting of the notice where employers customarily place notices for employees. The U.S. Secretary of Labor shall provide to employers the text of the notice. *38 U.S.C. 4334*

State Protections for Member of Military or Rescue Team

Paid Leave of Absence

A person who is an officer or employee of the state, a municipality, a county, or another political subdivision of the state, including a school district, who is a member of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person’s duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. *Gov’t Code 437.202(a)*

In addition to the leave provided under Government Code 437.202(a), a person described by Section 437.202(a) called to state active duty by the governor or another appropriate authority in response to a disaster is entitled to a paid leave of absence from the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year. During a leave of absence under this provision, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. For purposes of this provision, "disaster" has the meaning assigned by Government Code 418.004. *Gov’t Code 437.202(a-1)*

Notice

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall provide written notice of the number of workdays of paid leave to which an officer or employee is entitled each fiscal year under Government Code 437.202(a) on employment, in the case of an employee, or as soon as practicable after appointment or election, in the case of an officer.

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall, on the request of an officer or employee described by Government Code 437.202(a), provide to that officer or employee a statement that contains the number of workdays for which the officer or employee claimed paid leave under section 437.202(a) in that fiscal year.

Gov't Code 437.202(e)–(f)

Return to Employment

An employee of this state or a municipality, a county, or another political subdivision of this state with at least five full-time employees who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team and who is ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. An employer, including a school district, may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment. *Gov't Code 437.202(d), .204(a)*

Reemployment

A public employee, other than a temporary employee, who leaves a state position or a position with a local governmental entity, including a school district, to enter active military service is entitled to be reemployed by the state or the local governmental entity in the same department, office, commission, or board of this state, a state institution, or local governmental entity in which the employee was employed at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position.

"Military service" means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard, or the Texas State Guard.

Gov't Code 613.001(2)–(3), .002

Exception

A public employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the department, office, commission, or board of the state, a state institution, or a local governmental entity in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay. *Gov't Code 613.003*

Application

To be reemployed, a veteran must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. The application must be made in writing to the head of the department, office, commission, or board of this state, the state institution, or the local governmental entity and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions. *Gov't Code 613.004*

Discharge

A person reemployed under Government Code Chapter 613 shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov't Code 613.005*

Application of Federal Laws to Texas Military Members Called to Duty

A service member of the Texas military forces who is ordered to state active duty or to state training or other duty by the governor, the adjutant general, or another proper authority under the law of this state is entitled to the same benefits and protections provided to persons:

1. Performing service in the uniformed services as provided by 38 U.S.C. 4301–4313 and 4316–4319 (USERRA); and
2. In the military service of the United States as provided by 50 U.S.C. 3901–3959, 3991, and 4011–4026 (Servicemembers Civil Relief Act).

Gov't Code 437.213

Use of Personal Leave

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

A district may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

Education Code 22.003(d), (e)

Resignation without Consent (Unilateral Resignation)

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave district employment at the end of the school year without penalty by filing a written resignation with a board or a board's designee not later than the 45th day before the first day of instruction of the following school year.

A written resignation mailed by prepaid certified or registered mail to a board president or a board's designee at the post office address of the district is considered filed at the time of mailing.

Education Code 21.105(a), .160(a), .210(a)

An unequivocal resignation filed not later than the 45th day before the first day of instruction of the following school year is effective upon filing with a district and the district cannot reject such a resignation. The resignation cannot be withdrawn by the teacher based on an argument that the district has not accepted the resignation. *Fantroy v. Dallas Indep. Sch. Dist., Tex. Comm'r of Educ. Decision. No. 034-R8-0206 (Mar. 5, 2009); Garcia v. Miles Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 055-Rl-503 (Nov. 30, 2006).*

Resignation with Consent

The educator may resign, with the consent of the board or the board's designee, at any other time. *Education Code 21.105(b), .160(b), .210(b)*

Acceptance or approval of a resignation indicates consent to abandonment of contract. *Quitman Indep. Sch. Dist. v. Wilkerson, Tex. Comm'r of Educ. Decision No. 142-TTC-698 (Dec. 2, 1999); Houston Indep. Sch. Dist. v. Johnson, Tex. Comm'r of Educ. Decision No. 054-TTC-1196 (Sept. 28, 1998)*

Contract Abandonment

Written Complaint

On written complaint by a district, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a probationary contract, or under a continuing or term contract, for the following school year, and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

Education Code 21.105(c), .160(c), .210(c)

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless a board:

1. Submits a written complaint within 30 calendar days after the effective date of the educator's separation from employment

from the district. Unless the district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract.

2. Renders a finding that good cause did not exist under Education Code 21.105(c)(2) (probationary contract), 21.160(c)(2) (continuing contract), or 21.210(c)(2) (term contract). This finding constitutes prima facie evidence of the educator's lack of good cause but is not a conclusive determination.

3. Submits the following required attachments to the written complaint:

   a. The educator's resignation letter, if any;

   b. The agreement with the educator regarding the effective date of separation from employment, if any;

   c. The educator's contract; and

   d. Board meeting minutes indicating a finding of "no good cause." If the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within ten calendar days after the next board meeting.

19 TAC 249.14(j)

Notice to Teacher

If a district submits a complaint regarding a teacher to SBEC, the district shall promptly notify the teacher of the complaint. The notice must include:

1. The basis of the complaint;

2. Information regarding how the teacher may contact SBEC; and

3. A reminder that the teacher should verify that the teacher's mailing address on file with SBEC is current.

SBEC Review

Before imposing sanctions against a teacher for abandonment of contract, SBEC:

1. Must consider any mitigating factors relevant to the teacher's conduct; and

2. May consider alternatives to sanctions, including additional continuing education or training.

If a teacher files a written resignation after the 45th day but not later than the 30th day before the first day of instruction of the following school year, SBEC may not suspend or revoke the teacher's certificate.

Education Code 21.105(d)–(f), .160(d)–(f), .210(d)–(f)

Good Cause

SBEC may consider the following factors good cause when an educator is reported to have abandoned a contract in violation of Education Code 21.105(c), 21.160(c), or 21.210(c):

1. Serious illness or health condition of the educator or close family member of the educator;
2. Relocation to a new city as a result of change in employer of the educator's spouse or partner who resides with the educator;
3. Significant change in the educator's family needs that requires the educator to relocate or to devote more time than allowed by current employment; or
4. The educator's reasonable belief that the educator had written permission from the school district administration to resign.

Mitigating Factors

SBEC shall consider the following factors in seeking, proposing, or making a decision regarding an educator who has abandoned a contract in violation of Education Code 21.105(c), 21.160(c), or 21.210(c). The educator:

1. Gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;
2. Assisted the school district in finding a replacement educator to fill the position;
3. Continued to work until the school district hired a replacement educator;
4. Assisted in training the replacement educator;
5. Showed good faith in communications and negotiations with the school district;
6. Provided lesson plans for classes following educator's resignation;
7. Changed careers within the field of education:

a. To a position that required a different class of educator certification as defined in 19 Administrative Code 230.33(b) (relating to Classes of Certificates);

b. To a position with a higher level of authority within the principal class of certificate; or

c. To a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described above;

8. Had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;

9. Resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator; or

10. Any other relevant circumstances or facts.

19 TAC 249.17(d)

Required Report to SBEC

A superintendent shall report the educator's resignation to SBEC if the conditions set forth at Education Code 21.006 exist. [See DHB] *Education Code 21.006*

Investigation

A superintendent of a district, including a district of innovation, shall complete an investigation of an educator that involves evidence that the educator may have abused or otherwise committed an unlawful act, was involved in a romantic relationship with, or solicited or engaged in sexual contact with a student or minor, despite the educator's resignation from employment before completion of the investigation. *Education Code 21.006(b-1); 19 TAC 249.14(d)(3)(C)*

Report by Principal

A person who serves as a principal in a district, including a district of innovation, must notify the superintendent, and may be subject to sanctions for failure to do so, not later than the seventh business day after the date of an educator's resignation following an alleged incident of misconduct described by Education Code 21.006(b) [see DP]. *Education Code 21.006(b-2); 19 TAC 249.14(e)*

Employee Free Speech

District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

Garcetti v. Ceballos, 547 U.S. 410 (2006); Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969) [See also GKD]

Whistleblower Protection

A board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by a district or another public employee to an appropriate law enforcement authority.

A "report" is made to an "appropriate law enforcement authority" if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

Gov't Code 554.002

A supervisor who suspends or terminates the employment of or takes an adverse personnel action against an employee for reporting a violation of law shall be subject to civil penalties. *Gov't Code 554.008*

Definitions

"Employee" means an employee or appointed officer who is paid to perform services for a district. It does not include independent contractors. *Gov't Code 554.001(4)*

"Law" means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov't Code 554.001(1)*

A "good faith" belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and

2. The employee's belief was reasonable in light of the employee's training and experience.

Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:

   a. Regulate under or enforce the law alleged to be violated in the report, or

   b. Investigate or prosecute a violation of criminal law; and

2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dep't of Transp. v. Needham, 82 S.W.3d 314 (Tex. 2002)

Whistleblower Complaints

An employee who alleges a violation of whistleblower protection may sue a district for injunctive relief, actual damages, court costs, and attorney's fees, as well as other relief specified in Government Code 554.003. *Gov't Code 554.003*

Initiate Grievance

Before suing, an employee must initiate action under a district's grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action.

The employee must invoke a district's grievance procedure not later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

Legal Action

If a board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

1. Exhaust a district's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or

2. Terminate district grievance procedures and sue within the timelines established by Government Code 554.005 and 554.006.

Gov't Code 554.005, 554.006 [See DGBA regarding grievance procedures]

Burden of Proof	If the employee brings a lawsuit, the employee has the burden of proof unless the suspension, termination, or adverse personnel action occurred within 90 days after the employee reported a violation of law, in which case the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.
Affirmative Defense	It is an affirmative defense to a whistleblower suit that the district would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under the whistleblower law. *Gov't Code 554.004*
Notice of Rights	A board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. *Gov't Code 554.009*

Right to Report a Crime

A district employee may report a crime witnessed at the school to any peace officer with authority to investigate the crime. A district may not adopt a policy requiring a school employee to refrain from reporting a crime witnessed at the school or to report a crime witnessed at the school only to certain persons or peace officers. *Education Code 37.148*

Protection for Reporting Child Abuse

A district may not suspend or terminate the employment of, discriminate against, or take other adverse employment action against a professional employee who in good faith:

1. Reports child abuse or neglect to:
    a. The person's supervisor,
    b. An administrator of the facility where the person is employed,
    c. A state regulatory agency, or
    d. A law enforcement agency; or
2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

"Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.

A person may sue for injunctive relief, damages, or both if the person is suspended or terminated from the person's employment; is discriminated against; or suffers any other adverse employment action.

A district employee who has a cause of action under the provisions at Whistleblower Protection, above, may not bring an action under Protection for Reporting Child Abuse.

Family Code 261.110(a)–(c), (l)

Protection from Disciplinary Proceedings

For purposes of the following provisions, "disciplinary proceeding" means discharge or suspension of a professional employee, or termination or nonrenewal of a professional employee's term contract. [See DGC regarding immunity] *Education Code 22.0512(b)*

Reporting Child Abuse or Maltreatment

A district employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with Education Code 38.0041 [prevention of child abuse and other maltreatment, see FFG]. *Education Code 38.0041(g)*

Use of Physical Force

A professional employee may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Penal Code 9.62. This provision does not prohibit a district from enforcing a policy relating to corporal punishment or bringing a disciplinary proceeding against a professional employee of the district who violates the district policy relating to corporal punishment. *Education Code 22.0512(a); Tex. Att'y 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 and Sequence

A district may not penalize a teacher who does not follow a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level 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)

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 controversial issue of public policy or social affairs. *Education Code 28.0022(a)*

Note: For instructional requirements and prohibitions, including requirements for student discussion, see EMB.

Jury Duty

A district may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. An employee who is discharged, threatened with discharge, intimidated, or coerced is entitled to return to the same employment that the employee held when summoned for jury or grand jury service if the employee, as soon as practical after release from jury or grand jury service, gives the employer actual notice that the employee intends to return. *Civ. Prac. & Rem. Code 122.001*

A district may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against a school district employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, a school district shall pay the employee the employee's normal daily compensation [see DEC]. *Education Code 22.006(a), (b)*

Breaks for Nursing Mothers—Nonexempt Employees

A district shall provide a nonexempt employee a reasonable break to express breast milk, each time the employee needs to express breast milk for her nursing child, for one year after the child's birth. The 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 is not required to compensate the employee receiving reasonable break time for any work time spent for such purpose.

A district that employs fewer 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.

29 U.S.C. 207(r)

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)

Note: The provisions of this policy apply to a district of innovation under Education Code, Chapter 12A. [See AF]

Definitions

"Abuse" has the meaning assigned by Family Code 261.001(1).

"Employee" means a person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification (SBEC) under Education Code, Chapter 21, Subchapter B.

19 TAC 153.1201(b), (d)

Misconduct of Noncertified Employees

Education Code 22.093 applies to a district employee who does not hold certification issued by SBEC or a school district teaching permit.

Notice to TEA of Termination or Resignation

A person who serves as the superintendent shall notify the commissioner of education in writing by filing a report within seven business days of the date the person either receives a report from a principal or knew that an employee was terminated or resigned from employment and there is evidence that the employee committed any of the following acts:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Principal Notification

A person who serves as principal must notify the superintendent no later than seven business days after an employee resigns or is terminated following an alleged incident of misconduct described above.

Investigation

A superintendent shall complete an investigation of an employee if there is reasonable cause to believe the employee may have engaged in misconduct described above, despite the employee's resignation from district employment before completion of the investigation.

Form of Report

The report must include:

1. The name or names of any student or minor who is the victim of abuse or unlawful conduct by an employee;
2. The factual circumstances requiring the report and the subject of the report by providing the following available information:

a. Name and any aliases and certificate number, if any, or social security number;

b. Last known mailing address and home and daytime phone numbers;

c. All available contact information for any alleged victim or victims;

d. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;

e. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and

f. Involvement by a law enforcement or other agency, including the name of the agency.

The name of the student or minor is not public information under Government Code Chapter 552 (Public Information Act).

Notice to the Board and Employee

A superintendent shall notify the board and the employee of the filing of the report.

Immunity

A superintendent or principal who in good faith and while acting in an official capacity files a report or makes a notification is immune from civil or criminal liability that might otherwise be incurred or imposed.

Sanctions for Failure to Report

The commissioner shall refer an educator who fails to file a report to SBEC, which will determine whether to impose sanctions against the educator.

Criminal Offense

A superintendent commits an offense if the superintendent fails to timely file the report with intent to conceal an employee's criminal record or alleged incident of misconduct.

A principal commits an offense if the principal fails to timely provide notice with intent to conceal an employee's alleged incident of misconduct.

An offense under Education Code 22.093(k) is a state jail felony.

Review of District Records

The commissioner may review district records to ensure compliance with the requirement to report misconduct.

Education Code 22.093; 19 TAC 153.1203

Solicitation of Sexual Contact

"Solicitation of sexual contact" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an employee of a relationship with a student that is sexual in nature. Solicitation of sexual contact is often characterized by a strong emotional or sexual attachment and/or by patterns of exclusivity but does not include appropriate relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an employee of sexual contact with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the employee's job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:
    a. The nature of the communications;
    b. The timing of the communications;
    c. The extent of the communications;
    d. Whether the communications were made openly or secretly;
    e. The extent that the employee attempts to conceal the communications;
    f. If the employee claims to be counseling a student, the commissioner of education may consider whether the employee's job duties included counseling, whether the employee reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the employee reported the abuse or neglect to the appropriate authorities; and
    g. Any other evidence tending to show the context of the communications between employee and student;
2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;
3. Making sexually demeaning comments to a student;
4. Making comments about a student's potential sexual performance;

5. Requesting details of a student's sexual history;
6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee;
7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;
8. Inappropriate hugging, kissing, or excessive touching;
9. Providing the student with drugs or alcohol;
10. Violating written directives from school administrators regarding the employee's behavior toward a student;
11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and
12. Any other acts tending to show that the employee solicited sexual contact with a student.

19 TAC 153.1201(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)

Note: SBEC must publish the continuing education and training clearinghouse not later than June 1, 2022.

A district must adopt its professional development policy for district personnel not later than August 1, 2022.

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(4)

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 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.

Education Code 38.351(e), (g), (h); 19 TAC 153.1013

Staff Development Account

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

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)*

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 Training

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 Training

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(g)*

Special Programs Training

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. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessment of student needs, and curriculum and instruction for gifted students.
2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program complete the 30-hour training requirement within one semester.
3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2

Elective Bible Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a 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 commissioner'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 Training

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 in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course approved by the Texas Department of Licensing and Regulation (TDLR) or a course approved for continuing education credit by the licensing authority for athletic trainers.
3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by the UIL, TDLR, or the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

Education Code 38.158

Seizure Recognition and Related First Aid

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

Education Code 38.033(a), (b)

[See FFAF for information about a seizure management and treatment plan.]

The Superintendent shall recommend the District's professional development plan for all District employees. The Board shall annually review the professional development clearinghouse published by the State Board for Educator Certification (SBEC) and annually approve the District's professional development plan. The District's professional development plan must:

1. Be guided by the SBEC clearinghouse training recommendations;
2. Note any differences in the District's plan from the clearinghouse recommendations; and
3. Include a schedule of the required professional development for all District employees.

Principal

Qualifications

A board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

Certification

State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. *19 TAC Ch. 241*

Duties

The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

A principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the superintendent pursuant to board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. For high school principals, serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. *Election Code 13.046; 1 TAC 81.7*

Education Code 11.202(b), .253(c), (h) [See also DMA]

Principal's Report to Superintendent

A principal must notify the superintendent not later than the seventh business day after the date:

Educators

1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or

2. The principal knew about an educator's criminal record under Education Code 21.006(b)(1).

Education Code 21.006(b-2); 19 TAC 249.14(e) [See Required Reports at DHB(LEGAL)]

Noncertified Employees

A principal must notify the superintendent not later than the seventh business day after the date of a noncertified employee's termination or resignation following allegations that the employee:

1. Abused or otherwise committed an unlawful act with a student or minor; or

2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Education Code 22.093(e) [See Principal Notification at DHC(LEGAL)]

Sanctions and Administrative Penalty

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 21.006(f), 22.093(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than $500 and not more than $10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006 (i)*

Criminal Offense

A principal required to notify a superintendent about an employee's criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j), 22.093(k)*

School Nurse

Minimum Salary Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

Licensed Vocational Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. *22 TAC 217.11(2)*

Nursing Peer Review Committee

"Nursing peer review committee" includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

Occupations Code 303.001(4), .0015

Note: Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

Certified School Counselor

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

Note: Education Code 33.006 applies to all districts that employ school counselors.

School Counselor Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
    a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
    b. In need of modified instructional strategies; or
    c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

School Counselor Policy

A board shall adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor's total work time

on duties that are components of the district's comprehensive school counseling program under Education Code 33.005. [See FFEA] Time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling.

Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

Exception

If a board determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of the district's comprehensive school counseling program, the policy shall:

1. Include the reasons why the counselor needs to spend less than 80 percent of the counselor's work time on duties that are components of the counseling program;
2. List the duties the counselor is expected to perform that are not components of the counseling program; and
3. Set the percentage of work time that the counselor is required to spend on components of the counseling program.

Counselor Contracts

A district may not include a provision in an employment contract with a school counselor under Education Code Chapter 21 that conflicts with the policy or, except as provided below, has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

A district that complies with the exception above may not include a provision in an employment contract under Education Code Chapter 21 with an affected school counselor that has the effect of requiring the counselor to generally perform a duty that is not primarily related to a counseling function unless the duty is specified in the district's policy as required above.

Annual Assessment

A district shall annually assess its compliance with its school counselor policy and, on request by the commissioner, provide a written copy of the assessment to the Texas Education Agency (TEA) on or before the date specified by the commissioner.

Education Code 33.006

Nonphysician Mental Health Professional

A school district may employ or contract with one or more nonphysician mental health professionals.

In this section, "nonphysician mental health professional" means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

Education Code 38.0101

Note: For information about mental health treatment, including counseling, see FFEA.

School Psychological Services

The Texas Behavioral Health Executive Council (TBHEC) has authority over the delivery of school psychological services in public schools. Recognizing the purview of the State Board of Education (SBOE) and TEA in safeguarding the rights of school children in Texas, the TBHEC adopts and enforces rules establishing multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas. Incorporating these factors allow for rules that reflect the occupational distinctions between the delivery of school psychological services in public schools and psychological services in the private sector. *22 TAC 465.38(a)*

Licensed Specialist in School Psychology (LSSP)

Licensed specialist in school psychology (LSSP) means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002(2)*

School psychological services may be provided in Texas public schools only by LSSPs and interns and post-doctoral fellows working towards licensure as a psychologist. *22 TAC 465.38(e)*

Scope of Practice

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;

2. Conducting manifestation determinations;
3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

22 TAC 465.38(b), (c)

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology. *Occupations Code 501.260(c); 22 TAC 465.38(b)(3)*

Notice of Assignment or Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TBHEC standards. *22 TAC 465.38 (e)(3)*

Compliance with Applicable Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973; and
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101.

22 TAC 465.38 (f)

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

SECTION E: INSTRUCTION

EA	INSTRUCTIONAL GOALS AND OBJECTIVES
EB	SCHOOL YEAR
EC	SCHOOL DAY
ED	ORGANIZATION OF INSTRUCTION
EE	INSTRUCTIONAL ARRANGEMENTS
EEA	Grouping for Instruction
EEB	Class Size
EEC	Scheduling for Instruction
EED	Student Schedules
EEH	Homebound Instruction
EEJ	Individualized Learning
EEL	Contracts with Outside Agencies
EEM	Juvenile Residential Facilities
EEP	Lesson Plans
EF	INSTRUCTIONAL RESOURCES
EFA	Instructional Materials
EFB	Library Materials
EH	CURRICULUM DESIGN
EHA	Basic Instructional Program
EHAA	Required Instruction (All Levels)
EHAB	Required Instruction (Elementary)
EHAC	Required Instruction (Secondary)
EHAD	Elective Instruction
EHB	Special Programs
EHBA	Special Education
EHBAA	Identification, Evaluation, and Eligibility
EHBAB	ARD Committee and Individualized Education Program
EHBAC	Students in Non-District Placement
EHBAD	Transition Services
EHBAE	Procedural Requirements
EHBAF	Video/Audio Monitoring
EHBB	Gifted and Talented Students
EHBC	Compensatory/Accelerated Services
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education
EHBG	Prekindergarten
EHBH	Other Special Populations

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

SECTION E: INSTRUCTION

EHBI	Adult and Community Education
EHBJ	Innovative and Magnet Programs
EHBK	Other Instructional Initiatives
EHBL	High School Equivalency
EHBM	Travel Study
EHBN	Honors
EHD	Alternative Methods for Earning Credit
EHDA	Summer School
EHDB	Credit by Examination with Prior Instruction
EHDC	Credit by Examination without Prior Instruction
EHDD	College Course Work/Dual Credit
EHDE	Distance Learning
EHDF	Local Remote Learning Program
EI	ACADEMIC ACHIEVEMENT
EIA	Grading/Progress Reports to Parents
EIAA	Examinations
EIAB	Makeup Work
EIB	Homework
EIC	Class Ranking
EID	Honor Rolls
EIE	Retention and Promotion
EIF	Graduation
EK	TESTING PROGRAMS
EKB	State Assessment
EKBA	English Learners/Emergent Bilingual Students
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	CAMPUS OR PROGRAM CHARTERS
ELA	Partnership Charters
EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Non-Service Animals
EMI	Study of Religion

School 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)

Instructional Materials

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

A district shall make teaching materials and tests readily available for parental review and may specify reasonable hours for such review.

Taking Home Materials

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

Students Without Reliable Access to Technology

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a

district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

Learning Management System or Online Portal

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

Education Code 26.006

Information Collection and Access

U.S. ED–Funded Surveys

Consent Required

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (ED), to submit to a survey, analysis, or evaluation that reveals information concerning the topics listed at Protected Information, below, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. *20 U.S.C. 1232h(b)*

Parental Inspection

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. ED shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)*

Information Collection Funded by Other Sources

Policies

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. ED Funded Surveys, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.

2. A district's arrangements to protect student privacy in the event a survey containing one or more of the items listed under Protected Information, below, is administered or distributed to a student.

3. The parent's right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.

4. The administration of physical examinations or screenings that a district may administer to the student.

5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.

6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See CRD, FFAA, FL, and FNG]

Parental Notification

A district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the district. At a minimum, a district shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and

2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

A district shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.

2. The administration of any survey containing one or more items described at Protected Information, below.

3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

20 U.S.C. 1232h(c)(1)–(4) [See FFAA]

Protected Information

Protected information addressed by 20 U.S.C. 1232h includes:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

20 U.S.C. 1232h(b), (c)(1)(B)

"Personal Information" Defined

The term "personal information" means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social security identification number.

20 U.S.C. 1232h(c)(6)(E)

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 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 State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Positive Character Traits

Beginning with the 2021–22 school year, districts are required to provide instruction in the essential knowledge and skills for positive character traits outlined in 19 Administrative Code Chapter 120, Subchapter A at least once in the following grade bands: kindergarten–grade 2, grades 3–5, grades 6–8, and grades 9–12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.1

Local Credit

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

Local Instructional Plan

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.

Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

Education Code 28.002(g)

Common Core State Standards

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

Scope and Sequence

In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

Coordinated Health Programs

TEA shall make available to each district one or more coordinated health programs 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 opioid addiction and abuse and 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 State Board of Education.

Education Code 28.004(c), (n)

Policy Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students. *Education Code 28.004(l)*

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o)*

Complaints

A parent may use the grievance procedure at FNG concerning a complaint of a violation of Education Code 28.004. *Education Code 28.004(i-1)*

Human Sexuality Instruction

Definitions

"Human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" include instruction in reproductive health.

"Curriculum materials" includes the curriculum, teacher training materials, and any other materials used in providing instruction.

Education Code 28.004(p)

Board Selection

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;
2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's deci-

sion 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)

Parent Consent Before Instruction

Before a student may be provided with human sexuality instruction, a district must obtain the written consent of the student's parent. A request for written consent may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Education Code 28.004(i), described above, and must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins. The requirements in this paragraph expire August 1, 2024. *Education Code 28.004(i-2)–(i-3)*

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

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.

Adoption of Instructional Materials

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 State Board of Education.

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

Human Sexuality Instruction

The following process shall apply regarding the adoption of curriculum materials for the District's human sexuality instruction:

1. The Board shall adopt a resolution convening the District's school health advisory council (SHAC) to recommend curriculum materials for the instruction.
2. The SHAC shall hold at least two public meetings on the curriculum materials before adopting recommendations to present to the Board.
3. The SHAC recommendations must comply with the instructional content requirements in law, be suitable for the subject and grade level for which the materials are intended, and be reviewed by academic experts in the subject and grade level for which the materials are intended.
4. The SHAC shall present its recommendations to the Board at a public meeting.
5. After the Board ensures the recommendations from the SHAC meet the standards in law, the Board shall take action on the recommendations by a record vote at a public meeting.

Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking

The following process shall apply regarding the adoption of curriculum materials for the District's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking:

1. The Board shall adopt a resolution convening the District's SHAC to recommend curriculum materials for the instruction.
2. The SHAC shall hold at least two public meetings on the curriculum materials before adopting recommendations to present to the Board.
3. The SHAC recommendations must comply with the instructional content requirements in law, be suitable for the subject and grade level for which the materials are intended, and be reviewed by academic experts in the subject and grade level for which the materials are intended.
4. The SHAC shall present its recommendations to the Board at a public meeting.
5. After the Board ensures the recommendations from the SHAC meet the standards in law, the Board shall take action on the recommendations by a record vote at a public meeting.

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.

Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

Private School Students

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)–(iv) [See EHBAC regarding students in nondistrict placement.]

Preschool Students

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

Requests and Referrals for Evaluation

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of a district's overall general education referral or screening system. Either a parent, TEA, another state agency, or the district may initiate a request for an initial evaluation.

District Obligation to Refer

Students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. A student is not required to be provided with interventions for any

specific length of time prior to a referral being made or a full individual and initial evaluation being conducted. If the student continues to experience difficulty in the general classroom with the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. A referral for a full individual and initial evaluation may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

19 TAC 89.1011(a)

Parental Request

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, and an opportunity to give written consent for the evaluation; or

2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

19 TAC 89.1011(b); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation Required

A district shall conduct a full individual and initial evaluation before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

Consent for Initial Evaluation

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)

Wards of the State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)

Time Frame for Completion of Written Report

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later

than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

“School day” does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

Transfer Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another school district before the previous district completed the full individual and initial evaluation, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

2. The parent and the new school district agree to a specific time when the evaluation will be completed.

20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)–(e); Education Code 29.004; 19 TAC 89.1011

Psychological Examinations

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and

shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

Eligibility and Reevaluations

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code 29.003, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040*

Visual and Auditory Impairments

Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Determination of Initial Eligibility

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion

of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Time Frame for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

19 TAC 89.1011(d), (e)

Consent for Services

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:

Initial Provision of Services

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

Revoking Consent

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and

4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and
2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C).*19 TAC 89.1070(g)*

Independent Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

At Public Expense

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

At Private Expense

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

34 C.F.R. 300.502

Prescription Medication

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

When a student transitions from early childhood intervention (ECI) to early childhood special education (ECSE) services, the District shall develop and implement an individualized education program (IEP) by the child's third birthday.

Admission, Review, and Dismissal Committee

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

Committee Members

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
    a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
    b. Is knowledgeable about the general education curriculum; and
    c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student 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. 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

13. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

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. 300.18 and 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)

Regular Education Teacher

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

Parent Involvement

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)

Alternative Means of Meeting Participation

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district

personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

Meeting at Parent's Request

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Transfer Students

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The timeline for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

Transfers from Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by 19 Administrative Code 89.1011(c) and (e). The timeline for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of

the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the timeline for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

A student with a disability who has an IEP in place from a previous in- or out-of-state district and who enrolls in a new district during the summer is not considered a transfer student for the purposes of this provision or for 34 C.F.R. 300.323(e) or (f). For these students, the new district must implement the IEP from the previous district in full on the first day of class of the new school year or must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year.

19 TAC 89.1050(j)

Transfer of Records

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)

Students Who Are Homeless or in Substitute Care

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

Individualized Education Program

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term "individualized education program" means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state

or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;

11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(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 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*

IEP Supplement

For each child who was enrolled in a district's special education program during the 2019–20 school year or the 2020–21 school year, the district shall prepare a supplement to be included with the written statement of the IEP. For more information about the re-

quired supplement, see Education Code 29.0052 and the commissioner rules, when adopted. This requirement expires September 1, 2023. *Education Code 29.0052*

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.

The supplemental special education services and instructional materials program (SSES) expires September 1, 2024.

Education Code 29.048

A district shall notify parents and guardians of students served by special education of the SSES program and how to apply.

A student's ARD committee may not consider a student's current or anticipated eligibility for any supplemental special education instructional materials or services that may be provided under the SSES program 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(i)-(j)

Behavioral Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the committee shall review the plan at least annually and more frequently if appropriate to address the safety of the student or others or changes in a student's circumstances that may impact the student's behavior, such as:

1. The placement of the student in a different educational setting;

2. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;

3. A pattern of unexcused absences; or

4. An unauthorized unsupervised departure from an educational setting.

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.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1050(i)

Autism/Pervasive Developmental Disorder

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(e)–(f)

Visual Impairment

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

Collaborative Process

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each

member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

Education Code 29.005(c); 19 TAC 89.1050(g)

Modification of Existing IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)–(F); 34 C.F.R. 300.324(a)(4)–(6)

Teacher Access to IEP

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

Teacher Request to Review IEP

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(d)

Private School—District Placed

Student Receives IEP

If a district places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, the district shall ensure that the child is provided special education and related services, in accordance with an individualized education program (IEP), at no cost to the parents. *20 U.S.C. 1412(a)(10)(B)(i)*

Private School—Parent Placed

When a parentally placed child with a disability is referred to a district, the district shall convene an admission, review, and dismissal (ARD) committee to determine whether the district can offer the child a free appropriate public education (FAPE). If the district determines that it can offer FAPE, it is not responsible for providing educational services to the child, except that the district must develop and implement an individualized services plan (ISP). *19 TAC 89.1096(b)*

Offer of FAPE Rejected

Student Receives ISP

If a district made FAPE available to a child with a disability and the parents elected to place the child in a private school or facility, the district is not required to pay for the cost of education, including special education and related services. However, the district must develop and implement an ISP. *20 U.S.C. 1412(a)(10)(C)(i); 34 C.F.R. 300.148(a)*

FAPE Offered but Not Provided

Reimbursement

If the parents of a child with a disability, who previously received special education and related services under the authority of a district, enroll the child in a private school without the consent or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made FAPE available to the child in a timely manner before the enrollment. This right of reimbursement is subject to the notice and other requirements set forth at 34 C.F.R. 300.148(d). *20 U.S.C. 1412(a)(10)(C)(ii); 34 C.F.R. 300.148(c)*

Home School Students

A home school student is considered a private school student, for purposes of a district's obligations under IDEA, if the home school provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress. *19 TAC 89.1096(a)(2)*

Individualized Services Plan (ISP)

Each parentally placed private school child with a disability who has been designated to receive services shall have an ISP that describes the specific special education and related services that a district will provide the child.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in

public schools. No parentally placed private school child has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about the services that will be provided must be made in accordance with 34 C.F.R. 300.134(c) (consultation process) and 300.137(c) (attendance of private school representatives at services plan committee meetings). A district must make the final decisions with respect to the services to be provided.

34 C.F.R. 300.137, .138

Dual Enrollment

Parents shall have the right to "dual enroll" an eligible student age three or four in both the public school and a private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five, or until the student is eligible to attend a district's kindergarten program, whichever comes first, subject to the following:

1. The student's ARD committee shall develop an IEP designed to provide the student with FAPE in the least restrictive environment (LRE).
2. From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE and the policies and procedures of the district.
3. The district shall be responsible for employing and supervising the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the district.

19 TAC 89.1096(c)

Responsible District

The district where a student resides is responsible for providing special education and related services to a student whose parents choose dual enrollment.

If the parents decline dual enrollment, but request an ISP, the district where the private school is located is responsible for development of the ISP for a student designated to receive services.

19 TAC 89.1096(c), (d)

Transportation

If a student has been placed by his or her parents in a private school or facility, a district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

District Charter Schools

A district shall serve children with disabilities attending district charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. *20 U.S.C. 1413(a)(5); 34 C.F.R. 300.209(b)*

Residential Facilities

Identification of Students

If a residential facility that is licensed by appropriate state agencies is located within the district's boundaries, the district must provide special education and related services to eligible students residing in the facility.

If, after contacting the facility to offer services to eligible students with disabilities, a district determines that educational services are provided through a charter school, approved non-public school, or a facility operated private school, the district is not required to provide services. However, a district shall annually contact the facility to offer services to eligible students with disabilities.

19 TAC 89.1001(c)

District Placements

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for a student with a disability when the ARD committee determines that a residential placement is necessary for the student to receive FAPE. Contracts for residential placement must be approved by the commissioner. *Education Code 29.008(a); 19 TAC 89.1092*

If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents. *34 C.F.R. 300.104*

If a district contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. *Education Code 29.008(d)*

Additional Placement Requirements

A district shall have the responsibilities set forth at 19 Administrative Code 89.1092(a)(4) regarding students in residential placements. A district must contract with residential placements in accordance with 19 Administrative Code 89.1092.

Notification

Within 30 calendar days from an ARD committee's decision to place a student in a residential education program, a district must electronically submit to TEA notice of and information regarding the placement in accordance with submission procedures specified by TEA. *19 TAC 89.1092(b)*

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 district may request services through the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf in accordance with 19 Administrative Code 89.1085. *19 TAC 89.1085*

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)

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the assessment 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 committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict When a student identified as gifted by a previous school district enrolls in the District, the selection 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 committee or a parent determines it is in the best interest of the student to exit the program, 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 committee regarding selection for or exit from the gifted and talented program. Appeals shall be made first to the selection committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members,

administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The District's gifted and talented program shall address effective use of funds for programs and services consistent with the standards in the state plan for gifted and talented students.

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.

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Compensatory Education Allotment

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides. *Education Code 48.104(i)*

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services, including services provided by an instructional coach, designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
    a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
    b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

Education Code 48.104(k)

Dropout Prevention Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;

2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:

    a. High-quality, college readiness instruction with strong academic and social supports;

    b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and

    c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and

3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918

Reporting

A district shall report financial information relating to expenditure of the state compensatory education allotment under the Foundation School Program to the Texas Education Agency (TEA), according to standards for financial accounting provided in 19 Administrative Code 109.41 (relating to *Financial Accountability System Resource Guide*). Costs charged to state compensatory education shall be for programs and services that supplement the regular education program. *19 TAC 109.25(a)*

A district shall ensure that supplemental direct costs and personnel attributed to compensatory education and accelerated instruction are identified in district and/or campus improvement plans at the summary level for financial units or campuses. A district shall maintain documentation that supports the attribution of supplemental costs and personnel to compensatory education. A district must also maintain sufficient documentation supporting the appropriate identification of students in at-risk situations, under criteria established in Education Code 29.081 [see Definition of At-Risk Student, below]. *19 TAC 109.25(b)*

Educationally Disadvantaged Students

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

19 TAC 61.1027(a)

Virtual School Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

Definition of At-Risk Student

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Except as provided by TEA rule or if retained in prekindergarten under Education Code 28.02124 [see EIE], was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student’s parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

5. Is pregnant or is a parent;

6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;

7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;

8. Is currently on parole, probation, deferred prosecution, or other conditional release;

9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

10. Is an emergent bilingual student, as defined by Section 29.052;

11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

12. Is homeless [see FD];

13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation;

14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07; or

15. Is enrolled in a district or a campus that is designated as a dropout recovery school under Education Code 39.0548.

Education Code 29.081(d)(1)

Regardless of the student's age, a student who participates in an adult education program provided under the adult high school charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

Local Eligibility Criteria

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

Designing and Implementing Services

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

Services After Unsatisfactory Performance on State Assessments

Accelerated Learning Committee

A district shall establish an accelerated learning committee for each student who does not perform satisfactorily on the following state assessment instruments [see EKB]:

1. The third grade mathematics or reading assessment;
2. The fifth grade mathematics or reading assessment; or
3. The eighth grade mathematics or reading assessment.

Education Code 28.0211(a)

Composition

The accelerated learning committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee. *Education Code 28.0211(c)*

Educational Plan

An accelerated learning committee shall, not later than the start of the subsequent school year, develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the school year. The educational 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 educational

plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

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 educational plan.

Education Code 28.0211(f)–(f-3)

Failure in a Subsequent School Year

If a student who fails to perform satisfactorily on the third, fifth, or eighth grade math or reading assessment fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, the superintendent, or the superintendent's designee, shall meet with the student's accelerated learning committee to:

1. Identify the reason the student did not perform satisfactorily; and
2. Determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next administration of the assessment instrument, whether the educational plan developed for the student must be modified to provide the necessary accelerated instruction for that student and any additional resources are required for that student.

The superintendent's designee may be an employee of a regional education service center and may not be a person who served on the student's accelerated learning committee.

Education Code 28.0211(f-4)–(f-5)

ARD Meeting

The admission, review, and dismissal (ARD) committee of a student who does not perform satisfactorily on a third, fifth, or eighth grade math or reading assessment must meet to determine the manner in which the student will participate in an accelerated instruction program. *Education Code 28.0211(i)*

Parent Request

Each district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment 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)*

Classroom Assignment

A student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment and is promoted to the next grade level must be assigned in the subsequent school year in each subject in which the student failed to perform satisfactorily on the applicable assessment instrument 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)

Accelerated Instruction

Each time a student fails to perform satisfactorily on a state assessment instrument in the third, fourth, fifth, sixth, seventh, or eighth grade [see EKB], the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and 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 below].

Participation Requirements

Accelerated instruction provided during the following school year may require participation of the student before or after normal school hours.

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 [see EHA series] for the grade level in which the student is enrolled; or

2. Recess or other physical activity that is available to other students enrolled in the same grade level.

Supplemental Instruction Requirements

If a district receives funding under Education Code 29.0881, 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 for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year;
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 three 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-1)–(a-4)

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. *Education Code 28.0211(j)*

Notice to Parents of Performance and Accelerated Instruction

Whenever a district is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the district shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian’s native language. *Education Code 28.0211(h)*

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 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 failure 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)

Accelerated Instruction After EOC Assessments

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course (EOC) assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations and must comply with the requirements for accelerated instruction provided under Education Code 28.0211 [see above].

Education Code 28.0217

Effectiveness — A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

Dropout Recovery Education Programs — A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)–(f)

Communities in Schools — An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

Optional Extended Year Program — A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. *Education Code 29.082(a); 19 TAC 105.1001*

Optional Flexible Year Program — A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821; 19 TAC 129.1029*

Optional Flexible School Day Program — Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;

2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or

3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

Education Code 29.0822

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting in compliance with 19 Administrative Code 129.1027(h)(2) before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

19 TAC 129.1027(c)

Tutorial Services

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

Basic Skills Programs

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086(a)

After-School and Summer Intensive Mathematics and Science Programs

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
   a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
   b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;
4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

Education Code 29.088, .090; 19 TAC 102.1041

Mentoring Services Program

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

Accelerated Reading Instruction Program

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1)

Intensive Program of Instruction

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
    a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
    b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Students Receiving Special Education Services

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Graduation Requirements

A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

No Cause of Action

A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.

Education Code 28.0213

College Preparatory Courses

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the 12th grade level whose performance on:
    a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
    b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.

Faculty

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice

Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

Credit Earned

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

Dual Credit

A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

Instructional Materials

Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code

Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

End-of-Course Exam

A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. *Education Code 39.025(a-1)*

Distance Learning and Correspondence Courses

Credit toward state graduation requirements may be granted for distance learning and correspondence courses only as follows:

1. The institution offering the correspondence course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the commissioner of education.
2. Students may earn course credit through distance learning technologies such as satellite, internet, two-way videoconferencing, online courses, the Texas Virtual School Network (TXVSN), and instructional television.
3. The distance learning and correspondence courses must include the state-required essential knowledge and skills for such a course.

19 TAC 74.23

Texas Virtual School Network

The TXVSN is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TXVSN is a partnership network administered by TEA in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, institutions of higher education, and other eligible entities.

The TXVSN is comprised of two components—the online school (OLS) program and the statewide course catalog.

19 TAC 70.1001(4)

Online School (OLS) Program

"Online School (OLS) program" is a full-time, virtual instructional program that is made available through an approved course provider and is designed to serve students in grades 3–12 who are not physically present at school. *19 TAC 70.1001(7)*

A TXVSN OLS may serve students in grades 3–12 but may not serve students in kindergarten–grade 2.

A school district that operates a TXVSN OLS that serves students in full-time virtual instruction shall, prior to the start of each academic year, notify TEA of grade levels to be served and the total number of students to be served during that academic year. A school district may not add grade levels after the start of the school year.

A TXVSN OLS or a school district wishing to add additional grade levels to its online program shall certify that the OLS has courses sufficient to comprise a full instructional program for each additional grade level to be served by the OLS prior to serving that grade level.

School districts approved to serve as TXVSN OLSs shall follow the TEA procedures related to obtaining a campus number for the virtual campus through which they serve their TXVSN OLS students.

School districts serving as TXVSN OLSs must follow all requirements in 19 Administrative Code 70.1011.

19 TAC 70.1011

Statewide Course Catalog

"Statewide course catalog" is a supplemental online high school instructional program available through approved providers. *19 TAC 70.1001(10)*

Course Providers

A TXVSN course provider is an entity that provides an electronic course through the TXVSN. Course providers include TXVSN OLSs and providers in the statewide course catalog. *19 TAC 70.1001(8)*

Electronic Course

"Electronic course" means an educational course in which:

1. Instruction and content are delivered primarily over the internet;
2. A student and teacher are in different locations for a majority of the student's instructional period;
3. Most instructional activities take place in an online environment;
4. The online instructional activities are integral to the academic program;
5. Extensive communication between a student and a teacher and among students is emphasized; and
6. A student is not required to be located on the physical premises of a school district or open-enrollment charter school.

An electronic course is the equivalent of what would typically be taught in one semester. For example: English IA is treated as a single electronic course and English IB is treated as a single electronic course.

Education Code 30A.001(4); 19 TAC 70.1001(1)

OLS Eligibility

To be eligible to serve as a TXVSN OLS, a school district shall:

1. Have a current accreditation status of Accredited under 19 Administrative Code 97.1055 (Accreditation Status);
2. Be rated acceptable under Education Code 39.054;

3. Be rated at the Standard Achievement level or higher under the state financial accountability rating system under 19 Administrative Code 109.1001 (Types of Financial Accountability Ratings);

4. Have met statutory requirements for timely submission of annual audit and compliance reports, Public Education Information Management System (PEIMS) reports, and timely deposits with the Teacher Retirement System, with all records and reports reflecting satisfactory performance;

5. Be in good standing with other programs, grants, and projects administered through TEA; and

6. Have been approved to operate a TXVSN OLS as of January 1, 2013.

19 TAC 70.1009(a)

Statewide Course Catalog Provider Eligibility

To be eligible to serve as a course provider in the TXVSN statewide course catalog, a district must be rated acceptable under Education Code 39.054. A Texas school district may provide an electronic course through the TXVSN to a student enrolled in that district or school, a student enrolled in another school district or school in the state, or a student who resides in Texas who is enrolled in a school other than a public school district or charter school. *19 TAC 70.1007(a)*

General Requirements

TXVSN course providers shall:

1. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance in the course at least once every 12 weeks;

2. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance at least once every three weeks if the student's performance in the course is consistently unsatisfactory, as determined by the TXVSN course provider;

3. Notify students in writing upon enrollment to participate in the TXVSN course with specific dates and details regarding enrollment;

4. Meet all federal and state requirements for educating students with disabilities;

5. Provide a contingency plan for the continuation of instructional services to all TXVSN students allowing them to complete their TXVSN courses in the event that the contract or agreement through which the electronic courses are provided

are terminated or the TXVSN courses become unavailable to students;

6. Ensure a maximum class size limit of 40 students in a single section of a course and ensure that the class size does not exceed the maximum allowed by law, as applicable, whichever is less; and

7. Meet all reporting requirements established by TXVSN central operations, including timely submission of student performance reports, course completion results, catalog data, data required to verify instructor qualifications, and all data necessary for the TXVSN Informed Choice Report required under 19 Administrative Code 70.1031 (Informed Choice Reports).

19 TAC 70.1007(c)

Receiver District Requirements

A district is eligible to serve as a receiver district in the TXVSN statewide course catalog. Each TXVSN receiver district shall:

1. Register as a receiver district with TXVSN central operations;

2. Assign a qualified staff member to serve as the TXVSN coordinator;

3. Enroll a student who resides in Texas and who is enrolled in a school other than a public school district or charter school upon request by the student and/or parent or guardian; and

4. In accordance with 19 Administrative Code 74.26 (Award of Credit), award credit to a student enrolled in the district who has successfully completed all state and local requirements and received a grade that is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for a course offered through the TXVSN statewide course catalog.

19 TAC 70.1008

Courses

All electronic courses to be made available through the TXVSN shall be reviewed and approved prior to being offered in accordance with the course requirements at 19 Administrative Code 70.1005. *19 TAC 70.1005(a)*

An electronic course or program that was offered or could have been offered during the 2008–09 school year under former Education Code 29.909, as that section existed on January 1, 2009, may be offered during a subsequent school year through the TXVSN. *Education Code 30A.006*

Student Eligibility

Generally

A student is eligible to enroll in a TXVSN course only if the student:

1. On September 1 of the school year is younger than 21 years of age or is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 48.003;
2. Has not graduated from high school; and
3. Is otherwise eligible to enroll in a public school in this state.

A student is eligible to enroll full-time in courses provided through the TXVSN only if:

1. The student was enrolled in a public school in this state in the preceding school year;
2. The student is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding school year; or
3. The student has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year.

Exception for Military Dependents

A student is eligible to enroll in one or more TXVSN courses or enroll full-time in courses provided through the network if the student:

1. Is a dependent of a member of the United States military;
2. Was previously enrolled in high school in this state; and
3. No longer resides in this state as a result of a military deployment or transfer.

Provisional Enrollment

If a student has not provided required evidence of eligibility to enroll, a TXVSN OLS may enroll a student provisionally for ten school days and withdraw the student from the OLS if the student does not provide the required evidence of eligibility within ten school days of the provisional enrollment.

Upon enrolling a student provisionally, the TXVSN OLS shall notify the student and the student's parents or guardians that the student will be withdrawn if documentation is not provided within the required timeframe.

Education Code 30A.002; 19 TAC 70.1013

Enrolled Students

A student who is enrolled in the district as a full-time student may take one or more electronic courses through the TXVSN. *Education Code 30A.107(b)*

Unenrolled Students

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TXVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TXVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;
4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

Education Code 30A.107(c)

Enrollment, Advancement, and Withdrawal

A student taking a course through the TXVSN statewide course catalog or a TXVSN OLS program is considered to:

1. Be enrolled in a TXVSN course when he or she begins receiving instruction and actively engages in instructional activities in a TXVSN subject area or course;
2. Have successfully completed a course if the student demonstrates academic proficiency and earns credit for the course, as determined by the TXVSN teacher; and
3. Be, and must be reported as, withdrawn from the TXVSN when the student is no longer actively participating in the TXVSN course or program.

A student taking a course through the TXVSN statewide course catalog:

1. Shall enroll in each TXVSN course through the TXVSN online registration system;
2. Shall be assigned a grade by the TXVSN teacher after the drop period established by TXVSN central operations;

3. May withdraw from a course taken through the TXVSN after the instructional start date without academic or financial penalty within the drop period established by TXVSN central operations; and

4. Shall have the grade assigned by the TXVSN teacher added to the student's transcript by the student's home district.

A student enrolled full time in grades 3–8 must demonstrate academic proficiency sufficient to earn promotion to the next grade, as determined by the TXVSN teacher for the educational program.

19 TAC 70.1015

Compulsory Attendance

Texas public school students are not required to be in physical attendance while participating in courses through a TXVSN OLS or the TXVSN course catalog.

Based upon successful completion of a TXVSN course for students in grades 9–12 or a TXVSN OLS instructional program for students in grades 3–8, students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible.

For audit purposes, TXVSN course providers and TXVSN receiver districts shall maintain documentation to support the students' successful completion and to support verification of compulsory attendance.

"TXVSN receiver district" means a Texas public school district that has students enrolled in the school district who take one or more online courses through the TXVSN statewide course catalog.

19 TAC 70.1001(9), .1017

Local Policy

A district shall adopt a written policy that provides students enrolled in the district with the opportunity to enroll in electronic courses provided through the TXVSN statewide course catalog. The policy must be consistent with the requirements regarding notice, enrollment requests, and students with disabilities as described below.

A district shall, at least once per school year, send to a parent of each district student enrolled at the middle or high school level a copy of the policy. A district may send the policy with any other information that the district sends to a parent.

Education Code 30A.007; 19 TAC 70.1033

Notice

At the time and in the manner that a district informs students and parents about courses that are offered in the district's traditional

classroom setting, the district shall notify parents and students of the option to enroll in an electronic course offered through the TXVSN.

Requests to Enroll

Except as provided below, a district may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TXVSN.

A district may deny a request to enroll a student in an electronic course if:

1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;
2. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the district providing the course; or
3. The district offers a substantially similar course.

The course provider shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

If a parent of a student requests permission to enroll the student in a TXVSN course, a district has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b).

Appeals

A parent may appeal to the commissioner a district's decision to deny a request to enroll a student in an electronic course offered through the TXVSN. The commissioner's decision under this subsection is final and may not be appealed.

Education Code 26.0031; 19 TAC 70.1008, .1035

Students with Disabilities

For purposes of the policy, the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal (ARD) committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794. *Education Code 30A.007(b)*

Required Enrollment Prohibited

A school district or open-enrollment charter school may not require a student to enroll in an electronic course. *Education Code 30A.107(d)*

Inducements for Enrollment Prohibited	A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the TXVSN. The commissioner shall revoke approval of electronic courses offered by a course provider that violates this prohibition. The commissioner's action under this section is final and may not be appealed. *Education Code 30A.1052*
Course Portability	A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course. *Education Code 30A.1051; 19 TAC 70.1015(d)*
Student Assessment	All Texas public school students enrolled in the TXVSN are required to take the statewide assessments as required in Education Code 39.023 [see EKB]. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor. A district shall report to the commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the TXVSN separately from the results of assessment instruments administered to other students. All districts participating in the TXVSN OLS program are included in the state's academic accountability system. *Education Code 30A.110; 19 TAC 70.1023*
Funding	A district in which a student is enrolled is entitled to funding under Education Code Chapter 48 for the student's enrollment in a TXVSN course in the same manner that the district is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course. Funding is limited to a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that was operating on January 1, 2013. *Education Code 30A.153* A district may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year unless the student is enrolled in a full-time online program that was operating on January 1, 2013. If the district declines to pay the cost, a student is able to enroll in additional electronic courses at the student's cost. *Education Code 26.0031(c-1)*

Course Cost

A district may charge the course cost for enrollment in a TXVSN course to a student who resides in this state and:

1. Is enrolled in the district as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other school districts; or
2. Elects to enroll in a TXVSN course for which the district in which the student is enrolled as a full-time student declines to pay the cost as authorized by Education Code 26.0031(c-1).

A district may charge the course cost for enrollment in a TXVSN course during the summer.

A district shall charge the course cost for enrollment in a TXVSN course to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.

A TXVSN course cost may not exceed the lesser of the cost of providing the course or $400.

A district may decline to pay the course costs for a student who chooses to enroll in more than three year-long electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TXVSN at the student's expense.

A district that is not the course provider may charge a student enrolled in the district a nominal fee, not to exceed $50, if the student enrolls in a TXVSN course that exceeds the course load normally taken by students in the equivalent grade level.

A course provider in the TXVSN statewide course catalog shall receive:

1. No more than 70 percent of the catalog course cost prior to a student successfully completing the course; and
2. The remaining 30 percent of the catalog course cost when the student successfully completes the course.

Education Code 30A.155(a)–(c-1); 19 TAC 70.1025

Educators of Electronic Courses

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must be certified under Education Code Chapter 21, Subchapter B, to teach that course and grade level or meet the credentialing requirements of the institution of higher education with which they are affiliated and that is serving as a course provider.

In addition, each instructor must successfully complete one continuing professional development course specific to online learning every three years, and:

1. Successfully complete a professional development course or program approved by TXVSN central operations before teaching an electronic course offered through the TXVSN; or
2. Have a graduate degree in online or distance learning and have demonstrated mastery of the International Association for K–12 Learning (iNACOL) National Standards for Quality Online Teaching; or
3. Have two or more years of documented experience teaching online courses for students in grades 3–12 and have demonstrated mastery of the iNACOL National Standards for Quality Online Teaching.

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.

TXVSN course providers shall affirm the preparedness of teachers of TXVSN electronic courses to teach public school-age students in a highly interactive online classroom and shall:

1. Maintain records documenting:
    a. Valid Texas educator certification credentials appropriate for the instructor's TXVSN assignment;
    b. Successful initial completion of TXVSN-approved professional development, evidence of prior online teaching, or a graduate degree in online or distance learning; and
    c. Instructors' demonstrated mastery of the iNACOL National Standards for Quality Online Teaching prior to teaching through the TXVSN;
2. Conduct and maintain records for background checks;
3. Maintain records of successful completion of continuing professional development;
4. Maintain records documenting successful completion of TXVSN-approved professional development before the end of the school year for any instructor who is hired after the school year has begun; and

5. Make the records specified in this subsection available to TEA and TXVSN central operations upon request.

19 TAC 70.1027

Revocation

The commissioner may revoke the right to participation in the TXVSN based on any of the following factors:

1. Noncompliance with relevant state or federal laws;
2. Noncompliance with requirements and assurances outlined in the contractual agreements with TXVSN central operations and/or these provisions and Education Code Chapter 30A; or
3. Consistently poor student performance rates as evidenced by results on statewide student assessments, student withdrawal rates, student completion rates, successful completion rates, or campus accountability ratings.

19 TAC 70.1029

Applicability

Unless a district chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of a school district or open-enrollment charter school, Chapter 30A does not affect the provision of a course to such a student.

Requirements imposed by or under Education Code Chapter 30A do not apply to a virtual course provided by a district only to district students if the course is not provided as part of the TXVSN.

Education Code 30A.004

Average Daily Attendance for Certain Programs

A district may provide one or more off-campus electronic courses, an off-campus electronic program, or an instructional program that combines in-person instruction and off-campus electronic instruction to students enrolled in the district who have reasonable access to in-person services at a district or school facility. Off-campus electronic instruction for a course or program provided under this provision may be provided synchronously or asynchronously. A student enrolled in a course or program provided under this provision shall be counted toward the district's average daily attendance in the same manner as other district students. The off-campus electronic instruction for a course or program provided under this provision shall be counted for average daily attendance (ADA) in accordance with Education 48.0071 and commissioner-adopted rule. *Education Code 48.0071(a)–(b)*

[For information regarding a local remote learning program, authorized by Education Code 29.9091, see EHDF.]

Note: The local remote learning program is a specially authorized program under the Education Code. The provisions below are set to expire on September 1, 2023. For information about other remote instruction, including the TxVSN and distance learning and correspondence courses, see EHDE.

A district assigned an overall performance rating of C or higher under Education Code 39.054 [see AIA] for the preceding school year or the most recent school year in which a performance rating was assigned may operate a local remote learning program to offer virtual courses outside the state virtual school network to eligible students.

District Requirements

A district that operates a full-time local remote learning program must include in the program at least one grade level in which a state assessment instrument is required to be administered under Education Code 39.023(a), including each subject for which an assessment instrument is required or a complete high school program, including each course for which an end-of-course assessment instrument is required to be administered under Education Code 39.023(c) [see EKB].

The district must offer the option for a student's parent or person standing in parental relation to select in-person instruction for the student.

Type of Instruction

A virtual course offered under a local remote learning program may be provided through synchronous instruction, asynchronous instruction, or a combination of synchronous and asynchronous instruction; and may be provided in combination with in-person instruction as appropriate to meet the needs of individual students.

Student Eligibility

A student is eligible to enroll in a virtual course offered under a local remote learning program if the student is enrolled in a district, has reasonable access to in-person services for the course at a district facility, and meets any additional criteria, including minimum academic standards, established by the district in which the student is enrolled.

Student Performance and Attendance

A district that operates a local remote learning program shall periodically assess the performance of students enrolled in virtual courses under the program.

A district that operates a local remote learning program may not count a student for purposes of calculating the district's average

daily attendance if the student has ten or more unexcused absences in the program in a six-month period.

Education Code 29.9091(a)–(e)(1), (e)(3)

Returning a Student to In-Person Instruction

A district that operates a local remote learning program may remove a student from virtual courses under the program and return the student to in-person instruction if the district determines that the student does not meet the criteria described at Student Eligibility, above.

A district may remove a student from virtual courses only if the district establishes a process to ensure that each student and the student's parent or person standing in parental relation have sufficient notice and opportunity to provide input before the student is removed from those courses.

Education Code 29.9091(e)(2), (f)

Contract with a District

A district may contract with another district or open-enrollment charter school to allow a student enrolled in the sending district to enroll in virtual courses offered under the local remote learning program of the receiving district. A student enrolled in virtual courses under an agreement described by this provision is considered enrolled in the sending district for purposes of average daily attendance [see FEB] and accountability under Chapters 39 and 39A [see AIB].

State Assessment

A state assessment instrument administered under Education Code 39.023 or 39.025 [see EKB] to a student enrolled in a virtual course offered under a local remote learning program shall be administered to the student in the same manner in which the assessment instrument is administered to other district students.

Special Education

If a district offers virtual courses under a local remote learning program for students receiving special education services, the courses must meet the needs of a participating student in a manner consistent with Education Code Chapter 29, Subchapter A (special education program) and with federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

Teacher Requirements

A teacher may not provide instruction for a virtual course offered under a full-time local remote learning program unless the teacher has completed a professional development course on virtual instruction.

A district may not directly or indirectly coerce any teacher to agree to an assignment to teach a full-time local remote learning program.

A district may not require a teacher to provide both virtual instruction and in-person instruction for a course during the same class period. The commissioner may waive this requirement for courses included in the enrichment curriculum under Education Code 28.002 [see EHAA].

Extracurricular Activities

A student enrolled in a virtual course offered under a local remote learning program may participate in an extracurricular activity sponsored or sanctioned by the district in which the student is enrolled or by the University Interscholastic League in the same manner as other district students.

Attendance Accounting

A student enrolled in a virtual course offered under a local remote learning program shall be counted toward the district's average daily attendance in the same manner as other district students, unless the student has ten or more unexcused absences in the program in a six-month period. The commissioner shall adopt rules providing for a method of taking attendance, once each school day, for students enrolled in a virtual course offered under a local remote learning program.

Education Code 29.9091(g)–(n)

Except for students enrolled in programs or courses offered under Education Code Chapter 30A (Texas Virtual School Network) or Education Code 48.053 (allotment for certain special purpose districts), a district may not count for purposes of calculating the district's average daily attendance a student who received virtual or remote instruction for a majority of the instructional days during the preceding school year if the student:

1. Did not achieve satisfactory performance or higher or the equivalent in the preceding school year on:

    a. Each state assessment instrument administered to the student under Education Code 39.023 or 39.025; or

    b. If the student was not administered a required state assessment instrument during the preceding school year, an assessment instrument designed to show grade-level proficiency in the essential knowledge and skills identified under Education Code 28.002 by the State Board of Education for the student's grade level;

2. Had a number of unexcused absences that exceeds ten percent of the number of instructional days in the preceding school year; or

3. Did not earn a grade of C or higher or the equivalent in each of the foundation curriculum courses taken virtually or remotely in the preceding school year.

Education Cote 48.005(m-1)

TXVSN

Education Code Chapter 30A (Texas Virtual School Network) does not apply to a virtual course offered under a local remote learning program. Education Code 29.9091 does not prohibit a student enrolled in a district that operates a local remote learning program from enrolling in courses offered through the state virtual school network. *Education Code 29.9091(o)–(p)*

Enrollment Cap

A district that operates a local remote learning program may not enroll in the program a number of students that exceeds ten percent of the total number of students enrolled in the district during the 2021–22 school year. The commissioner may waive this provision on application by a district in response to a public health emergency.

In calculating the number of students that may be enrolled in a local remote learning program, a district shall count students who spend at least half of the student's instructional time during the 2021–22 school year or 2022–23 school year, as applicable, enrolled in virtual courses or receiving remote instruction, other than by enrollment in electronic courses offered through the state virtual school network, including students enrolled in virtual courses or who received remote instruction during the 2021–22 school year or 2022–23 school year, as applicable, because the student was:

1. Medically fragile;

2. Placed in a virtual setting by an admission, review, and dismissal committee; or

3. Receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

Education Code 29.9091(q)–(r)

Program Evaluation

In evaluating under Education Code 39.054 (state accountability) [see AIA], the commissioner shall assign the program separate overall and domain performance ratings in accordance with Education Code 39.0549. *Education Code 39.0549(a)*

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High School Diploma

A student may graduate and receive a diploma only if the student:

1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or

2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

FAFSA Required

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), except as provided below.

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;

2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or

3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district to comply with the commissioner’s rules.

A school counselor may not indicate that a student has not complied with this section if the district fails to provide the required form

to the student or the student's parent or other person standing in parental relation to the student.

Education Code 28.0256; 19 TAC 74.11(b)

Opt-Out Form

The board shall adopt the standard opt-out form provided by the Texas Education Agency (TEA).

The opt-out form shall be available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the district. A district is responsible for translations not provided by TEA.

The opt-out form must include the student's signature of intent to decline to complete a financial aid application prior to the student's anticipated graduation date.

19 TAC 74.1023(c)

Notification

A district shall provide students with the notifications regarding the financial aid application requirement, in accordance with 19 Administrative Code 74.1023(d).

Proof of Submission

A district shall require one of the following methods of proof that a student has completed and submitted the FAFSA or TASFA.

For completion and submission of the FAFSA:

1. ApplyTexas Counselor Suite FAFSA data;
2. Notification from the U.S. Department of Education that demonstrates a student has completed and submitted a FAFSA; or
3. A local policy developed by a district for the method by which a student must provide proof that the student has completed a FAFSA.

A district shall develop a local policy for the method by which a student must provide proof that the student has completed a TASFA.

19 TAC 74.1023(e)

Information Submission and Confidentiality

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) not later than December 1 of each school year for students awarded diplomas in the previous school year the number of students who completed and submitted a financial aid application and the number of students who submitted an exception.

A district shall maintain student financial aid application information securely and ensure compliance with federal law regarding the

confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information [see FL].

19 TAC 74.1023(f)–(g)

Individual Graduation Committee

A student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
    a. The student's parent or person standing in parental relation to the student;
    b. A designated advocate if the parent is unable to serve; or
    c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

Alternate Members

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)–(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

Curriculum Requirements

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

Additional Requirements to Graduate

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

English Language Learners

For provisions related to an IGC and English language learners (ELL), see EKB.

Students Who Entered Grade 9 Before the 2011–12 School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);
4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and

5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

District Determination — The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. *19 TAC 74.1027(b)*

Alternative Requirements — The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).

Local Alternative Requirements — With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. *19 TAC 74.1027(d)*

Appeals — A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. *19 TAC 74.1027(e); Education Code 28.02541*

Documentation — The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. *19 TAC 74.1027(f)*

Special Education — A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma — Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception — A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal

Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

Diplomas for Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

Texas First Early High School Completion Program

A district may issue a high school diploma to a student under the Texas First Early High School Completion Program if, using the standards established by TEA and the Texas Higher Education Coordinating Board and eligible institutions of higher education, the student demonstrates mastery of and early readiness for college in each of the subject areas described by the standards and in a language other than English, notwithstanding any other local or state requirements.

A student who earns a high school diploma through the program is considered to have earned a distinguished level of achievement.

Notice Upon Enrollment

On a student's initial enrollment in high school in a grade level below grade 12 in a district, the district shall provide to the student and the student's parent or guardian information regarding the requirements to earn a high school diploma under the Texas First Early High School Completion Program and the Texas First Scholarship Program.

Education Code 28.0253(e)–(g)

Personal Graduation Plan

Junior High or Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

Students Receiving Special Education Services

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and

2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)* [See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];

2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and

3. Demonstrated proficiency, in grade 8 or higher, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (d)

Foundation High School Program

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;

2. Mathematics—3 credits;

3. Science—3 credits;

4. Social Studies—3 credits;

5. Languages other than English—2 credits;

6. Physical Education—1 credit;

7. Fine Arts—1 credit; and

8. Elective courses—5 credits.

19 TAC 74.12(a)–(b)

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);

2. Business and industry;

3. Public services;

4. Arts and humanities; and

5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate

under the foundation high school program without earning an endorsement.

19 TAC 74.11(e)

Distinguished Level of Achievement

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(f)*

Algebra II Notification

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(j)–(k)

Dual Credit Courses

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge

and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(i)*

Core Curriculum College Courses

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and
3. Is entitled to receive a high school diploma.

19 TAC 74.11(o)

Languages Other Than English

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

Physical Education Substitutions

Other Physical Activity

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and

3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:

    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;

2. Marching band; and

3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical

education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;

2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or

3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

Community-Based Fine Arts Programs

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;

2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;

3. The district must document student completion of the approved activity;

4. The program must be organized and monitored by appropriately trained instructors;

5. The fine arts program may be provided on or off a school campus and outside the regular school day; and

6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information

necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

Performance Acknowledgments

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
    a. In a dual credit course;
    b. In bilingualism and biliteracy;
    c. On a College Board advanced placement test or international baccalaureate examination;
    d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
    e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who Entered Grade 9 Before the 2014–15 School Year

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;

2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or

3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with Disabilities — If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability — A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements — A student must earn at least 22 credits to complete the Minimum High School Program.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F.

Education Code 28.025; 19 TAC 74.62, .72

Recommended High School Program — A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*

Advanced / Distinguished Achievement High School Program — A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*

Substitutions — No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP or IB Courses — College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate

areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

Reading

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(h), .71(f)

College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

Physical Education Substitutions

Other Physical Activity

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Student with Physical Limitations

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

Transfers from Out-of-State or Nonpublic Schools

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.11(g)* [See EHDB, EHDC, EHDE, and EI]

Graduation of Students Receiving Special Education Services

Modified Curriculum and Content

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–117, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(k)*

Employability and Self-Help Skills

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(i)*

Summary of Academic Achievement and Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(g)–(h)*

Students Entering Grade 9 in or After the 2014–15 School Year

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments.

2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

    a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

    b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help

skills that do not require direct ongoing educational support of the local school district.

c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (j)

Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:

   a. The curriculum requirements identified by the SBOE for the foundation high school program; and

   b. The additional endorsement curriculum requirements prescribed by the SBOE; and

2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:

   a. Without modification of the curriculum; or

   b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)–(c-8), 19 TAC 89.1070(c)

Students Entering Grade 9 Before the 2014–15 School Year

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

Graduation of Military Dependents

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

Graduation of Student Who Is Homeless or in Conservatorship of DFPS

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

Course Requirements

To graduate, a student must complete the courses required by the District in addition to those mandated by the state.

Foundation Program

The courses that satisfy District requirements under the foundation program, including courses for the distinguished level of achievement and courses for endorsements offered by the District, shall be listed in appropriate District publications.

Without an Endorsement

The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program without an endorsement. Graduation under the foundation program without an endorsement shall be permitted only as authorized under state law and rules.

With an Endorsement

The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program with an endorsement.

Distinguished Level of Achievement

The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program with the distinguished level of achievement.

No Fine Arts Substitutions

The District shall not award state graduation credit in fine arts for participation in a community-based fine arts program.

Physical Education Substitutions

Activities and Courses

To the extent permitted by state rules, the District shall award state graduation credit in physical education for participation in approved activities and elective courses.

Private or Commercial Programs

The District shall award state graduation credit in physical education for appropriate private or commercially sponsored physical activity programs conducted either on or off campus, upon approval by the commissioner of education. [See also EHAC]

Financial Aid Application Confirmation

As confirmation of a student's completion and submission of a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), the District shall accept the following:

1. A screenshot that includes the processed date field in ApplyTexas Counselor Suite FAFSA data;
2. Notification, such as a copy of an email, from the United States Department of Education verifying completion of the FAFSA;
3. A copy or screenshot of the FAFSA acknowledgment page;
4. A screenshot of the TASFA submission acknowledgment page (from those institutions that offer an electronic form);

5. An acknowledgment receipt from an institution of higher education (IHE); or

6. A copy of a financial aid award letter from an IHE.

[For students who choose not to complete and submit a FAFSA or a TASFA, see EIF(LEGAL).]

The District shall maintain individual student documentation of the financial aid application requirement as an education record. [See FL]

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State Assessment of Academic Skills

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Emergent Bilingual Students

In grades 3–12, an emergent bilingual student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

On request by a district, the commissioner may allow the district to administer an assessment instrument on the first instructional day

of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions. *Education Code 39.023(c-3)*

Alternate Test Dates

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

Test Administration Training

The commissioner may require training for district employees involved in the administration of the assessment instruments. The commissioner may only require for 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)*

Notice to Parents and Students

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.

2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012

Testing in Grades 3–8

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (emergent bilingual students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;

2. Reading, annually in grades 3–8;

3. Social studies in grade 8;

4. Science in grades 5 and 8; and

5. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or

2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)

Kindergarten Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)

End-of-Course Assessments

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

Education Code 39.023(c)

Students Enrolled Below High School Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment Requirements for Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

Exceptions

English I or English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

Credits Earned Prior to Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022

Substitute Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative Assessment (TSIA) or a Texas Success Initiative Assessment, Version 2.0 (TSIA2) also meets the additional criteria of 19 Administrative Code 101.4002(d).

TSI Additional Criteria

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSIA or TSIA2 as a substitute assessment.

Accountability Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

Verification of Results

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Satisfactory Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment

while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

19 TAC 101.3023(a), (b)

Credit by Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to

retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Reporting Results

To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents, Students, and Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

19 TAC 101.3014

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

Parents Right-to-Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access

does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

Out-of-State Transfers

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and 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 EHBC]

Education Code 28.0211(a-1)

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction under Education Code 28.0217 in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:

    a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or

b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and

2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

Faculty — Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice — Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

Credit Earned — A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

Dual Credit — A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

Instructional Materials — Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

Security and Confidentiality — All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
    a. Met the requirements to participate in the student assessment program;
    b. Received training in test security and test administration procedures; and
    c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)–(a)(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;

5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d) (redesignated to Education Code 39.003), or appointment of a monitor, conservator, or management team

to the district in accordance with Education Code Chapter 39A.

Test Administration Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)–(d)

Disciplinary Action and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)–(b), (g)

Minimize Disruptions

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

Confidentiality of Results

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Exemption from Instruction

A parent or person standing in parental relation is entitled to remove the parent's child from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.

Limitations

A parent or person standing in parental relation is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. This provision does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the district and the Texas Education Agency (TEA).

Education Code 26.002, .010

Instructional Requirements and Prohibitions

The following provisions under Education Code 28.022(a) apply to any course or subject, including an innovative course, for a grade level from kindergarten through grade 12.

Controversial Topics

A teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.

A teacher who chooses to discuss a topic described above shall explore that topic objectively and in a manner free from political bias.

Education Code 28.0022(a)(1)–(a)(2)

Political Activism and Advocacy Participation

A district or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

1. Work for, affiliation with, or service learning in association with any organization engaged in:
    a. Lobbying for legislation at the federal, state, or local level, if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of legislation; or
    b. Social policy advocacy or public policy advocacy;
2. Political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
3. Participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy.

Education Code 28.0022(a)(3)

The above provisions do not apply to a student's participation in:

1. Community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects;
2. An internship or practicum:
    a. For which the student receives course credit under a career and technology education program or under the P-TECH program established under Education Code 29.553; and
    b. That does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy; or
3. A program that prepares the student for participation and leadership in this country's democratic process at the federal, state, or local level through the simulation of a governmental process, including the development of public policy.

Education Code 28.0022(b)

Concepts Prohibited

A teacher, administrator, or other employee of a district may not require or make part of a course inculcation in the concept that:

1. One race or sex is inherently superior to another race or sex;
2. An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
3. An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
4. An individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
5. An individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;
6. Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
7. The advent of slavery in the territory that is now the United States constituted the true founding of the United States; or

8. With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

A teacher, administrator, or other employee of a district may not teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt a concept listed above.

A teacher, administrator, or other employee of a district may not require an understanding of The 1619 Project.

Education Code 28.0022(a)(4)

Student Discussion

A district may not implement, interpret, or enforce any rule in a manner that would result in the punishment of a student for reasonably discussing the concepts described above in school or during a school-sponsored activity or have a chilling effect on reasonable student discussions involving those concepts in school or during a school-sponsored activity. *Education Code 28.0022(d)*

Limitations on Statute

Education Code 28.0022 may not be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under Education Code Chapter 28, Subchapter A.

Education Code 28.0022 does not create a private cause of action against a teacher, administrator, or other employee of a district. A district may take appropriate action involving the employment of any teacher, administrator, or other employee based on the individual's compliance with state and federal laws and district policies.

Education Code 28.0022 may not be construed as prohibiting a teacher employed by a district from directing a classroom activity that involves students communicating with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

Education Code 28.0022(e)–(g)

Note: The Board has adopted an innovation plan[1] that affects application of provisions in this legally referenced policy.

Absences Considered

In order to receive credit or a final grade for a class, a student is required to attend class 90 percent of the days class is offered regardless of whether the student's absences are excused [see FEA] or unexcused. *Atty. Gen. Op. JC-0398 (2001)*

90 Percent Rule

Except as provided below, a student in any grade level from kindergarten through grade 12 shall not be given credit or a final grade for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student's right to excused absences to observe religious holy days [see FEA] and does not apply to a student who receives credit by examination for a class as provided by Education Code 28.023. [See EHDC]

Serious or Life-Threatening Illness Exception

A student's excused absence resulting from a serious or life-threatening illness or related treatment [see FEA] may not be considered in determining whether the student has satisfied the attendance requirement under the 90 percent rule.

Local Remote Learning Program Exception

A district may adopt a policy to exempt students from the requirements of the 90 percent rule for one or more courses identified in the policy that are offered under a local remote learning program [see EHDF].

Principal's Plan

A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. However, a student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade without the consent of the judge presiding over the student's case.

Extenuating Circumstances

An attendance committee may give class credit or a final grade to a student because of extenuating circumstances. A board shall establish guidelines for determining what constitutes extenuating circumstances.

A board shall adopt policies that establish alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee. The availability of such option must be substantially the same as the availability of the educational program for which a district may charge a fee. [See FP]

Attendance Committee

A board shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who have not met the 90 percent rule and have not earned class credit or a final grade by completing a principal's plan. Classroom teachers shall comprise a majority of the attendance committee.

Appeal

If the committee denies a student credit or a final grade, the student may appeal the decision to the board. A board's decision may be appealed to the district court of the county in which the district's central administrative office is located.

Additional Duties

A certified employee may not be assigned additional instructional duties as a result of the above provision outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

Education Code 25.092

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[1] Innovation Plan: https://www.wacoisd.org/Page/8807

Trauma-Informed Care Program

The District's trauma-informed care program, as included in the District improvement plan, shall provide for the integration of trauma-informed care practices in the school environment, including increasing staff and parent awareness of trauma-informed care, implementation of trauma-informed practices and care by District and campus staff, and providing information about available counseling options for students affected by trauma or grief.

Training

The District shall provide training in trauma-informed care to District educators as required by law and the Board-approved District professional development plan. The District improvement plan shall specify required training for any other District employees as applicable.

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 61.1051(b)(3)

Definitions

Child Abuse or Neglect — The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment — This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a Child — This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

19 TAC 61.1051(a)

Duty to Report

Report by Any Person — Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

Report by Any Professional — Any professional who has reasonable cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is the victim of an offense of indecency with a child.

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, juvenile probation officers, and juvenile detention or correctional officers.

Family Code 261.101(b)

Abuse of Persons with Disabilities

A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, .052, .054

Adult Victims of Abuse

A person or professional shall make a report in the manner required above if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

Restrictions on Reporting

Psychotropic Drugs and Psychological Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or

2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFEB]

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

Abuse and Neglect Involving School Personnel and Those Responsible for Care

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made to a state agency under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 61.1051(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 Chapter 42, Human Resources Code.

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)*

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 confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

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 circumstances and in the manner required by Education Code 21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)–(f). *19 TAC 249.15(b)(4)*

Note: The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school.

Investigations

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student	The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]
Interference with Investigation	A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*
Confidentiality	A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 61.1051(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. *19 TAC 61.1051(b)(1)*

The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:
    a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and

b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.

3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

4. Confidentiality provisions relating to a report of suspected child abuse or neglect;

5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and

6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 61.1051(b)(2)

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;

2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and

3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 61.1051(b)(5)–(b)(8)

Annual Distribution and Staff Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

Required Poster

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;

2. Instructions to call 911 for emergencies; and

3. Directions for accessing the DFPS Texas Abuse Hotline website[1] for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 61.1051(e)–(f)

[1] Texas Abuse Hotline website: https://www.txabusehotline.org/

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Note: The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

Dating Violence

Policy Requirements

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must include:

1. A definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021;
2. A clear statement that dating violence is not tolerated at school; and
3. Reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence.

A dating violence policy must also address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade 6 or higher, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Student Resources

To the extent possible, a district shall make available to students age-appropriate educational materials that include information on the dangers of dating violence and resources to students seeking help. *Education Code 37.0831(c)*

Note: References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

The U.S. Department of Education's Office for Civil Rights has issued a formal interpretation that discrimination on the basis of sex under Title IX includes discrimination on the basis of sexual orientation and gender identity.

Sexual Harassment

A district may develop and implement a sexual harassment policy to be included in the district improvement plan. *Education Code 37.083* [See BQ]

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)*

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. *20 U.S.C. 1681 (Title IX)*

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. *34 C.F.R. 106.45; 20 U.S.C. 1681* [See also FB regarding Title IX]

Designation of Title IX Coordinator

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."

Parties Entitled to Notice

The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

34 C.F.R. 106.8(a)

Reporting

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Notification of Policy

A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state

that the requirement not to discriminate in the education program or activity extends to employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both.

34 C.F.R. 106.2(d), .8(b)(1)

Publication Requirements

A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if any, and in each handbook that it makes available to the Parties Entitled to Notice, above.

A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX.

34 C.F.R. 106.8(b)(2)

Note: To distinguish the process described below from the district's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of Title IX sexual harassment in an education program or activity and against a person in the United States as the district's "Title IX formal complaint process."

Adopting and Publishing Complaint Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)–(d)

Response to Sexual Harassment

Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Consent" is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or

3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Supportive measures" means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.2, .30(a)

Deliberate Indifference

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

Education Program or Activity

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over

both the respondent and the context in which the sexual harassment occurs.

34 C.F.R. 106.44(a)

Title IX Coordinator Response

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

Supportive Measures Required

A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

Constitutional Restrictions

The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

Response to a Formal Complaint

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. *34 C.F.R. 106.44(b)(1)*

Emergency Removal

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)

Administrative Leave

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. *34 C.F.R. 106.44(d)*

Process for Title IX Formal Complaint

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for handling formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;

2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;

3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training

on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;

4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;

5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints

against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;

8. Include the procedures and permissible bases for the complainant and respondent to appeal;

9. Describe the range of supportive measures available to complainants and respondents; and

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

34 C.F.R. 106.45(b)(1)

Notice of Allegations

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:

   a. The identities of the parties involved in the incident, if known;

   b. The conduct allegedly constituting sexual harassment; and

   c. The date and location of the alleged incident, if known.

   The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not

included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

Dismissal of a Formal Complaint

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

34 C.F.R. 106.45(b)(3)–(4)

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or

paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];

2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The

district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

Hearings

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. *34 C.F.R. 106.45(b)(6)(ii)*

Determination Regarding Responsibility

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any

notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

3. Findings of fact supporting the determination;

4. Conclusions regarding the application of the district's code of conduct to the facts;

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and

6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

34 C.F.R. 106.45(b)(7)(i)–(ii)

Implementation of Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies. *34 C.F.R. 106.45(b)(7)(iv)*

Appeals

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Formal Title IX Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

Informal Resolution

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
    a. The allegations;
    b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
    c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

2. Obtains the parties' voluntary, written consent to the informal resolution process; and

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;

2. Any appeal and the result therefrom;

3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

Retaliation Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated

or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71(a)–(b)

Confidentiality

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

Note: This policy addresses discrimination, including harassment, and retaliation against District students. For provisions regarding discrimination, including harassment, and retaliation against District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

Statement of Nondiscrimination

The District prohibits discrimination, including harassment, against any student. Discrimination is defined as treating a student or group of students differently from similarly situated students on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. One type of harassment this policy prohibits is dating violence, as defined below. Retaliation against anyone exercising their rights under this policy is a violation of District policy and is prohibited.

Harassment

Harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Harassment includes dating violence as defined by law and this policy.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name call-

ing, slurs, or rumors; cyberharassment; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Title IX Sexual Harassment

As required by law, the District shall follow the procedures below at Response to Title IX Sexual Harassment upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment in an education program or activity and against a person in the United States under Title IX. [See FFH(LEGAL)]

Other Sexual Harassment

By an Employee

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
    a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
    b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or other inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communications, including electronic communication.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; cyberharassment; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples — Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

Reporting Procedures — Any student who believes that he or she has experienced prohibited conduct and any person who believes that a student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.

Student Report

Employee Report — Any District employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

Definition of District Officials — For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Title IX Coordinator — Reports of discrimination based on sex, including sexual harassment, gender-based harassment, or dating violence, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]

ADA / Section 504 Coordinator — Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]

Superintendent — The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

Alternative Reporting Procedures — An individual shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX

coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Timely Reporting

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

Notice to Parents

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult. [For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

When the District receives a report of prohibited conduct that includes dating violence, the appropriate District official shall immediately notify the parent or guardian of the student who has been identified in the report as the alleged victim or perpetrator.

Investigation of Reports Other Than Title IX

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment, and dating violence, see the procedures below at Response to Title IX Sexual Harassment.

The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proved, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

Interim Action

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.

District Investigation

The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Criminal Investigation

If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

Concluding the Investigation

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

Notification of Outcome

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

District Action

Prohibited Conduct

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

Corrective Action

Examples of corrective action may include a training program for those involved in the report, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of

areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination, harassment, and retaliation.

Bullying — If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.

Improper Conduct — If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

Confidentiality — To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal — A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent has the right to file a complaint with the United States Department of Education Office for Civil Rights.

Response to Title IX Sexual Harassment — For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

General Response — When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed or dismissed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct. The Title IX coordinator also reserves the right to sign a formal complaint, initiating the Title IX grievance process, if it would be deliberately indifferent not to investigate and respond to the prohibited conduct in accordance with Board policies and the Student Code of Conduct.

Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a

dismissal of a Title IX formal complaint or any allegations therein;

9. A description of the supportive measures available to the complainant and respondent;

10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;

11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and

12. Other local procedures as determined by the Superintendent.

Standard of Evidence — The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation — The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX. In the absence of a formal complaint, allegations of retaliation shall be investigated under Investigation of Reports Other Than Title IX, above.

Examples — Examples of retaliation may include threats, intimidation, coercion, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim — A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.

Records Retention — The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

Access to Policy and Procedures

Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

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UIL Rules and District Policies

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

Athletic Activities

UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation—Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201–33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

Education Code 33.207(b), .208

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

Education Code 33.206

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

Safety Precautions

A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:

1. Each student participant is adequately hydrated;
2. Any prescribed asthma medication for a student participant is readily available to the student;
3. Emergency lanes providing access to the practice or competition area are open and clear; and
4. Heatstroke prevention materials are readily available.

If a student participating in a practice or competition becomes unconscious during the activity, the student may not:

1. Return to the activity during which the student became unconscious; or
2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

Education Code 33.205

Concussions

"Interscholastic athletic activity" includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL. *Education Code 38.152*

"Concussion" means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness. *Education Code 38.151(4)*

Concussion Oversight Team

The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. *Education Code 38.153(a)*

Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight

team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158.

Education Code 38.154, .158

Return-to-Play Protocol

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion. *Education Code 38.153(b)*

Required Annual Form

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

Removal from Play

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed healthcare professional, as defined by Education Code 38.151(5); a licensed chiropractor; a school nurse; or the student's parent or guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

Return to Play

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;

2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;

3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and

4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:

    a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;

    b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;

    c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and

    d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

Education Code 38.157

Immunity

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;

2. Create any liability for a cause of action against a district or against district officers or employees;

3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or

4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

Education Code 38.159

Football Helmet Safety Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

Education Code 33.094(a)–(c)

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

Education Code 33.091(d)–(e)

Cardiac Assessment

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is ap-

propriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as establish by the health-care professional's Texas licensing act.

Immunity

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

Education Code 33.096

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

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 ten times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE.

Education Code 33.081(a), .0811

SBOE Rules

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exceptions

Public Performances

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

State-Approved Music Courses

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

19 TAC 76.1001(a)

Limits on Participation and Practice

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

During the School Week

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.
3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3–11.

19 TAC 76.1001(d); Education Code 33.081(a)

During the School Day

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.
2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity

may practice that extracurricular activity for no more than one period during the school day.

3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.

4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.

5. Regardless of the schedule type in place (traditional or nontraditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 TAC 76.1001(e); Education Code 33.081(a)

Record of Absences

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

Students Receiving Outpatient Mental Health Services

A district may not adopt or enforce policies that restrict participation in UIL activities by a student who receives outpatient mental health services from a mental health facility and is enrolled in the district or otherwise receives public education services from a district based solely on the student's receipt of outpatient mental health services from a mental health facility or the student's absence during instructional time while receiving outpatient mental health services from a mental health facility.

This provision does not exempt a student to whom this section applies from any eligibility requirement for participation in UIL activities other than an eligibility requirement based solely on the criteria of receipt of outpatient mental health services from a mental health facility.

Education Code 33.0832(c)–(d)

Participation by Homeschooled Students

A public school that participates in an activity sponsored by UIL may provide a non-enrolled student, who otherwise meets UIL eligibility standards to represent that school in a UIL activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

"Non-enrolled student" means a student who receives instruction as a homeschooled student as described by Education Code 29.916(a)(1) from a nonpublic school [see EK].

Relevant Policies

A non-enrolled student who seeks to participate or participates in a UIL activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school:

1. Registration for UIL activities;
2. Age eligibility;
3. Fees;
4. Insurance;
5. Transportation;
6. Physical condition;
7. Qualifications;
8. Responsibilities;
9. Event schedules;
10. Standards of behavior; and
11. Performance.

Residency Requirements

A non-enrolled student may only participate in a UIL activity for the school in the district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a UIL activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Education Code 25.001 [see FD].

Academic Requirements

The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic standards relating to the student's participation in a UIL activity. As a condition of eligibility to participate in a UIL activity during the first six weeks of a school year, a non-enrolled student must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. A non-enrolled student demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. A district shall accept assessment results administered or reported by a third party.

A non-enrolled student's demonstration of academic proficiency is sufficient for the school year in which the student achieves the required score and the subsequent school year.

After the first six weeks of a school year, the parent or person standing in parental relation to a non-enrolled student participating in a UIL activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

Previous Enrollment in Public School

A non-enrolled student is not authorized by this section to participate in a UIL activity during the remainder of any school year during which the student was previously enrolled in a public school.

Prohibitions

With respect to a non-enrolled student's education program, nothing in these provisions shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a non-enrolled student or a parent or person standing in parental relation to a non-enrolled student beyond the control, regulatory authority, or supervision required to participate in a UIL activity.

Subject only to eligibility requirements, the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be changed in order for the non-enrolled student to participate in a UIL activity. Subject only to eligibility requirements, for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

Education Code 33.0832

Suspension from Extracurricular Activities

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.

Length of Suspension

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.

Grade Evaluation Period

“Grade evaluation period” means:

1. The six-week grade reporting period; or

2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

Education Code 33.081(c)

School Week

The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

Exempt Courses

The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. *Education Code 33.081(d-1)*

Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a).

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

19 TAC 74.30

Students with Disabilities

In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b).

Education Code 33.081(e)

Practice or Rehearsal

A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance.

This provision does not apply to a student prohibited from participation for certain conduct involving extracurricular officials [see below]. *Education Code 33.081(f)*

Reinstatement

Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

Suspension for Certain Conduct Involving Extracurricular Officials

A student who is enrolled in a district in Texas or who participates in a UIL competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the district or the UIL if the state executive committee of the league determines that the student intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

Reinstatement After Conduct

A student prohibited from participation may submit to the UIL a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the UIL. The request must be submitted at least one year after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in eighth grade or below at the time of the conduct or two years after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in ninth grade or above at the time of the conduct.

Education Code 33.081(e-1)–(e-2)

Parental Notice and Consent

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)*

Anonymous Evaluations

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

Videotaping and Recording	A district employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*
Discriminatory Club	An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex. "Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members. *Education Code 33.082*
Special Olympics Recognition	If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. *Education Code 33.093*
Student Election Clerks	Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. *Education Code 33.092*
Before-School and After-School Programs	The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours. A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district. A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract with a

child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

Education Code 33.9031

First Amendment

A district shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition a board for a redress of grievances. *U.S. Const. Amend. I*

Freedom of Speech

Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. At school and school events, students have First Amendment rights, applied in light of the special characteristics of the school environment.

Student expression that is protected by the First Amendment may not be prohibited absent a showing that the expression will materially and substantially interfere with the operation of the school or the rights of others.

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
[See also FNCI]

The special characteristics of the school environment and the governmental interest in stopping student drug abuse allow a district to restrict student expression that it reasonably regards as promoting illegal drug use. *Morse v. Frederick, 551 U.S. 393 (2007)*

When a student threatens violence against a student body, such specific threatening speech to a school or its population is unprotected by the First Amendment: school officials may punish such speech without first collecting evidence sufficient to prove a reasonable belief that disruption would occur as a result of the speech. *Ponce v. Socorro Indep. Sch. Dist., 508 F.3d 765 (5th Cir. 2007)*

The inculcation of fundamental values necessary to the maintenance of a democratic society is part of the work of the school. The First Amendment does not prevent school officials from determining that particular student expression is vulgar and lewd, and therefore contrary to the school's basic educational mission. *Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675 (1986)*

Public schools may have a special interest in regulating some off-campus student speech, however, the interest must be sufficient to overcome the student's interest in free expression. Circumstances that may implicate a school's regulatory interests include serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices. *Mahanoy Area School District v. B.L., 141 S.Ct. 2038 (2021)*

Prayer at School Activities

A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A student shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any school activity. *Education Code 25.901*

Nothing in the Constitution as interpreted by the U.S. Supreme Court prohibits any public school student from voluntarily praying at any time before, during, or after the school day. But the religious liberty protected by the Constitution is abridged when a district affirmatively sponsors the particular religious practice of prayer.

A district shall not adopt a policy that establishes an improper majoritarian election on religion and has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events.

Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000) (addressing school-sponsored, student-led prayer delivered over the public address system at high school football games) [For invocations and benedictions at commencement, see FMH.]

Federal Funds

As a condition of receiving federal funds under the Elementary and Secondary Education Act (ESEA), a district shall certify in writing to TEA that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools, as detailed in the guidance from the United States secretary of education regarding constitutionally protected prayer. The certification shall be provided by October 1 of each year.

By November 1 of each year, TEA shall report to the secretary a list of districts that have not filed the certification or against which complaints have been made to TEA that the district is not in compliance with this section. The secretary may issue and secure compliance with rules or orders with respect to a district that fails to certify, or is found to have certified in bad faith, that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools.

20 U.S.C. 7904

Expression of Religious Viewpoints

A district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject. *Education Code 25.151*

Policies

A district shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints. If a district voluntarily adopts and follows the model policy governing voluntary religious expression in public schools at Education Code 25.156, the district is in compliance with the provisions of Education Code Chapter 25, Subchapter E covered by the model policy.

A district shall adopt a policy that includes the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. The policy regarding the limited public forum must also require a district to:

1. Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
2. Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;
3. Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
4. State, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the district.

Student expression on an otherwise permissible subject may not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

Disclaimer

The disclaimer required by item 4, above, must be provided at all graduation ceremonies. A district must continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the district's nonsponsorship of the student's speech.

Education Code 25.152, .155

Class Assignments

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by a district. Students may not be penalized or rewarded on account of the religious content of their work. *Education Code 25.153*

[For information on the study of religion, see EMI. For information on student religious groups and activities, see FNAB.]

Patriotic Observances

A district may officially encourage students to express love for the United States by reciting historical documents or singing official anthems that contain religious references; such patriotic or ceremonial occasions do not constitute a school-sponsored religious exercise. *Engel v. Vitale, 370 U.S. 421 (1962)*

A district shall not, however, compel students to participate in patriotic observances. *West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943) (holding unconstitutional a requirement that students salute the United States flag and recite the Pledge of Allegiance)*

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

Removal Under Student Code of Conduct

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

Mandatory Placement in DAEP

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement. *Education Code 37.006*

School-Related Misconduct

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
    a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq.;
    b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

8. Engages in conduct that contains the elements of the offense of harassment under Penal Code 42.07(a)(1), (2), (3), or (7) against an employee of the district.

Education Code 37.006(a)

Exception — Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. *Education Code 37.006(m)*

Retaliation — Except where a student engages in retaliatory acts against a district employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation under Penal Code 36.06, against any school employee. *Education Code 37.006(b)*

Conduct Unrelated to School — In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The student receives deferred prosecution under Family Code 53.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03;

2. A court or jury finds that the student has engaged in delinquent conduct under Family Code 54.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03; or

3. The superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03.

Education Code 37.006(c)

Reasonable Belief — In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, a superintendent or a superintendent's designee may consider all available information and must consider the information furnished under Code of Criminal Procedure Article 15.27 other than information requested under Code of Criminal Procedure Article 15.27(k-1). *Education Code 37.006(e); Code of Criminal Procedure 15.27(a)* [See GRAA]

Title 5 Felonies — The following are felony offenses listed in Penal Code, Title 5, Offenses Against the Person.

1. Murder. *Penal Code 19.02*
2. Capital Murder. *Penal Code 19.03*
3. Manslaughter. *Penal Code 19.04*
4. Criminally Negligent Homicide. *Penal Code 19.05*
5. Unlawful Restraint, if:
    a. The person restrained was younger than 17 years of age; or
    b. The actor recklessly exposes the victim to a substantial risk of serious bodily injury; restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty; or while in custody restrains any other person. *Penal Code 20.02*
6. Kidnapping. *Penal Code 20.03*
7. Aggravated Kidnapping. *Penal Code 20.04*
8. Smuggling of Persons. *Penal Code 20.05*
9. Continuous Smuggling of Persons. *Penal Code 20.06*
10. Trafficking of Persons. *Penal Code 20A.02*
11. Continuous Trafficking of Persons. *Penal Code 20A.03*
12. Continuous Sexual Abuse of Young Child or Disabled Individual. *Penal Code 21.02*
13. Bestiality. *Penal Code 21.09*
14. Indecency with a Child. *Penal Code 21.11*
15. Improper Relationship between Educator and Student. *Penal Code 21.12*
16. Invasive Visual Recording. *Penal Code 21.15*
17. Unlawful Disclosure or Promotion of Intimate Visual Material. *Penal Code 21.16*
18. Voyeurism, if the victim was younger than 14 years of age at the time of the offense. *Penal Code 21.17*
19. Sexual Coercion. *Penal Code 21.18*
20. Assault, if the offense is punishable as a felony. *Penal Code 22.01*

21. Sexual Assault. *Penal Code 22.011*
22. Aggravated Assault. *Penal Code 22.02*
23. Aggravated Sexual Assault. *Penal Code 22.021*
24. Injury to a Child, Elderly Individual, or Disabled Individual. *Penal Code 22.04*
25. Abandoning or Endangering a Child. *Penal Code 22.041*
26. Deadly Conduct, if the person knowingly discharges a firearm at or in the direction of one or more individuals, or at or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. *Penal Code 22.05*
27. Terroristic Threat, if the actor threatens to commit any offense involving violence to any person or property with intent to:
    a. Place any person in fear of imminent serious bodily injury if the actor knows the person is a peace officer or judge;
    b. Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place if the prevention or interruption causes pecuniary loss of $1,500 or more to the owner;
    c. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
    d. Place the public or a substantial group of the public in fear of serious bodily injury; or
    e. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision. *Penal Code 22.07*
28. Aiding Suicide, if the conduct causes suicide or attempted suicide that results in serious bodily injury. *Penal Code 22.08*
29. Tampering with Consumer Product. *Penal Code 22.09*
30. Harassment by Persons in Certain Facilities or of Public Servant. *Penal Code 22.11*

Sexual Assault of Another Student

A student shall be removed from class and placed in a DAEP or juvenile justice alternative education program (JJAEP) if:

1. The student was convicted of, received adjudication for, or was placed on probation for sexual assault of another student who was a young child or disabled individual while the students were assigned to the same campus, regardless of whether the assault occurred on or off school property;
2. The parent of the victim of the assault has requested that the student be transferred to a campus other than that to which the victim is assigned; and
3. There is only one campus in a district serving the grade level in which the student is enrolled.

Education Code 25.0341, 37.0051(a) [See FDE at Sexual Assault Transfer—Transfer of Assailant]

A limitation imposed by Education Code Chapter 37 on the length of placement in a DAEP or a JJAEP does not apply to a placement under this provision. *Education Code 37.0051(b)*

Permissive Removal

Non-Title 5 Felony

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The superintendent or designee has a reasonable belief [see Reasonable Belief, above] that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Penal Code 29.03, or those offenses listed in Penal Code Title 5 [see above at Title 5 Felonies]; and
2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Education Code 37.006(d)–(e)

Bullying

A student may be removed from class and placed in a DAEP if the student:

1. Engages in bullying that encourages a student to commit or attempt to commit suicide;
2. Incites violence against a student through group bullying; or
3. Releases or threatens to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.

Nothing in this provision exempts a school from reporting a finding of intimate visual material of a minor.

Definitions

Bullying — "Bullying" has the meaning assigned by Education Code 37.0832. [See FFI]

Intimate Visual Material — "Intimate visual material" has the meaning assigned by Civil Practice and Remedies Code 98B.001.

Education Code 37.0052

One Year After Conduct — A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. *Education Code 37.006(n)*

Certain Organization and Gang Membership and Solicitation — A board or an educator shall recommend placing in DAEP any student who commits the misdemeanor offenses described in Education Code 37.121(a) and (c), regarding membership in or solicitation to join a public school fraternity, sorority, secret society, or gang [see FNCC]. *Education Code 37.121(b)*

Older Students — A person who is 21 years of age or older and is admitted by a district for the purpose of completing the requirements for a diploma is not eligible for placement in a DAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, the district shall revoke the student's admission. *Education Code 25.001(b-1)*

Placement of Younger Students — A student who is younger than ten shall be removed from class and placed in a DAEP if the student engages in conduct for which expulsion would be required by Section 37.007. *Education Code 37.006(f), .007(e)* [See FOD]

Students Younger Than Six — Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] shall be provided educational services in a DAEP. *Education Code 37.006(l), .007(e)(2)*

Process for Removal

Conference — Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the campus behavior coordinator (CBC) or other appropriate administrator shall schedule a conference among the CBC or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the re-

moval, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.

Mitigating Factors — Before ordering removal to a DAEP, the CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action.

Order — Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the CBC, after considering any mitigating factors under Education Code 37.001(a)(4) [see FO], shall order the placement of the student for a period consistent with the Student Code of Conduct.

Appeal — If district policy allows a student to appeal to the board or the board's designee a decision of the CBC or other appropriate administrator, the decision of the board or the board's designee is final and may not be appealed.

Education Code 37.009(a) [See Student Code of Conduct]

Term of Removal — The period of the placement after removal may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees. *Education Code 37.009(a)*

A board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of placement in a DAEP may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees or extended placement is in the best interest of the student. *Education Code 37.009(d)*

Beyond Grading Period or 60 Days — If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before a board or designee.

No Appeal

Any decision of a board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.

Education Code 37.009(b)

Beyond End of School Year

Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, a board or designee must determine that:

1. The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or another individual; or
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Education Code 37.009(c)

Order of Removal

A board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. *Education Code 37.009(g)*

Not later than the second business day after the date of the removal conference, a board or designee shall deliver a copy of the order placing the student in a DAEP and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the juvenile resides. *Education Code 37.010(a)*

Activities

The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.006(g)*

In addition to any notice required under Code of Criminal Procedure 15.27 [see GRAA], a principal or designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in conduct for which DAEP placement must or may be ordered.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.

Education Code 37.006(o)

Completion of Proceedings Upon Withdrawal

If a student withdraws from a district before an order for placement in a DAEP is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student re-enrolls in the district the same or subsequent school year, the district may enforce the order at that time except for any period of the placement that has been served by the student in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

Enrollment in Another District

If a student placed in a DAEP enrolls in another district before the expiration of the placement, a board shall provide to the district in which the student enrolls a copy of the placement order at the same time it provides other records. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law.

The district in which the student enrolls may continue the placement or allow the student to attend regular classes without completing the period of placement. [See FO] The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the district a copy of the placement order; or
2. The student was placed in a DAEP by a district in another state and:
    a. The out-of-state district provides a copy of the placement order; and
    b. The grounds for placement are the same as grounds for placement in the enrolling district.

Education Code 37.008(j)

Out-of-State Placement

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

1. The student is a threat to the safety of other students or to district employees; or

2. Extended placement is in the best interest of the student.

Education Code 37.008(j-1)

Court-Ordered Placement

Unless a board and the juvenile board for the county in which a district's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation department's role in supervising and providing other support services for students in DAEP programs:

1. A court may not order a student expelled under Section 37.007 to attend a school district DAEP as a condition of probation;

2. A court may not order a student to attend a DAEP without a district's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year.

Education Code 37.010(c)–(d)

School Activities

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(e)*

Placement After Court Disposition

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, a district may not refuse to admit the student if the student meets the requirements for admission into the public schools. A district may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

Not Guilty/ Insufficient Evidence/Charges Dropped

The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the school district that removed a student to a DAEP under Education Code 37.006 if:

1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review. The superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or designee receives notice from the office or official designated by the court.

After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

Education Code 37.006(h); Code of Criminal Procedure 15.27(g)

Appeal After Placement Upheld

The student or the student's parent or guardian may appeal a superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. A board shall, at the next scheduled meeting, review the notice provided by the office of the prosecuting attorney or the office or official designated by the juvenile board; receive information from the student, the student's parent or guardian, and the superintendent or designee; and confirm or reverse the superintendent's decision. The board shall make a record of the proceedings.

If a board confirms the decision, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner of education. The student may not be returned to the regular classroom pending the appeal to the commissioner.

Education Code 37.006(i)–(j)

120-Day Review of Status

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by a board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required to provide a course in the DAEP, except as required by

Education Code 37.008(l). [See FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent. *Education Code 37.009(e)*

Additional Proceedings

If, during the term of placement, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

Reporting

A district may include the number of students removed to a DAEP in its annual performance report. *Education Code 39.306(e)(5)* [See AIB]

Note: See FOF for provisions concerning students with disabilities.

A disciplinary alternative education program (DAEP) is an educational and self-discipline alternative instruction program, adopted by local policy, for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP. *19 TAC 103.1201(a)*

[See board-adopted Student Code of Conduct for information regarding DAEP.]

Joint/Contracted DAEP

A district may provide a DAEP jointly with one or more other districts or may contract with third parties for DAEP services. The district must require and ensure compliance with district responsibilities that are transferred to the third-party provider. *Education Code 37.008(d); 19 TAC 103.1201(d)*

A DAEP may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school. *Education Code 37.008(b)*

Community Organizations

A district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a DAEP. *Education Code 37.008(e)*

Shared Service Arrangements

A district that participates in a shared service arrangement for DAEP services shall ensure that the district improvement plan and each campus-level plan include the performance of the DAEP student group for the district in accordance with 19 Administrative Code 103.1201(b) [see BQ]. *19 TAC 103.1201(b)*

Funding

A student removed to a DAEP is counted in computing a district's average daily attendance for the student's time in actual attendance in the program. *Education Code 37.008(f)*

A district shall allocate to a DAEP the same expenditure per student attending the DAEP that would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program. *Education Code 37.008(g)* [See also EHBC(LEGAL), Limit on DAEP Expenditures]

Location

A DAEP shall be provided in a setting other than the student's regular classroom. *Education Code 37.008(a)(1)*

A DAEP may be located on-campus or off-campus in adherence with requirements of the *Student Attendance Accounting Handbook*. For reporting purposes, the DAEP shall use the county-district-campus number of the student's locally assigned campus (the

campus the student would be attending if the student was not attending the DAEP). *19 TAC 103.1201(c); Education Code 37.008(a)(2)*

An off-campus DAEP is not subject to a requirement imposed by the Education Code, other than a limitation on liability, a reporting requirement, or a requirement imposed by Education Code Chapter 37 or Chapter 39 or 39A. *Education Code 37.008(c)*

An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. The designation of elementary and secondary is determined by adopted local policy. *Education Code 37.006(f); 19 TAC 103.1201(h)(1)*

Students who are assigned to the DAEP shall be separated from students who are not assigned to the program. Notwithstanding this requirement, summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.

Students in the DAEP shall be separated from students in a juvenile justice alternative education program.

Education Code 37.008(a)(3), (c); 19 TAC 103.1201(f)(3), (h)(3)

Safety

A district is responsible for the safety and supervision of the students assigned to the DAEP; however, the immunity from the liability established in Education Code 22.0511 [see DG], shall not be impacted. The DAEP staff shall be prepared and trained to respond to health issues and emergencies.

Each district shall establish a board-approved policy for discipline and intervention measures to prevent and intervene against unsafe behavior and include disciplinary actions that do not jeopardize students' physical health and safety, harm emotional well-being, or discourage physical activity.

19 TAC 103.1201(h)

Staffing

A DAEP shall employ only teachers who meet certification requirements under Education Code Chapter 21, Subchapter B. The certified teacher-to-student ratio in a DAEP shall be one teacher for each 15 students in elementary through high school grades. *Education Code 37.008(a)(7); 19 TAC 103.1201(h)(1)*

Staff at each DAEP shall participate in training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:

1. Training on the education and discipline of students with disabilities who receive special education services;
2. Instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, and conflict resolution to teach students how to interact with teachers, family, peers, authority figures, and the general public; and
3. Annual training on established procedures for reporting abuse, neglect, or exploitation of students.

19 TAC 103.1201(i)

Entrance Procedures

Procedures for each DAEP shall be developed and implemented for newly entering students and their parents or guardians on the expectations of the DAEP. These procedures shall include written contracts between students, parents or guardians, and the DAEP that formalize expectations and establish the students' individual plans for success. *19 TAC 103.1201(j)*

Academics

The academic mission of DAEPs shall be to enable students to perform at grade level. A DAEP shall focuses on English language arts, mathematics, science, history, and self-discipline. *Education Code 37.008(a)(4), (m)*

A district shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education services. A student's required high school personal graduation plan [see EIF] may not be altered when the student is assigned to a DAEP.

Opportunity to Complete Course

A district shall offer a student removed to a DAEP an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal, before the beginning of the next school year, through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this provision.

Education Code 37.008(l); 19 TAC 103.1201(f)

A district shall provide the parents of a student removed to a DAEP with written notice of the district's obligation to provide the student with an opportunity to complete coursework required for graduation. The notice must include information regarding all methods available for completing the coursework and state that the methods are available at no cost to the student. *Education Code 37.008(l-1)*

School Day

The school day for a DAEP shall be at least 240 minutes in length each day, including intermissions and recesses. *19 TAC 103.1201(f)(2)*

Accountability

The campus of accountability for student performance must be the student's locally assigned campus, including when the district or shared services arrangement contracts with a third party for DAEP services. *19 TAC 103.1201(e)*

Academic Assessments

A district shall administer to a student placed in a DAEP program for a period of 90 school days or longer an assessment instrument:

1. Initially on placement of the student in the program; and
2. Subsequently on the date of the student's departure from the program, or as near that date as possible.

The assessment instrument:

1. Must be designed to assess at least a student's basic skills in reading and mathematics;
2. May be:
    a. Comparable to any assessment instrument generally administered to students placed in juvenile justice alternative education programs for a similar purpose; or
    b. Based on an appropriate alternative assessment instrument developed by the agency to measure student academic growth; and
3. Is in addition to the required state assessments [see EKB].

Education Code 37.0082

Released state assessments for reading and mathematics for the appropriate grade may be used. A district may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills for reading and mathematics for the student's assigned grade. The commissioner will publish on the TEA website a list of assessments approved for use in each school year. A district may contact TEA to obtain accommodated versions of particular assessments.

The grade level of an assessment shall be based upon the academic grade completed prior to the student being assigned to a DAEP if placement occurs in the fall or first semester of the academic school year. If placement occurs in the spring or second semester of the academic school year, the student shall be administered an assessment based on the current grade level.

Each district shall provide an academic report to the student's locally assigned campus, which shall include the pre- and post-assessment results of the student's basic skills in reading and mathematics, within ten school days of the student completing the post-assessment.

Procedures for administering the pre- and post-assessment, including appropriate accommodations as needed, shall be developed and implemented in accordance with local district policy.

A student in the district's DAEP must also be assessed under the required state assessment [see EKB].

19 TAC 103.1203

Special Populations

Special Education

A DAEP serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the individualized education program (IEP) established by a duly-constituted admission, review, and dismissal (ARD) committee, in accordance with Education Code 37.004 and federal requirements. *19 TAC 103.1201(g)*

Drug and Alcohol Treatment

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Education Code 37.006 and 37.007. A DAEP that provides chemical dependency treatment services must be licensed under Health and Safety Code Chapter 464. *Education Code 37.008(k)*

Transition to Regular Classroom

The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented as required by Education Code 37.023.*19 TAC 103.1201(k)*

Definitions

"Alternative education program" includes:

1. A disciplinary alternative education program operated by a school district or open-enrollment charter school;
2. A juvenile justice alternative education program; and
3. A residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity.

"Licensed clinical social worker" has the meaning assigned by Occupations Code 505.002.

Education Code 37.023(a)

After Determination of the Release Date

As soon as practicable after an alternative education program determines the date of a student's release from the program, the alternative education program administrator shall:

1. Provide written notice of that date to:
    a. The student's parent or a person standing in parental relation to the student; and
    b. The administrator of the campus to which the student intends to transition; and
2. Provide the campus administrator:
    a. An assessment of the student's academic growth while attending the alternative education program; and
    b. The results of any assessment instruments administered to the student.

Education Code 37.023(b)

Coordination After Release

Not later than five instructional days after the date of a student's release from an alternative education program, the campus administrator shall coordinate the student's transition to a regular classroom. The coordination must include assistance and recommendations from:

1. School counselors;
2. School district peace officers;
3. School resource officers;
4. Licensed clinical social workers;
5. Campus behavior coordinators;
6. Classroom teachers who are or may be responsible for implementing the student's personalized transition plan; and
7. Any other appropriate school district personnel.

Education Code 37.023(c)

Personalized Transition Plan

The assistance described above must include a personalized transition plan for the student developed by the campus administrator. A personalized transition plan:

1. Must include recommendations for the best educational placement of the student; and
2. May include:

a. Recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or career goals;

b. Recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity;

c. The provision of information to the student's parent or a person standing in parental relation to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Education Code 29.004; and

d. A regular review of the student's progress toward the student's academic or career goals.

Education Code 37.023(d)

Parent Meeting

If practicable, the campus administrator, or the administrator's designee, shall meet with the student's parent or a person standing in parental relation to the student to coordinate plans for the student's transition.

Applicability

Education Code 37.023 applies only to a student subject to compulsory attendance requirements under Education Code 25.085 [see FEA].

Education Code 37.023(e)–(f)

Students with Disabilities Under Section 504

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

Note: The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

Students Receiving Special Education Services

All disciplinary actions regarding students with disabilities must be determined in accordance with 34 C.F.R. 300.101(a) and 300.530–300.536; Education Code Chapter 37, Subchapter A; and 19 Administrative Code 89.1053 (Procedures for Use of Restraint and Time-Out). *19 TAC 89.1050(k)*

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004(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 Ten Days or Less

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement

to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent those alternatives are applied to children without disabilities. *20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)*

Services During Removal

A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. *34 C.F.R. 300.530(d)*

Subsequent Removals of Ten Days or Less

School personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). *34 C.F.R. 300.530(b)(1)*

Services During Removal

After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent removal of ten consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program (IEP). *20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)*

Notice of Procedural Safeguards

Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. *20 U.S.C. 1415(k)(1)(H)*

Removals That Are a Change in Placement

Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review.

Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review [see Manifestation Determination, below].

Education Code 37.004(b)

Behavior Assessment and Intervention

If a district takes a disciplinary action regarding a student with a disability who receives special education services that constitutes a change in placement under federal law, the district shall:

1. Not later than the tenth 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 ten consecutive school days; or

2. Subjected to a series of removals that constitute a pattern because:

a. The series of removals total more than ten school days in a school year;

b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and

c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

34 C.F.R. 300.536

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. *20 U.S.C. 1415(k)(1)(A)*

Manifestation Determination

Within ten school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or

2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

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*

Placement During Appeals

When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533*

Reporting Crimes

Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). *20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535* [See FL]

Students Not Yet Identified

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. *20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)*

District Knowledge

A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.

20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)

Exception

A district shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or

3. The student has been evaluated and it was determined that the student did not have a disability.

20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)

Behavior Management Techniques

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

[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 section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a school district; or

2. Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h); 19 TAC 89.1053(l)

Exceptions

Education Code 37.0021 (use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by Education Code 37.0021(i) [see Restraint, Documentation, below];
2. Juvenile probation, detention, or corrections personnel; or
3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

Law Enforcement Duties

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

Education Code 37.0021(f)

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a)*

Seclusion

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

"Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

Restraint

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

19 TAC 89.1053(c)

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

Emergency

"Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

19 TAC 89.1053(b)(1)–(2)

Training

Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).

Documentation

In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation requirements set forth at 19 Administrative Code 89.1053(e).

A district shall report electronically to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.

Education Code 37.0021(i)

Time-Out

A school employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out.

2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease targeted behavior.

3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

19 TAC 89.1053(g)

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and

2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

19 TAC 89.1053(b)(3)

Training

Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

Documentation

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

19 TAC 89.1053(i)

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The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

Trespass

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

Refusal of Entry or Ejection of Unauthorized Persons

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and:
    a. The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
    b. The person persists in that behavior.

Identification may be required of any person on property under the district’s control.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district’s property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child’s admission, review, and dismissal committee or in the child’s team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

The term of a person’s refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these provisions, including the appeal process.

The board shall adopt a policy that uses the district’s existing grievance process [see FNG, GF] to permit a person refused entry to or

ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Texas Education Code 7.057.

Education Code 37.105; 19 TAC 103.1207

Vehicles on School Property

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

Disruption of Lawful Assembly

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

Disruption of Classes

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

Education Code 37.124

Disruption of Transportation

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

Tobacco and E-Cigarettes

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

Smoking in Buildings

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7183*

Criminal Penalty

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

Defense

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed $500.

Facilities for Extinguishment

A district shall be equipped with facilities for extinguishment of smoking materials.

Penal Code 48.01(a)–(c)

Alcohol

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

Intoxicants

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

Education Code 37.122 [See also FNCF]

Fireworks

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

Federal Gun-Free School Zones Act

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"School zone" means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

18 U.S.C. 921(a)(25), .922(q)

Possession of Weapons

Unless entitled to a defense or otherwise excepted by Penal Code 46.15, a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. On the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution;
2. On the premises of a polling place on the day of an election or while early voting is in progress;
3. On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event;
4. In the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to the OMA, and the entity provided required notice of the meeting.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

Penal Code 46.03(a)(1), (2), (8), (14), (f)

"Premises" Defined

"Premises," for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(4)*

Notice to Public

A district may provide notice that firearms and other weapons are prohibited under Penal Code 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

1. Includes language that is identical to or substantially similar to the following: "Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property";
2. Includes the language described above in both English and Spanish;
3. Appears in contrasting colors with block letters at least one inch in height; and

4. Is displayed in a conspicuous manner clearly visible to the public.

Without a sign described above posted prominently at each entrance to the premises or other property, as applicable, a person can assert a defense to prosecution for unlawfully carrying a handgun if the person personally received notice that carrying a firearm was prohibited and promptly departed from the premises or other property.

Penal Code 46.15(m)–(o)

Transportation or Storage of Firearm in School Parking Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law.

Education Code 37.0815

Volunteer Emergency Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

“Volunteer emergency services personnel” includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined

by Occupations Code 1701.001, who is performing law enforcement duties.

Civ. Prac. & Rem. Code 112.001; Penal Code 46.01(18)

Exhibition of Firearm

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
    a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
    b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

Education Code 37.125

Trespass—Concealed Carry of Handgun

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

Notice / Sign—Concealed Carry of Handgun

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code

(trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

Penal Code 30.06 [See also FNCG]

Unauthorized Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or other law. *Gov't Code 411.209*

Trespass—Open Carry of Handgun

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and

2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign—Open Carry of Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication means":

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun),

a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

Exception

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

Penal Code 30.07

Unmanned Aircraft Systems

Note: For provisions applicable to the use of drones for law enforcement purposes, see CKEA

Federal Law

The U.S. Government has exclusive sovereignty of airspace of the United States. *49 U.S.C. 40103*

Small Unmanned Aircraft

"Small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small Unmanned Aircraft System

"Small unmanned aircraft system" (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

14 C.F.R. 1.1, 107.3

Operation of Small UAS

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part 107 does not apply to the following:

1. Air carrier operations;

2. Any aircraft subject to the provisions of 14 C.F.R. Part 101;

3. Any operation that a remote pilot in command elects to conduct pursuant to an exemption issued under 49 U.S.C. 44807, unless otherwise specified in the exemption; or

4. Any operation that a person elects to conduct under 14 C.F.R. Part 91 with a small UAS that has been issued an airworthiness certificate.

14 C.F.R. 107.1

Exception for Limited Recreational Operation

A person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration (FAA) if the operation adheres to all of the following limitations:

1. The aircraft is flown strictly for recreational purposes.

2. The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the FAA.

3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

5. In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the administrator of the FAA or designee before operating and complies with all airspace restrictions and prohibitions.

6. In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.

7. The operator has passed an aeronautical knowledge and safety test and maintains proof of test passage to be made available to the FAA or law enforcement upon request.

8. The aircraft is registered and marked in accordance with 49 U.S.C. Chapter 441 and proof of registration is made available to the FAA or law enforcement upon request.

49 U.S.C. 44809(a)

State Law

Regulation Limited

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or other similar measure that violates this provision is void and unenforceable. *Gov't Code 423.009(b), (d)*

Exception

A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

1. The use of an unmanned aircraft during a special event;
2. The political subdivision's use of an unmanned aircraft; or
3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:
    a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and
    b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

"Special event" means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

Gov't Code 423.009(a)(2), (c)

Privacy Law

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

Gov't Code 423.002(a)

Prohibited Acts

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.

Civ. Prac. & Rem. Code 106.001(a)

Right to Preserve Use

A district, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. *Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993)*

Forum for Communication

A district may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983); Chiu v. Plano Indep. Sch. Dist., 260 F.3d 330 (5th Cir. 2001)*

A district is not required to allow persons to engage in every type of speech when the district establishes a limited public forum; the district may be justified in reserving its forum for certain groups or for the discussion of certain topics. A district shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch., 533 U.S. 98 (2001); Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993)*

Fees for Use

The board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of a district's facilities, in the amounts and manner determined by the board. *Education Code 45.033*

Charter Schools

A district may not require a campus or campus program charter that is the result of the conversion of the status of an existing district campus to pay rent for or to purchase a facility in order to use the facility.

A district may not require a campus or campus program charter, or an open-enrollment charter school, to pay for any service provided

by the district under a contract between the district and the campus, campus program, or open-enrollment charter school an amount that is greater than the amount of the actual costs to the district of providing the service.

Education Code 11.1543

Patriotic Societies

If a district has a designated open forum or a limited public forum and receives funds made available through the United States Department of Education, the district shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

The United States secretary of education may issue and secure compliance with rules or orders with respect to a district that receives federal funds and that denies equal access, or a fair opportunity to meet, or discriminates, as described above. If a district does not comply with the rules or orders, no funds made available through the Department of Education shall be provided to that district.

[For provisions related to a patriotic society's access to students, see GKE.]

'Youth Group'

"Youth group" means any group or organization intended to serve young people under the age of 21.

Limited Public Forum

For purposes of this policy regarding Patriotic Societies, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

Sponsorship

Nothing in this policy shall be construed to require a district to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.

Boy Scouts of America Equal Access Act, 20 U.S.C. 7905

Facilities as Polling Places

A district shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings

for the same day and simultaneous use is impractical, a district shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a district building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

[For provisions related to polling place security, see CKC.]

Political Party Conventions

A district shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The district shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

Facilities as Places of Worship

"Disaster" has the meaning assigned by Government Code 418.004.

Definitions

"Governmental entity" includes a political subdivision of this state, including a county, municipality, or special district or authority or an officer, employee, or agent of the entity.

"Person" has the meaning assigned by Government Code 311.005, except the term does not include an employee of a governmental entity acting within the employee's scope of employment or a contractor of a governmental entity acting within the scope of the contract.

"Place of worship" means a building or grounds where religious activities are conducted.

"Public official" means any elected or appointed officer, employee, or agent of this state or any political subdivision, board, commission, bureau, or other public body established by law.

"Religious organization" means an organization open to the public that is a religious organization under Civil Practice and Remedies Code 110.011(b).

Prohibition on Orders Closing Places of Worship

A government agency or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

Essential Activities

Notwithstanding any other law, a religious organization is an essential business at all times in this state, including during a declared state of disaster, and the organization's religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during the disaster.

A governmental entity may not at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose or during a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

Relief Available

A person may assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and obtain injunctive relief; declaratory relief; and court costs and reasonable attorney's fees.

A person may commence an action and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies.

The attorney general may bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with this provision.

Interpretation

This provision may not be construed to 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.

This provision may not be construed to prevent a governmental entity from providing, either directly or through a person who is not seeking protection under this chapter, any benefit or service authorized under state or federal law.

Civ. Prac. & Rem. Code 110.001(a), .0031; Gov't Code 2401.001–.005

A district shall develop a volunteer program. In developing the program, a district shall consider volunteers a resource that requires advance planning and preparation for effective use. If practicable, a district shall include volunteers in addition to paid staff in planning the implementation of the program. *Gov't Code 2109.003*

Program Requirements and Guidelines

A volunteer program shall include:

1. An effective training program for paid staff and prospective volunteers.
2. The use of paid staff to plan and implement the volunteer program.
3. An evaluation mechanism to assess the performance of volunteers, the cooperation of paid staff with the volunteers, and the overall volunteer program.
4. Follow-up studies to ensure the effectiveness of the program.

Gov't Code 2109.004(a)

A volunteer program may:

1. Establish a program to reimburse volunteers for actual and necessary expenses incurred in the performance of volunteer services.
2. Establish an insurance program to protect volunteers in the performance of volunteer services.
3. Cooperate with private organizations that provide services similar to those provided by a district.
4. Purchase engraved certificates, plaques, pins, and/or other awards of a similar nature that do not exceed $75 per person in value to recognize special achievement and outstanding service of volunteers.

Gov't Code 2109.004(b)

Criminal History Record

A district or shared services arrangement shall obtain from the Texas Department of Public Safety (DPS) and may obtain from any other law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information that relates to a volunteer or person who has indicated, in writing, an intention to serve as a volunteer with the district or shared services arrangement. *Gov't Code 22.0835(a)*

The prospective volunteer must provide the district a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government. *Gov't Code 22.0835(c)*

A person may not perform any volunteer duties until these requirements have been satisfied. *Gov't Code 22.0835(d)*

Permissive Exception

A district may, but is not required to, obtain all criminal history record information that relates to a person who volunteers or is applying to volunteer with a district or shared services arrangement if the person:

1. Is the parent, guardian, or grandparent of a child who is enrolled in the district for which the person volunteers or is applying to volunteer;
2. Will be accompanied by a district employee while on a school campus; or
3. Is volunteering for a single event on the school campus.

Gov't Code 22.0835(e), (f)

Costs

A district may require a volunteer or volunteer applicant to pay any costs related to obtaining criminal history record information. *Education Code 22.0835*

[See DBAA(LEGAL) for definitions and provisions regarding confidentiality, records retention, and criminal history record checks of employees.]

Immunity

Generally

A volunteer who is serving as a direct service volunteer in a district is immune from civil liability to the same extent as a district employee under Education Code 22.0511. However, this section of law does not limit the liability of a person for intentional misconduct or gross negligence.

A "volunteer" is a person rendering services for or on behalf of a district on district premises or at a school-sponsored or school-related activity on or off school property who does not receive compensation in excess of reimbursement for expenses.

Education Code 22.053

Extracurricular Activities

A person who volunteers to assist with an extracurricular activity is not liable for civil damages arising out of an act or omission relating to the requirements under Education Code 33.205 regarding safety precautions [see FM(LEGAL)] unless the act or omission is willfully or wantonly negligent. *Education Code 33.211*

Physical Examinations

Subject to Civil Practice and Remedies Code 91.003 (liability insurance requirements), a health-care practitioner who, without compensation or expectation of compensation, conducts a physical examination or medical screening for the purpose of determining the physical health and fitness of the patient to participate in a school-sponsored extracurricular or sporting activity is immune from civil liability for any act or omission resulting in the death of or injury to the patient if:

1. The health care practitioner was acting in good faith and in the course and scope of the health-care practitioner's duties;
2. The health-care practitioner commits the act or omission in the course of conducting the physical examination or medical screening of the patient;
3. The services provided to the patient are within the scope of the license of the health-care practitioner; and
4. Before the health-care practitioner conducts the physical examination or medical screening, the patient signs a written statement that acknowledges:
    a. That the health-care practitioner is conducting a physical examination or medical screening that is not administered for or in expectation of compensation; and
    b. The limitations on the recovery of damages from the health-care practitioner in connection with the physical examination or medical screening being performed.

    If the patient is a minor or is otherwise legally incompetent, the patient's parent, managing conservator, legal guardian, or other person with legal responsibility for the care of the patient must sign the written statement.

Civ. Prac. & Rem. Code 91.002

Immunity for Shelter Workers

A district volunteer is not civilly liable for an act performed in the discharge of duty if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster. *Gov't Code 418.006*

Training – Concussion Oversight Team

A licensed health care professional who serves on a volunteer basis on a district's concussion oversight team [see FM] 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. In addition, the professional shall, at least once every two years, take a course in the subject matter of concussions approved

by the University Interscholastic League (UIL), the Texas Department of Licensing and Regulation, or the appropriate licensing authority for the profession.

The professional must submit proof of timely completion of an approved course to the superintendent or designee. A 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 38.154, .158

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: Sheryl Davis**

RE: Consider, Discuss, and Take Appropriate Action Regarding Adoption of the Budgets for the 2022-2023 Fiscal Year

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Background Information:

In accordance with Section 44.002 of the Education Code, the Superintendent has caused to be prepared a proposed budget covering all estimated revenue and proposed expenditures of the district for the 2022-2023 fiscal year. Under rules adopted by the State Board of Education, the annual official budget includes the general, food service and debt service funds. The proposed budget was presented to the Board of Trustees at a specially-called meeting on August 11, 2022.

The proposed General Fund budget of $160,310,192, Child Nutrition Fund budget of $10,978,538 and Debt Service Fund budget of $24,901,048 are presented on the attached schedule.

The Budgets were prepared under the following assumptions:

- ADA estimated at 12,461
- Local net taxable property values of $8,838,221,086 with $80,891,816 in value under protest and $776,196,382 in homesteads with tax ceilings
- Maintenance and Operations Tax Rate of $0.942900/$100 of assessed value
- Interest and Sinking Tax Rate at $0.298969/$100 of assessed value

A general compensation increase is included in the 2022-2023 proposed budgets. Employees paid on the Teacher schedule will receive an average increase of $1675 or 3.0% for the 2022-2023 school year with the starting salary increasing from $50,250 to $50,925. Employees paid on the other employee schedules received a 3.0% increase of the midpoint. Additionally, selected salaries were adjusted to address market differences and improve pay equity.

The district's monthly contribution to group health insurance was increased from $428 per employee to $456.00. The budget also includes mandatory benefit increases in contributions to the Teacher Retirement System.

The proposed budgets were developed based on an M&O tax rate of $0.942900 and an I&S tax rate of $0.298969 per $100 of valuation for a total tax rate of $1.241869. This is a $0.002771 reduction from the total 2021 tax rate of $1.244640.

Included in the budget are the State Compensatory funds. The Texas Education Agency allots funds for school districts annually for state compensatory education (SCE). SCE funds may be used to provide a compensatory, intensive, or accelerated instruction program that enables the students to be performing at grade level at the conclusion of the next regular school term. SCE is defined in law as programs and/or services designed to

supplement the regular education program to directly increase the academic achievement of students identified as at risk of dropping out of school. A district may not budget funds received for any other purpose until the district adopts a budget to support additional accelerated instruction under Texas Education Code Section 42.152, Subsection (b-1). Included in the budgeted amounts presented for the General Fund is $13,279,772 of SCE funds. The District is projected to receive $20,663,458 from the state through the Foundation School Program. A minimum expenditure of 55% is required to maintain compliance with state law. With this budget the District will be in compliance.

Also attached are budgets for the McLennan County Challenge Academy and the Regional Day School for the Deaf, both of which Waco ISD acts as the fiscal agent, and the locally funded budgets for the Greater Waco Advanced Health Care and Manufacturing Academies. These budgets are primarily funded through contributions from member/participating districts.

The proposed budget for the McLennan County Challenge Academy balances estimated revenues with proposed appropriations. Estimated revenues will fall short of covering budgeted expenditures for the Regional Day School for the Deaf by $445,292, the Greater Waco Advanced Health Care Academy by $375,000, and the Greater Waco Advanced Health Care Academy by $210,000. These three funds must be subsidized by the District's General Fund by an estimated $1,030,292. All students enrolled in the Regional Day School for the Deaf are counted in the District's attendance and generate Foundation School Program revenue for the General Fund.

Fiscal Implications:

Adoption of the proposed budgets provides funding for District operations for fiscal year 2022-2023.

Administrative Recommendations:

The administration recommends the Board of Trustees consider and approve budgets for the 2022-2023 fiscal year in the following amounts, as presented.

Official Budget:	
General Fund	$160,310,192
Child Nutrition Fund	10,978,538
Debt Service Fund	24,901,048
Other Budgets:	
Greater Waco Advanced Health Care Academy	$ 1,402,179
Greater Waco Advanced Manufacturing Academy	1,301,090
McLennan County Challenge Academy	925,234
Regional Day School for the Deaf	1,026,708

Waco Independent School District

Official Budget

2022-2023

	General Fund	Child Nutrition Fund	Debt Service Fund	*Memorandum* Total
Revenues:				
Local and Intermediate Source Revenue	$ 83,931,600	435,000	24,679,348	109,045,948
State Program Revenue	65,954,671	-	221,700	66,176,371
Federal Program Revenue	8,090,727	9,485,099	-	17,575,826
Total Revenues	157,976,998	9,920,099	24,901,048	192,798,145
Appropriations:				
Instruction	88,908,434	-	-	88,908,434
Instructional Resources and Media Services	558,313	-	-	558,313
Instructional Staff Development and Curriculum Development	4,368,265	-	-	4,368,265
Instructional Leadership	4,131,369	-	-	4,131,369
School Leadership	10,144,781	-	-	10,144,781
Guidance, Counseling and Evaluation Services	5,785,954	-	-	5,785,954
Social Work Services	806,369	-	-	806,369
Health Services	1,501,102	-	-	1,501,102
Student Transportation	3,761,600	-	-	3,761,600
Food Services	-	10,978,538	-	10,978,538
Extracurricular Activities	5,686,449	-	-	5,686,449
General Administration	7,323,927	-	-	7,323,927
Plant Maintenance and Operations	17,617,917	-	-	17,617,917
Security and Monitoring Services	2,765,386	-	-	2,765,386
Data Processing Services	4,289,383	-	-	4,289,383
Community Services	487,519	-	-	487,519
Debt Service	345,000	-	24,896,048	25,241,048
Facilities Acquisition and Construction	-	-	-	-
Payments to Shared Services Arrangement	345,000	-	-	345,000
Payments to Juvenile Justice Alternative Education Program	650,000	-	-	650,000
Payments to Tax Increment Fund	25,000	-	5,000	30,000
Other Intergovernmental Charges	808,424	-	-	808,424
Total Appropriations	160,310,192	10,978,538	24,901,048	196,189,778
Excess (Deficiency) of Estimated Revenues Over Appropriations	(2,333,194)	(1,058,439)	-	(3,391,633)
Other Financing Sources/(Uses)	(1,030,292)	-	-	(1,030,292)
Net Change in Fund Balance	(3,363,486)	(1,058,439)	-	(4,421,925)
Fund Balance, beginning of year	49,216,340	4,095,930	3,991,178	57,303,448
Fund Balance, end of year	45,852,854	3,037,491	3,991,178	52,881,523
Non-spendable Fund Balance	(400,123)	-	-	(400,123)
Restricted Fund Balance:				
Retirement of Long-term Debt	-	-	(3,991,178)	(3,991,178)
National School Lunch and Breakfast Program	-	(3,037,491)	-	(3,037,491)
Other Restricted Fund Balance	(1,195,000)	-	-	(1,195,000)
Committed Funds	(5,840,000)	-	-	(5,840,000)
Unassigned Fund Balance	$ 38,417,731	-	-	38,417,731

Waco Independent School District

Other Proposed Budgets

2022-2023

	Greater Waco Advanced Health Care Academy	Greater Waco Advanced Manufacturing Academy	McLennan Co. Challenge Academy	Regional Day School for the Deaf	*Memorandum* Total
Revenues:					
Local and Intermediate Source Revenue	$ 969,000	1,033,600	818,000	530,000	3,350,600
State Program Revenue	58,179	57,490	107,234	51,416	274,319
Total Revenues	$ 1,027,179	1,091,090	925,234	581,416	3,624,919
Appropriations:					
Instruction	$ 967,860	835,654	581,635	1,004,508	3,389,657
Instructional Staff and Curriculum	10,200	7,400	-	2,200	19,800
Instructional Leadership	260,677	165,461	-	-	426,138
School Leadership	-	-	205,047	-	205,047
Guidance, Counseling and Evaluation Svcs	88,402	188,425	75,552	-	352,379
Health Services	-	-	200	-	200
Plant Maintenance and Operations	75,040	104,150	7,300	-	186,490
Payments to Shared Services Arrangement	-	-	55,500	20,000	75,500
Total Appropriations	$ 1,402,179	1,301,090	925,234	1,026,708	4,655,211
Excess (Deficiency) of Estimated Revenues Over Appropriations	$ (375,000)	(210,000)	-	(445,292)	(1,030,292)
Other Financing Sources/(Uses)	375,000	210,000	-	445,292	1,030,292
Net Change in Deferred Revenue	$ -	-	-	-	-
Deferred Revenue, beginning of year	-	-	234,812	-	234,812
Deferred Revenue, end of year	$ -	-	234,812	-	234,812

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person: Sheryl Davis**

RE: Consider, Discuss, and Take Appropriate Action Regarding a Resolution Adopting the Tax Rate for the 2022 Tax Year

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Background Information:

Annually, the Board of Trustees must determine the property tax rate necessary to provide sufficient local revenues to fund the adopted budget for the succeeding fiscal year. The tax rate must be in two parts: (1) an Interest and Sinking Fund (I&S) tax rate is determined to levy sufficient taxes required to service the interest and principal requirements for the District's outstanding bonded debt; (2) a Maintenance and Operations (M&O) tax rate is determined to meet the District's share of the general operating fund budget. All legal requirements for setting the 2022 tax rate have been accomplished except for the formal adoption of the resolution establishing the tax rate. The Notice of Public Meeting to Discuss Budget and Proposed Tax Rate was published in the Waco Tribune on August 15, 2022. A copy of the notice is attached.

The administration is recommending an M&O tax rate of $0.942900/$100 assessed value and a proposed I&S rate of $0.298969/$100 assessed value for 2022 for a total tax rate of $1.241869/$100 assessed value. The 2021 M&O rate was $1.02440 and the I&S rate was $0.22024/$100 assessed value. Earnings on investments and fund balance may also be utilized in funding the District's 2022-2023 debt service.

This year's proposed tax rate exceeds the no-new-revenue tax rate. **The vote to set a tax rate that exceeds the sum of the *no-new-revenue maintenance and operations tax rate* and the District's current debt rate must be a record vote with at least 60% of the member of the Board voting in favor of the resolution.** A motion to adopt the resolution must be made in the following form:

"I move that the property tax rate be increased by the adoption of a tax rate of $1.241869, which is effectively a 20.50 percent increase in the tax rate."

The District may not set the 2022 tax rate above the $1.241869/$100 assessed value published in the attached public notice. The resolution supporting the adoption of proposed tax rate proposal is attached.

Fiscal Implications:

The proposed tax rate will generate funding for the General Fund and the Debt Service Fund budgets as adopted by the Board of Trustees.

Administrative Recommendations:

The administration recommends adoption, by resolution, of the proposed 2022 tax rate of $1.241869/$100, $0.942900/$100 assessed value for Maintenance and Operations and $0.298969/$100 assessed value for Interest and Sinking. **The motion must be made in the above form.**

NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The Waco ISD will hold a public meeting at 7:00 PM, August 25, 2022 in Waco ISD Administration Building Conference Center 115 South 5th St Waco TX 76701. **The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. Public participation in the discussion is invited.**

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown below unless the district publishes a revised notice containing the same information and comparisons set out below and holds another public meeting to discuss the revised notice.

Maintenance Tax	$0.942900/$100 (proposed rate for maintenance and operations)
School Debt Service Tax Approved by Local Voters	$0.298969/$100 (proposed rate to pay bonded indebtedness)

Comparison of Proposed Budget with Last Year's Budget

The applicable percentage increase or decrease (or difference) in the amount budgeted in the preceding fiscal year and the amount budgeted for the fiscal year that begins during the current tax year is indicated for each of the following expenditure categories.

Maintenance and operations	-22.39 % decrease
Debt Service	44.10 % increase
Total Expenditures	-16.57 % decrease

Total Appraised Value and Total Taxable Value (as calculated under Section 26.04, Tax Code)

	Preceding Tax Year	Current Tax Year
Total appraised value* of all property	$10,564,989,345	$12,660,090,530
Total appraised value* of new property**	$93,805,360	$215,949,380
Total taxable value*** of all property	$6,735,883,560	$8,058,531,066
Total taxable value*** of new property**	$88,810,816	$200,244,746

*Appraised value is the amount shown on the appraisal roll and defined by Section 1.04(8), Tax Code.
** "New property" is defined by Section 26.012(17), Tax Code.
*** "Taxable value" is defined by Section 1.04(10), Tax Code.

Bonded Indebtedness

Total amount of outstanding and unpaid bonded indebtedness* $385,660,000

*Outstanding principal.

Comparison of Proposed Rates with Last Year's Rates

	Maintenance & Operations	Interest & Sinking Fund*	Total	Local Revenue Per Student	State Revenue Per Student
Last Year's Rate	$1.024400	$0.220200	$1.244600	$6,621	$5,460
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	$0.968500	$0.309780	$1.278280	$8,235	$4,576
Proposed Rate	$0.942900	$0.298969	$1.241869	$8,523	$4,585

*The Interest & Sinking Fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both. The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.

Comparison of Proposed Levy with Last Year's Levy on Average Residence

	Last Year	This Year
Average Market Value of Residences	$168,892	$216,342
Average Taxable Value of Residences	$129,905	$132,339
Last Year's Rate Versus Proposed Rate per $100 Value	$1.244600	$1.241869
Taxes Due on Average Residence	$1,616.80	$1,643.48
Increase (Decrease) in Taxes		$26.68

Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of such a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.

Notice of Voter-Approval Rate: The highest tax rate the district can adopt before requiring voter approval at an election is $1.241869. This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of $1.241869.

Fund Balances

The following estimated balances will remain at the end of the current fiscal year and are not encumbered with or by a corresponding debt obligation, less estimated funds necessary for operating the district before receipt of the first state aid payment.

Maintenance and Operations Fund Balance(s)	$49,216,300
Interest & Sinking Fund Balance(s)	$3,991,200

A school district may not increase the district's maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

Visit Texas.gov/PropertyTaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

Waco Independent School District

Resolution of the Board to Set Tax Rate

Date: August 25, 2022

BE IT RESOLVED that on this date, we, the Board of Trustees of the Waco Independent School District, hereby levy or set the tax rate on $100 valuation for the District for the tax year 2022 at a total tax rate of $1.241869, to be assessed and collected by the duly specified assessor and collector, as follows:

$ 0.942900 for the purpose of maintenance and operations, and

$ 0.298969 for the purpose of payment of principal and interest on debts

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 20.50 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $-81.50.

BE IT FURTHER RESOLVED that for the 2022 tax year, each adult is entitled to an exemption of $40,000 of the appraised value of his/her resident homestead. An adult who is disabled or is 65 years of age or older is entitled to an additional exemption of $10,000 of the appraised value of his/her residence homestead. "Disabled" means under a disability for purposes of payment of disability insurance benefits under Federal Old-Age, Survivors and Disability Insurance. The exemptions herein made and confirmed are both the Maintenance and Operations and the Interest and Sinking Fund Rates.

BE IT FURTHER RESOLVED that the appointment of the tax assessor-collector for the County of McLennan, Texas, as the tax assessor-collector for the Waco Independent School District is hereby ratified and confirmed. The Secretary of the Board is directed to notify the assessor-collector of the tax rate herein adopted by transmitting a true and correct copy of this Resolution to the assessor-collector. The assessor-collector is hereby authorized to assess and collect the taxes for the Waco Independent School District at the above rate and to deposit the proceeds to the account of the District in accordance with law.

The resolution was adopted and passed by the Board of Trustees of the Waco Independent School District at a public meeting called for that purpose pursuant to statutory notice at the school Administration Building, 115 S. 5th Street, Waco, Texas, with a quorum of the Board present and voting on this 25th day of August, 2022.

Stephanie Ybarra-Korteweg, President
Board of Trustees
Waco Independent School District

ATTEST:

Jeremy Davis, Secretary

Randy H. Riggs, CPA
McLennan County
Tax Assessor/Collector

P O Box 406
Waco, TX 76703
(254) 757-5130
Fax (254) 757-5141
Randy.riggs@co.mclennan.tx.us

Date: 08/16/2022

Dear Waco Independent School District,

Under the Truth-in Taxation laws, it is the duty of the Tax Assessor-Collector to calculate the No-New-Revenue Tax Rate and the Voter-Approval Tax Rate for the entities for which he collects tax and to publicize these rates and other items of information in a way that will come to the attention of the entities' property owners. After this has been done, the governing bodies of the taxing units must adopt by ordinance, resolution, or order the rate for the current tax year. Our office has complied with the calculation and publication requirement. Enclosed you will find a copy of your unit's 2022 rate calculations as published in the Waco Tribune-Herald.

*******IF YOUR UNIT'S TAX RATE CONTAINS A DEBT COMPONENT, YOU MUST ADOPT THE DEBT RATE PUBLISHED IN THE NO-NEW-REVENUE & VOTER-APPROVE RATE CALCULATIONS. *******

Below you will find items that will help you in determining your 2022 tax rate. If you have any questions, feel free to contact our office.

1) Total Certified Taxable Value - Value certified to us by the McLennan County Appraisal District that includes all real and personal property with all applicable exemptions deducted.
2) Taxable Value of New Improvements - Value of properties that appear on the roll for the first time in 2022.
3) Anticipated Collection Rate (ACR) for the coming year-used to adjust upward the Debt Component of the No-New-Revenue Tax Rate (NNR) to offset expected delinquencies. The ACR is our best estimate of the total amount of taxes, penalty, interest, and attorney fee that will be collected between July 1, 2022 and June 30, 2023. If the ACR is 100% or more, no adjustment in the calculation of the debt rate is allowed. If your NNR does not contain a debt component, the ACR will have no effect on the calculation.

2022 Total Certified Taxable Value	$8,757,329,270
2022 Taxable Value Still Under ARB Review	$47,858,023
2022 Adjusted Taxable Value for School District	$7,827,397,778
2022 Taxable Value of New Improvements	$200,244,746
2022 Anticipated Collection Rate	100%
2022 Voter Approval Rate	1.241869 Per $100 valuation

WHEN YOU HAVE ADOPTED THE 2021 TAX RATE FOR YOUR UNIT, PLEASE WRITE THAT RATE IN THE SPACE PROVIDED BELOW.

"We, the governing body of Waco Independent School District,
Have adopted the following tax rate for 2022:

M&O	0.942900
I&S	0.298969
TOTAL	1.241869

If this rate exceeds the Notice and Hearing Rate, we certify that we have followed the "Truth-in-Taxation" notice and hearing laws and have adopted the new rate by voting in a public meeting."

Please have the members of your governing body sign below and return to our office by **August 31, 2022**, but **not later than September 4, 2022.** We would appreciate you getting this information to us as close to the above date as possible to give us plenty of time to print the statements for mailing.

Thank you very much for your consideration.

Randy H. Riggs, CPA
McLennan County Tax Assessor/Collector

Governing Body Members' Signatures:

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____
DATE

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: Denise Bell

RE: Review and Discuss 2022 State Accountability Ratings

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Background Information:

The Texas Education Agency (TEA) released 2022 accountability ratings on August 15, 2022. Final results show that Waco ISD has eight B, six C, and three Not Rated campuses. The three not rated campuses are Brazos High School, Cesar Chavez Middle School and South Waco Elementary. Cesar Chavez Middle School and South Waco Elementary received a D in 2022, up from an F in 2019. For reference, in 2019, district accountability ratings reflected five B, four C, three D, and five F campuses.

Four elementary campuses exited "School Improvement" labels, and Dean Highland met the year one criteria to exit the label of "Comprehensive." Overall, 70% of students in Waco ISD showed a year or more progress on STAAR assessments from grade 4 through end-of-course exams.

Campuses may also earn distinctions in seven categories based on performance to comparable campuses identified by TEA. The following campuses earned distinctions based on their achievement:

- Waco High School – Academic Achievement for Reading and Math
- University High School – Academic Achievement for Math and Top 25% in Closing the Gaps
- Tennyson Middle School – Postsecondary Readiness

Overall, Waco ISD earned a C rating, down from a B in 2019. This drop resulted from a lower score for College, Career and Military Ratings (CCMR), measured at the high school level. Fewer students at the high school level completed CTE coursework and certifications measured in this area of the accountability system, primarily due to the need to focus on credit recovery. Although each high school's overall accountability score fell no lower than three points overall, they scored a letter grade lower than in 2019.

The Board will receive a report on final 2022 accountability ratings.

Fiscal Implications:

Not Applicable

Administrative Recommendation(s):

Report Only

WACO INDEPENDENT SCHOOL DISTRICT

TEA ACADEMIC ACCOUNTABILITY RATINGS 2019 - 2022

UPDATED AUGUST 16, 2022

	CAMPUS	2019 Overall	2022 Overall	Rated in 2022?	
HIGH SCHOOLS	Waco High	B (80)	C (77)	Y	🔴
	University High	B (81)	C (79)	Y	🔴
	Brazos High	F (56)	NR (53)	N	🟡
ELEMENTARY SCHOOLS	Bell's Hill	B (88)	B (89)	Y	🟡
	Cedar Ridge	C (70)	B (83)	Y	🟢
	Crestview	C (76)	B (87)	Y	🟢
	Dean Highland	F (50)	C (75)	Y	🟢
	Hillcrest	C (71)	B (83)	Y	🟢
	Kendrick	D (60)	B (83)	Y	🟢
	Lake Air	D (67)	B (80)	Y	🟢
	Mountainview	F (56)	C (71)	Y	🟢
	Parkdale	D (68)	B (84)	Y	🟢
	Provident Heights	B (86)	B (84)	Y	🟡
	South Waco	F (59)	NR (65)	N	🟢
	West Avenue	C (76)	C (78)	Y	🟡
MIDDLE SCHOOLS	Cesar Chavez	F (54)	NR (64)	N	🟢
	Tennyson	B (82)	C (79)	Y	🔴
TRANSFORMATION WACO	Alta Vista	C (72)	C (79)	Y	🟡
	Brook Avenue	C (72)	NR (67)	N	🔴
	J.H. Hines	F (46)	NR (68)	N	🟢
	G.W. Carver	F (50)	NR (63)	N	🟢
	Indian Spring	C (72)	NR (59)	N	🔴

🟢 Increase in letter grade (12) 🟡 No change in letter grade (5) 🔴 Decrease in letter grade (5)

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: David Hamilton/Troy Tinney

RE: Review and Discuss 2022 Summer Enrichment Camps

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Background Information:

Elementary and Secondary School Emergency Relief (ESSER) funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act were provided to districts to address in part the impact of the coronavirus pandemic on students. Waco ISD allocated $300,000 of its ESSER II funds to develop and implement summer enrichment camps for our students. The Coordinator of Summer Enrichment, a part-time position designated for this project, worked throughout the process to assist with planning, managing, and implementing the program. The district used $145,641 of the ESSER II funds allocated for this project and $45,600 of district funding for the summer 2022 programs. The remainder of the ESSER II funding reserved for summer learning programs will be used to continue the summer enrichment program in 2023.

A team began meeting in January 2022 to plan summer enrichment activities. Through various partnerships, the district offered a broad range of learning experiences. The 2022 summer enrichment program took place from May 31 to August 11 and was attended by 1,341 students.

Fiscal Implications:

Not Applicable

Administrative Recommendation(s):

Report Only

Waco ISD

SUMMER ENRICHMENT 2022

Enrichment Partnerships

Advanced Academics
Superintendent's Scholars
TSI Bootcamp

Art Center Waco

Baylor University
Camp Invention
(GT students)
University for Young People
(GT/ELL)
iEngage

CTE
Culinary
Lego Robotics
Maker Camp
P-TECH Summer Bridge
Summer Interns

Girls Scouts of America

iCode – Computer Science Camps

Waco Civic Theatre

World Hunger Relief Farm Camps

YMCA Summer Camps



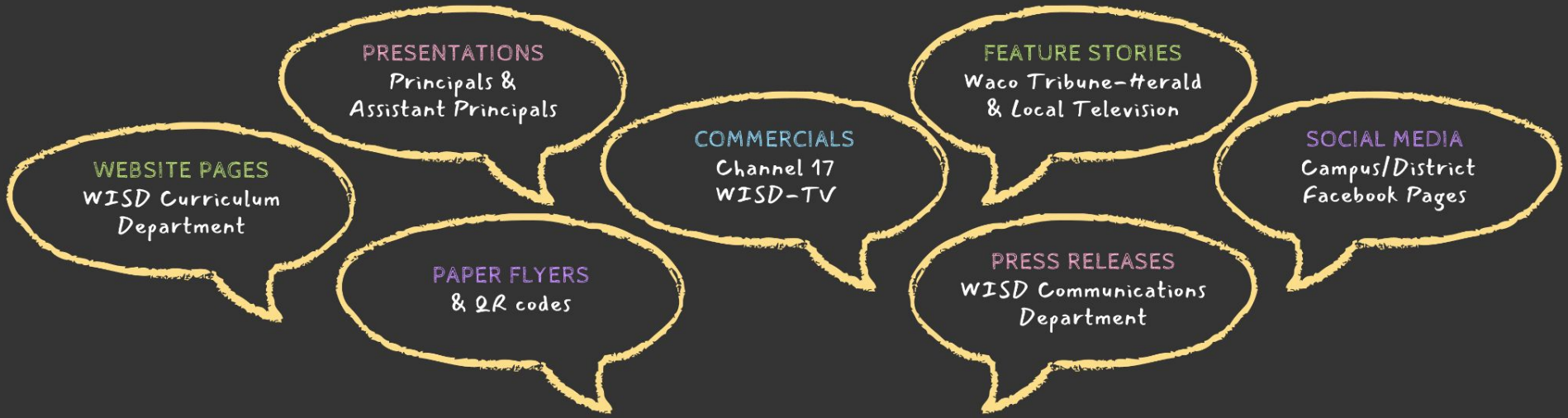
Opportunities for Learning

Our students had opportunities to engage and learn in a broad range of activities, including:

Visual Arts	Engineering	Computer Science	Coding	Reading/ Comprehension	Geography	World Cultures
Nature/ Food Cycle	Differentiation	Potential & Kinetic Energy	Physics	Theatre Arts	Animation	Creating Ideas/Things
Culinary Skills	Problem Solving	Working with Others	SEL	College Readiness	Community Awareness	So much more!

Communication Strategies

[English & Spanish]



Sign-Ups for Camps

Art Center Waco	90	iCode (Secondary)	10	University for Young People (GT/ELL)	175
Camp Invention (GT)	90	iEngage (WISD students only)	7*	Waco Civic Theatre	21
Culinary Dessert Camp	16	Lego Robotics	10	World Hunger Relief Farm Camps	66
Culinary Main Dish Camp	13	Maker Camp	10	YMCA of Central Texas	50
Girl Scouts (Elementary)	33	P-TECH Summer Bridge	32		
iCode (Elementary)	10	Superintendent's Scholars	15		

{Indicates full camps.}

Costs

$145,641
Funded by ESSER

$45,600
Funded by WISD
(ELL, Fine Arts, Advanced Academics & CTE)

TOTAL: $191,241

Art Center Waco

Elementary







Camp Invention

Elementary (GT)











Culinary Camp: Eat Dessert First

Secondary









Culinary Camp: The Main Dish

Secondary








731

iCode
Elementary & Secondary








WISD

Girl Scouts
Elementary









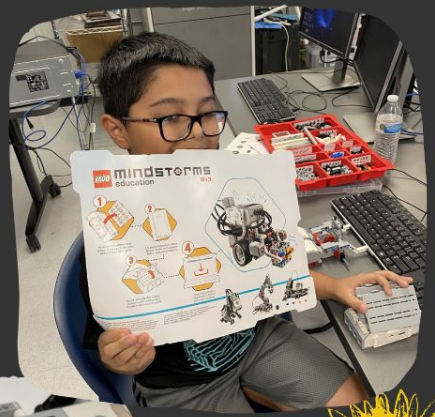


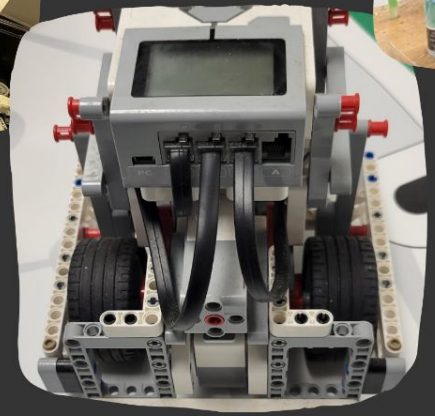


Lego Robotics & Maker Camp







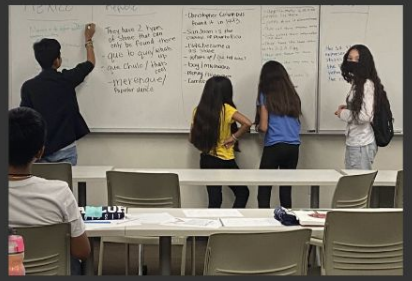


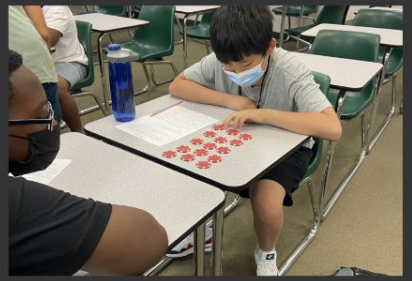


University for Young People

Elementary (GT)













Waco Civic Theatre

Secondary



















World Hunger Relief Farm

Elementary















YMCA Elementary















THANK YOU

TO OUR PARTNERS

The Art Center of Waco – Doug McDurham
Camp Invention – Amanda Jo Ponder
Girl Scouts of Central Texas – Sherry Wolfe
iCodeSchools.com – Dr. Jeremy Vickers & Piper Green
iEngage – Dr. Brooke Blevens (Baylor)
Lego and Maker Camps – Joe Rizo
Waco Civic Theatre – Eric Shephard
World Hunger Relief Farm – Sky Toney
WISD Culinary Camps – Rhiannon Ruark & Michael Osbourne
YMCA of Central Texas – Olivia Gutierrez
University for Young People – Celeste Sodergren, Grace Benson & Dr. Jennifer Robins (Baylor)

THANK YOU

girl scouts of central texas

iEngage

Baylor University

TSI Texas Success Initiative

iCode

ART CENTER WACO

World Hunger Relief, Inc.

Greater Waco Advanced Manufacturing Academy

the YMCA

CTE Waco ISD

WCT Waco Civic Theatre

WISD

QUESTIONS?

Troy Tinney
Coordinator of Summer Enrichment
troy.tinney@wacoisd.org
(o) 254.261.5632 ext.3949

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: August 25, 2022 **Contact Person**: Trustees Davis & Guillory

RE: Consider, Discuss and Take Appropriate Action Regarding an Amendment and/or Change to the Design Development for Tennyson Middle School, G.W. Carver Middle School, and Waco High School

==========

Background Information:

Trustee Jeremy Davis requested the addition of an agenda item for the Board to "Consider, Discuss and Take Action Regarding an amendment and or [*sic*] change to the Design Development for Tennyson Middle School, G.W. Carver Middle School, and Waco High School."

Trustee Keith Guillory also requested the addition of an agenda item "for discussion and an amendment to take action regarding the design for Tennyson Middle School, G.W. Carver Middle School and Waco High School; specifically the existing glass classroom wall design."

The designs that the Board approved for the new Waco High, G.W. Carver Middle and Tennyson Middle campuses originated in the work of a community advisory committee[1] that met during the first half of 2021 to study Waco ISD's facilities. The committee reviewed examples of modern campuses with similar designs, including the use of glass in classroom areas, and recommended replacing the three existing school buildings with modern campuses to better supported student collaboration and self-directed learning. That recommendation was part of the information shared with voters leading up to the bond election last fall.

In developing the specific designs for the new campuses, the district's architects at O'Connell Robertson held multiple rounds of meetings to solicit input and feedback from groups representing district leaders, campus leaders, police and safety staff, core content teachers, special education teachers, career and technical education teachers, fine arts teachers, librarians, athletics, food service, and the maintenance and custodial departments. (Minutes from those meetings are included in the packet for this meeting.) Members of the design committee for each project also toured several new campuses in central Texas with similar designs.

The Board approved the specific design for each new campus twice: first at the schematic design stage and again at the design development stage. The designs of all three schools, including the use of glass throughout the classroom areas, did not change significantly between the two stages.

[1] The advisory committee was made up of about 60 parents, educators and other community members, and the then-current Board participated in the committee's meetings. Although Trustees Davis and Guillory were not elected to the Board until May 2021, both were members of the advisory committee prior to their election. Trustee Emily Iazzetti, who was appointed to the Board in Aug. 2021, was also a member. A complete list of advisory committee members can be found online at https://www.wacoisd.org/Page/12508.

Waco High

On Sept. 9, Trustee Jose Vidaña moved approval of the schematic design for the new Waco High, and Trustee Davis seconded motion. Trustees Guillory, Angela Tekell, Cary DuPuy and Emily Iazzetti joined them in voting unanimously to approve the schematic design.

On Oct. 28, the Board received an update on the design development for Waco High. On Jan. 27, Trustee Guillory moved approval of the design and materials, and Trustee Iazzetti seconded the motion. Trustees Davis, Tekell, Vidaña and Stephanie Korteweg joined them in voting unanimously to approve the design and materials.

G.W. Carver Middle

On Oct. 28, Trustee Korteweg moved approval of the schematic design for the new G.W. Carver Middle, and Trustee Davis seconded the motion. Trustees Guillory, Tekell, Vidaña and Iazzetti joined them in voting unanimously to approve the schematic design.

On Dec. 16, the Board received an update on the design development for G.W. Carver Middle. On Feb. 24, Trustee Korteweg moved approval of the design and materials, and Trustee Davis seconded the motion. Trustees Guillory and Tekell joined them in voting unanimously to approve the design and materials.

Tennyson Middle

On Apr. 28, Trustee Guillory moved approval of the schematic design for the new Tennyson Middle, and Trustee Davis seconded the motion. Trustees Korteweg and Vidaña joined them in voting unanimously to approve the schematic design.

On July 21, Trustee Jonathan Grant moved approval of the design and materials for the new Tennyson Middle, and Trustee Angelo Ochoa seconded the motion. Trustees Vidaña and Iazzetti joined them in voting to approve the design and materials. Trustees Guillory and Davis voted against approval. The motion passed on a four-to-two vote.

Following the Board's approval of the design and materials for each campus, all three projects then proceeded to the construction documents phase. Both Waco High and G.W. Carver Middle have proceeded further with the Board's approval of guaranteed maximum prices for one bid package for Waco High and three bid packages for G.W. Carver Middle (which represent the entirety of the latter project).

Fiscal Implications:

The fiscal implications would depend on the specific changes made to each previously approved design. Since voters only authorized the District to issue $355 million in bonds and that amount was based on the total cost of all five proposed projects, an increase in cost for Waco High, G.W. Carver Middle and/or Tennyson Middle would likely require a corresponding reduction in the cost (and, by extension, scope) of the new Kendrick Elementary and/or renovations at South Waco Elementary. Depending on the nature of the changes, they could also delay the opening of the new campuses for Waco High, G.W. Carver Middle and/or Tennyson Middle.

Administration Recommendations:

Take no action on this item.

WACO INDEPENDENT SCHOOL DISTRICT

Tennyson Middle School

August 18, 2022



O'CONNELLROBERTSON
Mission driven.

Note: The design of Tennyson Middle School is a prototype of Carver Middle School which applies the same design principals, educational planning, standards, and safety strategies.

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Note: Items marked with an asterisk symbol (*) indicate meetings, presentations, and notes where safety and security items are discussed.

SECTION 1: Executive Planning Committee meeting minutes from kickoff through Design Development



Meeting Minutes

Project Name:	Tennyson Middle School	**Project Number:**	2212.00
Meeting Date:	February 24, 2022	**Meeting Time:**	3:00pm
Meeting Location:	Waco ISD Superintendent's Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Matt Rambo, Gloria Barrera, Josie Gutierrez, Kyle DeBeer O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson		
Meeting Topic:	Tennyson Middle School Phasing Discussion		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

O'Connell Robertson reviewed multiple design options:
Options A1+A2: Active campus, 1 phase, Entry on Tennyson or Sanger, Retains ~40% of prototype
Options B1+B2: Active campus, 2 phase, Entry on Sanger or N. 60th, Retains ~90% of prototype
Option C: Active campus, 1.5 phase, Entry on Tennyson or N. 60th, Retains ~80% of prototype
Option D: Vacant campus, 1 phase, Entry on Tennyson, Retains ~90% of prototype

The following feedback was provided from Waco ISD participants:

1. Do not want to move students off campus, so option D is not feasible.
2. If feasible to put portables on campus, very much prefer a single-phase solution
3. Entry off Tennyson not critical – could be off any of the adjacent roadways
4. Preference of Options
    a. A2 preferred over A1 as it has the main entry more visible from the road
    b. B1 preferred over B2 as it has similar building/site relationships to Carver MS and allows for potential future expansion
    c. C is not preferred as it takes both gyms offline.
    d. D is not preferred as it requires moving students off campus
5. Additional considerations
    a. Schedule: intent is for new building to be open for Fall 2024 use; the number of phases and amount of prototype modifications are biggest impacts to this schedule
    b. Matt sent a classroom plan to Casey to help determine portable quantity needs for further development of option(s)
    c. Kyle proposed potential construction of a new gym at nearby Parkdale ES for temporary use by TMS. TBD the feasibility of this in terms of schedule and budget
6. Next Steps
    a. O'Connell Robertson will explore option B1 further, ideally could be accomplished in a single phase with construction beginning January 2023
    b. Waco ISD to decide on project delivery method (CSP vs. CMR) by end of March
    c. Next meeting to be scheduled after Spring Break to review refined options and proposed project schedule.

End of Meeting Minutes

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Houston 700 Milam, Suite 1300, Houston, Texas 77002 p: 713.487.1583 f: 713.487.1573

Meeting Minutes

Project Name:	Tennyson Middle School	**Project Number:**	2212.00
Meeting Date:	March 24, 2022	**Meeting Time:**	10:20am
Meeting Location:	Waco ISD Admin – Main Boardroom		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Gloria Barrera, Jerry Allen, Ed Love, David Hamilton, Josie Gutierrez, Alex Villanueva, Larry Carpenter, Matt Rambo O'Connell Robertson: Jarrod Sterzinger, Doug Dawson, Casey Nicholson		
Meeting Topic:	Design Committee Meeting 2		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Project Schedule + Design Process Expectations
    a. Waco ISD will be handling abatement, installation of new + relocated portables, and demolition of 1-story classroom wing prior to the new building construction – O'Connell Robertson to meet with Gloria to determine what documentation is needed
    b. Construction of new building will begin January 2023, will be ready for first day of school in August 2024
    c. Site Improvements (track, remaining parking) will be completed by winter break 2024
    d. No user group meetings for re-programming or re-design of building areas
    e. This committee will review the new exterior design, site plan, and revised commons ("knuckle") layout
    f. Student/staff engagement to be similar to Carver's process
        i. School engagement in Fall to explain what will be occurring in 2023; may need to be moved to April/May if it's decided to install portables over summer
        ii. Monthly or regular site visits during the construction process
    g. Jayna and Doug to schedule time with Matt to review Tennyson's history, legacy, and to discuss how to pull this into the culture/design of the new building design
    h. TBD in next few weeks: project delivery method: CSP vs. CMR

2. Conceptual Site + Floor Plans
    a. Portables (3 relocated + 5.5 new to replace the 11 classrooms being demolished for the new building construction) to be dispersed around the site – see presentation PDF for these planned locations
    b. Campus drives and parking
        i. Preference is to have parent drive loop enter on (and potentially queue off) 60th Street and exit onto 62nd Street
        ii. Parents are mostly heading to the North, and WISD would like to explore extending 62nd Street over to Tennyson Drive or perhaps adding a campus driveway to get parent vehicles back to Tennyson Drive
        iii. Busses – currently have 5; like the idea of a bus loop at the northwest corner of campus (in lieu of using the fire lane extension from 62nd Street) with entry off Tennyson Drive and exiting onto 60th Street or Tennyson Drive.

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c. Floor plan is mostly the same as Carver – the academic + athletics/arts wings are exactly the same. The "knuckle" connection point is slightly different proportionally, and new design concepts will be developed for consideration by this committee.

3. Upcoming Meeting Schedule
    a. Design Committee Meetings – Gloria will be sending out invites
        i. April 7th – schematic design review: exterior design concepts; site revisions
        ii. April 28th – design development update: building plan (knuckle) review
        iii. April/May date TBD – O'Connell Robertson to meet w/ Matt to discuss culture/design of the new building.
        iv. May 19th – design development update:
            1. initial interior design concepts + digital materials
        v. June 16th – contract documents update:
            1. interior design presentation + 3d views.
        vi. July 21st – contract documents update
    b. Planned Board Meetings (may adjust as project progresses
        i. April 28th – Schematic Design
        ii. July 14th – Design Development
        iii. November 17th – final GMP (single package)

End of Meeting Minutes

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Meeting Minutes

Project Name:	Tennyson Middle School	**Project Number:**	2212.00
Meeting Date:	April 28, 2022	**Meeting Time:**	10:20am
Meeting Location:	Waco ISD Admin – Main Boardroom		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Gloria Barrera, Matt Rambo, Jerry Allen, David Hamilton, Josie Gutierrez, Alex Villanueva, Larry Carpenter O'Connell Robertson: Doug Dawson, Casey Nicholson		
Meeting Topic:	Design Committee Meeting 4		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. New exterior renderings + video reviewed – all approved and no changes needed at this time.

2. Conceptual site plan – O'Connell Robertson to engage the City extending 62nd Street to Tennyson Drive. This will be discussed initially with the City at our pre-filling meeting on 5/4/2022. WISD is only interested if City will be funding this. Do not want those costs as part of this project.

3. Portables Planning
    a. Correction: All 4 portables currently adjacent to the 300-wing will be removed, so new portables area planned to be installed this summer will need to include 11 portables: 10 for classrooms and 1 for restrooms.
    b. Pending receipt of site survey (to clarify property lines), we may need to locate 1 of the portables inside the fence line where the greenhouse is located. These students could access the main campus through the garden or along the same sidewalks used by the adjacent existing portables.
    c. Main building access – 4 options were reviewed and discussed
        i. Preference is for students to access the building through the library
        ii. Doug and Casey to visit the site this afternoon to review the options in more detail to determine feasibility. Will follow-up with Matt and Gloria in a few days to review and then select an option for inclusion in the May 12th package going out for Summer 2022 work.

4. Upcoming Meeting Schedule
    a. Design Committee Meetings – Gloria will be sending out invites
        i. May 19th – design development update:
            1. building plan (knuckle) review.
            2. initial interior design concepts + digital materials.
        ii. June 16th – contract documents update:
            1. interior design presentation + 3d views.
        iii. July 21st – contract documents update

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b. Planned Board Meetings
    i. June 16th – Portables + Summer 2022 Demolition – new Board members will be joining in May, so need to make sure this presentation briefly recaps the project history to get them up to speed.
    ii. July 14th – Design Development
    iii. November 17th – final GMP (single package)

End of Meeting Minutes

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Meeting Minutes

Project Name:	Tennyson Middle School	**Project Number:**	2212.00
Meeting Date:	April 13, 2022	**Meeting Time:**	3:00pm
Meeting Location:	Waco ISD Admin – Main Boardroom Conference Room.		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Gloria Barrera, Jerry Allen, David Hamilton, Josie Gutierrez, Alex Villanueva, Larry Carpenter, Matt Rambo O'Connell Robertson: Jarrod Sterzinger, Doug Dawson		
Meeting Topic:	Design Committee Meeting 3		

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1. Portables
    a. Need to locate 9 full-size portables + 1 restroom portable.
    b. It was confirmed to relocate the planned portables to southwest corner parking lot to consolidate.
    c. Provide a fence around temporary portables, connecting back to the main building.

2. New Construction
    a. Site plan concept as shown was approved for SD.
    b. Waco ISD requested a bus canopy be added to the plan-west bus drop off area, independent of the main building.
    c. In lieu of the shade trellis on the exterior near the administration wing, a canopy will be added on the gym side at the front entry to provide rain protection for student pickup and/or pre-event activities.
    d. Street names and additional graphic clarity will be added to final presentation.

3. Carver MS
    a. Waco ISD indicated the preference for the historical plaque to be located near the front door.

4. Waco HS
    a. The shade sail concept was presented as an opportunity to get increased shade area as compared to the previous concept of a solid/metal shade trellis structure.
    b. The design committee approved the switch to a shade sail canopy system in the main courtyard in lieu of a fixed / metal trellis type shade.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Tennyson Middle School	**Project Number:**	2212.00
Meeting Date:	April 28, 2022	**Meeting Time:**	10:20am
Meeting Location:	Waco ISD Admin – Main Boardroom		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Gloria Barrera, Matt Rambo, Jerry Allen, David Hamilton, Josie Gutierrez, Alex Villanueva, Larry Carpenter O'Connell Robertson: Doug Dawson, Casey Nicholson		
Meeting Topic:	Design Committee Meeting 4		

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            1. interior design presentation + 3d views.
        iii. July 21st – contract documents update

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b. Planned Board Meetings
    i. June 16th – Portables + Summer 2022 Demolition – new Board members will be joining in May, so need to make sure this presentation briefly recaps the project history to get them up to speed.
    ii. July 14th – Design Development
    iii. November 17th – final GMP (single package)

End of Meeting Minutes

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SECTION 2: User Group meeting minutes from kickoff through Design Development



Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Matt Rambo, Isaac Carrier, David Hamilton, Rhiannon Settles, Amy Mundy O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Administration/Staff Spaces User Group Meeting		

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1. Need to have a secure entry vestibule, but also important to look inviting/welcoming
2. Reception area will need space for 2 staff members, be large enough for impromptu small meetings, and have TV with rolling messages
3. Offices/Conferences – the rooms already listed in the space program are correct. A few planning notes and additions/corrections to be made to these
    a. Conference Rooms – 2 needed:
        i. Large/ARD Conference for 10-12 people, accessed off reception and corridor
        ii. Admin/Principal's Conference for 10-12 people; access from main admin suite and from the principal's office
    b. Add 3 Behavior Specialist offices: 1 to be located within each of the distributed admin spaces (with Assistant Principals + Counselors) in the academic neighborhoods
    c. Testing Room to be centrally located in the building, ideally closer to the classrooms
    d. Senior Resource Officer to be centrally located in building, distinct from main admin
    e. ISS to be centrally located in the building. Perimeter carrels with central staff desk.
    f. Admin workroom/area – would like to see this open (ie, no walls to adjacent admin suite halls), similar to the central office at Lake Belton High School
    g. Add mailroom – could be adjacent to admin workroom/area
    h. Staff lounge could be located anywhere in the building
    i. PLC meetings will occur throughout the day with up to 10 staff at a time – these could occur in the admin conference rooms, in the commons, or in the collaborative spaces being planned for the academic neighborhoods
4. Nurse/Clinic
    a. Primary access from main/central corridor; could also have a door into admin suite
    b. To be located near an exterior door with accessible route to a campus drive for emergency services; ideally this route would not be through the main building entry
    c. Spaces to include
        i. Waiting area adjacent to + visible from the main clinic room
        ii. Clinic Area – counter sink, storage cabinets, eyewash station, wall-mounted sharps containers and glove boxes, full-size fridge, ice machine
        iii. Isolation room with 1 bed + 1 sink; this room will also support telehealth
        iv. Sick/Sleep cots – 3 cots, separated by curtains; 1 sink

v. Office – window into clinic area; needs to be lockable for records storage
vi. AED locations – 1 in each classroom neighborhood, 1 in lobby outside the competition gym, 1 in the central admin reception area

5. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	10:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Erin Allen, Julie Ingham, Kelsey Sanders, Morgan Hendershot, Michael Goldberg, David Hamilton, Karen Hassell, Robin McDurham O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Core Curriculum User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Learning Communities to be split by grade level – these should be planned as similarly as possible to provide flexibility in future if the organizational strategy changes
    a. 6th graders should be upstairs and at most remote part of the building; ideally will not be circulating through the 7th or 8th grade neighborhoods to get to common spaces
2. Transparency between classrooms and corridors – some noted concern about amount of windows and it distracting students from learning. But also acknowledge that it's important to keep eyes on the adjacent collaborative space for passive observation
    a. Karen spoke positively of this in modern schools in other districts – noted that the kids adjust relatively quickly at the beginning of the school year
    b. Requested that we consider sending representative(s) on the school tours and/or provide virtual tours or imagery to help explain the concept
    c. Windows need to have shades to be able to darken the room for presentations
3. Classrooms
    a. Need storage – to be determined if this is fixed casework or furniture solutions
    b. Whiteboards – to be located on multiple walls
    c. Operable partitions – would be helpful between some classrooms to facilitate co-teaching opportunities
4. Science Labs
    a. All to be the same for more flexibility in scheduling the rooms
        i. Preference for combined lab/lecture in lieu of separate rooms for each
        ii. Sized to accommodate 28 students (7 groups of 4 students)
        iii. Countertop at perimeter (with 7 sinks) and mobile tables in middle that can be moved to the perimeter when time to transition from lecture to lab
        iv. Fixed teachers station with water and gas
        v. Each lab to have safety equipment
    b. Plan for 2-3 science labs per learning community (in lieu of being centralized in a distinct wing of the building)
    c. Erin to provide list of chemicals for O'Connell Robertson to coordinate appropriate storage in the chem storage room

   d. Prep/storage room quantity to be determined – currently have 1 prep room shared by 3 labs – Erin to evaluate and follow-up to clarify if this is still the correct ratio
      i. Each prep room to have a fume hood
5. Small group rooms to have lots of transparency; include whiteboards, but no projectors
6. Outdoor spaces – existing middle campus have a green house or garden space – need to evaluate what type(s) of outdoor spaces would be appropriate on the replacement campuses
7. Atlas (at Tennyson only) – how is this being addressed in the replacement schools? Is it to be in a distinct learning community or embedded within the general 3 planned general learning communities?
   a. Currently operates in it's own hallway with all 3 grades together.
   b. Has it's own Assistant Principal and 14 dedicated teachers (pre-covid was 15-18)

8. Next Steps
   a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
   b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	2:00 pm
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Chris Beheler, Kylee Millican, Donna McKethan, David Hamilton O'Connell Robertson: Casey Nicholson		
Meeting Topic:	CTE User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Plan for 3 instructional spaces to support evolving curriculum offerings
    a. Multi-purpose room – science lab size, sink(s) at perimeter, overhead cord reels, roll-up exterior door
    b. Computer lab
    c. Classroom
2. Potential CTE offerings at the middle schools
    a. Project Based Learning is a new program, currently focused on career planning, but could and likely will evolve/expand in the future
    b. Project Lead the Way is offered at Chavez only, as it supports the CTE programs offered at University High School, but not planned for Waco HS
    c. BIM
    d. Keyboarding
    e. Donna is considering introducing introductory courses for current CTE programs offered at the HS level – potentially rotating these between the MS campus each semester or school year to maximize CTE exposure opportunities
3. To be co-located together in the building, perhaps near fine arts spaces
4. AVID is not part of CTE, but needs a distinct space. O'Connell Robertson is tentatively locating this with the Library, but to be determined ideal space within the building
5. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

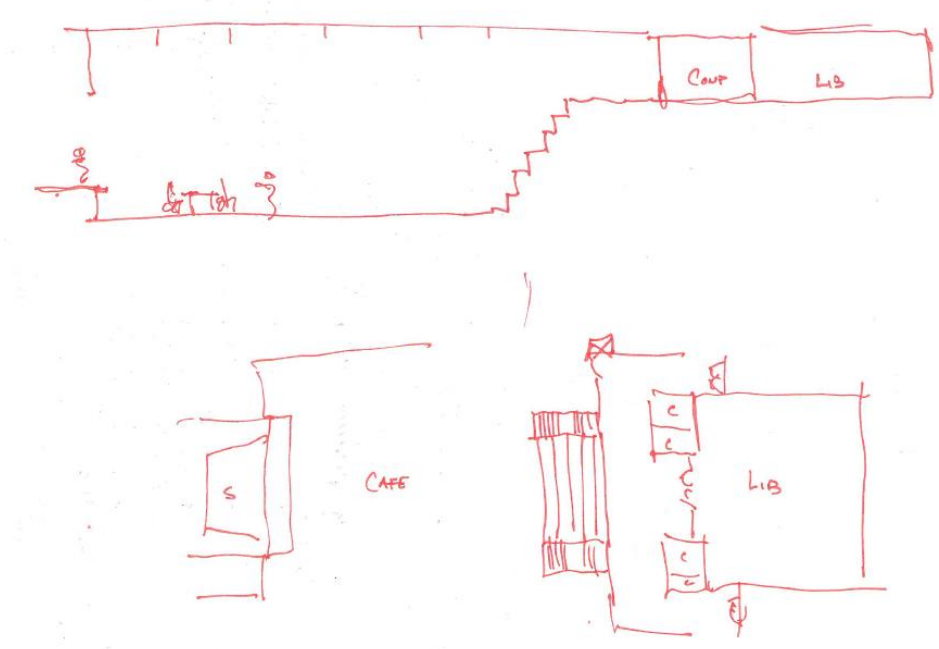
End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	3:00 pm
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Ernest Amende, Jerry Allen, Diane McDaniel O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Library User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Want students to have as much exposure to the Library as possible
2. Would love to have direct exterior access to allow students into Library before/after school
    a. Add restroom into library so this space can operate independently – essentially avoiding having to open up the entire campus



    b. Exterior entry needs to be recessed and/or canopy to provide weather protection; will need to add and intercom/video monitor so Librarian can control access
3. Preference to be located on 1st floor for direct exterior access, but also liked the sketch below that locates library is on the 2nd floor, but visible and accessible from commons area
4. Preference for fixed shelves at the perimeter and moveable shelves in the center
    a. Generally don't utilize bottom shelf

   b. Maximum 5 feet tall in middle of the room, perimeter shelving could be taller
5. Target volume count is 20 volumes per student. 1,060 student x 20 = 21,200 volumes
6. Seating should be open/flexible systems that allow for collaboration
   a. Not sure if small groups are needed or should be utilized; if include, maximize transparency so occupants can be monitored
7. Plan for a few card catalog kiosks
8. Need presentation wall to support class visits and staff meetings; +/- 30 students
9. Makerspace would be great – a space with paint, glue, crafting supplies; maybe a 3d printer, but no power tools
   a. Needs to be visible from circulation desk
10. Librarian currently often serves as the technology specialist for the campus – need media/devise storage room
11. Library to have separate office and workroom (with counter + sink)
12. Like Bell's Hill ES Library and computer lab relationship – the computer lab has doors from both the corridor and the library
13. Midway Middle School was noted as an example of a good Library example
14. Next Steps
   a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
   b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	1:00 pm
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Kimberly Tucker, Shawn Knuckles, William Taylor, Larry Carpenter, David Hamilton, Karmen Logan O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Fine + Performing Arts User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Notes below reflect discussions from this meeting. A comprehensive planning list, generated by Waco ISD MS representatives, is included at end of these minutes for reference
2. Needs to be co-located within the building and also have easy access to outside for loading area (which needs large doors)
3. Minimum 9 instructional spaces for Performing + Fine Arts Curriculum. Current Staff Counts:

	Tennyson	Carver/ Indian Spring
Art	2	2
Theatre	2	2
Band	3	4
Choir	1	2
Orchestra	1	0
	9	**10**

4. Band has 3 directors and need 3 distinct instructional spaces as 5 of their 7 periods have lessons occurring simultaneously
    a. 250-300 students, with the largest class around 60 students
    b. Band Rehearsal Room, Percussion Room, and Music Library can serve as the 3 instructional spaces – each will need a whiteboard and projector/screen
5. Band, Orchestra, Choir each need separate offices and uniform/robe storage rooms, but can share 1 larger music library
6. Music needs 5 practice rooms: 1 large for 7-10 people, 2 medium for 3-6 students, 2 small for 1-2 students
7. Kimberly to send instrument storage needs list to O'Connell Robertson for space planning
8. Will to send stage storage needs list (wing space, UIL requirements, etc) to O'Connell Robertson to confirm stage sizing and design requirements
9. Stage to be 3'-0" above cafeteria floor
10. Theater Tech Classroom to be located behind/adjacent to stage – need to be multi-purpose

11. Locate student dressing/changing rooms behind stage to support performances
12. Art – two studios to be directly adjacent with functional space (storage, kiln) between
    a. Need deep sinks, lots of natural light, and Plan for 2D+3D display/gallery space
    b. Would like access to outdoor space for large format art
    c. Fully scheduled at 2 periods; may want to add a 3rd art studio (set-up more for multipurpose room), which could also serve as a flex classroom for CTE or future dance program
13. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

Tennyson Fine Arts Wishlist (referenced in item 1 above)

See following planning guide: www.wengercorp.com/Construct/docs/Wenger%20Planning%20Guide.pdf

Band Needs:

- Large rehearsal hall - at least 2,550 square feet
- Percussion storage room - to also be used as a small ensemble rehearsal space (w/ projector and screen)
- Large instrument storage room - to also be used as a small ensemble rehearsal space (w/ projector and screen)
    - Multiple instrument lockers to accommodate ALL students' instruments
- Music Library with Wenger Music Library System, counter space and copy machine
- Storage area for chair and stand carts and extra chairs and music stands
- Uniform room to hang band shirts
- Large band office with restroom for three band directors
- State-of-art sound system for entire area
- Large doors w/o bar (so timpani and marimbas can be wheeled through)
- Ceiling mounted projector
- Practice Room Suite with 4-5 sound-proof practice room with Electric Pianos and Computer Station
- Folio cabinets for sheet music folders (enough for 300 students)
- Security cameras in all areas
- Proper ventilation (see above planning guide)
- Main rehearsal room in close proximity to PAC
- Loading dock to easily transport large equipment
- Easy access for bus loading for trips/performances off campus

Choir Needs:

- Choir room with high rise ceilings for acoustic purposes
- Performance hall/PAC with higher ceiling for acoustic purposes
- Choir sound shields for stage

- Music library shelving system in storage room
- Large projections screen and projector that connects wirelessly
- Sound system in classroom
- Office large enough for two directors (hopes to justify a second director as the program grows).

Orchestra Needs:

- Medium size rehearsal hall, 1,500 to 1,750 square feet with a minimum 18 foot high ceiling.
- Storage room that can fit 10 total string bass rack, 20 cello rack, 12 viola rack and 30 violin rack.
- Security cameras in both rooms.
- A/C/Heat pump unit that runs 24 hours a day, 365 days a year.
- Music Library with Wenger Music Library System, counter space and copy machine
- Storage area for chair and stand carts and extra chairs and music stands
- Wenger company soundproofing and possible sound design for the rehearsal room.
- 5-10 Wenger practice rooms. One practice room with Wenger's advanced VAE Rehearsal System built in.
- Wenger VAE Rehearsal Room system in the main rehearsal room.
- Bathroom facilities for student and instructor use.
- Full Steinway Concert Grand to be shared by orchestra/band.
- Large Orchestra Director's office, sound proofed.

Theatre Needs:

- PAC with large backstage area
- Large storage area for props, costumes, and set pieces
- Handicap accessible areas are important in construction
- Dressing rooms
- Cyclorama (Cyc)

Art Needs:

- Multi-use sinks that have big uncloggable drains
- Cabinets/drawers for large art storage (paper)
- Walk in storage
- Supply bins
- Display walls/cases
- Clay room to put kiln and projects
- Mounted large screen tv
- Standing tables
- Outside classroom area for large art projects
- Easels room for painting lab
- Light Tables
- Gallery space around Theatre's outside walls and in hallways...Gallery spaces.
- Silkscreen lab to print our own T-Shirts for all the organizations in our school

Band Instrumentation for lockers/storage:

40 Flutes 7 Oboes

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50 Clarinets

5 Bass Clarinets

5 Bassoons

20 Alto Saxophones

6 Tenor Saxophones

6 Baritone Saxophones

40 Trumpets

20 Horns

50 Trombones

20 Euphoniums/Baritones

25 Tubas

15 Percussion Kits

End of Meeting Minutes

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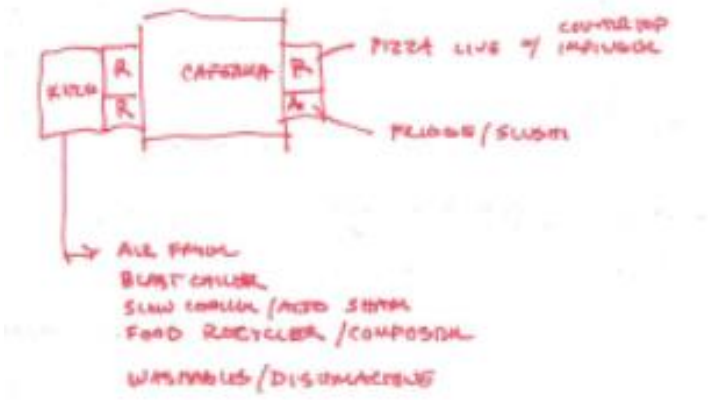
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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 14, 2021	**Meeting Time:**	11:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Cliff Reese, Joe Emmons, Sheryl Davis O'Connell Robertson: Jarrod Sterzinger, Jayna Duke, Casey Nicholson		
Meeting Topic:	Food Service User Group Meeting		

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1. Like what is happening at Carver/Indian Spring – 3 reimbursable lines + 1 a la carte line
    a. Ideally separate these lines as much as possible – preference for 2 reimbursable serving lines with kitchen and 1 reimbursable line + 1 a la carte line on opposite end of cafeteria
    b. Currently making pizza via impinger in remote location and anticipate that continuing
    c. Conceptual sketch:



2. CBP/SSO Certified with similar participation rates on each campus
3. Kitchen should not be visible from serving / dining areas
4. Would like to return to dish machine, which will need a tray/dish return
5. At Bell's Hill campus, they are creating compost for their on-site gardens; would like to consider a similar program for the middle schools
6. Would like to tour/see some recent middle sch ool kitchen designs – to be coordinated with Melissa Counihan, who is the food service design consultant for the middle schools
7. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 14, 2021	**Meeting Time:**	10:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Kimberley Bridgewater, Shelby Lee O'Connell Robertson: Jarrod Sterzinger, Jayna Duke, Casey Nicholson		
Meeting Topic:	PE + Athletics User Group Meeting		

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1. Gymnasiums – both competition and auxiliary gyms planned
    a. Need 1 main basketball/volleyball court and 2 cross basketball/volleyball courts
    b. Understood that cross courts may not be full regulation size
    c. Wood floors preferred
    d. Prefer electronic goals at all goals, but could be manual or side shift at cross courts
    e. Competition gym needs banner display spaces; no need for trophy display case(s)
    f. Equipment storage needed for both PE and Athletics
    g. Need to confirm bleacher capacity with Ed Love
    h. Concessions/Ticketing currently done in corridor, but ideally have a distinct space
2. Student Lockers
    a. PE: need lockers and access to restrooms; no showers
        i. 4 pre-athletics (PE) classes dress out, but 3 do not
    b. Athletics: Boys +/- 180 participants, Girls +/- 100 participants
        i. Don't need to be sectioned off by grade level or sports teams
        ii. Need 2-3 individual showers per gender, but no group/gang showers
3. Coaches
    a. Offices – 1 boys coordinator, 1 girls coordinator, 1 boys coaches, 1 girls coaches
    b. Conference Room
    c. Locker rooms to have a shower
4. Weight Room
    a. Love South Belton Middle School size and layout
    b. Need audio in here
    c. Ideally with direct access to gym(s) and corridor
5. Training room to have taping table, sink, storage
6. Laundry room needs minimum 2 washers and 1 dryer. A 2nd dryer would be ideal.
7. Outdoor Facilities
    a. Games played at district or high school stadiums
    b. Likely no bleachers/grandstands needed – need to confirm with Ed Love
8. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 14, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Charlotte Davis, Laurie Beth Harris, Kristine McDonald, Christy Freeman, Rebekah Raabe O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Special Populations User Group Meeting		

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1. Charlotte noted middle school program should have similar types of spaces as Waco HS

	Carver/ Indian Spring		Tennyson	
	Rooms	Students	Rooms	Students
Achieve	3	30	1	13
Aspire	1	8	1	1
SAIL	1	7	1	3

2. Populations vary by campus and WISD doesn't magnetize of shift across campuses to achieve similar capacities; Currently Carver/Indian Spring is almost double Tennyson, but noted this varies based on natural matriculation from ES to MS to HS:

3. Spaces/Programs to be co-located in a dedicated Special Education area, ideally in close proximity to support services
    a. Functional Academics: 4 classrooms with shared support between each set of 2:
        i. Kitchen/Laundry (Home Environment) –
        ii. Restroom with changing table
        iii. Small group / quiet room
    b. Multi-purpose Room – could be used for OT/PT and general sped flex space
    c. Work-based (18+) Learning Lab is not required
4. Spaces/Programs to be embedded within or adjacent to gen ed learning communities
5. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 8, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Matt Rambo, Alex Villanueva, Mary Senter, Meredith Casas, Isaac Carrier O'Connell Robertson: Erin Van Doren, Casey Nicholson, Jayna Duke		
Meeting Topic:	Administration/Staff Spaces User Group Meeting		

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1. Reception- layout reviewed today is similar to Danielson in Leander ISD, which was recently toured by WISD middle school design team members and noted as preferred entry sequence
    a. Add a taller counter at back door of reception for students needing to visit the offices deeper into this admin suite
2. ARD Conference
    a. Add a counter within room
    b. Like this as shown as it is accessible to public without access to the entire school
    c. Add card reader access on door into room
3. Nurse
    a. Full size refrigerator in clinic area
    b. Add a residential, stackable washer and dryer
    c. Telehealth to occur in Isolation Room

4. Sojourn Room- include space for 2 vending machines: soda and snacks

5. Rearrange offices in the back of the suite:
    a. CIS offices are heavily utilized by students, would like to move away from the principal's office and closer to the large conference room; PEIMS/Registrar can be moved closer to the principal
    b. CIS has 3-4 staff: plan for 1 private office, others in separate, bull-pen style office
    c. Widen corridors near Principal's office and near CIS offices to fit small waiting areas

6. Next Steps
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 8, 2021	**Meeting Time:**	10:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Meredith Casas, Morgan Hendershot, Julie Ingham O'Connell Robertson: Erin Van Doren, Casey Nicholson, Jayna Duke		
Meeting Topic:	Core Curriculum User Group Meeting		

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1. Classroom
    a. Movable teacher desk
    b. Roughly 15-30 student class sizes
    c. More glass desired for supervision in collaboration areas
    d. Teaching wall opposite the door, walk into the back of the room
    e. Writable surface adjacent to door for flexibility
        i. Desire for a lot of writable space, doesn't have to be the whole wall
        ii. Tackboards or tack strips not desired
        iii. Ideally the writable surface is also magnetic for use to hang items
    f. Built-in casework and counter space
        i. Could be used for group station
        ii. Lockable tall wardrobe 3'-0" with 8'-0" of counterspace with base cabinets below
2. Collaboration
    a. Individual/small group of students
    b. Plug in for chargers for computers
    c. Mobile writing surfaces, writable wall surface
    d. Digital screen for announcements, not needed for student use
    e. Projector screen could be used for larger groups
    f. Tack strips would be great in this space

3. Student restrooms – ideally would be more centrally located in the wing. Concern about sending students to opposite end of the call – too many distractions and opportunities for delay

4. Next Steps:
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	2:00 pm
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Donna McKethan O'Connell Robertson: Casey Nicholson, Erin Van Doren		
Meeting Topic:	CTE User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Add windows between multipurpose lab and computer lab for teachers to be able to monitor students if/when they have to access the adjacent room
2. Add windows +/- 4' above floor (to clear countertops with computers) on corridor side of all CTE teaching spaces
3. Computer lab: rotate teaching wall to plan east wall
4. CTE classroom- outfit like a typical classroom; add a door into the adjacent computer lab
5. Next Steps:
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	11:30 am
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Cliff Reese, Meredith Casas O'Connell Robertson: Erin Van Doren, Casey Nicholson Counihan and Associates: Melissa Counihan, Terise Urias		
Meeting Topic:	Food Service User Group Meeting		

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Main Kitchen/Servery

1. Provide dish return for trays coming back into Dish room
    a. Will use mostly disposables (boats or 8"-9" plates), but some trays
    b. Locate close to Dining Commons for easy access from Distributed Serving Areas
2. Janitorial provided within Kitchen, location accessible for both Kitchen and Distributed Serving Areas if possible
3. 4 compartment sink preferred in Dish Room with heavy duty dishwasher. Stainless steel wall cladding throughout Dish Room expected
4. Roll up and access doors in front of Servery to be determined
5. Kitchen:
    a. Good with all Schematic Narrative Equipment suggestions
    b. Double Stacked Impinger preferred BOH
    c. Prefer to incorporate new technology in BOH & Distributed Serving, like Air Fryers
    d. 36" Griddle
    e. Cooler to Freezer ratio- Freezer ~12'x16'-20'; Cooler ~12'x12'
6. Serving lines:
    a. Prefers for students not to be able see into Kitchen area from Serving Lines
    b. 4-6 lines are planned: 2 serving lines minimum in Kitchen; hoping for 4 with 2 POS Systems; 1 at each of the distributed serving areas
        i. 3 lunch periods with +/- 360 students per period
        ii. Prefers extra space by POS's, to house additional food items
    c. Serving Lines Concepts:
        i. Entrée Changes Daily: served
        ii. Pizza: mostly self-serve
        iii. Burger and Sandwiches: mostly self-serve
        iv. Mexican/Asian: served
    d. Main Entrée (changes daily) & Mexican/Asian Concept: 5 hot wells & 60" cold well
    e. Pizza Concept: Pizza shelf (stone/flat top), hot wells & cold pan, warming shelves above if possible
    f. Burger/Sandwich: Burger Slide, would like a 48" Burger slide if possible, 3 hot wells & a cold well

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g. Prefers reach-in Vista Cooler or Open-Air Merchandiser, no Milk Coolers, for beverages and grab-n-go salads, accessible on each line
h. Need mobile Condiment Carts that provide all essentials; provide home in plan that doesn't block queue, integrate into line where space limits
i. Liked the DVISD and Deerpark MS design concepts
j. What are the ideal proportions and fronting length?

7. Distributed Serving (DSA):
    a. Concepts:
        i. Pizza/Burger: mostly self-serve
        ii. Grab-n-Go, Healthier, Local Market Vibe: self-serve; quick items
    b. Desire to relocate closer to Dining Commons near Platform and closer to outside
        i. Queuing along hallway and in front of Platform
    c. What are the ideal proportions and fronting length?
    d. Wants Single Impinger, small cold 48" well, 3-hot wells, and Burger Slide in Pizza/Burger DSA
    e. Wants a Slushie Machine, Ice Cream Freezer, and a hot Display Case in Grab-n-Go/Local Market DSA, also 3 hot wells, a cold well
    f. Wants Grab-n-Go/Local Market Area to look different than Pizza/Burger DSA, like a local market
    g. Wants a Hand Sink and 1 Single Compartment Sink/Prep Sink in each; All dirties going back to Main Kitchen to be cleaned
    h. Need Condiment Stations built into Lines that provide all essentials if possible
    i. Would like lockable dry storage if applicable in each area for less transporting from Main kitchen
    j. Need to provide mop sink within 75' of DS Areas

Next Steps

1. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
2. High School DD Deliverable in mid-January, hoping for feedback by early December
3. Counihan to need to represent square footages (particularly the linear feet needed for the side facing the corridor) so areas can be updated in the plan
4. Virtual meeting to get input on equipment to follow

End of Meeting Minutes

Austin 811 Barton Springs Road, Suite 900, Austin, Texas 78704 p: 512.478.7286 f: 512.478.7441
San Antonio 4040 Broadway, Suite 300, San Antonio, Texas 78209 p: 210.224.6032 f: 210.224.6453

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	3:00 pm
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Ernest Amende, Diane McDaniel O'Connell Robertson: Erin Van Doren, Casey Nicholson, Jayna Duke		
Meeting Topic:	Library User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

Library

1. Circulation desk at the front main entrance to/from the library
    a. Other support rooms can be shifted around as needed
2. Welcoming feeling to Library from Commons, but still feels like its own space
3. Areas dedicated to reading and working
4. Workroom (with sink), office, circulation desk to maintain relationship
5. Fiction (60/40) (ideally 50/50) Non-fiction books
6. More centralized book shelves, no tables between, don't need to spread out
7. No visibility needed into computer lab
8. Target volume count is achieved if utilize bottom shelf – this is acceptable
9. Circulation desk
    a. Book return
    b. 2 computer stations
    c. Very transactional in nature

Maker Space

1. See into from Dining Commons
2. Needs monitoring visibility from circulation desk
3. Modular, individual student use
4. Arts and crafts, 3D printer, robotics, legos, color printer, large format printer, less structured than CTE space
5. Lockable storage with kits
6. Stand/sit tables, space to work for 6-8 students

Next Steps:

1. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	10:30 am
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Linden Heldt, Meredith Casas O'Connell Robertson: Erin Van Doren, Casey Nicholson		
Meeting Topic:	PE + Athletics User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. General
    a. Compartmentalization strategy for athletics areas - safety and security conversation to come. Request to add doors between athletic corridor + main building corridor
    b. Will there be a scoreboard? Casey to follow-up with WISD to clarify scope/intent
    c. Sports equipment – need to confirm with Coach Love if off-season equipment will continue to be stored at the district stadium or at the Middle School

2. Gymnasiums
    a. Competition Gym – preference is wood flooring. To be confirmed.
    b. Aux. Gym – okay with rubber flooring. To be confirmed.

3. Coaches
    a. Bull pen- room for 5 coaches in each is adequate
    b. Visibility into corridor as much as possible

4. Locker Rooms - Layouts/counts are appropriate; only change is that 100 of the 180 lockers in boys' locker room need to be sized to fit football shoulder pads.

5. Training Room
    a. Should be located closer to gyms as there is not a dedicated trainer assigned and is only utilized on event days
    b. Needs a sink and lockable cabinets for medications, bandages, etc.

6. Weight Room
    a. Wide overhead door for equipment to be brought outside with hard ground covering.
    b. As much visibility as possible into Weight Room from the building interior corridor
    c. Should shift laundry and training room away from this area to maximize visibility

7. Next Steps
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	1:00 pm
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Meredith Casas, Shawn Knuckles, Larry Carpenter, Kimberly Tucker William Taylor O'Connell Robertson: Erin Van Doren, Casey Nicholson		
Meeting Topic:	Fine + Performing Arts User Group Meeting		

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Band

1. Office not needed off the Music corridor – could be pushed back into the space
2. Shift practice rooms to current office location
3. Add windows into practice from Band Hall
4. Stand racks that will need to be housed, thinking this could be in Music Storage
5. Instrument storage:
    a. Bigger instruments in lockers in rehearsal hall
    b. Smaller instruments in lockers in separate room
6. Office: 3 people

Music Library: Wenger Music Library Storage units, copier, countertop, etc.

Choir

1. Office: 2 people
2. Risers- plan for one in Choir room, another to be at platform (stage) – can be stored in storage room there when not in use

Ensemble – needs to be able to hang percussion instruments, percussion cabinet with drawers, etc.

Orchestra

1. Office: 1 person
2. Rename Orchestra storage to be Music Storage

Multipurpose Room – to be set-up to accommodate either art classes or music rehearsal spaces

1. Sound equipment/teaching components to match Band Hall, Choir, etc.
2. Easy clean (not carpet)

Theatre

1. Office if possible for storing high dollar equipment with window access, could use storage rooms
2. Dressing- remove toilets, keep lockers with benches, provide single restroom in this behind-platform corridor if possible

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3. Rolling door access desired from drive for loading/unloading
4. Platform lighting: like what was done with Comal ISD's Danville MS for lighting – would like to have similar here
5. Black paint is preferred
6. Add operable partition between Theatre classrooms
7. Provide display for Theatre similar to what is shown for Art

Art

1. Add additional sinks on wall at storage/kiln rooms
2. Add shelving for drying
3. Remove wall between storage rooms so the larger room can be accessed from both rooms

Next Steps:

1. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

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San Antonio 4040 Broadway, Suite 300, San Antonio, Texas 78209 p: 210.224.6032 f: 210.224.6453

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Laurie Beth Harris, Kristine McDonald, Christy Freeman, Rebekah Raabe, Charlotte Davis O'Connell Robertson: Erin Van Doren, Casey Nicholson		
Meeting Topic:	Special Populations User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. FAC Rooms
    a. Push these rooms to the building perimeter for direct natural light
    b. Each FAC to include restroom and storage room
    c. 1 quiet room to be paired with 1 FAC room
    d. Markerboards on most walls, with one wall in each FAC to have fixed casework storage - long counter with base cabinets and sink
    e. Independent work stations and class work, flexible seating. 12-14 student stations
    f. As many outlets as possible
2. Home Environment
    a. Move across the hall, central to all FAC rooms
    b. Laundry and kitchen top priorities; No bedroom area needed
    c. Observing space for students – could be in middle of room, with laundry + kitchen on opposite ends so there are good sightlines to each side of the room
3. SAIL – to be two smaller rooms in lieu of 1 large room; serves student in general ed classrooms, so will need to be located with those neighborhoods – plan for 1 on 1st floor and 1 on 2nd floor, ideally accessed from a side corridor or tucked off the main corridor
4. Multipurpose Room
    a. Function: related service like occupational therapy, physical therapy, motor lab, sensory, etc.
    b. Access off corridor
    c. Handwashing sink with lockable cabinets and countertop
5. General
    a. Small group room layouts as shown are good – fixed shelving and desk along one wall, with room in middle for large table and 2-4 student chairs. Markerboards on most available wall surfaces, but a little tackboard space would also be helpful
    b. Need drinking fountain in this area – ideally off the corridor, with a bottle-filler
    c. World Languages Classroom – move across the hall to better separate the Special Ed area from the CTE area of the floor plan layout
6. Next Steps
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

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SECTION 3: Presentations



O'CONNELL ROBERTSON

WACO INDEPENDENT SCHOOL DISTRICT

Waco Independent School District

Tennyson Middle School
Schematic Design Presentation

04.28.2022



Design Visioning
Programming

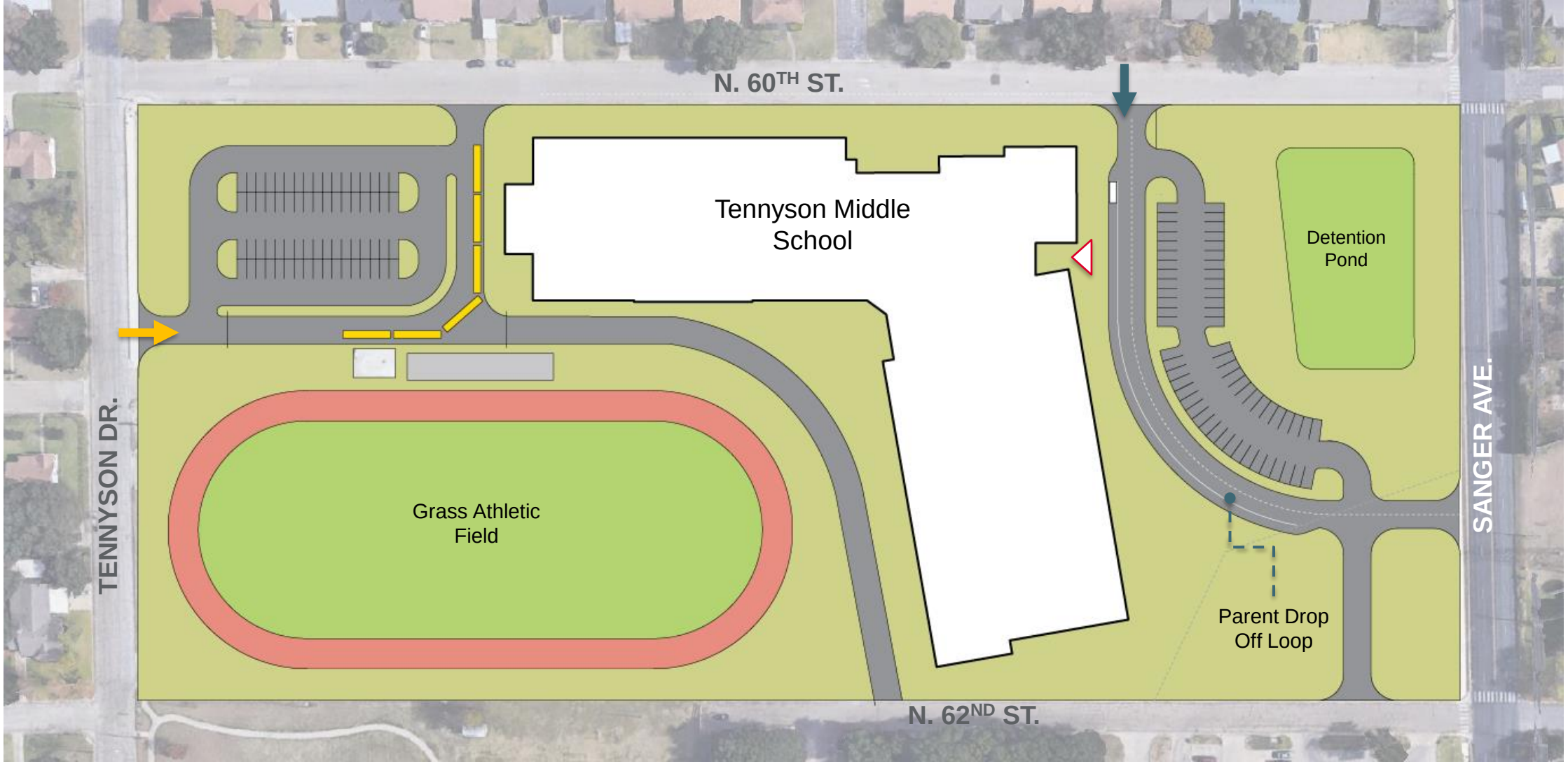


Administration + Staff Input



School Tours
Day in the Life

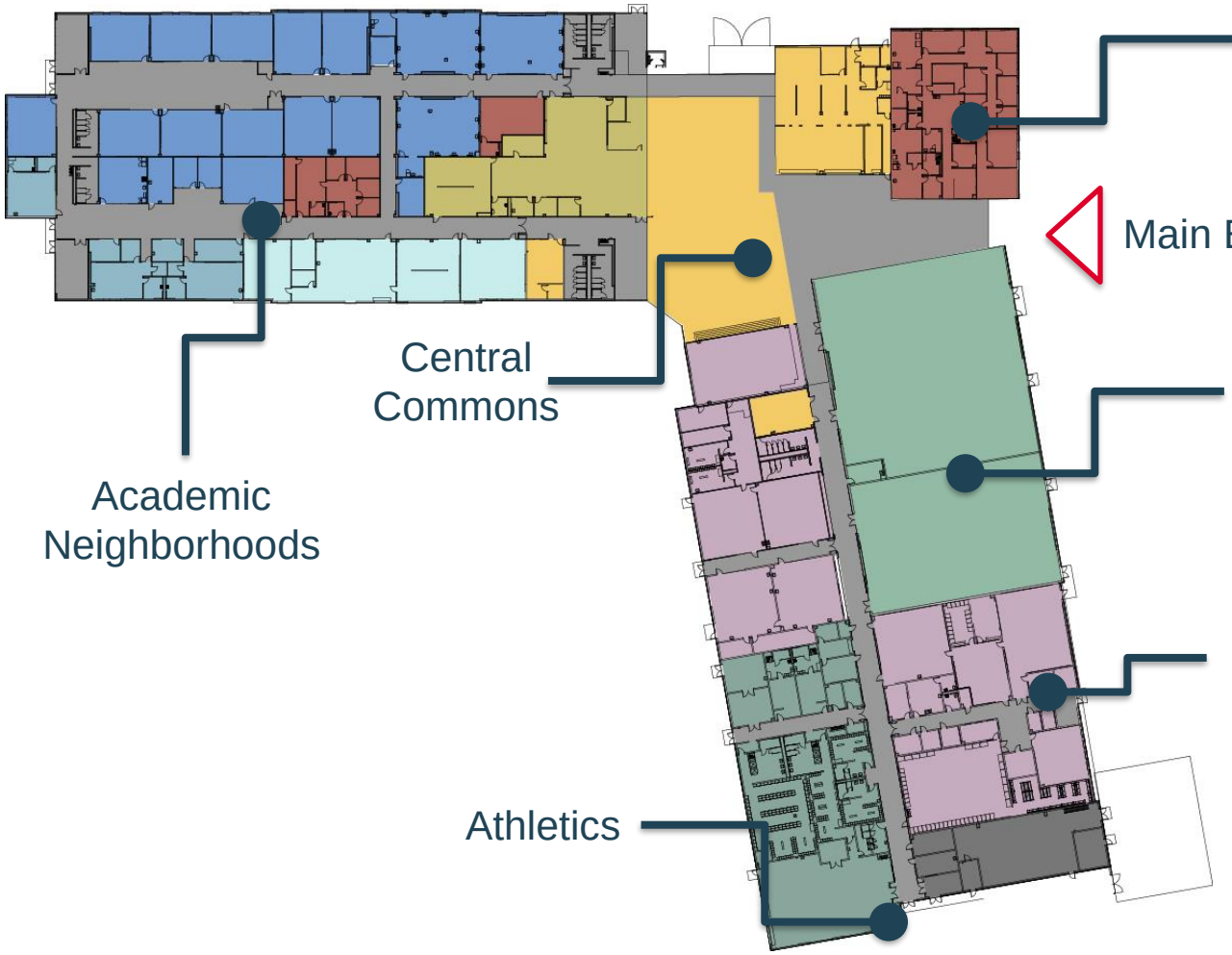
Design Process


N. 60TH ST.
Tennyson Middle School
Detention Pond
TENNYSON DR.
SANGER AVE.
Grass Athletic Field
Parent Drop Off Loop
N. 62ND ST.
Parent Drop Off Entry
Bus Loop Entry
Main Entry

Site Plan



G.W. Carver MS



Tennyson MS

Floor Plan



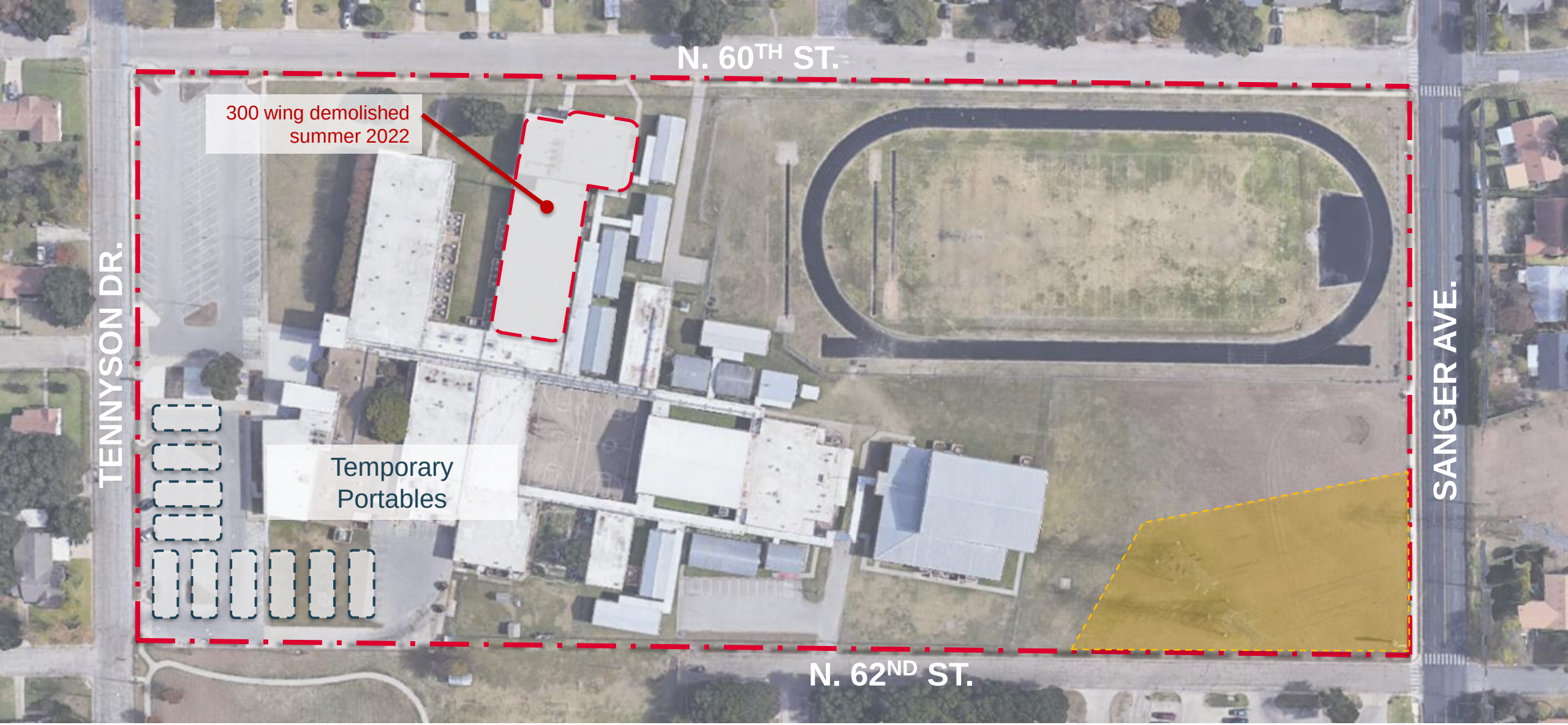




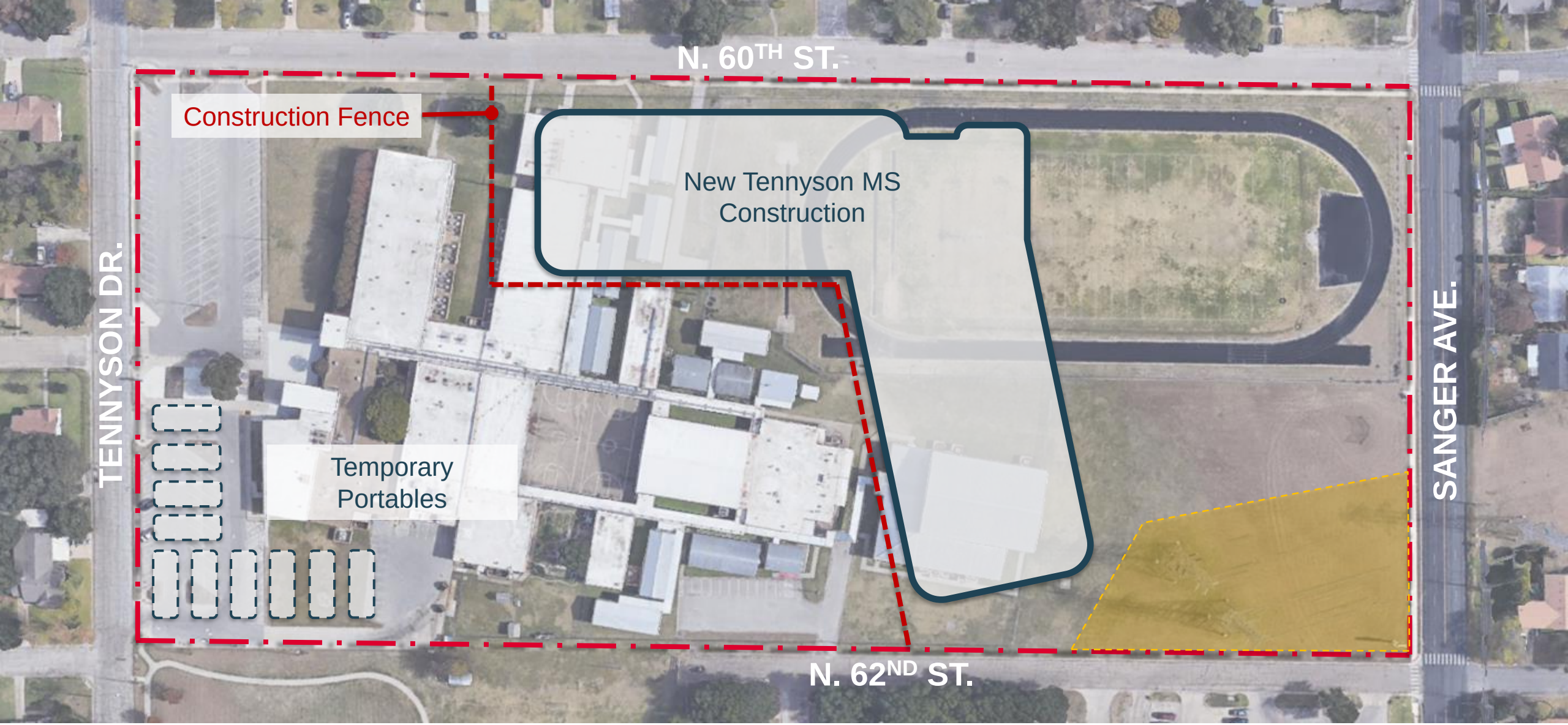
Exterior Concept

Description	Timeline	Notes
Portable / Demo Package	May 05, 2022	
Board Approval	June 16, 2022	*(Demolition Scope)*
Portable Drop and Demo	*Summer 2022*	
Schematic Design	April 07, 2022	
Design Development	June 02, 2022	
Contract Documents	September 15, 2022	
Issue for Proposals	September 16, 2022	
Board Approval	November 17, 2022	
Construction Phase 1	Jan. 2023 – May 2024	*(New Building)*
Construction Phase 2	June 2024 – July 2024	*(Main Demolition)*
Construction Phase 3	Aug. 2024 – Dec. 2024	*(Site and Track)*

Project Delivery Schedule



Portables Coordination



Construction Coordination



Planned **Board Meetings** for Approvals

- April 28th – approval of Schematic Design
- June – portables and demolition Approval
- July 14th – approval of Design Development
- November 17th – approval of final bid.

Next Steps

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Waco Independent School District

Bond Projects Update

07.18.2022

Agenda

- Overview of projects and schedules
- Construction and Campus Impact
  - Phasing
  - Traffic Circulation
- Safety and Security
- Project Costs
- Next Steps

Current Projects

Project	Status
Tennyson Middle School Replacement	Design – 100%CDs September 15th 2022
Waco High School Replacement	Bidding and Permitting – bid July 14th
Child Nutrition Services	Under Construction – to be complete summer 2022
HVAC Replacements	Under Construction – to be complete summer 2022
Carver Middle School Replacement	Under Construction – to be complete summer 2023

Future Projects

Project	Timeline
Kendrick Elementary School Replacement	Begin Design Fall 2022
South Waco Renovations + Addition	Begin Design Fall 2022

Carver MS

794

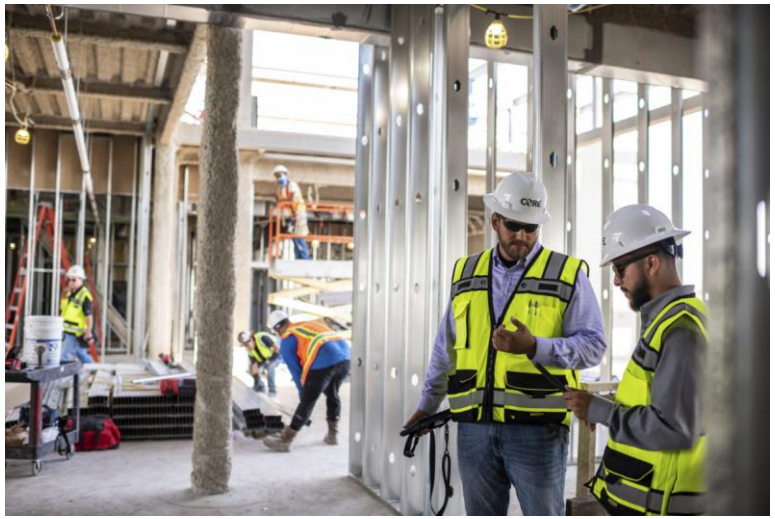

TRACK AND FIELD
BUS LOOP
G.W. CARVER MIDDLE SCHOOL
PARENT DROP OFF
J.J. Flewellen Rd.


G.W. CARVER MIDDLE SCHOOL


G.W. CARVER MIDDLE SCHOOL

Project Schedule

Construction	
- Existing Building Demolition	*completed*
- Site Construction	*in construction*
- Building Construction	*in construction*
- Substantial Completion	**6.30.2023**
District Move-In	**July 2023**
First Day of School	**August 2023**





Project Schedule

Construction Progress to Date













G.W. Carver Middle School

Project Mission

The G. W. Carver Middle School project will empower students and staff supporting long-term results for Waco ISD. With a collaborative and inclusive culture, the Team will lead the project through integrity, fairness, courage, and responsiveness.

Project Goals

- Exceed the expectations of our Team and G. W. Carver Middle School community so that a relationship is formed for future work
- Commit to team-oriented communication to work through project challenges
- Deliver a campus that supports Waco ISD's educational needs and strengthens the G. W. Carver culture
- Engage trade partners in the goals of the project to ensure a safe, quality project that is in budget and on schedule





Hard Costs Subtotal	63,000,000
Fees / PM / Expenses	4,956,108
Other Developmental Costs (Survey / Geotech / Etc)	309,757
Furnishings Fixtures and Equipment	1,652,036
IT Systems (Projectors, Network, Security, Phone)	1,652,036
Building Move-In Expenses	154,878
Construction Testing	154,878
Project Contingency	1,305,495
Total Project Budget	**73,185,188**

Project Budget

G.W. Carver Middle School

GMP 1	$ 8,727,284
GMP 2	$ 6,674,632
GMP 3	$47,549,875
Total Construction Costs	$62,951,522

Including the following alternates:
Alternate #1 – Sail Shades
Alternate #2 – Field Storage
Alternate #3 – Sod ILO Hydro Mulch at Football Field
Alternate #4 – Upfit Canopy
Alternate #5 – Track Surface
Alternate #6 – Track & Field Events
Alternate #7 – Thin Brick



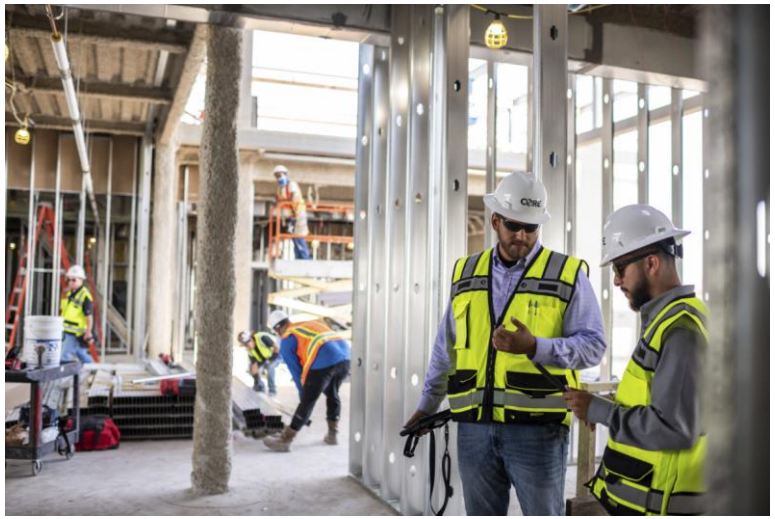
GMP and Alternates

Waco HS

800

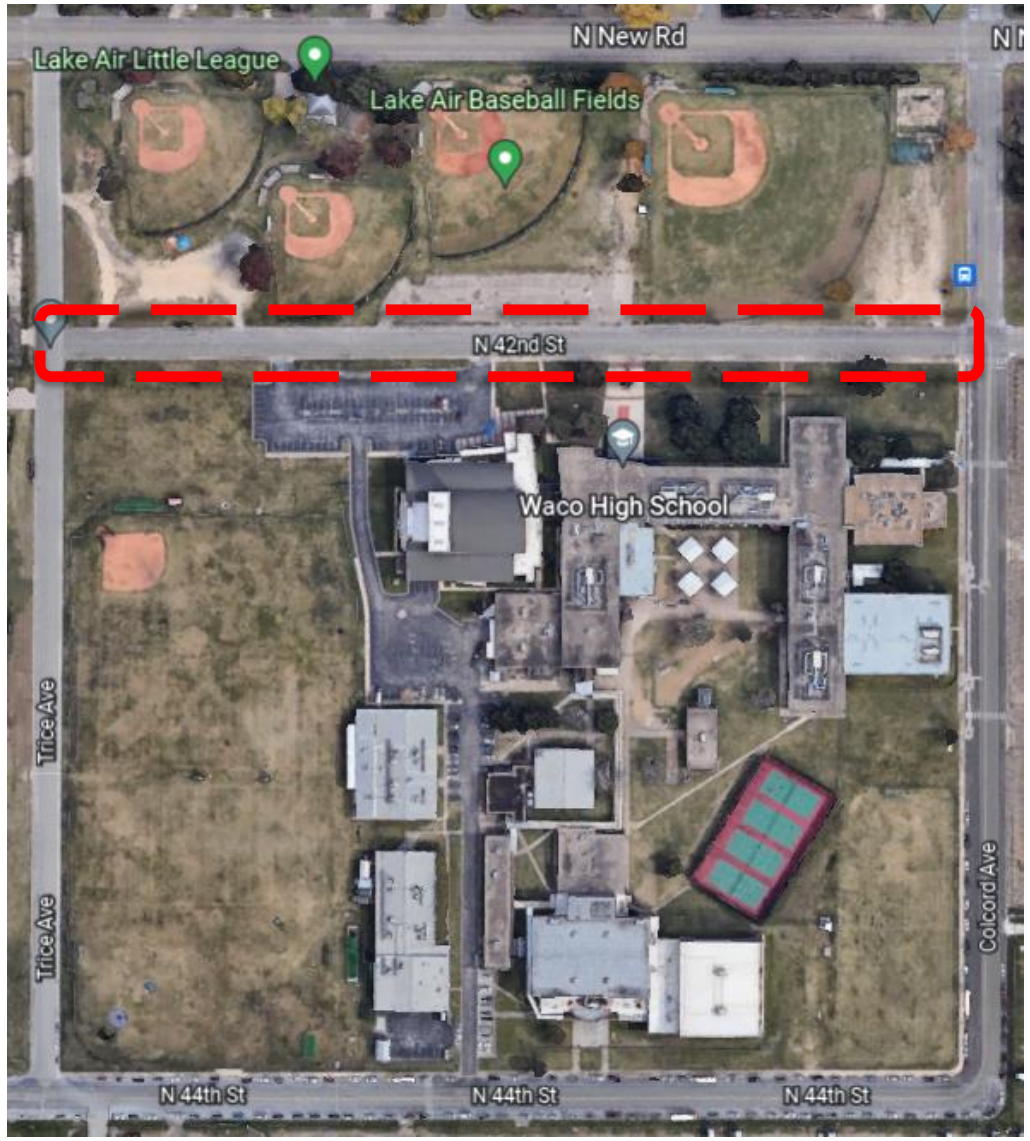
Project Schedule

Package 2 Bids Received	July 14th 2022
Construction	
- Phase 1	August 1 2022 – Dec. 30th 2022
- Phase 2 (70% of building)	August 1 2022 – June 2nd 2024
• *Classrooms / Science*	
• *Performing + Fine Arts*	
• *Library*	
• *Commons / Dining*	
• *Administration*	
District Move-In	**June 2024**
First Day of School	**August 2024**
- Phase 3 (drop off loop)	June 2024 – August 2024
- Phase 4 (first demolition phase)	June 2024 – June 2025
- Phase 5 (Remainder of building)	June 2024 – June 2025
• CTE	
• Athletics	
- Phase 6 (remainder of demolition)	June 2025 – Dec. 2025
District Move-In	**Dec. 2025**
First Day of Spring Semester	**Jan. 2024**

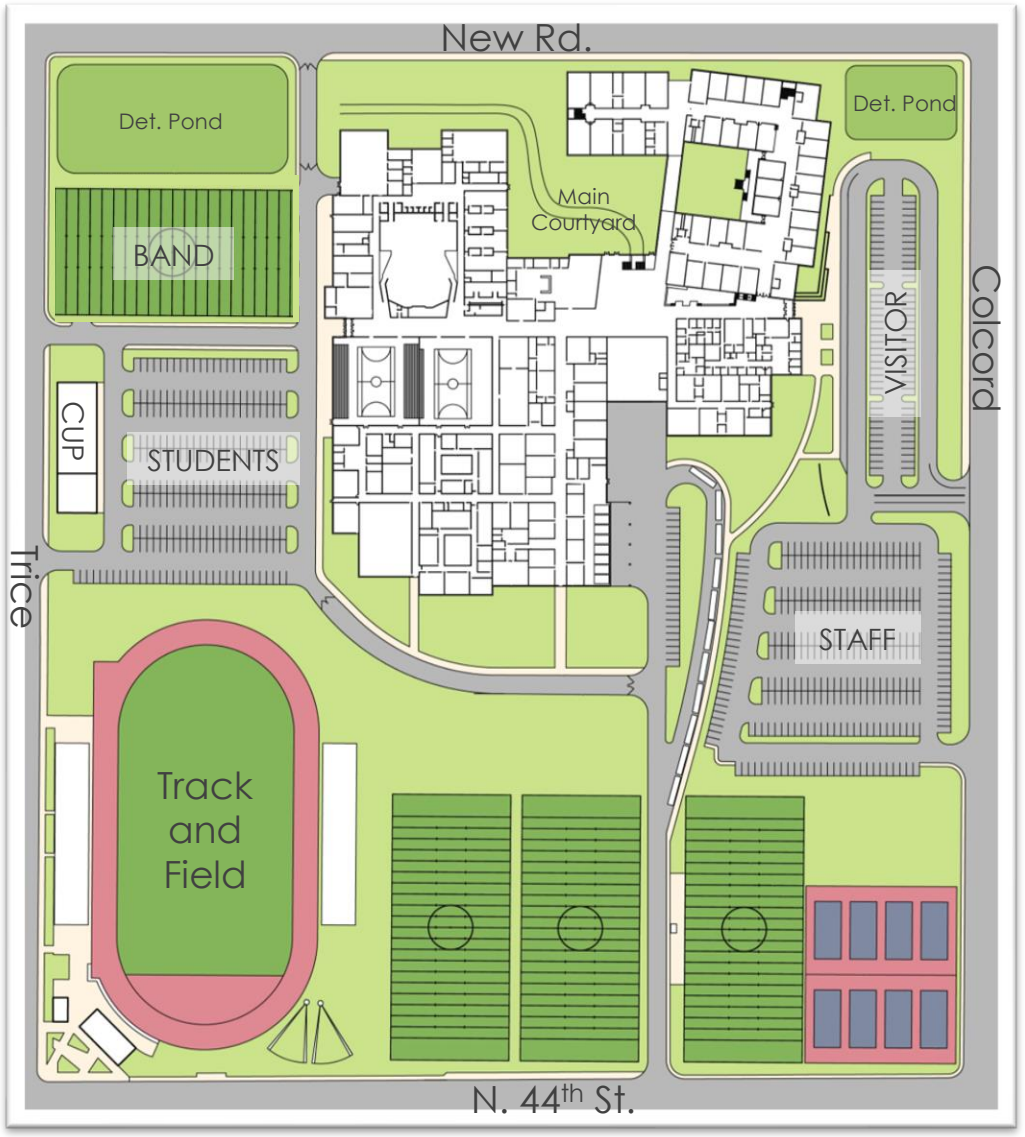




Project Schedule



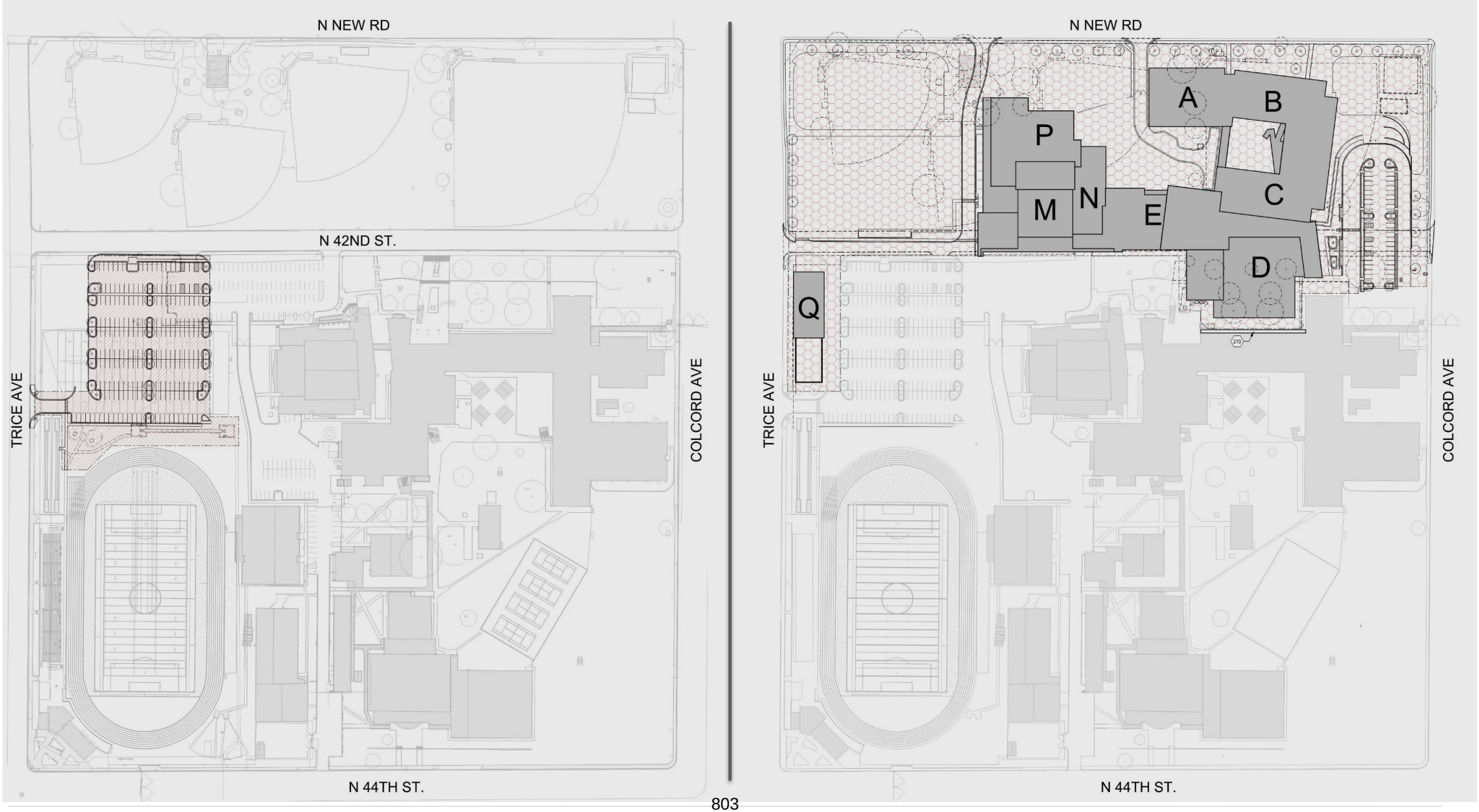
Existing Site Plan



Proposed Site Plan

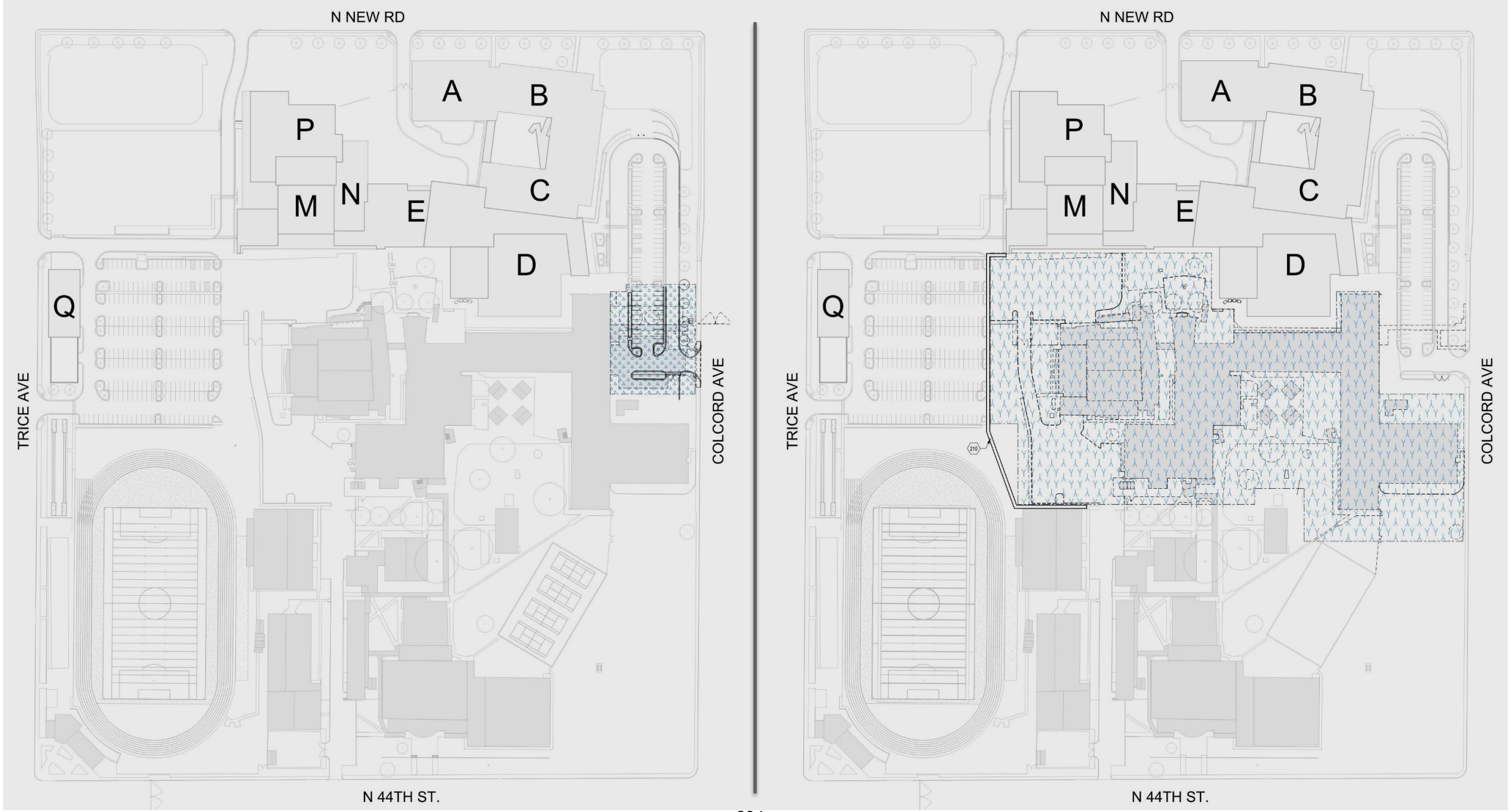
O'CONNELL ROBERTSON

Site Plan



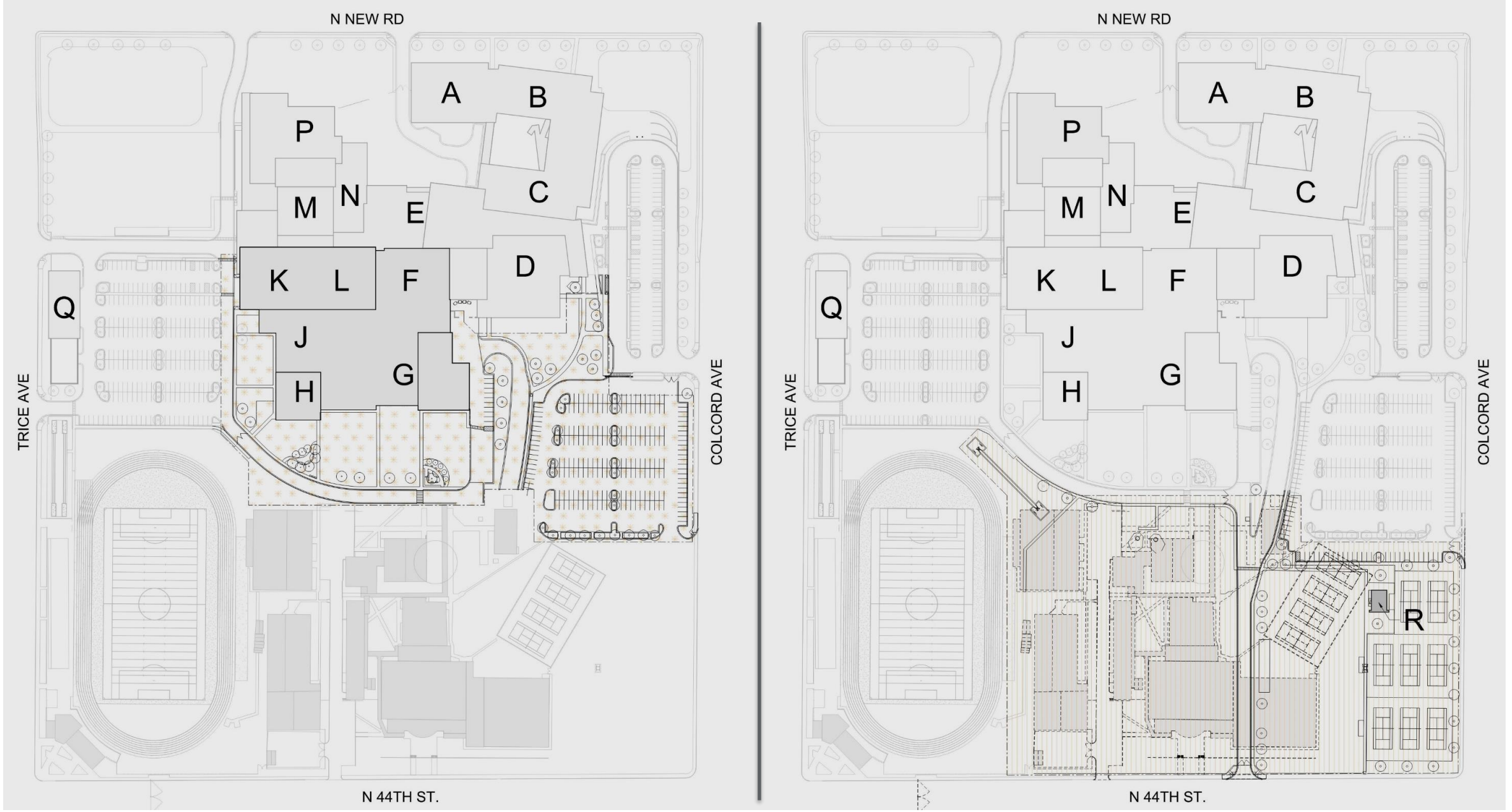
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Phasing – 1 & 2



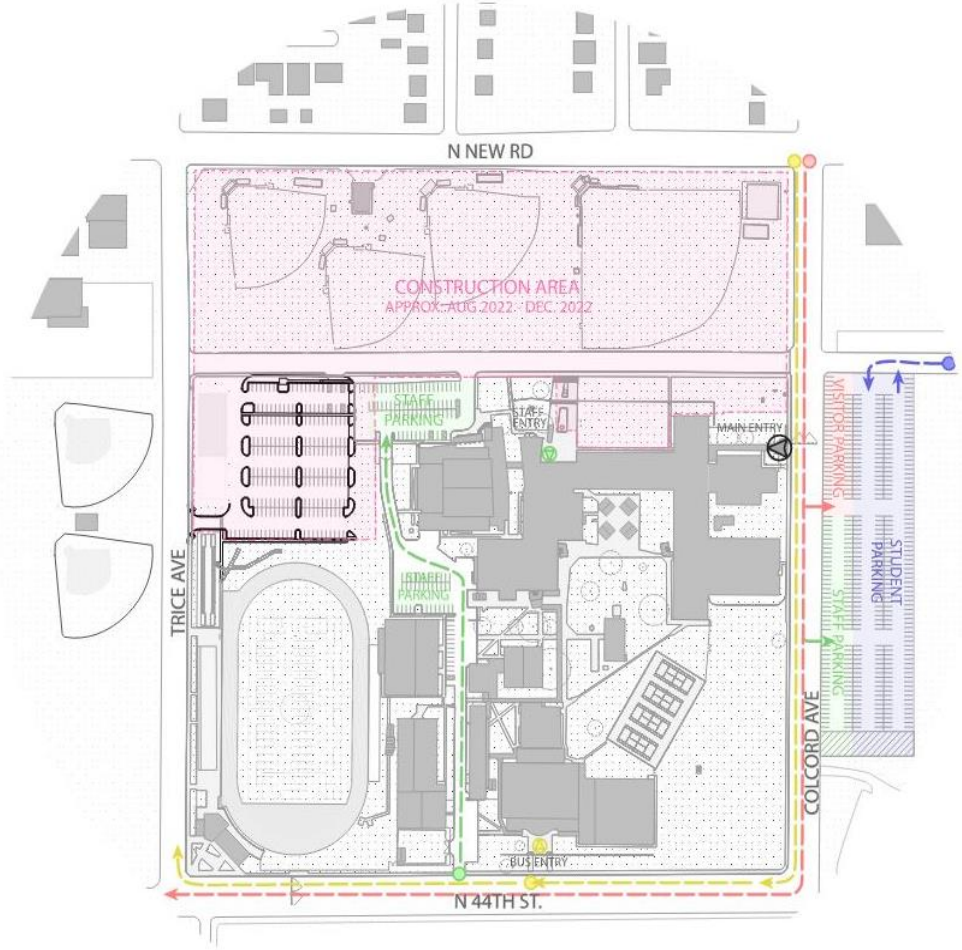
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Phasing – 3 & 4



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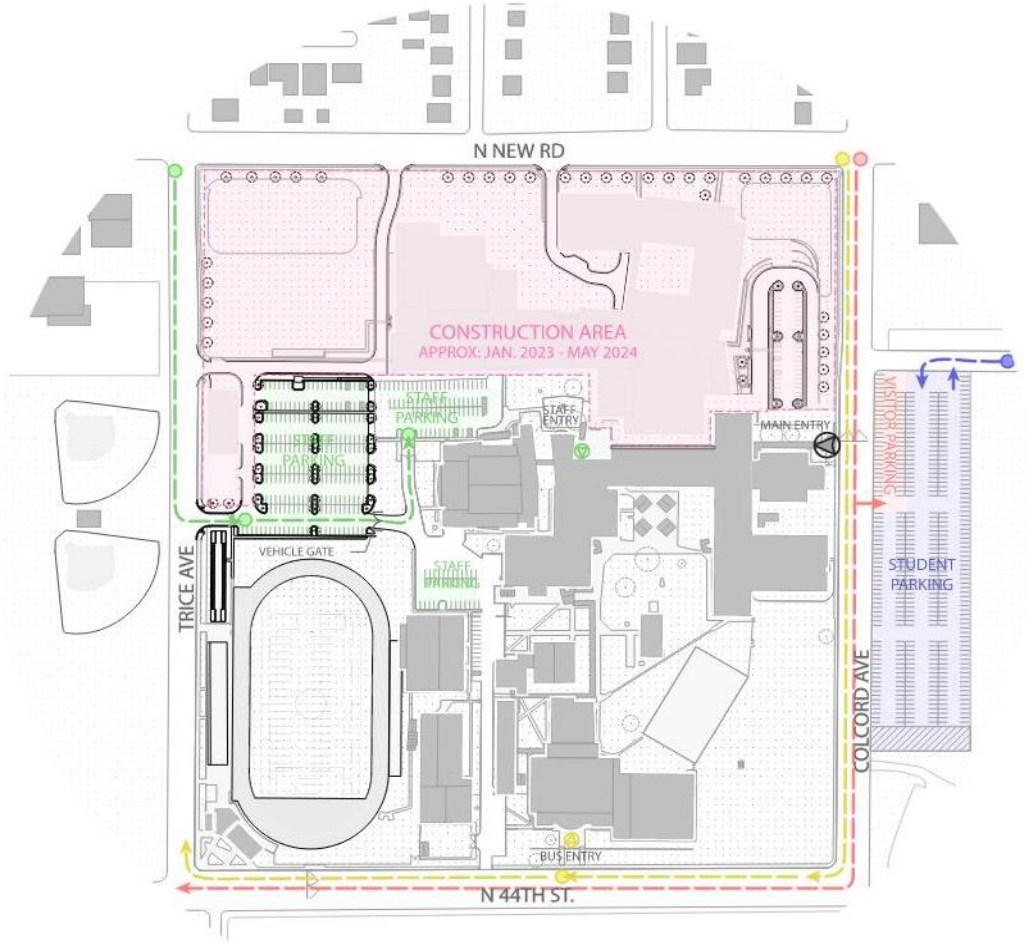
Phasing – 5 & 6



August 1 2022 – Dec. 30 2023

BUS ROUTE
STAFF TRAFFIC
STUDENT TRAFFIC
PARENT DROP OFF
CONSTRUCTION BOUNDS
ENTRY POINT

NORTH



January 1 2023 – June 2024

BUS ROUTE
STAFF TRAFFIC
STUDENT TRAFFIC
PARENT DROP OFF
CONSTRUCTION BOUNDS
ENTRY POINT

NORTH

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Traffic Circulation

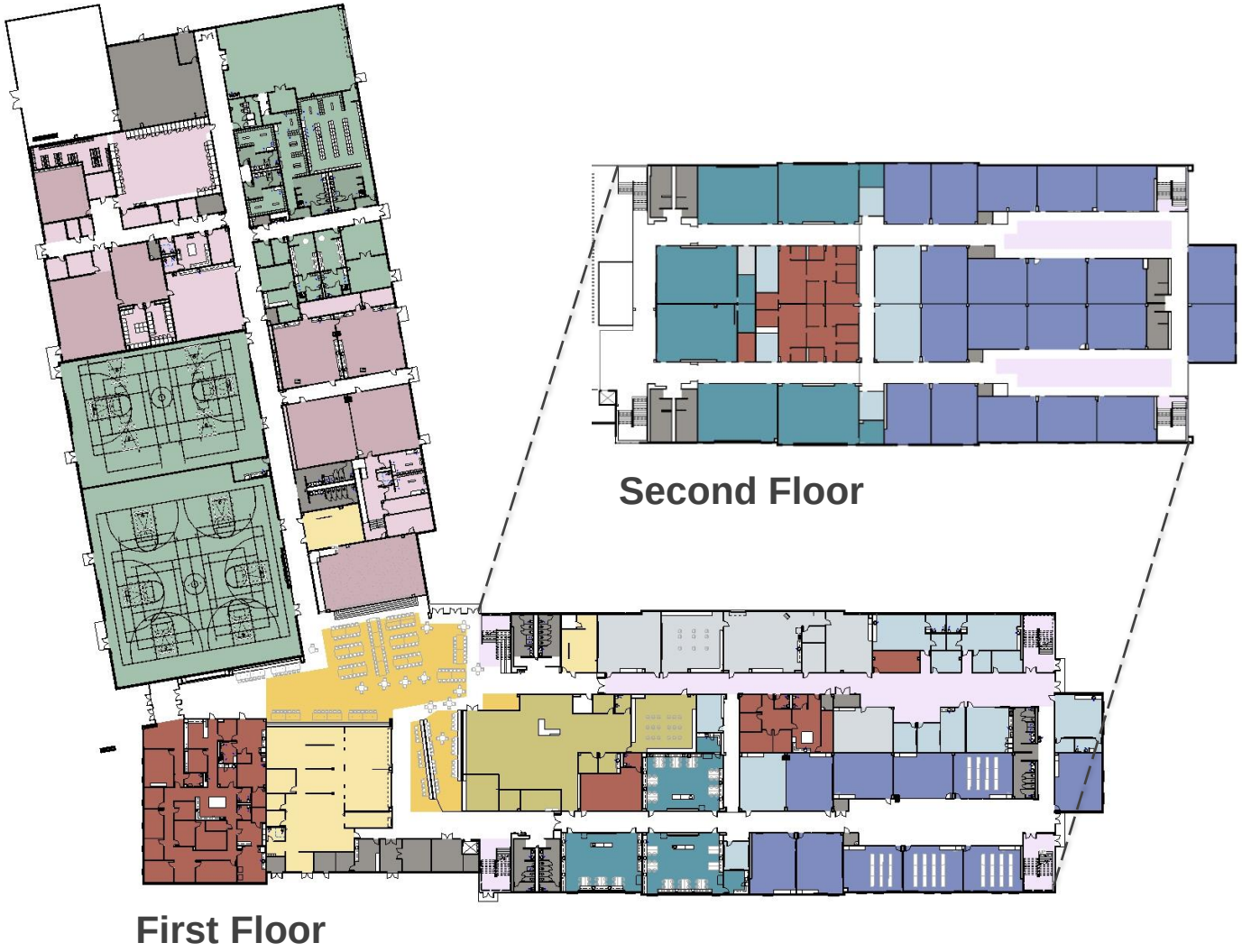
Tennyson MS

807



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Site Plan



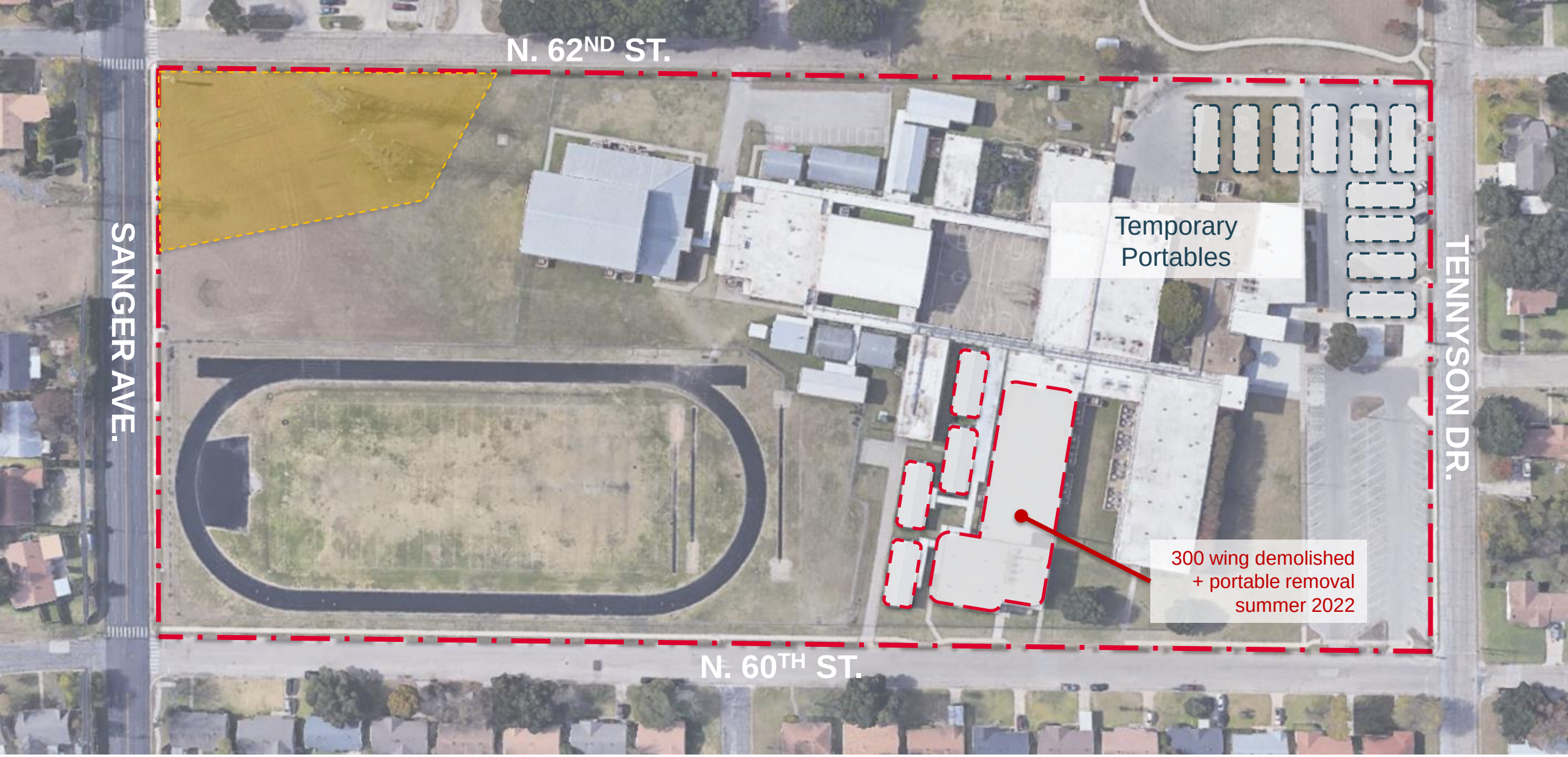
- Athletics
- Performing + Fine Arts
- Kitchen / Commons
- Administration
- Library
- Science
- Classroom Neighborhoods
- Special Education
- CTE
- Building Support

Floor Plan



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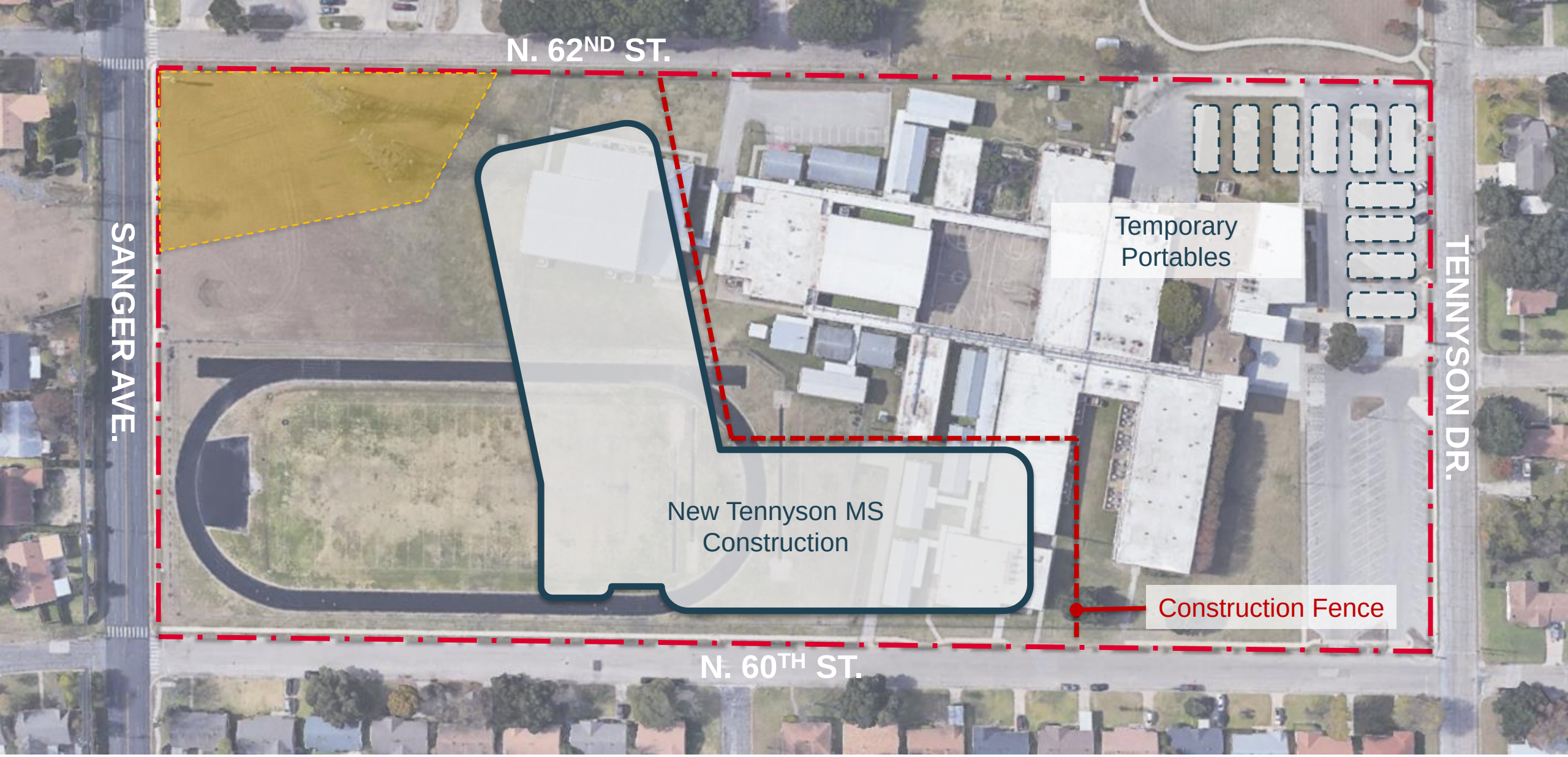
Existing Site 60



811

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Phase 1



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Phase 2 62



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Site Plan

Tennyson Middle School

Project Mission

The design of the new school embodies Tennyson Middle School's motto of "True Grit" by creating an environment that inspires commitment to student excellence, consistency in showing up, and courage to persevere through adversity.

The hardy materials can weather any storm, similar to the nature of Tennyson Texans. Designed with resiliency in mind, the school can overcome obstacles to evolve naturally and bloom where it is planted. It will show students that it's not about perfection; it's about showing up and doing your best.

Across the design, organic movement and shadow play express the ability to adapt to a situation seamlessly. Our paths to success are unlikely to be linear, and what may seem like challenges can create a beautiful journey.

TENNYSON

TEXANS

TRUE GRIT



Project Budget

814



815

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Waco Independent School District

Tennyson Middle School
Design Development Update

07.21.2022

816

Agenda

- Portables and Infrastructure Update
- Design Process Update
- Interior Design Concept Presentation
- Schedule + Estimate
- Next Steps









- Portables delivered
- Electrical modifications to improve schedule.
- 300 Wing demolition and library renovations underway.

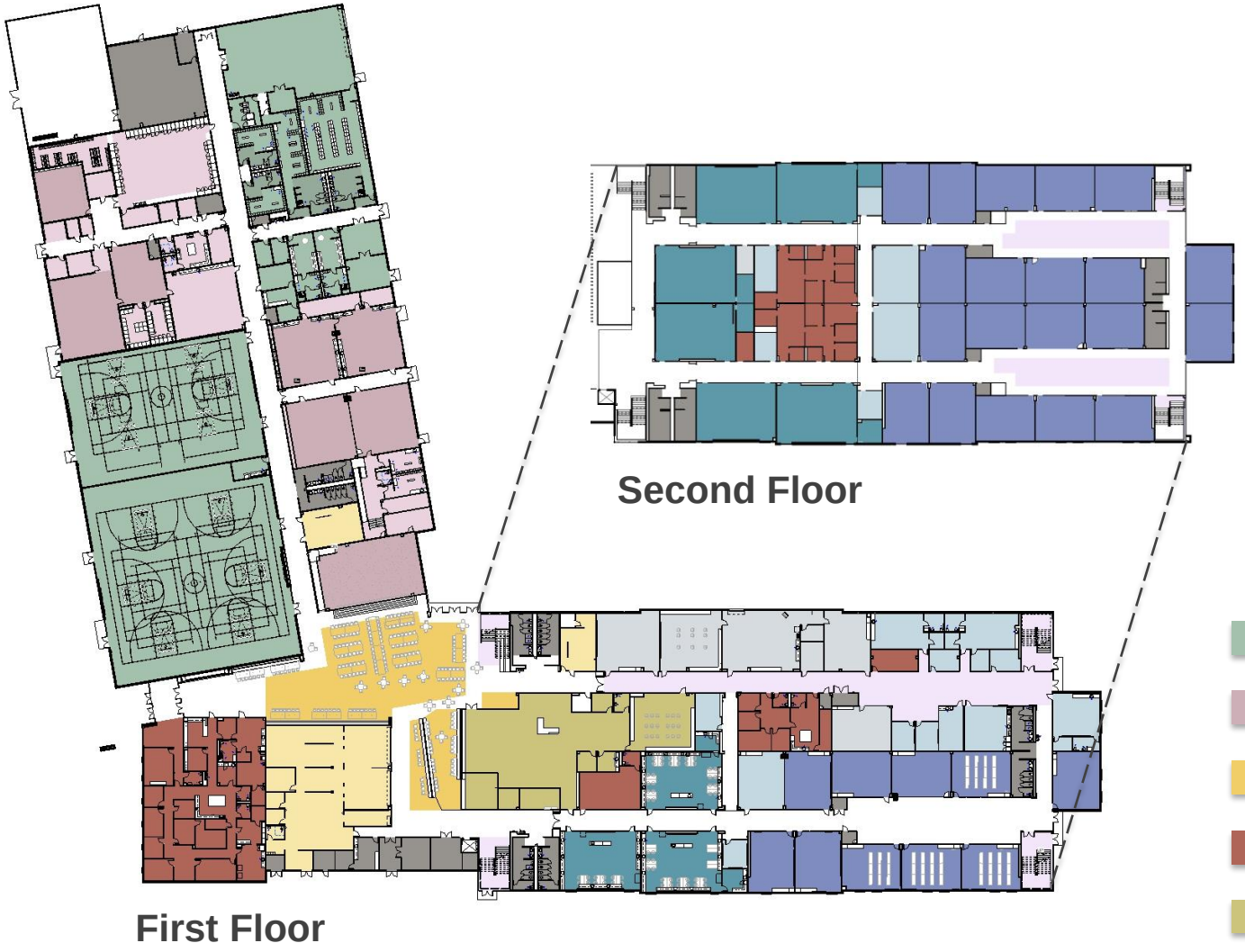
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Portables Update



O'CONNELL ROBERTSON

Design Update



Design Progress:

- Detailed consultant coordination
- Final Interior Design Concept Elements
- Site Development Permit Submission

- Athletics
- Performing + Fine Arts
- Kitchen / Commons
- Administration
- Library
- Science
- Classroom Neighborhoods
- Special Education
- CTE
- Building Support

Tennyson Middle School

Project Mission

The design of the new school embodies Tennyson Middle School's motto of "True Grit" by creating an environment that inspires commitment to student excellence, consistency in showing up, and courage to persevere through adversity.

The hardy materials can weather any storm, similar to the nature of Tennyson Texans. Designed with resiliency in mind, the school can overcome obstacles to evolve naturally and bloom where it is planted. It will show students that it's not about perfection; it's about showing up and doing your best.

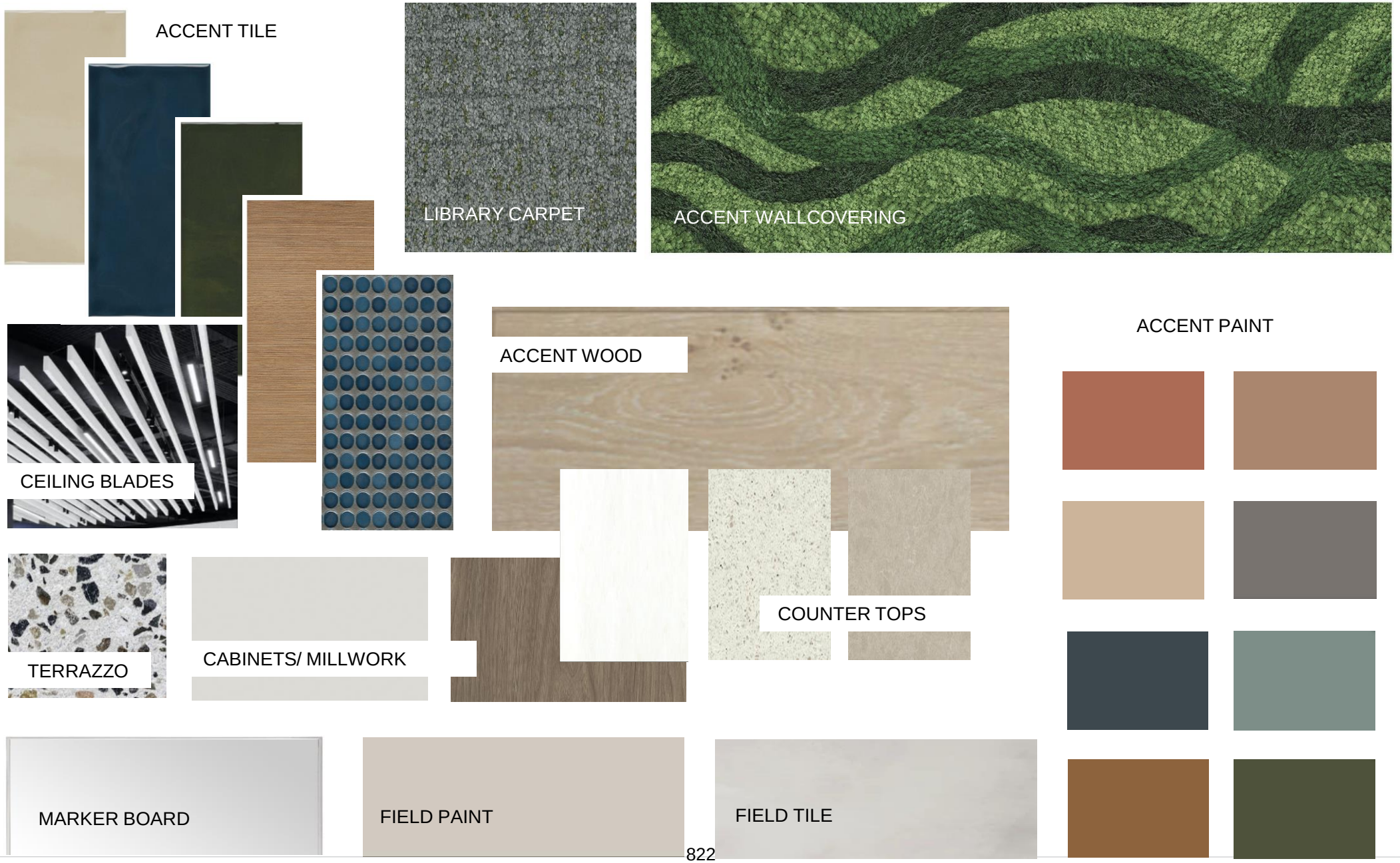
Across the design, organic movement and shadow play express the ability to adapt to a situation seamlessly. Our paths to success are unlikely to be linear, and what may seem like challenges can create a beautiful journey.

TENNYSON

TEXANS

TRUE GRIT




ACCENT TILE
LIBRARY CARPET
ACCENT WALLCOVERING
CEILING BLADES
ACCENT WOOD
ACCENT PAINT
TERRAZZO
CABINETS/ MILLWORK
COUNTER TOPS
MARKER BOARD
FIELD PAINT
FIELD TILE

822




Write!


Whiteboard!

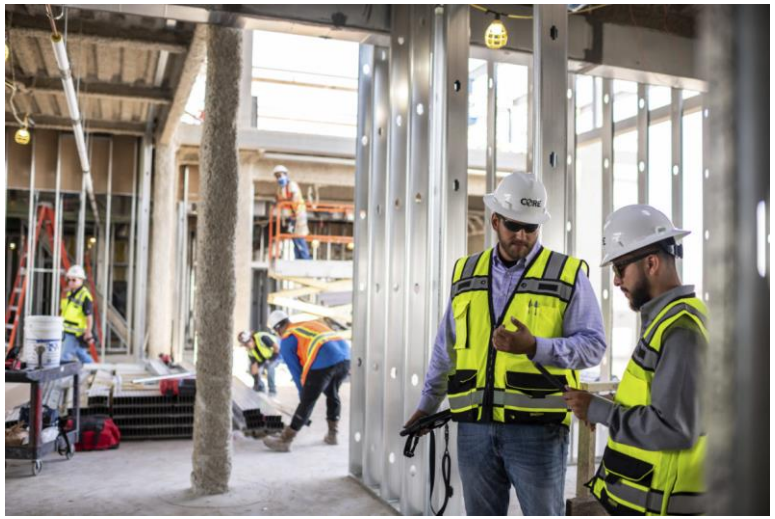


Portables and Infrastructure

- Tennyson Portables and Infrastructure Approval (Phase 1)	**6.23.2022**
- 300 Wing Demolition	*started*
- Library + Utilities	*started*
- Phase 1 Completion	**8.12.2022**
- First Day of School	**8.16.2022**

New Tennyson Middle School

50% CDs (Site Dev. Permit Submission)	**7.14.2022**
100% CDs (Building permit submission)	**9.15.2022**
Board Approval	**11.17.2022**
Construction Start	**Dec. 2022**
Main Building Substantial Completion	**May 2024**
Site and Track Completion	**Dec. 2024**





Tennyson Middle School Estimate of Costs

Construction Costs *(in budget)* **$63,283,940**

The following add-alternates will be included in the design, and may be accepted when the project is bid:

Alternate #1 – Sail Shades
Alternate #2 – Field Storage
Alternate #3 – Sod ILO Hydro Mulch at Football Field
Alternate #4 – Upfit Canopy
Alternate #5 – Track Surface
Alternate #6 – Track & Field Events
Alternate #7 – Thin Brick

Estimated Cost of Add-Alternates	+$1,281,009
Total Cost w/ Alternates	$64,564,949






TENNYSON MIDDLE SCHOOL

SECTION 4: Safety & Security



Safety & Security Additional Resources

Association for Learning Environment's Safe School Task Force
https://schoolsafety.a4le.org/

TEA Requirements for Facility Standards including Safety Requirements
https://tea.texas.gov/sites/default/files/ch061cc.pdf

Texas School Safety Center
https://txssc.txstate.edu/

School Safety – A Best Practices Guide
https://media.a4le.org/SafeSchoolsGuide.pdf

Crime Prevention through Environmental Design (CPTED)
https://www.cpted.net/
https://en.wikipedia.org/wiki/Crime_prevention_through_environmental_design

Requirements from State of Texas / Texas Education Agency
https://gov.texas.gov/uploads/files/press/O-MartinezPratherKathy202206012051_1.pdf
https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/requiredschool-safety-action-steps-this-summer

WACO INDEPENDENT SCHOOL DISTRICT

Carver Middle School

August 18, 2022



O'CONNELLROBERTSON
Mission driven.

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Note: Items marked with an asterisk symbol (*) indicate meetings, presentations, and notes where safety and security items are discussed.

SECTION 1: Executive Planning Committee meeting minutes from kickoff through Design Development



Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2124.00
Meeting Date:	September 2, 2021	**Meeting Time:**	11:00 am
Meeting Location:	Waco ISD Admin Building – Superintendent's Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Sheryl Davis, Jerry Allen, David Hamilton, Josie Gutierrez, Ed Love Matt Rambo, Isaac Carrier, David Williams O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Jayna Duke		
Meeting Topic:	Design Committee Meeting 1		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. What are the key elements for Middle School success?
    a. General elements/goals
        i. Good supervision, good instruction, good flow within the building
        ii. Socialization and SEL – all students should feel like they belong there
        iii. Inviting and welcoming for the community
        iv. Teaching structure of class schedules to set students up for High School – this is something WISD already excels at, but would like to see new spaces that can better support this effort
        v. Variety of spaces for learning and collaboration
        vi. Would like to offer more opportunities for students to get exposure to CTE and Performing/Fine Arts activities prior to High School
        vii. Opportunities with CTE to support school-to-career and job trends in Waco
        viii. Minimize opportunities for students to be where they shouldn't be
    b. Design considerations
        i. All under one roof – no walking outside in non-secure areas between classes
        ii. Single entry point for monitoring building access
        iii. Good/clear wayfinding
        iv. Sightlines are key, with bathrooms being especially critical
        v. Colors/materials should make students feel comfortable and safe
        vi. Library to have a central location to highlight WISD focus on literacy
        vii. Separation of grade levels – especially the 6th graders
        viii. Avoid long hallways as middle school students love to run
        ix. Cafeteria – would love to consider innovate trends that help break-down this often-overwhelming atmosphere (example provided: diverse seating areas)
        x. Dining needs engagement opportunities with outdoor environment to allow kids to get outside when done with lunch (example: basketball hoops, shaded places for sitting) - needs to be a protected/secured space
        xi. PE/Athletics – need 2 gyms with adequate seating and larger locker rooms
        xii. Storage is needed everywhere
        xiii. Parking and site access – need to minimize impact to city traffic by having adequate queue space on campus

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xiv. Would like set the building sit back from the road a bit and to have hard targets (bollards) in front to prevent vehicles driving into the school
xv. To be a wireless campus
xvi. Both Carver + Tennyson are voting locations that currently use the libraries – if possible, would be great to have direct access from the exterior to minimize disruptions in a typical school day

2. Site Goals + Planning Strategies
    a. Acreage of the existing Carver/Tennyson sites is relatively small for Middle Schools – may need to consider working with the City of Waco to acquire access or easement through the public parks that are adjacent to each of these campuses
    b. Carver Gym – was unaffected by the fire and would like to have architectural input on the usability of this building as the gym seating capacity is inadequate and the locker rooms are undersized. Concern that this is more of a hazard than a help to maintain. Consensus is don't sacrifice ideal new building location/design to save this building.
    c. Each site should have a natural turf field and an 8-lane track
    d. Building Massing
        i. Anticipate some portions of the new buildings to be 2-story – need to be thoughtful about how kids move vertically (example: are stairwells dedicated by grade level, by up vs. down, etc.)
        ii. Academic Neighborhoods to be split by grade level: 6th/7th/8th; grade levels should not be vertical. Example: 6th grade could all be on the ground floor, but cannot stack 1/2 on ground floor and 1/2 on upper floor

3. Building Goals
    a. Both campuses should have equitable space programs
    b. Core capacity (library, cafeteria, restrooms) to align with classroom capacity
    c. Like transparency between instructional spaces and corridors for passive observation
    d. Waco ISD is evaluating existing specialty programs at different campuses (example: Atlas at Tennyson) to define unique program(s) to be included at each campus. Likely these programs will occur in general classrooms, not specialized spaces.
    e. Classrooms are currently planned to be dedicated 1 per teacher. Would like to explore the impact of shared general classrooms
    f. Classrooms – some should have operable partitions between or towards corridors
    g. Collaborative space to be considered as extensions of classrooms and be directly outside of classrooms – need eyes/ears on students at all times. No enclosed rooms, all furniture solutions
    h. Food Service to be centralized with one kitchen + one dining area
        i. Would love to see Provisions on Demand or Grab-and-Go kiosk for non-lunch-time access, but is not critical if funding or staff is not available
        ii. Cafeteria will have a stage; this space is used for community + school events
        iii. Preference for mobile in lieu of fixed furnishings; need to ensure adequate storage nearby to stash this when floor spaces is needed for other activity
        iv. Cafeteria doesn't necessarily need hard walls between it and the corridor(s), but needs to be sure the corridor space is clearly defined and does not go through the seating areas. As this space is also used for events, need to be mindful of acoustic impact of closed vs open to adjacent spaces.
    i. Library to be centralized, not dispersed

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j. No lockers in corridors, but will need to strategically place several technology charging stations around the campus for instructional devices
k. Administration and staff spaces to be mostly co-located near the main entry. There should be assistant principal, counselor, and some staff support spaces (restrooms, copier/workroom, bookroom) in each of the academic 6th/7th/8th neighborhoods.

4. Upcoming Activity
    a. User Group Meetings – Casey to send list of groupings to Dr. Kincannon; targeting these to be scheduled the week of September 13th
    b. School Tours - tentatively planned for Wednesday, September 29th – to include North Belton MS, Danielson MS (Leander ISD), Cele MS (Pflugerville ISD)
    c. Site Surveys and Geotech will need to be ordered/scheduled in the next few months
    d. Construction Manager – intent is to get them selected + engaged as soon as possible
    e. Design Committee Meetings:
        i. Monday, September 20th at 9:30am – Program, Site, and Floor Plan Review
        ii. Thursday, September 30th at 9.30am – Exterior Concepts
        iii. Monday, October 18th at 9:30am – Final SD Concept Presentation

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2124.00
Meeting Date:	September 20, 2021	**Meeting Time:**	10:00 am
Meeting Location:	Waco ISD Admin Building – Superintendent's Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Deena Cornblum, Jerry Allen, David Hamilton, Josie Gutierrez, Meredith Casas, Matt Rambo, Isaac Carrier, David Williams O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson, Jayna Duke, Amy Jones		
Meeting Topic:	Design Committee Meeting 2		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Site and Floor Plan Concepts
    a. Both campuses don't necessarily have to align with an absolute prototype - need to make it ideal for each campus.
    b. 'Boomerang' option was selected to move forward with for the Carver campus
        i. Like the library location in the center of the school, flanked by the commons (cafeteria) and the classrooms
        ii. Like the site layout with multiple drives and the protected outdoor space
        iii. Request to shift entry drive to the right of the detention pond to allow for extended on-site queue length. This also provides open space adjacent to the classroom wing to more easily accommodate a potential future addition
        iv. Preferred field location as has less area abutting the adjacent residential neighborhoods, compared to the Times Square option
            1. TBD if night games will be scheduled here, which would required lights. If lights planned, need to coordinate with electrical engineers focused on the field to minimize lights disrupting the residential area
        v. Add a few parking stalls near the corridor entrance adjacent to the locker rooms (similar to the Times Square option) – these are needed for parents dropping-off or picking-up student athletes before/after school hours
    c. 'Time Square' option feedback
        i. Like the classrooms tucked off the main corridor, but concern about the amount of walking needed to get from one end of the building to the other
        ii. Like that the library has direct exterior access, but dislike not being co-located with the commons (cafeteria)
    d. Existing Building: Carver gymnasium building to be removed as it does not support the ideal building and site layout
    e. Future Expansion: An option was shown to suggest the library move to the 2nd floor to tighten up the building footprint to allow for potential future expansions; Library to remain on the ground floor as shown in the Boomerang option
    f. Tennyson options were reviewed and will require some additional discussion and coordination in future meetings. May want to consider temporarily relocating the

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students offsite (perhaps to Indian Spring MS when those students move to the new Carver MS) so the construction can occur in a single phase and provide the most ideal building and site design for the campus.

2. Learning Communities Concepts
    a. Like the classroom groupings and efficiency of the Boomerang options
    b. Like the distinct large collaborative spaces that help to define of neighborhood hub
    c. Architectural team noted that a large group space could be accommodated in the Boomerang layout with strategically placed operable partitions between adjacent classrooms and/or the corridors
    d. Agreed that this will be further discussed after the school tours to help differentiate and decide on the preferred functionality

3. User Group Meeting Program Updates
    a. Modest increase in square footages based on user group meeting input/feedback
    b. Goal is for both new middle schools to have equitable space programs
    c. Preference for Atlas to be integrated within neighborhoods in lieu of a dedicated wing
    d. Carver unique program (in lieu of Atlas) still TBD. Dr. Kincannon noted it might be a New Tech type program, which could be accommodated in the spaces already planned in the learning communities
    e. Classroom Efficiency and potential for shared classrooms was reviewed, with the following feedback provided:
        i. Individually "owned" classrooms makes it easier for teachers to display and reflect the learning that's happening. May be more challenging if the teachers don't "own" their classrooms, but there could be other opportunities for this to occur in a more collaborative way with the think-tank method.
        ii. What opportunities are there to improve upon the think-tank concepts? Additional consideration needed in support of teachers' collaborating and comfort; IF it's the preferred direction.
        iii. To be further evaluated after the school tours
    f. Special Education to be equally split between the 3 middle school campuses; David will be following-up with district-wide enrollment so that Casey can update the space program as needed
    g. Remaining program slides were not reviewed in this meeting – Casey will follow-up with WISD via e-mail and virtual meeting to help answer the remaining questions

4. Exterior Design Visioning (see attached exhibit for the visioning results).
    a. Green Dot Highlights (Concepts preferred by the group)
        i. Access to natural light and outdoor spaces
        ii. Clean and modern architectural elements with warmer exterior material tones.
        iii. High levels of transparency and visibility
    b. Red Dot Highlights (Concepts disliked by the group)
        i. 'Traditional' school architectural concepts
        ii. 'Heavy' feeling masses
        iii. Cold and bold color palettes.

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5. Interiors Mission Statement Development
    a. See attached exhibit from the visioning exercise that occurred during the meeting.

6. Upcoming Activity
    a. School Tours - Wednesday, September 29th – itinerary, schedule, and reference plans/images will be e-mailed out a few days in advance
    b. Design Committee Meetings:
        i. Thursday, September 30th at 9.30am – Final Program, Revised Site/Building Plans, Exterior Concepts
        ii. Monday, October 18th at 9:30am – Final SD Concept Presentation

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2124.00
Meeting Date:	September 30, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Superintendent's Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Sheryl Davis Jerry Allen, David Hamilton, Matt Rambo, Isaac Carrier, O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson, Jayna Duke		
Meeting Topic:	Design Committee Meeting 3		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. School Tour Review – On 9/29/21, toured Danielson MS (Leander ISD), George Wagner MS (Georgetown ISD), and South Belton MS (Belton ISD); Key takeaways and review comments:
    a. Key Takeaways
        i. Classroom neighborhood transparency and flexibility
        ii. Safe and secure campus while remaining inviting and comfortable
        iii. Visibility and Accessibility of high-impact spaces (library, gymnasium, commons, etc.)
        iv. Access to views outside and natural light
        v. Shared collaborative spaces to support a variety of teaching styles
    b. Danielson MS – favorite as it best encompassed WISD vision
        i. Liked the color-coded wayfinding on site
        ii. Liked the secure vestibule with the receptionist and attendance office accessible without proceeding into the reception area or the school
        iii. Interior color schemes were more inviting than the other schools
        iv. Loved the yard off the cafeteria (union) as it felt like the hub of the school; based on it's proximity and visibility, about half the students eat outside
        v. Liked the collaborative zones outside the classrooms
        vi. Liked the transparency between classrooms and the corridors/collaborative spaces; polled the kids, and most said they got used to it after a few days (ie was not distracting)
        vii. Good layout of the engineering labs, with windows between all spaces to the teacher(s) can monitor multiple spaces simultaneously
    c. Wagner MS
        i. Well thought out reception layout, but finishes were too sterile
        ii. Good interiors color scheme – like the industrial feel of the classrooms
        iii. Liked the entire school could be seated in the competition gymnasium
        iv. Liked the rolling garage doors in the weight room – to the exterior and to the interior corridoor
    d. South Belton MS
        i. Confusing from the exterior – it was challenging to find the entry
        ii. Fantastic fine arts wing layout with plenty of space, particularly the art patio

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e. Libraries – interesting approach at DMS + WMS with it on the 2nd floor
f. Restrooms – do need to consider transgender facilities

2. Site Plan Concepts – Doug reviewed draft plans and the following discussions followed:
    a. Is there a way we can open up to or integrate with the adjacent City park?
        i. Dr. Carrier said it's sometimes used for 8th grade picnics or other activities, but has to coordinate with the City in advance
        ii. Perhaps we could get a sidewalk/gate from the gyms to the park to facilitate use of the practice field and basketball hoops
    b. Would like to have basketball hoops along the fire lane that runs between the new building and the track/field – ideally will have visibility from the dining commons so the students can utilize after lunch
    c. Bleachers needed to support track meets; football games are played at Waco HS
    d. Need to add field events to the site – if needed on the plan east side, can pull the campus drive in closer to the building to fit some of these events

3. Floor Plan Concepts and Program Confirmation
    a. Academics
        i. Academic wing to have 6th/SPED/CTE on first floor (6th fronting JJ Flewellen Rd) and 7th/8th grade spaces upstairs
        ii. Special Education – David reviewed full district enrollment and requested each Middle School plan for 3 Functional Academic Rooms, 2 Resource Rooms, and 1 SAIL Room
    b. Performing + Fine Arts (PFA)
        i. Art – concern about location at end of main corridor as often these students are challenging to monitor/discipline. Relocate closer to the academic wing
        ii. Orchestra Hall not needed – can utilize the PFA multi-purpose room and/or the Band Hall; building to include orchestra office and storage room
        iii. Multi-purpose room to be sized to accommodate orchestra and to include sound control similar to other music spaces; might also be used for visual arts, so need sink(s) similar to other art rooms
    c. Athletics/PE
        i. Competition gym to accommodate full student population (1,060 students)
        ii. Auxiliary gym to accommodate 250 spectators
        iii. Would like to see locker rooms on the side of the building closest to the track
        iv. Confirmed approach to locker rooms is appropriate
    d. Library – confirmed ratio of stacks and other spaces to meet the requested volume count; the computer lab is not a scheduled instruction space
    e. Commons + Food Service – confirmed Clifford Reece's request that offers dispersed serving within the centralized cafeteria. 2 reimbursable serving lines with kitchen and 1 reimbursable line + 1 a la carte line (likely pizza) on opposite end of cafeteria
    f. Admin – need a nice staff lounge, particularly as it will help with staff retention

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4. Exterior Design Concepts – 2 options reviewed, with the following feedback provided:
    a. Main entry
        i. Many prefer option 1 as it gets lots of natural light into the commons, but suggested that we pull the trellis from option 2 to the low roof
        ii. Some prefer option 2 as it is more modest and intimate
    b. Prefer the modern look and materials of option 1, but would like to also incorporate the tan stone of option 2 to break-up glass facades and to help with area definition
    c. Like the end of option 2 in that it is more solid and less glassy (which creates glare)
    d. Need to avoid looking like a housing project
    e. Historical marker? Dr. Kincannon to research further to determine more detail, but the new building design generally should find/include historical images and artifacts

5. Upcoming Activity
    a. Board Meeting – October 28th to include:
        i. Carver Middle School Schematic Design approved
        ii. Carver Middle School contractor selection
        iii. Waco High School Design Development update
    b. Design Committee Meetings:
        i. Monday, October 18th at 9:30am – Final SD concept, Interiors visioning
        ii. Thursday, November 4th at 9:30am – design process update
        iii. Thursday, December 2nd at 9:30am – design process update, Interiors 3d views of key spaces
        iv. Thursday, December 16th at 9:30am – design process update, Interiors finishes and materials review; potential to combine with Waco HS project for a pre-holiday design progress update

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2124.00
Meeting Date:	October 18, 2021	**Meeting Time:**	10:00 am
Meeting Location:	Waco ISD Admin Building – Superintendent's Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Sheryl Davis, Josie Gutierrez, Jerry Allen, Matt Rambo, Meredith Casas O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson, Jayna Duke		
Meeting Topic:	Design Committee Meeting 4		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Schematic Design Update – Doug reviewed final conceptual site + floor plans that will be included in the upcoming Schematic Design deliverable and also shared new renderings and a movie of the proposed exterior design. The following feedback was provided:
    a. Really like the floor plan updates, especially the revised adjacencies
    b. In the November User Group Meetings, would be helpful to explain how this floor plan might be adapted for the replacement Tennyson building
    c. Gorgeous exterior design – really like that you can see through the main entry straight through to the exterior spaces at the rear of campus
    d. Would like to add fencing on the right side of site, between the academic neighborhoods and the adjacent campus drives

2. Interior Design Visioning
    a. All committee members received colored stickers and were asked to review a few interior design inspiration images and precedents – placing green dots at pictures/features/elements they liked and red dots at ones they did not think were appropriate for Carver MS design
    b. Selections are attached to these minutes and were discussed during the meeting. Comments are written near the related images, with larger themes summarized as:
        i. Like a more modern feel: clean and neat.
        ii. Like natural tones with warm, light woods; nothing too bold or dated.
            1. Preference for a more neutral, refined balance of colors and textures.
        iii. Generally open to all ceiling types. Will need to be thoughtful of acoustical control in high-volume spaces; for example, acoustical deck may be considered in areas such as the dining commons or library. Combinations of dropped ceilings and exposed (clouds) would also be acceptable.
        iv. Needs to feel more mature than an Elementary School building.
    c. Branding: would like to see this in many places, particularly at main entry, in admin office reception area, in gyms, etc. Waco ISD to confirm that school will be named G.W. Carver Elementary School and what the school mascot and colors will be.

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d. Displays: ideally will have permanent/static display of historical artifacts near the main entry.
    i. Waco ISD would like to get a community focus group together (with both CMS + ISMS representatives) to gage important elements for inclusion
    ii. Tentatively targeting interior imagery being shared with the Board in January 2022. Would like to have this historic display wall shown then, but can be a placeholder image if the community committee hasn't yet clarified intent

3. Upcoming Activity
    a. Board Meeting – October 28th to include:
        i. Carver Middle School Schematic Design approved
        ii. Carver Middle School contractor selection
        iii. Waco High School Design Development update
    b. User Group Meetings, 2nd Round – November 8th + 9th
    c. Design Committee Meetings:
        i. Thursday, November 4th at 9:30am – design process update
        ii. Thursday, December 2nd at 9:30am – design process update, Interiors 3d views of key spaces
        iii. Thursday, December 16th at 9:30am – design process update, Interiors finishes and materials review; potential to combine with Waco HS project for a pre-holiday design progress update

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2124.00
Meeting Date:	November 18, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Superintendent's Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Sheryl Davis, David Hamilton, Josie Gutierrez, Jerry Allen, Matt Rambo, Isaac Carrier O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson, Jayna Duke		
Meeting Topic:	Design Committee Meeting 5		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Design Development Update – Casey summarized the recent user group meetings and reviewed the following items for district confirmation/feedback:
    a. The revised program based on user group input was discussed and approved.
    b. Secure Entry Vestibule – sketch shown today is appropriate
    c. Outdoor dining to be planned for in the courtyard adjacent to the indoor dining – shading options will be reviewed in a future meeting
    d. Exterior fencing as shown today is acceptable, with the following changes:
        i. Existing perimeter fence to be replaced (Alex confirmed via e-mail on 11/19)
        ii. Eliminate fencing around the dining courtyard
    e. Safety/Security compartmentalization strategy should be reviewed in a future meeting (similar to the 11/11 meeting for Waco HS)

2. Project Coordination
    a. Schedule – no exceptions to the schedule outlined today:
        i. Bid Package 1 – Demo + Long-Lead (Structural Steel + Roofing)
            A. January: contract documents + bidding
            B. February 17: Board Approval of GMP
        ii. Bid Package 2 – Site (Civil + Landscape)
            A. March: contract documents + bidding
            B. April 28: Board Approval of GMP
        iii. Bid Package 3 – Building (Arch, MEP, IT, Food Service)
            A. May: contract documents + bidding
            B. June 16: Board Approval of GMP
        iv. Construction Schedule
            A. December 2021: asbestos abatement
            B. February 2022: demolition begins *(after GMP approval)*
            C. May 2022: site prep begins *(after GMP approval)*
            D. Early May 2022: likely best time for the groundbreaking ceremony
            E. June 2022: building construction begins *(after GMP approval)*
            F. June 30th 2023: substantial completion

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b. Tilt-wall Construction – based on contractor input that tilt-wall will be more efficient (in both cost and schedule), decision is to utilize tilt-wall at the gyms and at all exterior walls (except at high-glass areas)
c. Waterline Easement
    i. City noted concern about inadequate fire flow
    ii. Preferred option is being modeled now to prove the planned looped 8" system should be able to provide adequate fire flow
    iii. Back-up option is to add 20' offsite dedicated easement through neighbor's drive – Dr. Mueller is following-up about this feasibility with the neighbor

3. Upcoming Activity
    a. Design Committee Meetings:
        i. Wednesday, December 8th at 9:30am – design process update, Interiors 3d views of key spaces
        ii. Thursday, December 16th at 9:30am – design process update, Interiors finishes and materials review; schematic design estimate review
    b. Future Meetings in 2022: Casey to outline monthly meetings beginning in January and send draft to Dr. Kincannon to review and schedule

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2124.00
Meeting Date:	December 8, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Superintendent's Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer David Hamilton, Josie Gutierrez, Jerry Allen, Matt Rambo, Isaac Carrier, Meredith Casas CORE Construction: Steve Butler, Koby Lawson O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson, Jayna Duke, Erin Van Doren		
Meeting Topic:	Design Committee Meeting 6		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Design Development Update – Casey summarized the recent and upcoming activity:
    a. Detailed consultant coordination: structural grids, HVAC systems, etc.
    b. Technical production of drawings
    c. Salvage tour of CMS to determine what could be salvaged and re-purposed in the replacement building. Tour is scheduled for 12/8 and photos/concepts will be reviewed in our 12/16 meeting to confirm which items should be salvaged.
    d. Door hardware meeting scheduled for 12/16 with WISD, architectural team, hardware consultant, and technology consultant. Both Waco HS + Carver MS will be reviewed to define general strategies (main entry to have __, general exterior doors to have __, classroom doors to have __) and also discuss any exceptions to standards.
        i. Meeting two (to be scheduled in early 2022) will review the detailed schedules to ensure we appropriately captured the intent defined on 12/16
    e. SD estimate is being finalized this week by CORE construction and will be reviewed in our 12/16 meeting
    f. Safety/Security – TBD if there is a need for a dedicated meeting in early 2022.

2. Interiors– Jayna reviewed 3 concept renderings and the following feedback was provided:
    a. Would like to get a local artist to help with the design for this history area near the main entry. Suggestion to consider Kermit Oliver
    b. Love the open, bright, inviting commons
    c. Great sightlines in the commons for staff to monitor students
    d. Like the unique lighting fixtures suggested in the featured areas
    e. Like all the writable surfaces in the collaborative spaces

3. Site Design – Doug reviewed site scope intent and the following feedback was provided:
    a. Shade canopy – would like this to be a modular system similar to what was installed at Indian Spring Middle School (Upfit)
    b. Design Intent for track area:
        i. Track surface to be synthetic, field to be natural grass
        ii. Field events to be included (not shown in today's plans)

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iii. All pedestrian fence gates to have card readers
iv. Ancillary building (next to track bleachers) – extend roofline over hardscape to provide covered space for opportunities for table(s) to be set up for concessions or other activities

4. Upcoming Activity
    a. Design Committee Meetings:
        i. Thursday, December 16th, 9:30-10:15am – design process update, Interiors finishes and materials review; schematic design estimate review
        ii. Wednesday, January 12th, 10-11am
        iii. Thursday, February 17th, 10-11am
        iv. Thursday, March 24th, 10-11am
        v. Thursday, April 28th, 10-11am
    b. Board Meeting content related to Carver Middle School
        i. December 16 – design progress update
        i. February 17 – board approval of GMP Bid Package 1 – Demo + Long-Lead (Structural Steel + Roofing)
        ii. April 28 – board approval of GMP Bid Package 2 – Site (Civil + Landscape)
        iii. June 16 – board approval of GMP Bid Package 3 – Building (Arch, MEP, IT, Food Service)
    b. Tennyson Middle School to be kicked off no later than March 2022 Spring Break. Construction planned to begin January 2023; design team needs to evaluate/ determine when this needs to be kicked off with WISD to support the 2023 start

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2124.00
Meeting Date:	December 16, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Superintendent's Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, David Hamilton, Josie Gutierrez, Matt Rambo, Isaac Carrier, Robert Muller, Alex Villanueva, Meredith Casas CORE Construction: Koby Lawson, Steve Butler, Steve Normand, Gary Aanenson O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson, Jayna Duke, Erin Van Doren		
Meeting Topic:	Design Committee Meeting 7		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Design Development Update – Casey summarized the recent and upcoming activity:
    a. Door hardware meeting scheduled for later this morning with WISD, architectural team, hardware consultant, and technology consultant. Both Waco HS + Carver MS will be reviewed to define general strategies and discuss any exceptions to standards
        i. Meeting two (to be scheduled in early 2022) will review the detailed schedules to ensure we appropriately captured the intent defined on 12/16
    b. Safety/Security – TBD if there is a need for a dedicated meeting in early 2022 – may get enough clarity in the door hardware meeting

2. Interiors– Jayna reviewed items to be salvaged and general interior design intent. The following feedback was provided:
    a. Potential items to be salvaged
        i. Painted wall tiles – to be salvaged for new CMS
        ii. Art room ceiling tiles – to be returned to the students by WISD
        iii. Courtyard bench – perhaps
        iv. Wood from original gymnasium – to be salvaged for new CMS
        v. Time capsules + associated signage – to be salvaged for new CMS
        vi. Garden signage – does not need to be salvaged
        vii. Tree that was recently planted – to be salvaged for new CMS
    b. Existing site elements that inspire design
        i. Original gymnasium ceiling pattern
        ii. Wood tone and steps
        iii. Garden/nature
        iv. Brick texture
    c. Renderings have new materials/finishes shown – no exceptions taken.
    d. School colors are royal blue and gold; Panther is black, but this is not a school color
        i. Alex to send pantone colors to Jayna for reference
    e. Need to get color board to Board in February

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3. Cost Estimate – Koby reviewed the schematic design estimate, and the following feedback was provided:
    a. Total construction cost is currently estimated $63.6M above the $55M target. CORE Construction noted this is primarily due to post-Covid construction costs and challenges obtaining building supplies in a timely manner.
    b. The draft presented today was reviewed with O'Connell Robertson to clarify scope and design intent, which has resulted in a reduction of approximately $4M (the amount shown today) and the list of alternates discussed today
    c. Ideally the total estimate / GMP Value needs to be between $60.0M and $61.9M to work within the total project costs. The design team will evaluate options within the design including:
        i. Evaluate the use of an air-cooled chiller system versus large package Dx with VAV boxes. The team will look to meet the 1st week of January to review mechanical strategy.

4. Construction Next Steps
    a. WISD would like to schedule a ground-breaking event in April.
    b. Waco HS contractor, Rogers O'Brien (RO), has an event scheduled on January 19th to generate sub-contractor interest. WISD recommended CORE coordinate with RO to make this a shared event – will need to clarify to sub-contractors that these are 2 separate projects so that scope and schedules are clear and expectations are understood by all.

5. Upcoming Activity
    a. Design Committee Meetings:
        i. Wednesday, January 12th, 10-11am
        ii. Thursday, February 17th, 10-11:30am (extra 30 minutes for Tennyson MS phasing strategy discussion)
        iii. Thursday, March 24th, 10-11am
        iv. Thursday, April 28th, 10-11am
    b. Board Meeting content related to Carver Middle School
        i. February 17 – board approval of Interiors colors/materials
        ii. February 17 – board approval of GMP Bid Package 1 – Demo + Long-Lead (Structural Steel + Roofing)
        iii. April 28 – board approval of GMP Bid Package 2 – Site (Civil + Landscape)
        iv. June 16 – board approval of GMP Bid Package 3 – Building (Arch, MEP, IT, Food Service)

End of Meeting Minutes

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SECTION 2: User Group meeting minutes from kickoff through Design Development



Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Matt Rambo, Isaac Carrier, David Hamilton, Rhiannon Settles, Amy Mundy O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Administration/Staff Spaces User Group Meeting		

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1. Need to have a secure entry vestibule, but also important to look inviting/welcoming
2. Reception area will need space for 2 staff members, be large enough for impromptu small meetings, and have TV with rolling messages
3. Offices/Conferences – the rooms already listed in the space program are correct. A few planning notes and additions/corrections to be made to these
    a. Conference Rooms – 2 needed:
        i. Large/ARD Conference for 10-12 people, accessed off reception and corridor
        ii. Admin/Principal's Conference for 10-12 people; access from main admin suite and from the principal's office
    b. Add 3 Behavior Specialist offices: 1 to be located within each of the distributed admin spaces (with Assistant Principals + Counselors) in the academic neighborhoods
    c. Testing Room to be centrally located in the building, ideally closer to the classrooms
    d. Senior Resource Officer to be centrally located in building, distinct from main admin
    e. ISS to be centrally located in the building. Perimeter carrels with central staff desk.
    f. Admin workroom/area – would like to see this open (ie, no walls to adjacent admin suite halls), similar to the central office at Lake Belton High School
    g. Add mailroom – could be adjacent to admin workroom/area
    h. Staff lounge could be located anywhere in the building
    i. PLC meetings will occur throughout the day with up to 10 staff at a time – these could occur in the admin conference rooms, in the commons, or in the collaborative spaces being planned for the academic neighborhoods
4. Nurse/Clinic
    a. Primary access from main/central corridor; could also have a door into admin suite
    b. To be located near an exterior door with accessible route to a campus drive for emergency services; ideally this route would not be through the main building entry
    c. Spaces to include
        i. Waiting area adjacent to + visible from the main clinic room
        ii. Clinic Area – counter sink, storage cabinets, eyewash station, wall-mounted sharps containers and glove boxes, full-size fridge, ice machine
        iii. Isolation room with 1 bed + 1 sink; this room will also support telehealth
        iv. Sick/Sleep cots – 3 cots, separated by curtains; 1 sink
        v. Office – window into clinic area; needs to be lockable for records storage

vi. AED locations – 1 in each classroom neighborhood, 1 in lobby outside the competition gym, 1 in the central admin reception area

5. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	10:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Erin Allen, Julie Ingham, Kelsey Sanders, Morgan Hendershot, Michael Goldberg, David Hamilton, Karen Hassell, Robin McDurham O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Core Curriculum User Group Meeting		

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1. Learning Communities to be split by grade level – these should be planned as similarly as possible to provide flexibility in future if the organizational strategy changes
    a. 6th graders should be upstairs and at most remote part of the building; ideally will not be circulating through the 7th or 8th grade neighborhoods to get to common spaces
2. Transparency between classrooms and corridors – some noted concern about amount of windows and it distracting students from learning. But also acknowledge that it's important to keep eyes on the adjacent collaborative space for passive observation
    a. Karen spoke positively of this in modern schools in other districts – noted that the kids adjust relatively quickly at the beginning of the school year
    b. Requested that we consider sending representative(s) on the school tours and/or provide virtual tours or imagery to help explain the concept
    c. Windows need to have shades to be able to darken the room for presentations
3. Classrooms
    a. Need storage – to be determined if this is fixed casework or furniture solutions
    b. Whiteboards – to be located on multiple walls
    c. Operable partitions – would be helpful between some classrooms to facilitate co-teaching opportunities
4. Science Labs
    a. All to be the same for more flexibility in scheduling the rooms
        i. Preference for combined lab/lecture in lieu of separate rooms for each
        ii. Sized to accommodate 28 students (7 groups of 4 students)
        iii. Countertop at perimeter (with 7 sinks) and mobile tables in middle that can be moved to the perimeter when time to transition from lecture to lab
        iv. Fixed teachers station with water and gas
        v. Each lab to have safety equipment
    b. Plan for 2-3 science labs per learning community (in lieu of being centralized in a distinct wing of the building)
    c. Erin to provide list of chemicals for O'Connell Robertson to coordinate appropriate storage in the chem storage room
    d. Prep/storage room quantity to be determined – currently have 1 prep room shared by 3 labs – Erin to evaluate and follow-up to clarify if this is still the correct ratio
        i. Each prep room to have a fume hood

5. Small group rooms to have lots of transparency; include whiteboards, but no projectors
6. Outdoor spaces – existing middle campus have a green house or garden space – need to evaluate what type(s) of outdoor spaces would be appropriate on the replacement campuses
7. Atlas (at Tennyson only) – how is this being addressed in the replacement schools? Is it to be in a distinct learning community or embedded within the general 3 planned general learning communities?
    a. Currently operates in it's own hallway with all 3 grades together.
    b. Has it's own Assistant Principal and 14 dedicated teachers (pre-covid was 15-18)

8. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	2:00 pm
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Chris Beheler, Kylee Millican, Donna McKethan, David Hamilton O'Connell Robertson: Casey Nicholson		
Meeting Topic:	CTE User Group Meeting		

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1. Plan for 3 instructional spaces to support evolving curriculum offerings
    a. Multi-purpose room – science lab size, sink(s) at perimeter, overhead cord reels, roll-up exterior door
    b. Computer lab
    c. Classroom
2. Potential CTE offerings at the middle schools
    a. Project Based Learning is a new program, currently focused on career planning, but could and likely will evolve/expand in the future
    b. Project Lead the Way is offered at Chavez only, as it supports the CTE programs offered at University High School, but not planned for Waco HS
    c. BIM
    d. Keyboarding
    e. Donna is considering introducing introductory courses for current CTE programs offered at the HS level – potentially rotating these between the MS campus each semester or school year to maximize CTE exposure opportunities
3. To be co-located together in the building, perhaps near fine arts spaces
4. AVID is not part of CTE, but needs a distinct space. O'Connell Robertson is tentatively locating this with the Library, but to be determined ideal space within the building
5. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

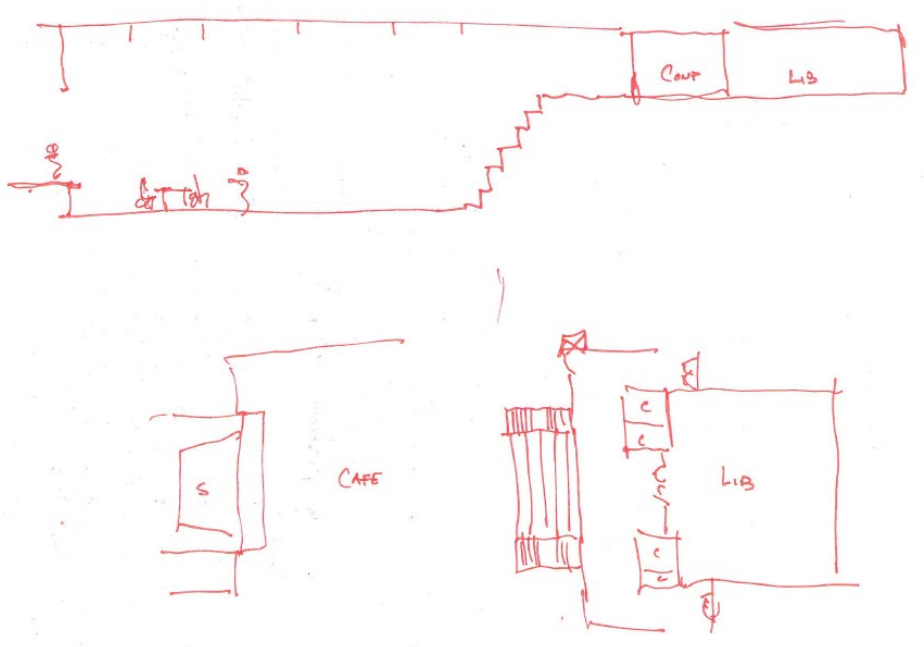
End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	3:00 pm
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Ernest Amende, Jerry Allen, Diane McDaniel O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Library User Group Meeting		

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1. Want students to have as much exposure to the Library as possible
2. Would love to have direct exterior access to allow students into Library before/after school
    a. Add restroom into library so this space can operate independently – essentially avoiding having to open up the entire campus
    b. Exterior entry needs to be recessed and/or canopy to provide weather protection; will need to add and intercom/video monitor so Librarian can control access
3. Preference to be located on 1st floor for direct exterior access, but also liked the sketch below that locates library is on the 2nd floor, but visible and accessible from commons area



4. Preference for fixed shelves at the perimeter and moveable shelves in the center
    a. Generally don't utilize bottom shelf
    b. Maximum 5 feet tall in middle of the room, perimeter shelving could be taller
5. Target volume count is 20 volumes per student. 1,060 student x 20 = 21,200 volumes
6. Seating should be open/flexible systems that allow for collaboration

    a. Not sure if small groups are needed or should be utilized; if include, maximize transparency so occupants can be monitored
7. Plan for a few card catalog kiosks
8. Need presentation wall to support class visits and staff meetings; +/- 30 students
9. Makerspace would be great – a space with paint, glue, crafting supplies; maybe a 3d printer, but no power tools
    a. Needs to be visible from circulation desk
10. Librarian currently often serves as the technology specialist for the campus – need media/devise storage room
11. Library to have separate office and workroom (with counter + sink)
12. Like Bell's Hill ES Library and computer lab relationship – the computer lab has doors from both the corridor and the library
13. Midway Middle School was noted as an example of a good Library example
14. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 13, 2021	**Meeting Time:**	1:00 pm
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Kimberly Tucker, Shawn Knuckles, William Taylor, Larry Carpenter, David Hamilton, Karmen Logan O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Fine + Performing Arts User Group Meeting		

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1. Notes below reflect discussions from this meeting. A comprehensive planning list, generated by Waco ISD MS representatives, is included at end of these minutes for reference
2. Needs to be co-located within the building and also have easy access to outside for loading area (which needs large doors)
3. Minimum 9 instructional spaces for Performing + Fine Arts Curriculum. Current Staff Counts:

	Tennyson	Carver/ Indian Spring
Art	2	2
Theatre	2	2
Band	3	4
Choir	1	2
Orchestra	1	0
	9	**10**

4. Band has 3 directors and need 3 distinct instructional spaces as 5 of their 7 periods have lessons occurring simultaneously
    a. 250-300 students, with the largest class around 60 students
    b. Band Rehearsal Room, Percussion Room, and Music Library can serve as the 3 instructional spaces – each will need a whiteboard and projector/screen
5. Band, Orchestra, Choir each need separate offices and uniform/robe storage rooms, but can share 1 larger music library
6. Music needs 5 practice rooms: 1 large for 7-10 people, 2 medium for 3-6 students, 2 small for 1-2 students
7. Kimberly to send instrument storage needs list to O'Connell Robertson for space planning
8. Will to send stage storage needs list (wing space, UIL requirements, etc) to O'Connell Robertson to confirm stage sizing and design requirements
9. Stage to be 3'-0" above cafeteria floor
10. Theater Tech Classroom to be located behind/adjacent to stage – need to be multi-purpose
11. Locate student dressing/changing rooms behind stage to support performances
12. Art – two studios to be directly adjacent with functional space (storage, kiln) between
    a. Need deep sinks, lots of natural light, and Plan for 2D+3D display/gallery space

b. Would like access to outdoor space for large format art
c. Fully scheduled at 2 periods; may want to add a 3rd art studio (set-up more for multipurpose room), which could also serve as a flex classroom for CTE or future dance program

13. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

Tennyson Fine Arts Wishlist (referenced in item 1 above)
See following planning guide: www.wengercorp.com/Construct/docs/Wenger%20Planning%20Guide.pdf

Band Needs:

- Large rehearsal hall - at least 2,550 square feet
- Percussion storage room - to also be used as a small ensemble rehearsal space (w/ projector and screen)
- Large instrument storage room - to also be used as a small ensemble rehearsal space (w/ projector and screen)
    - Multiple instrument lockers to accommodate ALL students' instruments
- Music Library with Wenger Music Library System, counter space and copy machine
- Storage area for chair and stand carts and extra chairs and music stands
- Uniform room to hang band shirts
- Large band office with restroom for three band directors
- State-of-art sound system for entire area
- Large doors w/o bar (so timpani and marimbas can be wheeled through)
- Ceiling mounted projector
- Practice Room Suite with 4-5 sound-proof practice room with Electric Pianos and Computer Station
- Folio cabinets for sheet music folders (enough for 300 students)
- Security cameras in all areas
- Proper ventilation (see above planning guide)
- Main rehearsal room in close proximity to PAC
- Loading dock to easily transport large equipment
- Easy access for bus loading for trips/performances off campus

Choir Needs:

- Choir room with high rise ceilings for acoustic purposes
- Performance hall/PAC with higher ceiling for acoustic purposes
- Choir sound shields for stage
- Music library shelving system in storage room
- Large projections screen and projector that connects wirelessly
- Sound system in classroom
- Office large enough for two directors (hopes to justify a second director as the program grows).

Orchestra Needs:

- Medium size rehearsal hall, 1,500 to 1,750 square feet with a minimum 18 foot high ceiling.
- Storage room that can fit 10 total string bass rack, 20 cello rack, 12 viola rack and 30 violin rack.
- Security cameras in both rooms.
- A/C/Heat pump unit that runs 24 hours a day, 365 days a year.
- Music Library with Wenger Music Library System, counter space and copy machine
- Storage area for chair and stand carts and extra chairs and music stands
- Wenger company soundproofing and possible sound design for the rehearsal room.
- 5-10 Wenger practice rooms. One practice room with Wenger's advanced VAE Rehearsal System built in.
- Wenger VAE Rehearsal Room system in the main rehearsal room.
- Bathroom facilities for student and instructor use.
- Full Steinway Concert Grand to be shared by orchestra/band.
- Large Orchestra Director's office, sound proofed.

Theatre Needs:

- PAC with large backstage area
- Large storage area for props, costumes, and set pieces
- Handicap accessible areas are important in construction
- Dressing rooms
- Cyclorama (Cyc)

Art Needs:

- Multi-use sinks that have big uncloggable drains
- Cabinets/drawers for large art storage (paper)
- Walk in storage
- Supply bins
- Display walls/cases
- Clay room to put kiln and projects
- Mounted large screen tv
- Standing tables
- Outside classroom area for large art projects
- Easels room for painting lab
- Light Tables
- Gallery space around Theatre's outside walls and in hallways...Gallery spaces.
- Silkscreen lab to print our own T-Shirts for all the organizations in our school

Band Instrumentation for lockers/storage:

40 Flutes
7 Oboes
50 Clarinets
5 Bass Clarinets
5 Bassoons
20 Alto Saxophones
6 Tenor Saxophones
6 Baritone Saxophones
40 Trumpets
20 Horns
50 Trombones
20 Euphoniums/Baritones
25 Tubas
15 Percussion Kits

End of Meeting Minutes

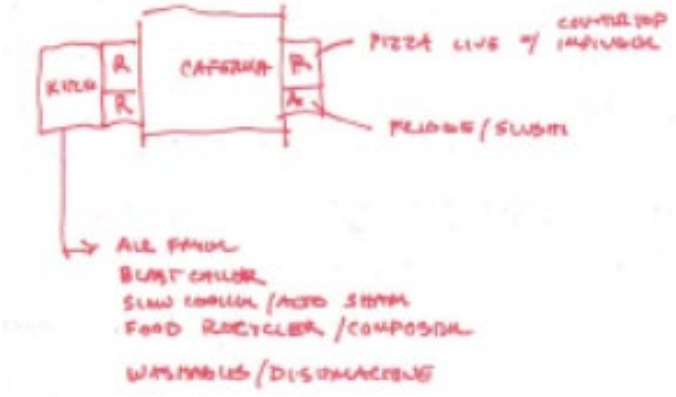
862

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 14, 2021	**Meeting Time:**	11:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Cliff Reese, Joe Emmons, Sheryl Davis O'Connell Robertson: Jarrod Sterzinger, Jayna Duke, Casey Nicholson		
Meeting Topic:	Food Service User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Like what is happening at Carver/Indian Spring – 3 reimbursable lines + 1 a la carte line
    a. Ideally separate these lines as much as possible – preference for 2 reimbursable serving lines with kitchen and 1 reimbursable line + 1 a la carte line on opposite end of cafeteria
    b. Currently making pizza via impinger in remote location and anticipate that continuing
    c. Conceptual sketch:



2. CBP/SSO Certified with similar participation rates on each campus
3. Kitchen should not be visible from serving / dining areas
4. Would like to return to dish machine, which will need a tray/dish return
5. At Bell's Hill campus, they are creating compost for their on-site gardens; would like to consider a similar program for the middle schools
6. Would like to tour/see some recent middle sch ool kitchen designs – to be coordinated with Melissa Counihan, who is the food service design consultant for the middle schools
7. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 14, 2021	**Meeting Time:**	10:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Kimberley Bridgewater, Shelby Lee O'Connell Robertson: Jarrod Sterzinger, Jayna Duke, Casey Nicholson		
Meeting Topic:	PE + Athletics User Group Meeting		

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1. Gymnasiums – both competition and auxiliary gyms planned
    a. Need 1 main basketball/volleyball court and 2 cross basketball/volleyball courts
    b. Understood that cross courts may not be full regulation size
    c. Wood floors preferred
    d. Prefer electronic goals at all goals, but could be manual or side shift at cross courts
    e. Competition gym needs banner display spaces; no need for trophy display case(s)
    f. Equipment storage needed for both PE and Athletics
    g. Need to confirm bleacher capacity with Ed Love
    h. Concessions/Ticketing currently done in corridor, but ideally have a distinct space
2. Student Lockers
    a. PE: need lockers and access to restrooms; no showers
        i. 4 pre-athletics (PE) classes dress out, but 3 do not
    b. Athletics: Boys +/- 180 participants, Girls +/- 100 participants
        i. Don't need to be sectioned off by grade level or sports teams
        ii. Need 2-3 individual showers per gender, but no group/gang showers
3. Coaches
    a. Offices – 1 boys coordinator, 1 girls coordinator, 1 boys coaches, 1 girls coaches
    b. Conference Room
    c. Locker rooms to have a shower
4. Weight Room
    a. Love South Belton Middle School size and layout
    b. Need audio in here
    c. Ideally with direct access to gym(s) and corridor
5. Training room to have taping table, sink, storage
6. Laundry room needs minimum 2 washers and 1 dryer. A 2nd dryer would be ideal.
7. Outdoor Facilities
    a. Games played at district or high school stadiums
    b. Likely no bleachers/grandstands needed – need to confirm with Ed Love
8. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	September 14, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Charlotte Davis, Laurie Beth Harris, Kristine McDonald, Christy Freeman, Rebekah Raabe O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson		
Meeting Topic:	Special Populations User Group Meeting		

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1. Charlotte noted middle school program should have similar types of spaces as Waco HS
2. Populations vary by campus and WISD doesn't magnetize of shift across campuses to achieve similar capacities; Currently Carver/Indian Spring is almost double Tennyson, but noted this varies based on natural matriculation from ES to MS to HS:

	Carver/ Indian Spring		Tennyson	
	Rooms	Students	Rooms	Students
Achieve	3	30	1	13
Aspire	1	8	1	1
SAIL	1	7	1	3

3. Spaces/Programs to be co-located in a dedicated Special Education area, ideally in close proximity to support services
    a. Functional Academics: 4 classrooms with shared support between each set of 2:
        i. Kitchen/Laundry (Home Environment) –
        ii. Restroom with changing table
        iii. Small group / quiet room
    b. Multi-purpose Room – could be used for OT/PT and general sped flex space
    c. Work-based (18+) Learning Lab is not required
4. Spaces/Programs to be embedded within or adjacent to gen ed learning communities
5. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 8, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Matt Rambo, Alex Villanueva, Mary Senter, Meredith Casas, Isaac Carrier O'Connell Robertson: Erin Van Doren, Casey Nicholson, Jayna Duke		
Meeting Topic:	Administration/Staff Spaces User Group Meeting		

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1. Reception- layout reviewed today is similar to Danielson in Leander ISD, which was recently toured by WISD middle school design team members and noted as preferred entry sequence
    a. Add a taller counter at back door of reception for students needing to visit the offices deeper into this admin suite
2. ARD Conference
    a. Add a counter within room
    b. Like this as shown as it is accessible to public without access to the entire school
    c. Add card reader access on door into room
3. Nurse
    a. Full size refrigerator in clinic area
    b. Add a residential, stackable washer and dryer
    c. Telehealth to occur in Isolation Room

4. Sojourn Room- include space for 2 vending machines: soda and snacks

5. Rearrange offices in the back of the suite:
    a. CIS offices are heavily utilized by students, would like to move away from the principal's office and closer to the large conference room; PEIMS/Registrar can be moved closer to the principal
    b. CIS has 3-4 staff: plan for 1 private office, others in separate, bull-pen style office
    c. Widen corridors near Principal's office and near CIS offices to fit small waiting areas

6. Next Steps
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 8, 2021	**Meeting Time:**	10:30 am
Meeting Location:	Waco ISD Admin Building – Main Board Room		
Attendees:	Waco ISD: Meredith Casas, Morgan Hendershot, Julie Ingham O'Connell Robertson: Erin Van Doren, Casey Nicholson, Jayna Duke		
Meeting Topic:	Core Curriculum User Group Meeting		

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1. Classroom
    a. Movable teacher desk
    b. Roughly 15-30 student class sizes
    c. More glass desired for supervision in collaboration areas
    d. Teaching wall opposite the door, walk into the back of the room
    e. Writable surface adjacent to door for flexibility
        i. Desire for a lot of writable space, doesn't have to be the whole wall
        ii. Tackboards or tack strips not desired
        iii. Ideally the writable surface is also magnetic for use to hang items
    f. Built-in casework and counter space
        i. Could be used for group station
        ii. Lockable tall wardrobe 3'-0" with 8'-0" of counterspace with base cabinets below
2. Collaboration
    a. Individual/small group of students
    b. Plug in for chargers for computers
    c. Mobile writing surfaces, writable wall surface
    d. Digital screen for announcements, not needed for student use
    e. Projector screen could be used for larger groups
    f. Tack strips would be great in this space

3. Student restrooms – ideally would be more centrally located in the wing. Concern about sending students to opposite end of the call – too many distractions and opportunities for delay

4. Next Steps:
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	2:00 pm
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Donna McKethan O'Connell Robertson: Casey Nicholson, Erin Van Doren		
Meeting Topic:	CTE User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Add windows between multipurpose lab and computer lab for teachers to be able to monitor students if/when they have to access the adjacent room
2. Add windows +/- 4' above floor (to clear countertops with computers) on corridor side of all CTE teaching spaces
3. Computer lab: rotate teaching wall to plan east wall
4. CTE classroom- outfit like a typical classroom; add a door into the adjacent computer lab
5. Next Steps:
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	11:30 am
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Cliff Reese, Meredith Casas O'Connell Robertson: Erin Van Doren, Casey Nicholson Counihan and Associates: Melissa Counihan, Terise Urias		
Meeting Topic:	Food Service User Group Meeting		

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Main Kitchen/Servery

1. Provide dish return for trays coming back into Dish room
    a. Will use mostly disposables (boats or 8"-9" plates), but some trays
    b. Locate close to Dining Commons for easy access from Distributed Serving Areas
2. Janitorial provided within Kitchen, location accessible for both Kitchen and Distributed Serving Areas if possible
3. 4 compartment sink preferred in Dish Room with heavy duty dishwasher. Stainless steel wall cladding throughout Dish Room expected
4. Roll up and access doors in front of Servery to be determined
5. Kitchen:
    a. Good with all Schematic Narrative Equipment suggestions
    b. Double Stacked Impinger preferred BOH
    c. Prefer to incorporate new technology in BOH & Distributed Serving, like Air Fryers
    d. 36" Griddle
    e. Cooler to Freezer ratio- Freezer ~12'x16'-20'; Cooler ~12'x12'
6. Serving lines:
    a. Prefers for students not to be able see into Kitchen area from Serving Lines
    b. 4-6 lines are planned: 2 serving lines minimum in Kitchen; hoping for 4 with 2 POS Systems; 1 at each of the distributed serving areas
        i. 3 lunch periods with +/- 360 students per period
        ii. Prefers extra space by POS's, to house additional food items
    c. Serving Lines Concepts:
        i. Entrée Changes Daily: served
        ii. Pizza: mostly self-serve
        iii. Burger and Sandwiches: mostly self-serve
        iv. Mexican/Asian: served
    d. Main Entrée (changes daily) & Mexican/Asian Concept: 5 hot wells & 60" cold well
    e. Pizza Concept: Pizza shelf (stone/flat top), hot wells & cold pan, warming shelves above if possible
    f. Burger/Sandwich: Burger Slide, would like a 48" Burger slide if possible, 3 hot wells & a cold well

g. Prefers reach-in Vista Cooler or Open-Air Merchandiser, no Milk Coolers, for beverages and grab-n-go salads, accessible on each line
h. Need mobile Condiment Carts that provide all essentials; provide home in plan that doesn't block queue, integrate into line where space limits
i. Liked the DVISD and Deerpark MS design concepts
j. What are the ideal proportions and fronting length?

7. Distributed Serving (DSA):
    a. Concepts:
        i. Pizza/Burger: mostly self-serve
        ii. Grab-n-Go, Healthier, Local Market Vibe: self-serve; quick items
    b. Desire to relocate closer to Dining Commons near Platform and closer to outside
        i. Queuing along hallway and in front of Platform
    c. What are the ideal proportions and fronting length?
    d. Wants Single Impinger, small cold 48" well, 3-hot wells, and Burger Slide in Pizza/Burger DSA
    e. Wants a Slushie Machine, Ice Cream Freezer, and a hot Display Case in Grab-n-Go/Local Market DSA, also 3 hot wells, a cold well
    f. Wants Grab-n-Go/Local Market Area to look different than Pizza/Burger DSA, like a local market
    g. Wants a Hand Sink and 1 Single Compartment Sink/Prep Sink in each; All dirties going back to Main Kitchen to be cleaned
    h. Need Condiment Stations built into Lines that provide all essentials if possible
    i. Would like lockable dry storage if applicable in each area for less transporting from Main kitchen
    j. Need to provide mop sink within 75' of DS Areas

Next Steps

1. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent
2. High School DD Deliverable in mid-January, hoping for feedback by early December
3. Counihan to need to represent square footages (particularly the linear feet needed for the side facing the corridor) so areas can be updated in the plan
4. Virtual meeting to get input on equipment to follow

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	3:00 pm
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Ernest Amende, Diane McDaniel O'Connell Robertson: Erin Van Doren, Casey Nicholson, Jayna Duke		
Meeting Topic:	Library User Group Meeting		

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Library

1. Circulation desk at the front main entrance to/from the library
    a. Other support rooms can be shifted around as needed
2. Welcoming feeling to Library from Commons, but still feels like its own space
3. Areas dedicated to reading and working
4. Workroom (with sink), office, circulation desk to maintain relationship
5. Fiction (60/40) (ideally 50/50) Non-fiction books
6. More centralized book shelves, no tables between, don't need to spread out
7. No visibility needed into computer lab
8. Target volume count is achieved if utilize bottom shelf – this is acceptable
9. Circulation desk
    a. Book return
    b. 2 computer stations
    c. Very transactional in nature

Maker Space

1. See into from Dining Commons
2. Needs monitoring visibility from circulation desk
3. Modular, individual student use
4. Arts and crafts, 3D printer, robotics, legos, color printer, large format printer, less structured than CTE space
5. Lockable storage with kits
6. Stand/sit tables, space to work for 6-8 students

Next Steps:

1. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	10:30 am
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Linden Heldt, Meredith Casas O'Connell Robertson: Erin Van Doren, Casey Nicholson		
Meeting Topic:	PE + Athletics User Group Meeting		

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1. General
    a. Compartmentalization strategy for athletics areas - safety and security conversation to come. Request to add doors between athletic corridor + main building corridor
    b. Will there be a scoreboard? Casey to follow-up with WISD to clarify scope/intent
    c. Sports equipment – need to confirm with Coach Love if off-season equipment will continue to be stored at the district stadium or at the Middle School

2. Gymnasiums
    a. Competition Gym – preference is wood flooring. To be confirmed.
    b. Aux. Gym – okay with rubber flooring. To be confirmed.

3. Coaches
    a. Bull pen- room for 5 coaches in each is adequate
    b. Visibility into corridor as much as possible

4. Locker Rooms - Layouts/counts are appropriate; only change is that 100 of the 180 lockers in boys' locker room need to be sized to fit football shoulder pads.

5. Training Room
    a. Should be located closer to gyms as there is not a dedicated trainer assigned and is only utilized on event days
    b. Needs a sink and lockable cabinets for medications, bandages, etc.

6. Weight Room
    a. Wide overhead door for equipment to be brought outside with hard ground covering.
    b. As much visibility as possible into Weight Room from the building interior corridor
    c. Should shift laundry and training room away from this area to maximize visibility

7. Next Steps
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	1:00 pm
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Meredith Casas, Shawn Knuckles, Larry Carpenter, Kimberly Tucker William Taylor O'Connell Robertson: Erin Van Doren, Casey Nicholson		
Meeting Topic:	Fine + Performing Arts User Group Meeting		

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Band

1. Office not needed off the Music corridor – could be pushed back into the space
2. Shift practice rooms to current office location
3. Add windows into practice from Band Hall
4. Stand racks that will need to be housed, thinking this could be in Music Storage
5. Instrument storage:
    a. Bigger instruments in lockers in rehearsal hall
    b. Smaller instruments in lockers in separate room
6. Office: 3 people

Music Library: Wenger Music Library Storage units, copier, countertop, etc.

Choir

1. Office: 2 people
2. Risers- plan for one in Choir room, another to be at platform (stage) – can be stored in storage room there when not in use

Ensemble – needs to be able to hang percussion instruments, percussion cabinet with drawers, etc.

Orchestra

1. Office: 1 person
2. Rename Orchestra storage to be Music Storage

Multipurpose Room – to be set-up to accommodate either art classes or music rehearsal spaces

1. Sound equipment/teaching components to match Band Hall, Choir, etc.
2. Easy clean (not carpet)

Theatre

1. Office if possible for storing high dollar equipment with window access, could use storage rooms
2. Dressing- remove toilets, keep lockers with benches, provide single restroom in this behind-platform corridor if possible

3. Rolling door access desired from drive for loading/unloading
4. Platform lighting: like what was done with Comal ISD's Danville MS for lighting – would like to have similar here
5. Black paint is preferred
6. Add operable partition between Theatre classrooms
7. Provide display for Theatre similar to what is shown for Art

Art

1. Add additional sinks on wall at storage/kiln rooms
2. Add shelving for drying
3. Remove wall between storage rooms so the larger room can be accessed from both rooms

Next Steps:

1. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco ISD Middle School	**Project Number:**	2150.00
Meeting Date:	November 9, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin Building – 8th floor		
Attendees:	Waco ISD: Laurie Beth Harris, Kristine McDonald, Christy Freeman, Rebekah Raabe, Charlotte Davis O'Connell Robertson: Erin Van Doren, Casey Nicholson		
Meeting Topic:	Special Populations User Group Meeting		

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1. FAC Rooms
    a. Push these rooms to the building perimeter for direct natural light
    b. Each FAC to include restroom and storage room
    c. 1 quiet room to be paired with 1 FAC room
    d. Markerboards on most walls, with one wall in each FAC to have fixed casework storage - long counter with base cabinets and sink
    e. Independent work stations and class work, flexible seating. 12-14 student stations
    f. As many outlets as possible
2. Home Environment
    a. Move across the hall, central to all FAC rooms
    b. Laundry and kitchen top priorities; No bedroom area needed
    c. Observing space for students – could be in middle of room, with laundry + kitchen on opposite ends so there are good sightlines to each side of the room
3. SAIL – to be two smaller rooms in lieu of 1 large room; serves student in general ed classrooms, so will need to be located with those neighborhoods – plan for 1 on 1st floor and 1 on 2nd floor, ideally accessed from a side corridor or tucked off the main corridor
4. Multipurpose Room
    a. Function: related service like occupational therapy, physical therapy, motor lab, sensory, etc.
    b. Access off corridor
    c. Handwashing sink with lockable cabinets and countertop
5. General
    a. Small group room layouts as shown are good – fixed shelving and desk along one wall, with room in middle for large table and 2-4 student chairs. Markerboards on most available wall surfaces, but a little tackboard space would also be helpful
    b. Need drinking fountain in this area – ideally off the corridor, with a bottle-filler
    c. World Languages Classroom – move across the hall to better separate the Special Ed area from the CTE area of the floor plan layout
6. Next Steps
    a. O'Connell Robertson to revise the layout based on this feedback and then review with the WISD Middle School design committee to confirm scope/intent

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	November 11, 2021	**Meeting Time:**	11:00 am – 11:00 pm
Meeting Location:	Virtual Teams Meeting		
Attendees:	**Waco ISD:** Meredith Casas, David Hamilton, Josie Gutierrez, Suzanna Hamilton, Jerry Allen **Design Team:** Casey Nicholson; Andrew Faust; Patricia Runge		
Meeting Topic:	Safety & Security User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Meeting opened with introductions and a brief introduction and update of the design progress.
2. Add a pipe gate to the entrance of Bus loop – better to have it now and not use it than need it later. Likely will be open the majority of the time and be closed on weekends
3. Band practice lot – badge access at band parking lot. Extend fencing around this lot to create a secure area for band trailer
4. Provide badge access at strategic locations across campus at gates (purple circles)
5. Guard shack attached to central plant at student parking lot – NE corner of the central plant.
    a. Current shack is +/- 4' x 10'. A room this size is adequate
    b. Create monitor control area within this. Solid brick and caged for security
    c. A second guard shack was discussed, but decided that 1 would be sufficient
6. It was discussed to widen parking entry drive to the north of the central utility plant – to provide more separation between the entry and exit. This will be the only access for students on school days. The other end would be gated off and only open for evening event traffic
7. Secure entry vestibule
    a. Add buzz-in access only at exterior door.
    b. Move reception desk to top corner to see if someone walks up to front door
    c. Transaction window from reception to vestibule and from reception to welcome center
8. Building compartmentalization – add doors at athletics, fine arts, and CTE. Those are to be key card access

*See attached markups revied at the User Group Meeting.

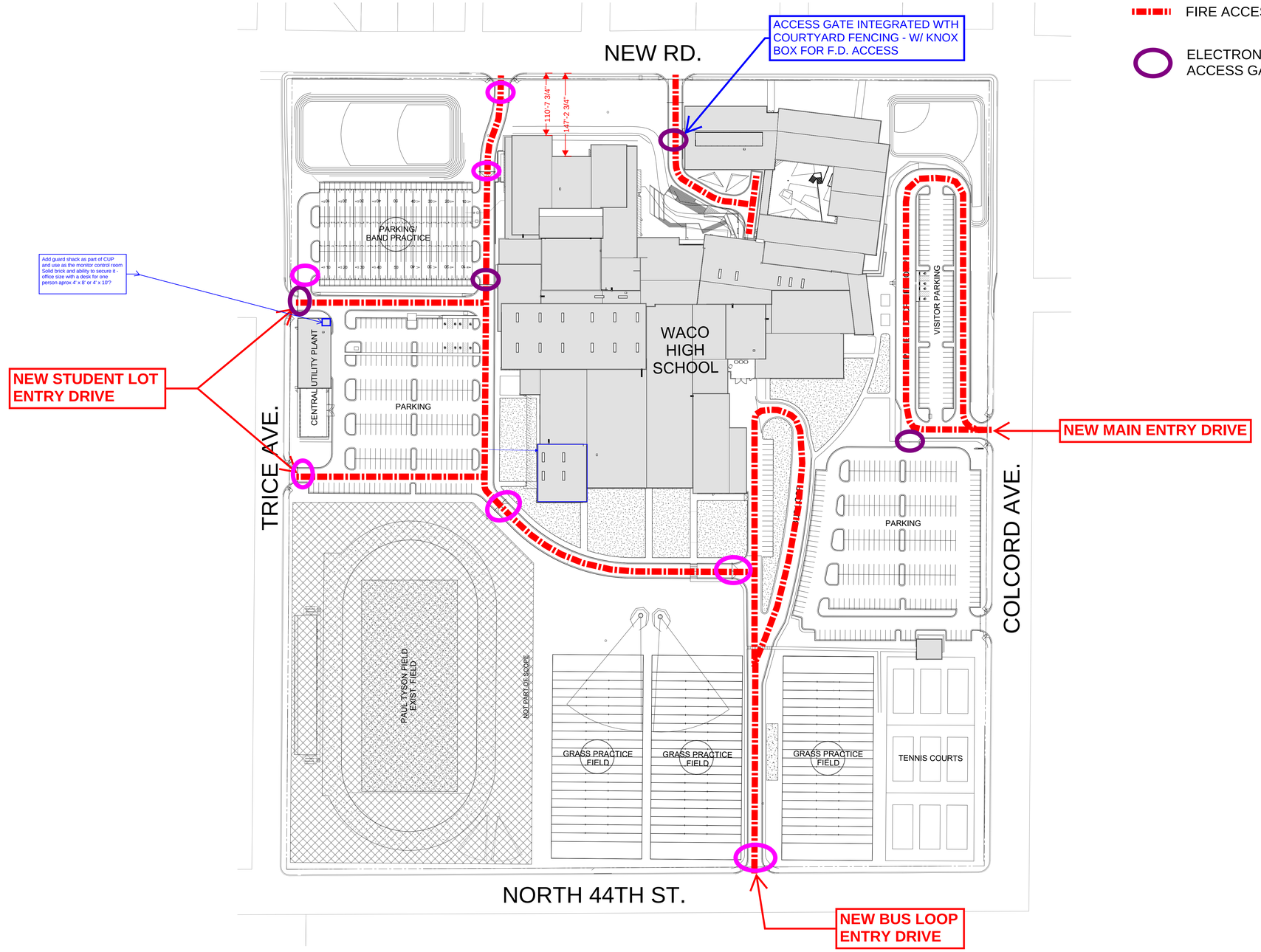
End of Meeting Minutes

DRIVES AND VEHICLE GATES

VEHICULAR ACCESS GATES (PIPE GATE)

FIRE ACCESS DRIVE AROUND BUILDING

ELECTRONIC MOTORIZED VEHICULAR ACCESS GATES WITH BADGE ACCESS

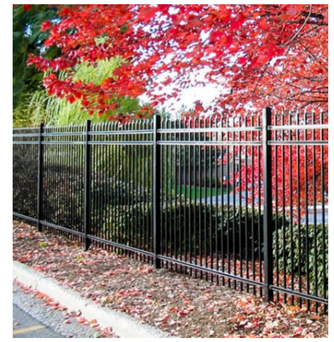


SITE PLAN

SITE FENCING AND GATES

PEDESTRIAN GATE

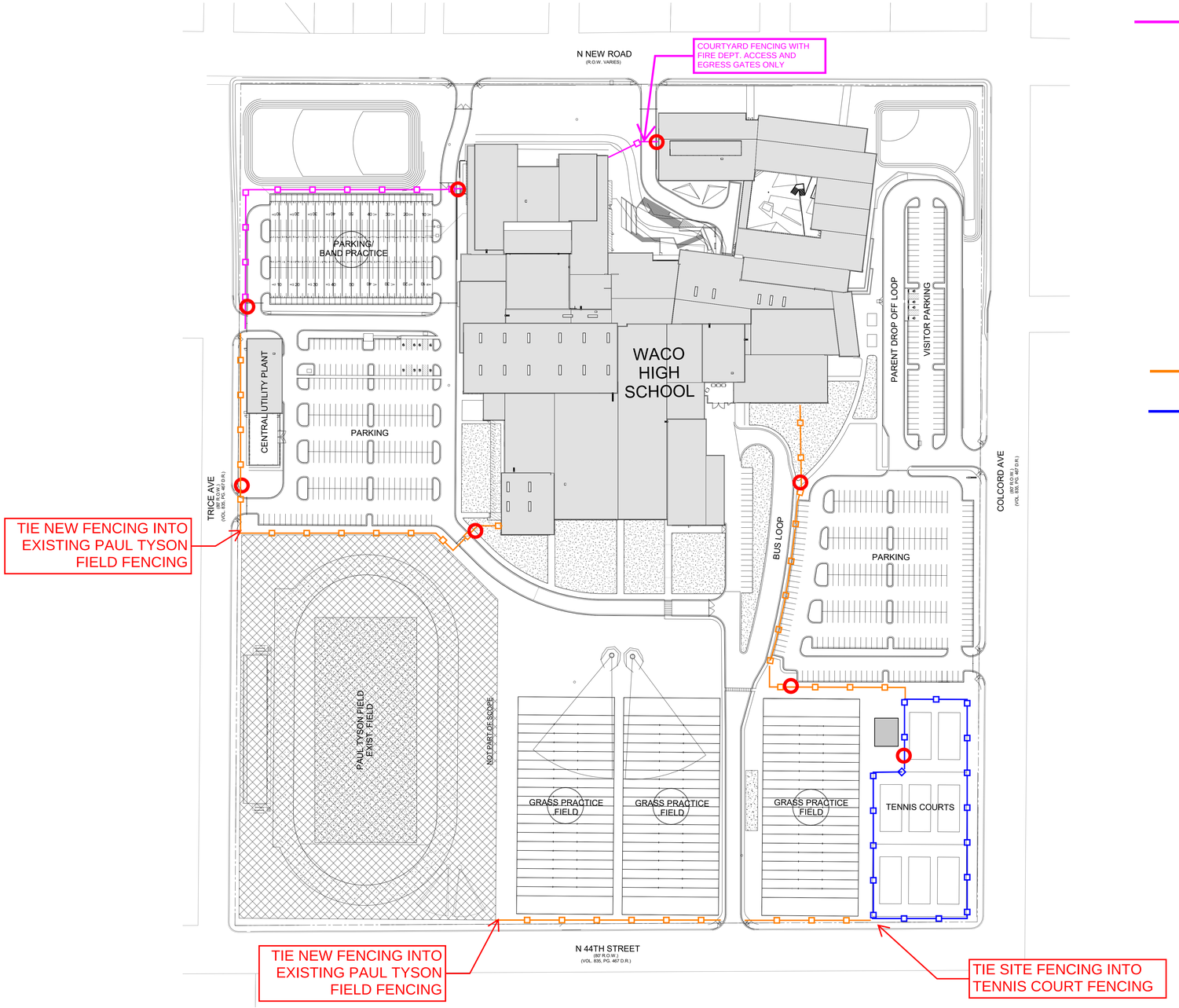
ORNAMENTAL FENCING



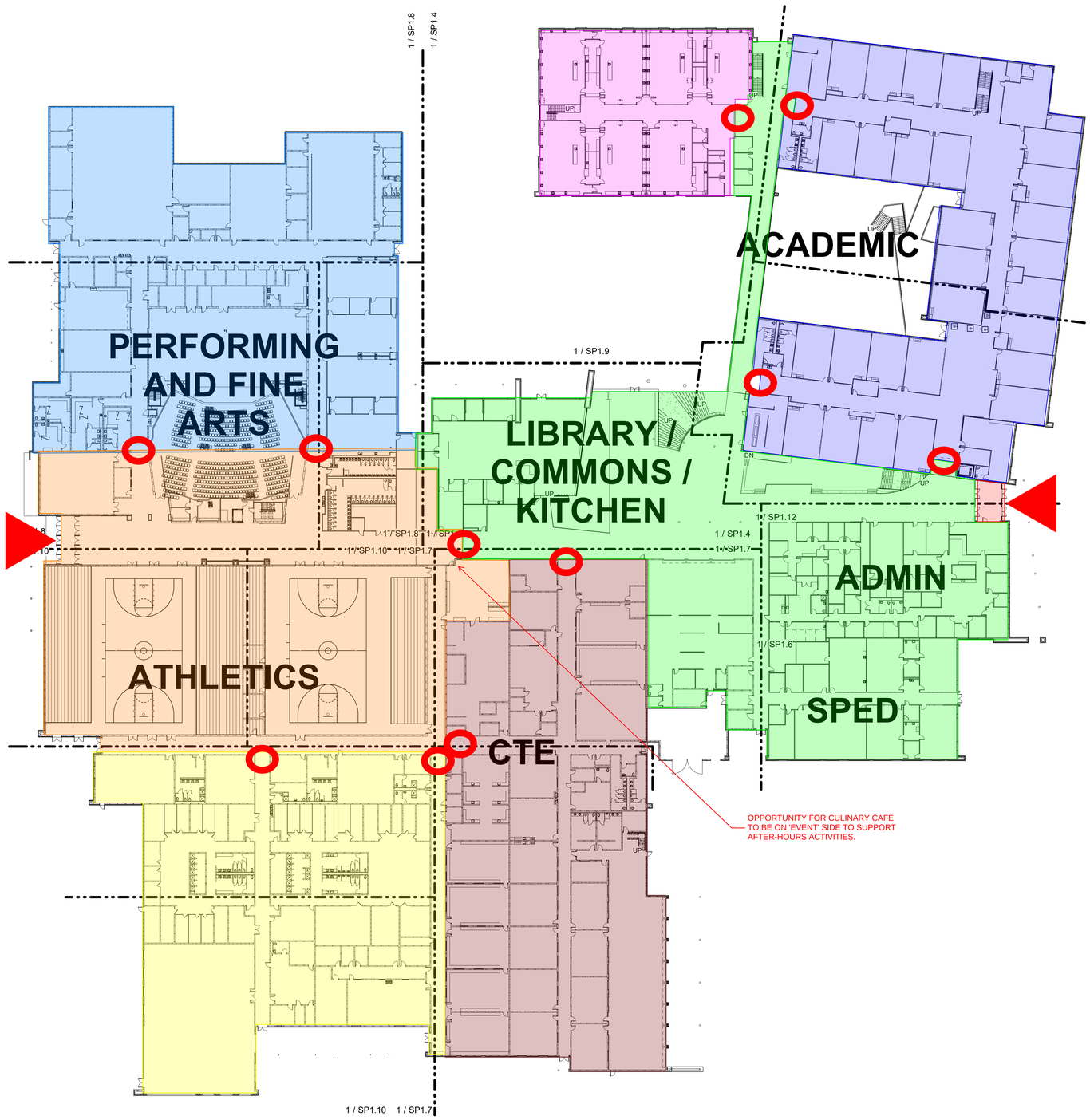
6'-0" BLACK VINYL CHAINLINK FENCING

10'-0" BLACK VINYL CHAINLINK W/ WINDSCREEN AS SHOWN ON TENNIS PLAN ENLARGEMENT

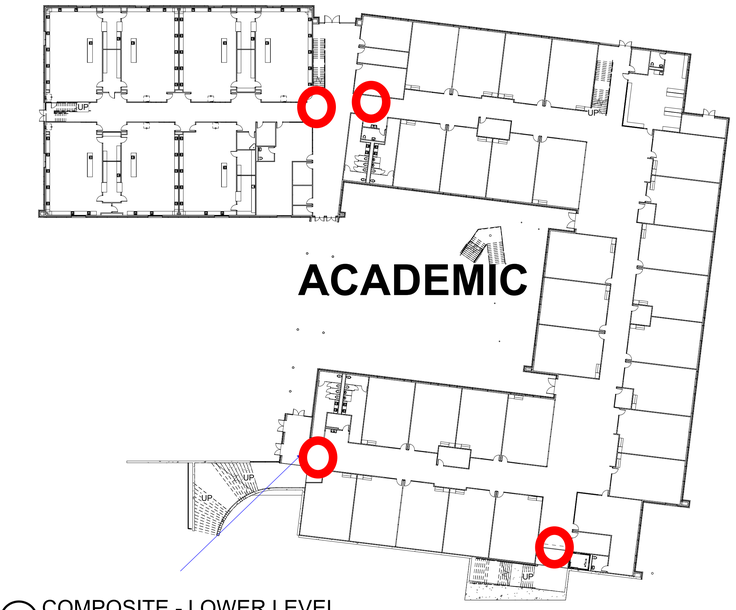




SITE PLAN



1 COMPOSITE - UPPER LEVEL
SCALE: 1/32" = 1'-0"



2 COMPOSITE - LOWER LEVEL
SCALE: 1/32" = 1'-0"

DOORS TO BE ON MAGNETIC HOLD OPENS TO HAVE THE ABILITY TO LOCK DOWN IN THE CASE OF A N EMERGENCY EVENT

PROVIDE CORRIDOR DOORS

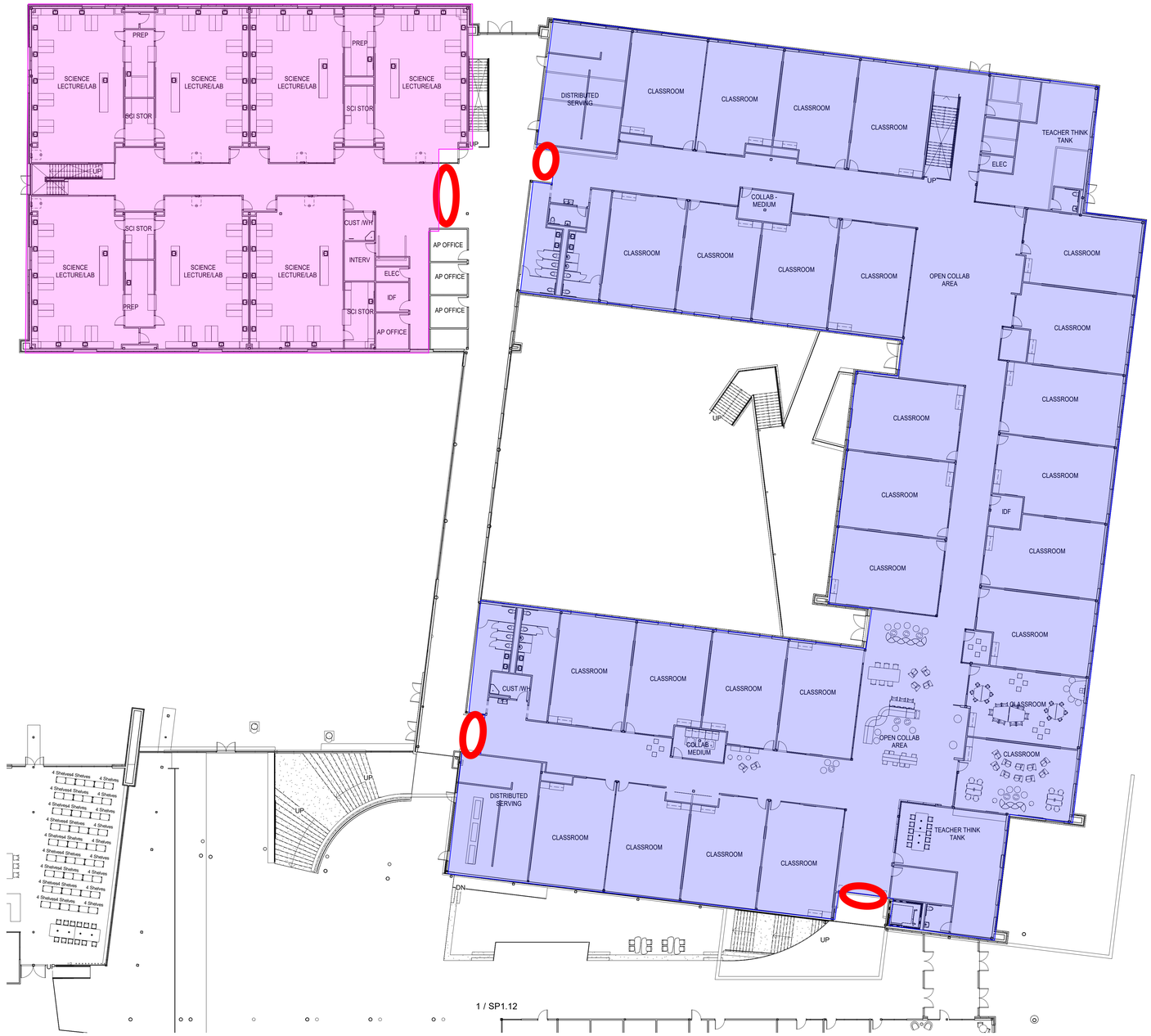
CTE TO BE IT'S OWN SECURE ZONE

CARD ACCESS

BUILDING 'ZONES'

CLASSROOM NEIGHBORHOOD LOCK DOWN

LOCK - DOWN DOOR LOCATIONS



CLASSROOMS - UPPER LEVEL

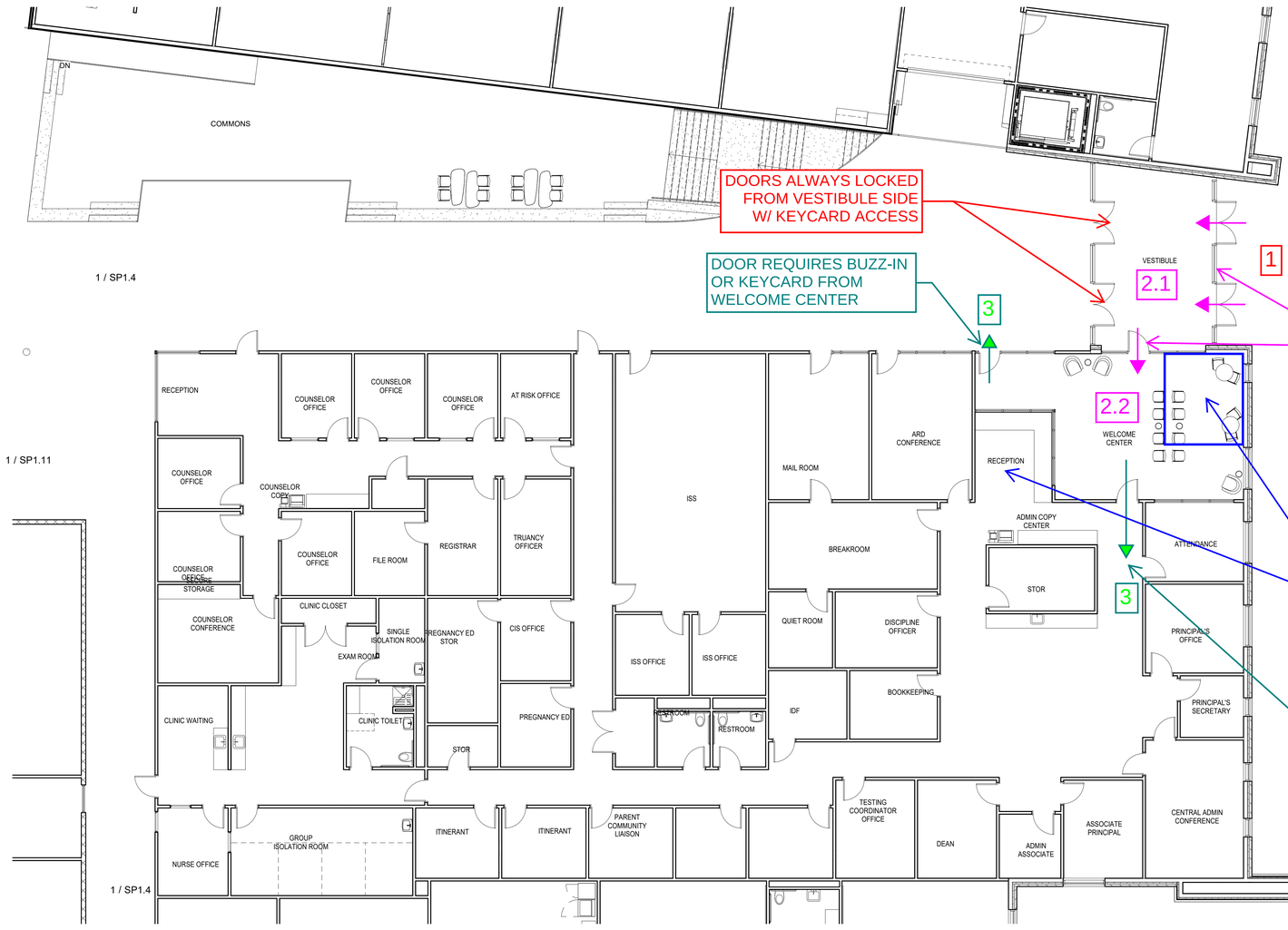
SCALE: 1/16" = 1'-0"

WACO ISD - WACO HIGH SCHOOL
WACO, TX - 11/10/21

O'CONNELLROBERTSON

880

MAIN ENTRY





MAIN ENTRY

1 SECURE ENTRY VESTIBULE

2 WELCOME CENTER

3 SECURED CAMPUS

ADMIN/OFFICE SUITE

SCALE: 1/8" = 1'-0"

SECTION 3: Post Design Development Meeting Minutes



Meeting Minutes

Project Name:	Waco HS & Carver MS	**Project Number:**	2124.00
Meeting Date:	December 16, 2021	**Meeting Time:**	11:00 am
Meeting Location:	Waco ISD Administrative Building		
Attendees:	WISD: Jerry Allen, Alex Villanueva Design Team: Casey Nicholson, Doug Dawson; Erin Van Doren; Andrew Faust; Jon Martin; Judy Boatman		
Meeting Topic:	Targeted WISD Standards for Security / Door Hardware Meeting		

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Hardware discussion to talk through Card reader access & big picture hardware requirements of the district – see attached markup for locations of hardware and security items.

1. Alex V distributed district spec for door hardware to design team.
2. Access control –
    a. Standard: every exterior door has card reader
    b. Functionality on doors with multiple door sets (main & student entries)
        i. Card reader to be located on the Righthand door on both sets of secure entry vestibule doors at Waco High School. (see attached markup)
        ii. Card reader to be located on the Lefthand door on both sets of secure entry vestibule doors at Carver Middle School. (see attached markup)
        iii. Badge access will trigger only 1 door
        iv. For scheduled opening times (i.e. in the morning when students arrive), the locking will be controlled by the janitorial staff by key
        v. Currently the district uses a hex key, but the preference is for keyed "dogging".
        vi. District plans to keep with current security systems
        vii. Non-integrated card reader to be mounted on the wall – not on mullions.
    c. Card access through the vestibule, and into the main reception area. (see markup)
    d. Medication always to be locked in the nurse's station cabinets
    e. IDF, MDF and all exterior doors into mechanical/maintenance spaces to have card readers as well
    f. REX – request to exit
        i. District not monitoring forced doors at this time
    g. BOSCH intrusion panel & access control integration
        i. Jon to send this question to Jerry for follow up outside of this meeting
    h. Security grille - see through product is preferred by the district and to include a keyed lock. No card reader access necessary.
        i. OCR to send spec for motorized gate to Jody

Meeting Minutes

Project Name:	GW Carver MS	**Project Number:**	2150.00
Author:	Erin Van Doren		
Meeting Date:	January 7, 2022	**Meeting Time:**	10:30am
Meeting Location:	Zoom Meeting		
Attendees:	O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson, Erin Van Doren, Aaron Anderson, Nick Patterson CORE Construction: Koby Lawson, Steven Normand, Steven Butler Waco ISD: Alex Villanueva, Kevin Hafer, Michael Tyra, Roger Perez, Keith Dempsey, Ronnie McDuff		
Meeting Topic:	Carver MS Mechanical Options		

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OPENING OF MEETING

- See attached Option Study presented by CORE.
- Initial cost savings is not as much of a concern for the district. Waco ISD would like to understand and consider the lifespan of the selected system.
- Chiller system more economical over lifespan of building.
- Take lead times into account when considering air cooled chiller option.
- Administration areas currently on dedicated package DX systems for Waco HS and Carver MS. This is to remain.
- O'Connell Robertson proposed issuing a chiller pre-purchase package as an addendum to Package 1 to remove lead time issues.
    - Chiller pre-purchase package could be issued in a matter of weeks. GMP1 would include chillers. January 20th would be the latest date to include in Pkg 1 via Addendum.
- Waco ISD: Is there a change in lead times from air cooled vs. water cooled?
    - Believed to be comparable by CORE and Design Team
    - Water cooled was removed as an option early on in design due to cost
- $1.53 million upfront cost to keep air cooled chillers on majority of the building.
- Waco ISD would like to maintain air cooled chillers, with exception of admin area.
- Understood by all that we will progress through Design Development with air cooled chillers and evaluate budget after February's GMP. No initial cost savings will come from a switch to packaged DX system at this time.

End of Meeting Minutes

i. True North to design Access Control cabling to all security doors for future card reader inside the building. It was determined that prewiring for electric is not needed as it can be added later relatively easily.

3. Hardware
    a. Pairs of doors to have Keyed removable mullions apart from security doors on hold opens – those doors not to have center mullions.
    b. Classrooms all to include intruder lock with keys on both sides that all teacher keys will work from the inside.
    c. Card readers at all doors into think tanks.
    d. Think tank restroom to have key access with deadbolt & indicator
    e. Automatic operators will be provided at both main entries, bus entry and SPED entry.
    f. Gate & gate hardware
        i. Gate into courtyard to have card reader
        ii. OCR to coordinate with Jody about egress gates to possibly facilitate a hollow metal gate type that pairs well with hardware
        iii. Jon has a detail about this to be coordinated with the design team
    g. See attached markup for the door hardware in the admin.
    h. Tennis building
        i. Classroom type deadbolt on restroom
        ii. Family restroom to have key to lock/unlock with occupied indicator
        iii. Card reader at janitor/idf rack only.
    i. Technology - Common areas such as colab spaces to have a 65” clear touch with PC module.
4. Future meeting topics:
    a. TV locations
    b. Security cameras
    c. WAP access on site
    d. Temp. data during construction

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	January 12, 2022	**Meeting Time:**	9:00am WHS 10:00am CMS

Meeting Location: Waco ISD Admin – Main Boardroom

Attendees: Waco ISD: Susan Kincannon, Robert Muller. Kyle DeBeer, Jerry Allen, Josie Gutierrez, Alex Villanueva, Sheryl Davis, Ed Love*, Lisa Saxenian*,
Rogers O'Brien*: Charlie Hamilton, Braylon Byford, Christine Sheng, Terri Michalak
CORE Construction**: Steven Butler
O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson

** Waco High School meeting only*
*** Carver Middle School meeting only*

Meeting Topic: Waco High School Design Committee Meeting 12
Carver Middle School Design Committee Meeting 8

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1. Waco High School Design Update
    a. Salvage tour – coordinate with and include Lisa
    b. Landscape plan - no exceptions taken to the site plan shown; additional feedback:
        i. Trees/grass need to include irrigation
        ii. Parking lot islands to be grass
        iii. Practice fields to be sod; sprigging is not acceptable as an option
    c. Computer labs – floor boxes with metal covers are preferred for the stations located in the middle of the room
    d. No vape detectors needed
    e. Think Tanks – no additional review needed for those in CTE or PFA areas
    f. In School Suspension
        i. Combine the offices into a conference room – should have a door and windows into the ISS classroom and a 2nd door into the admin suite corridor
        ii. Classroom needs to include a teaching wall (markerboard, projector, etc)
        iii. Room perimeter to have power at the perimeter similar to the computer labs
        iv. No fixed casework or countertops – furniture solutions for seating/working
        v. Pocket the admin suite corridor door far enough back from Lions Way to create space for the ISS door to enter from this side hall, not off of Lions Way
        vi. Door hardware to match general classrooms
    g. Old Band Hall likely does not need temporary infrastructure to support CTE during the 2nd phase of new building construction (which includes athletics + CTE spaces)
        i. Casey to send Lisa quantity/list of instructional spaces that would be available after the first phase of the new building is completed so she can confirm that the current CTE offerings occurring in the existing main building

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(not in the ancillary CTE building) will have adequate temporary space for classes in the new building while they are waiting on their dedicated CTE rooms to be built

h. Page turner for architectural drawings – Dr. Kincannon to confirm with Gloria
i. Schedule – Building permit timeline is concerning – O'Connell Robertson and Rogers O'Brien are clarifying with the city to understand what can be completed via the site permit while awaiting the completion of the building permit
    i. May need to consider issuing an early building permit package in advance of the construction GMP set
    ii. A meeting may need to be scheduled with Bradley (City of Waco), Dr. Kincannon, Gloria Barrera, and O'Connell Robertson to discuss permit review timelines and/or Bureau Veritas (3rd party reviewer) to ensure a timely delivery of the permit
j. Construction Phasing – updated version from Rogers O'Brien renamed phases as 1 through 6 (removed all the lettered versions); no concerns or exceptions taken
k. Construction Fair –
    i. Social media and news communications are indicating interest from many sub-contractors and manufacturers
    ii. Targeted e-mails and letters were sent out in December/January to local sub-contractors
    iii. So far 80 have registered
    iv. Rogers O'Brien will be evaluating a virtual option to allow for live streaming or post-viewing of the event.

2. Carver Middle School Design Update
    a. Schedule – Building per timeline is concerning
        i. Already planning for early release of site permitting package and additional considerations may need to be given for the building permit package
        ii. A meeting may need to be scheduled with Bradley (City of Waco), Dr. Kincannon, Gloria Barrera, and O'Connell Robertson to discuss permit review timelines and/or Bureau Veritas (3rd party reviewer) to ensure a timely delivery of the permit
    b. HVAC systems – O'Connell Robertson engineers and CORE Construction met with Alex + team last week to review feasibility of options; decision was to keep air-cooled in for now, but may need to review with Gloria after cost estimates ae received
    c. Computer labs – floor boxes with metal covers are preferred for the stations located in the middle of the room
    d. In School Suspension
        i. Needs to include a teaching wall (markerboard, projector, etc)
        ii. Room perimeter to have power at the perimeter similar to the computer labs
        iii. No fixed casework or countertops – furniture solutions for seating/working
        iv. Door hardware to match general classrooms
    e. Landscape plan - no exceptions taken to the site plan show today

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3. Upcoming Meeting Schedule
    a. Construction Fair (WHS + CMS): January 19th, 4-6pm
    b. Design Committee Meetings
        i. February 17, 9-10am Waco HS, 10-11:30am Carver MS
        ii. March 24, 9-10am Waco HS, 10-11am Carver MS
        iii. April 28th, 9-10am Waco HS, 10-11am Carver MS
    c. Board Meetings
        i. January 27
            - Waco HS design/process update
            - Waco HS approval of interior + exterior colors/materials
        ii. February 17
            - Carver MS design/process update
            - Carver MS approval of interior + exterior colors/materials
            - Carver MS approval of GMP 1 (roof + demolition)
        iii. April 28
            - Waco HS approval of GMP 1 (roof + steel)
            - Carver MS approval of GMP 2 (civil)
        ii. June 16
            - Carver MS approval of GMP 3 (building)
        iv. July 28
            - Waco HS approval of GMP 2 (site + building)

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School / Carver Middle School	**Project Number:**	2124.00 / 2150.00
Meeting Date:	February 2, 2022	**Meeting Time:**	1:00 PM – 3:00 PM
Meeting Location:	Virtual Zoom Meeting		
Attendees:	ACOUST: Richard Boner, Bill Hammon; ARCH: Andrew Faust, Casey Nicholson, Doug Dawson, Gilbert Salinas, Jarrod Sterzinger, Kurt Schwerdtfeger, Li Tong, Patricio Villa, Pooja Shetty, Sameer Kanafani; CIVIL: Antonio Grenier, Brent Tuley, Chandni Patel, Shelly Mitchell, Trevor Riek; CMR: Braylon Byford, Charlie Hamilton, Christine Sheng, Justin Stewart, Mitch Kennedy, Natalie Sandoval; ELEC: Daniel Cruz, Ed Sapir, Kim Pham, Logan Grieve, Louis Milia; FOOD: Joanne Counihan, Melissa Counihan, Terise Urias; INT: Jayna Duke, Patricia Runge, Shannon McKinley; LAND: Brad Sims, Brent Baker; MECH: Aaron Anderson, Andrew Greene, Grace Ito; PLUMB: Alex Longshaw, Daniel Johnson, David Meyer Erick Rangel; STRUCT: Chris Carsten, Dante Angelini, Ryan Stoltz; TECH: Jon Martin, Mike Berglund, Ricki Fisher; THEATER: Alex Robertson Waco ISD: Alexander Villanueva, Mike Tyra, Gloria Barrera, x (one other person in room – didn't catch name)		
Meeting Topic:	WHS & Carver MS MEP DD Flip-through		

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1. Waco HS Site
    a. District: why is central plant located so far from building?
        i. Phasing strategy requires plant location plan west – access, routing utilities
        ii. Noise issues
        iii. District concern is expense – cost $ to pipe long distance
    b. Patrick Woods (Waco ISD transportation dept.) to look over site plan to review layout and flow

2. PLUMB/FP

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a. Fully sprinklered building – routing shown right now, still need to coordinate above ceiling
    i. Specialty sprinkler heads to be coordinated with interiors and contractor
    ii. Fire pump located in CUP
b. District asked what type of pipe system
    i. They have used phenolic piping before; possible district will want for cost savings – is this allowed by code?
c. District wants information on dry pipe vs. wet pipe
    i. Typically use wet pipe indoors, require to be heated
    ii. Concern with wet system & winter storms – losing power & heating
        1. Space heaters & generator as an option – would be a lot for such a big building
        2. No generator on this project due to budget, but docking station to serve food service & could add spaces to connect to roll-up generator
        3. See if we could keep a docking station and generator to be funded by someone else on districts end
    iii. Want capability of backup power for heat in case power is lost for a week
d. Cold water supply into building
e. Tank type water heaters
    i. 2 serve kitchen
    ii. Remote to serve showers
    iii. Recirculating loops
f. Sanitary sewer water - PVC underground, cast iron above ground
g. Acid waste system for science
h. Gas to serve boilers, kitchens, and science labs with shutoff
i. Grease waste system in kitchen
j. Storm drain – PVC underground, cast iron above ground (use PVC where possible for cost savings)
k. District asks about access panels for valves
    i. Specs say to locate valve no more than 18” above ceiling
    ii. Access panels for valves in walls coordinated w arch
    iii. Isolate RR – better for maintenance
l. Hot water for all sinks in RR
m. Concern for classroom location of __?
n. District concern for boy’s showers – issues previously with cuts and infections
    i. Slope showers to drains & put additional drains outside showers– no ponding of water
    ii. Individual stall showers here (Area J)
o. How will washers be drained?
    i. Lint trap drain with adjacent floor sink (Area H)

3. ELEC
    a. KP working with Oncor
    b. Site
        i. Demo existing lines at fields

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   ii. 3 pad mounts
      1. 2000A transformer for north half of building for phase 1
      2. 5000A service transformer at CUP (20'x20' clear)
      3. 2000A service near electrical room
   iii. Pole mount for tennis area
   iv. Full cutoff site lighting to comply with dark sky requirements
c. CUP
   i. Switchboard
   ii. Circuit breakers for large equipment – can be changed to switch/fuse if needed
   iii. Capacitor size not confirmed yet for correction factor; awaiting utility power factor
   iv. Guard booth could be expanded for emergency communications
      1. District requested guard booth to monitor entrance/exit to parking lot
d. Science lab will have shutoff for elec.
   i. Panels local to labs for easy access to shutoff
e. District asked what we are using for conductors
   i. Aluminum for 110A and larger
   ii. Can revise to copper only, but aluminum for budget purposes
f. Interior Lighting
   i. Dimming capability for all classroom lights
   ii. Switch at teachers' stations
      1. 50% auto-on occupancy sensing for code
      2. Presentation lights at front of classrooms switched separately from rest of classroom lights
   iii. Daylight sensors for spaces with continuous windows
g. Exterior Lighting
   i. Photo cell control – district asks if there could be one per parking lot?
      1. Photo cell per fixture is by energy code
      2. HOA controls
   ii. Tie into BAS
   iii. Motion sensors for each light fixture – if nobody is around, then light dims to 50% or less
h. Fire Alarm
   i. Standard layouts
i. District would like automatic way to turn on/off breaker to avoid non-functional switch affecting service
   i. Remotely turn on or off
j. District wondering if there is a lighting fixture standard
   i. Basis of design manufacturer with two alternatives for competitive pricing
   ii. Concern for maintenance if it is a new fixture, can move to Signify for basis of design which district is comfortable with
k. District would like set of hard copy documents to review
l. SPED rooms to have tunable lighting to change color temperature
m. District asks if there's plan for feeder circuit for food trucks
   i. Pull-off in courtyard for food trucks, need power and domestic water tap

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ii. Spaces near kitchen as well

n. District asks if there is a dedicated circuit for digital marquee
   i. ELEC waiting for cutsheet

o. District says circuits are required for time clocks, near admin
   i. District will follow up with email?

4. MECH
   a. CUP
      i. Water-cooled chillers with crossflow cooling towers in yard
         1. 600T main chillers and 400T trim chiller (by district request)
         2. CTSS basin scrubber system – district says they don't need it → **remove**
         3. Structural supports pre-installed for future CT-5 and OSHA platforms
      ii. Spot for emergency/future chiller, boiler, pumps
      iii. All equipment designed for n+1 redundancy
      iv. Condensing boilers with master boiler controller (BAS control on/off and T setpoint)
      v. District asks if we are doing packaged plant → NO, wouldn't show savings
      vi. Isolation valves on every branch for all equipment
      vii. Pipes routed direct-buried with possibility to be tapped into – no concerns for pipe material lead times
         1. Copper and steel
         2. No press fittings by district request
      viii. Existing CUP will serve gyms when rest is demolished, bypass valves
      ix. District asked about technology concerns in phasing
         1. Tech consultant isn't on call (True North)
         2. District wants to set up meeting with TECH
      x. District asks why sewer lines are re-routed
         1. See CIVIL sheet to show re-routing
         2. Extraco convention center nearby – want sewer separate from this for load
   b. Roof Plan
      i. Multiple access points – almost every roof has access
      ii. Ships ladder for filter changeout
      iii. All units on roof
         1. District is surprised units are on roof? –never planned to have units inside
         2. ERUs for science – enthalpy core, no double decker access, terminal units on supply and exhaust
         3. FHEF stack fans on science roof
         4. AHUs – standard 4-pipe, preheat, cooling, fans, piping cabinet, VFDs in each AHU, we specify 1 VFD/ fan currently (from owner request document)
            a. District concern for walking pads

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iv. District asks what air quality standards we are basing design on
    1. District standard is MERV 9, we call for MERV 11, but 9 can be used
v. DX
    1. Admin area
    2. 2 stage compressor with gas heat
vi. Exhaust Systems
    1. Specify EC motor where possible
    2. Belt driven fans when direct drive won't work
vii. District asks if each class will have control? YES, VAV per class

c. BAS
    i. Spec: District wants to add pre-programming meeting (to go through every point of the BAS & district language) to the specification (needs to be a standard), to be done during or right after installation
    ii. District typically does combo of manufacturer and programmer for sequence operation
        1. AA to set up a controls meeting with district to walk through both projects
d. District: Is there a commissioning agent on board yet?

5. CARVER MS
    a. Arch
        i. Full replacement facility, not phased
        ii. Single-story PFA, athletics, commons
        iii. Two-story classroom wing
        iv. Tilt wall building – best for tight construction schedule
    b. Mechanical
        i. Similar to Waco HS but smaller scale
        ii. Air-cooled chillers instead of water-cooled chillers
    c. Electrical
        i. Will have a lot of demolition on site
        ii. Work with civil for existing poles
        iii. 1 pad mount plan north of CUP
        iv. 3000A service, leaning towards 4000A
    d. Plumbing
        i. No fire pump at Carver, better water pressure
    e. District Questions:
        i. Why is fire lane around entire school?
            1. Based on site constraints – firetruck turnaround required if there isn't a loop, doesn't make sense spatially
            2. Fire lane doubles as bus loop to separate from parent drop-off & pipe gates to allow for students to walk over to track
        ii. Why is there an open space plan east?
            1. Possibility for **future expansion**

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Agenda & Meeting Minutes

Project Name:	Waco ISD Bond Program	**Project Number:**	2124.00 WHS 2150.00 CMS
Meeting Date:	February 18, 2022	**Meeting Time:**	11:00 am
Meeting Location:	Virtual		
Topic:	Waco ISD Projects – Weekly O/A Meeting		

1. **General**
    a. Monthly Projects Report
    b. List of All Project Meetings to Gloria (Casey) – *sent by email*
        i. **Clarity of meetings week of Feb. 21st**
    c. IT OFOI / CFCI SD Matrix to Gloria – *sent by email*
    d. Geotech / Survey contacts – *sent by email*
    e. Construction Contracts
        i. Review General Conditions requirements / calculations of CMR contracts
    f. Develop review process / page-turner for WHS/CMS:
        i. Schedule
            1. Waco HS – Propose 50% CD as first
            2. Carver MS – Propose time week of 2/28
        ii. Bluebeam
        iii. sign-off sheet
        iv. meeting agenda

2. **Carver Middle School**
    a. Permitting Timeline Overview
        i. Site Permit
        ii. Building Permit
            1. **Per City of Waco Response 2/18 – foundation permit may be submitted for on Carver.**

    b. GMP Timeline Overview
        i. **Need updated GMP review/scoping schedule from CORE**
        ii. **Status GMP 1 Approval and NTP**

    c. B.O.T. Presentation
        i. **O'Connell Robertson developing B.O.T. presentation – deliver to WISD 2/22.**

    d. VE
        i. **Discuss V.E. and scope reductions with design committee on 2/24**
        ii. **O'Connell Robertson to share draft of presentation VE list to Gloria on 2/23**

4. **Waco High School**
    a. Permitting Timeline Overview
        i. Site Permit
        ii. Building Permit
            1. **RO is confirming that the estimated 8/31 building permit date is acceptable.**

    b. GMP Timeline Overview
        i. Questions:
            1. **Need updated GMP review/scoping schedule from RO**

    c. RO to develop a GMP Mock-up – **due week of Feb. 28th**

    d. Transportation Meeting – TBD
    e. Develop Waco HS phasing update for communication to the community
        i. O'Connell Robertson to provide draft mid-April

    f. Confirm summer schedules with Lisa S, principal B.O.T. Presentation – TBD

    g. Contractor Constructability review – coordinate design team and Gloria access
    – Bluebeam session has been shared and RO is actively providing comments

    h. VE
        i. Discuss V.E. and scope reductions with design committee on 2/24
        ii. O'Connell Robertson to share draft of presentation VE list to Gloria on 2/23

    i. Process for student engagement in design.

5. **Tennyson / Kendrick / South Waco**
    a. Prime Contract – **Gloria and Jarrod to meet**
    b. CMR / CSP, Survey, Geotech – **Waco ISD working through procurement.**
    c. Review preliminary phasing options with design committee – **Confirm presentation on agenda for 2/24 meeting.**

6. **Paul Tyson**
    a. Letter of concurrence for CO 17 / 18 / 19 / 20, review with Jarrod
    b. Punch completed 2/15.
    c. Ribbon-cutting planned March 4th.

7. **Library Furniture Project**
    a. Project efforts continuing
    b. Next Steps?

8. **CNS / MEP Projects**
    a. O'Connell Robertson to send list of Meetings to Gloria

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	February 18, 2022	**Meeting Time:**	1:00pm WHS 2:00pm CMS
Meeting Location:	Waco ISD Admin – Virtual		
Attendees:	Waco ISD: Gloria Barrera, Alex Villanueva, Jerry Allen, Luther Ward, Dekhar Trosper, O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson True North Consulting Group: Jon Martin, Mike Berglund, Steve Bridges, Rene Torres, Bill Haas		
Meeting Topic:	Waco High School and Carver MS Technology Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

UPN Conversation

1. Currently, the existing UPN fiber comes into the PAC from Trice, crossing under the proposed phase 1 parking lot.
2.

HS Technology Notes

1. Direction is TENTATIVELY a projector onto a whiteboard at the HS typical classrooms and science labs. Waco ISD will mock-up the projector onto a whiteboard scenario to verify if preferred.
2. Confirmed classroom projectors are F.F.E.
3. Mounts, HDMI, VGA, and Sound, in CM@R scope
4. TNCG drawings to include a mock-up classroom and science lab for technology.
5. A/V connection on the wall with a stainless-steel plate.
6. Match elec. for data cover plate color/type
7. Adding 2 data drops in science each prep room
8. CAT6 for data, and ceiling CAT6A for POE devices – should be potential cost savings
9. Wireless access points on site were reduced to student parking lot only, and key areas on exterior of building.
10. Classroom Technology
    a. Number of data drops needed in each typical classroom was confirmed @ 6.
    b. 2 data drops in ceiling near projector confirmed. (1 for A/V, 1 for projector)
    c.
11. Reception
    a. Raptor
    b. Computer
    c. Phone
    d. 4 data outlets on each side
12. Welcome Center

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Meeting Minutes

Project Name:	G.W. Carver Middle School	**Project Number:**	2150.00
Meeting Date:	March 17, 2022	**Meeting Time:**	2pm
Meeting Location:	Teams Meeting		
Attendees:	O'Connell Robertson: Erin Van Doren Waco ISD: Gloria Barrera, Alice Jauregui CORE Construction: Steven Butler		
Meeting Topic:	Carver MS Construction Sign		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

OPENING OF MEETING

Main purpose of this meeting is to coordinate the branding of Waco ISD's 2021 Bond Program with the Executive Director for Communications to create a consistent appearance across bond program graphics.

Tentative information to include on Construction Sign:

- Completion date
- Waco ISD logo
- District vision: "The vision of Waco ISD is to grow students and staff to create a better future for all."
- Board of Trustees
    - Current board members, changing in May
        - Waco HS- including "XX" until finalized
- Facilities director
- Finance director

Alice will confirm names and titles with Dr. Kincannon for the sign and share with Erin.
Alice will confirm any brand changes happening at Carver MS.
Steve will share CORE logo with Erin for the high-resolution file.
Erin will share high resolution file with Steve for printing and installing.
Package 2 Addendum 1 will include the elevation and tentative location for sign, to be confirmed with Gloria. It was mentioned that the sign would make a nice backdrop for the ground breaking. Could look to relocate the sign after the ground breaking.

End of Meeting Minutes

Meeting Minutes

Project Name:	Carver Middle School	**Project Number:**	2150.00
Meeting Date:	March 24, 2022	**Meeting Time:**	10:00am
Meeting Location:	Waco ISD Admin – Main Boardroom		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Gloria Barrera, Jerry Allen, Ed Love, David Hamilton, Josie Gutierrez, Alex Villanueva, Larry Carpenter, Matt Rambo, Isaac Carrier O'Connell Robertson: Jarrod Sterzinger, Doug Dawson, Casey Nicholson		
Meeting Topic:	Design Committee Meeting 9		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Design Update
    a. Design team has been focused on detailed consultant + contractor coordination with a focus on technical production of drawings, including:
        i. Page turner + scope review with WISD
        ii. Documentation of VE Selections + Alternates
        iii. Historical Marker Coordination
    b. Exterior colors are still being worked out – will follow-up with this team in April
    c. Salvaged bricks have been cleaned and are ready
    d. GMP + Permit Progress
        i. Waiting on 1st Round of Site Permit Comments
        ii. GMP 1 was approved in February
        iii. GMP 2 is out for bidding; Target 4/28 Board
        iv. GMP 3 (final) due in April; Target 6/16 Board

2. Student Engagement
    a. Planning a presentation/activity with students in April/May
    b. To be developed over the summer for Fall activities:
        i. Definitely monthly or regular job site visits
        ii. Maybe A4LE School of the Future (potentially part of AVID?)

3. Upcoming Meeting Schedule
    a. Groundbreaking – May 6th
    b. Design Committee Meetings
        i. April 28th, 10am – final meeting of this group
    c. Board Meetings
        i. April 28th - Board approval of GMP 2 (civil + landscape)
        ii. June 16th - Board approval of GMP 3 (building)

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	April 12, 2022	**Meeting Time:**	2:00pm
Meeting Location:	Waco ISD Facilities Dept.		
Attendees:	Waco ISD: Gloria Barrera, Jerry Allen, Alex Villanueva, Kirk Keltner, Chief Williams, O'Connell Robertson: Doug Dawson		
Meeting Topic:	Security Review Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

General

1. **O'Connell Robertson will schedule a door hardware review meeting with Jody, Jon, etc. for Waco HS and Carver MS.**
2. Milestone XProtect Corporate
3. All card read doors have motion detectors
    a. Motion detectors face away from doors.
4. Doorbell at kitchen at both campuses (flashing light for visual indication).
5.

Waco HS

1. 360s at the parking lot in lieu of two 180s
2. Remove band practice field camera locations, keep the conduit.
3. Additional / modified cameras as indicated on markups.
4.

Carver MS

1. Add streetside cameras as noted on markups
2. Additional interior cameras as marked up on plans
3. Choir hall and theater classroom exterior egress door to be marked "emergency exit only" and be locally alarmed.
4. Add timeclock and alarm keypad at receiving – separate zone from remainder of building
5. Need intercom/door release at main entry (2n preferred).
6. Verify that double doors into the stairs from the corridor are 180 degrees

End of Meeting Minutes

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Meeting Minutes

Project Name:	Carver Middle School	**Project Number:**	2150.00
Meeting Date:	April 28, 2022	**Meeting Time:**	10:00am
Meeting Location:	Waco ISD Admin – Main Boardroom		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Gloria Barrera, Matt Rambo, Jerry Allen, David Hamilton, Josie Gutierrez, Alex Villanueva, Larry Carpenter O'Connell Robertson: Doug Dawson, Casey Nicholson		
Meeting Topic:	Design Committee Meeting 10		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Design Update
    a. Design team has continued to focus on detailed consultant + contractor coordination and technical production of drawings – Gloria has been assisting in tracking down answers to design questions and a few are address in item 2 below
    b. Since we last met, we've had multiple owner meetings to clarify scope + details:
        i. Technology Review
        ii. Landscaping Scope Review
        iii. Security Systems Review

2. Design Questions / Decisions
    a. Gloria to get/provide commissioning specifications for the May 5th addendum
    b. The recently proposed outdoor learning at the plan east end of the classroom wing will be a project alternate. If it is not able to be included in this project's GMP, will be helpful to have the design drawings if/when funding becomes available
    c. Lockers to be slope-topped
    d. Science labs – 4 outlets per student and staff stations
    e. Hand drying in restrooms will have two strategies:
        i. Paper towel dispensers in group restrooms in academic wing and in all individual restrooms throughout the campus
        ii. Electric hand dryers in all group restrooms in CTE, PFA, and Athletics wings
    f. List of Alternates were reviewed – when bids are received this summer and we understand available funding and approximate cost of each, Dr. Kincannon and Gloria will review and decide which to include in the GMP.
        i. Initial preferences, not in priority order and without having pricing information, which will influence selections:
            1. Field Storage and track restrooms
            2. Sod field (in lieu of hydro-mulch)
            3. All field events construction and equipment
            4. Thin brick on building exterior (in lieu of form liner boards)

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3. Upcoming Meeting Schedule
    a. Groundbreaking – May 6th
    b. Board Meeting – June 16th - Board approval of GMP 3 (building) – new Board members will be joining in May, so need to make sure this presentation briefly recaps the project history to get them up to speed.

End of Meeting Minutes

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SECTION 4: Presentations



O'CONNELL ROBERTSON



Waco Independent School District

Middle School Design
Schematic Design

10.28.2021



Design Visioning
Programming



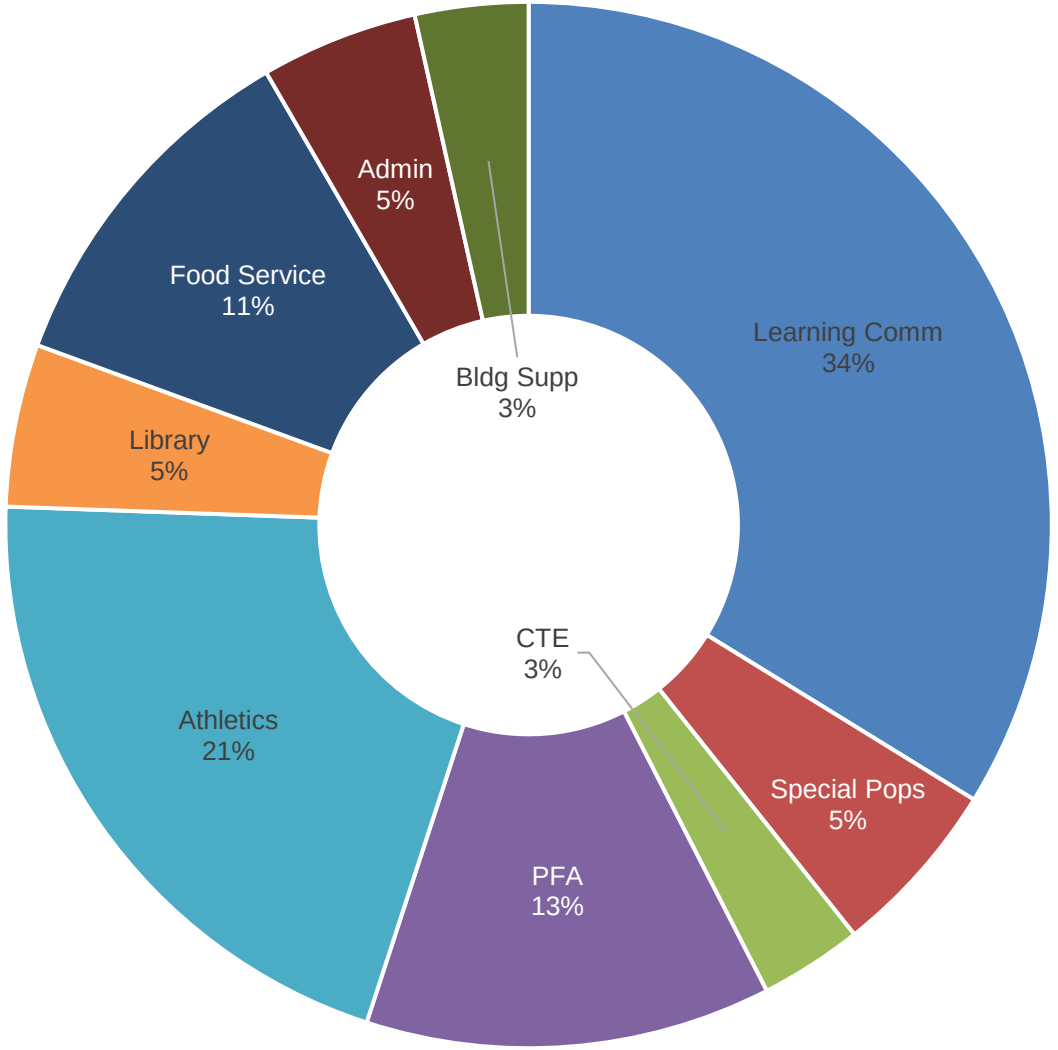
Administration + Staff Input



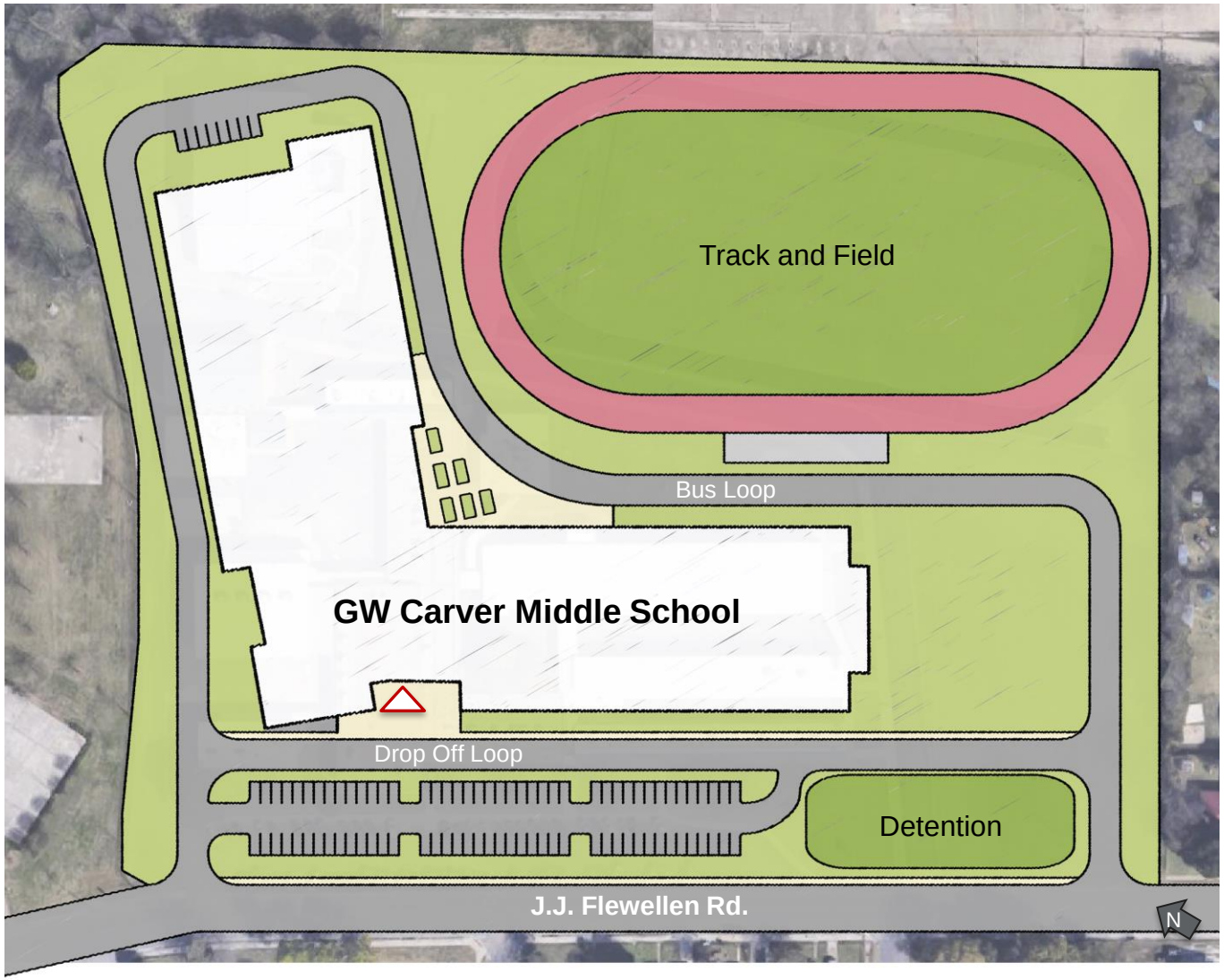
School Tours
Day in the Life

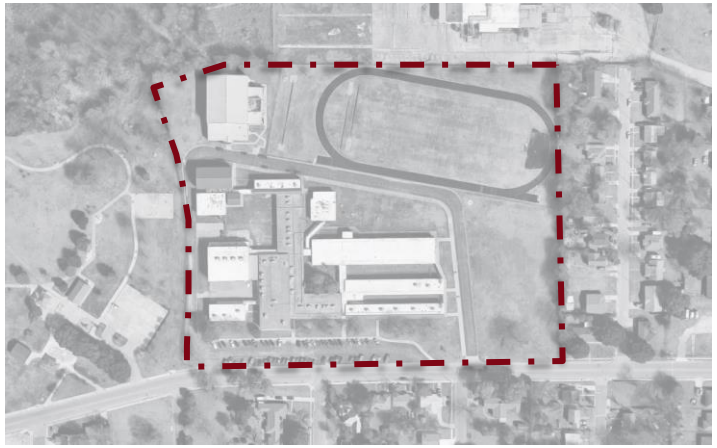
Design Process

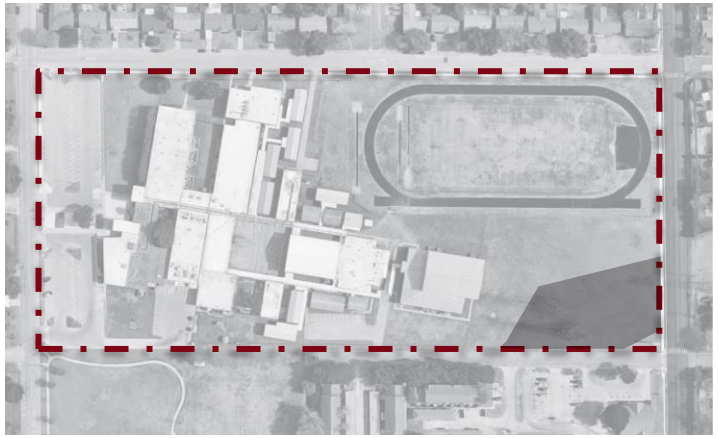
	SF
LEARNING COMMUNITIES	45,870
SPECIAL POPULATIONS	7,480
CTE SPACES	4,310
PERFORMING+FINE ARTS	17,010
PHYSICAL EDUCATION	27,900
LIBRARY	6,820
COMMONS+FOOD SERVICE	15,000
ADMINISTRATION	6,600
BUILDING SUPPORT	4,750
CIRC/WALLS/RESTROOMS	47,509
TOTAL	**183,249**



Program Summary


Track and Field
Bus Loop
GW Carver Middle School
Drop Off Loop
Detention
J.J. Flewellen Rd.
N





Site Plan



Floor Plan Update

907







Exterior Design

Next Steps

- Schematic Design Approval
- Progress in Design Development
- CMR Selection, Engagement, and Input
- Future GMP Approvals
  - Demolition
  - Structural Steel + Other Long Lead Items
  - Site + Civil Construction
  - Balance of Project



O'CONNELL ROBERTSON

WACO INDEPENDENT SCHOOL DISTRICT

Waco Independent School District

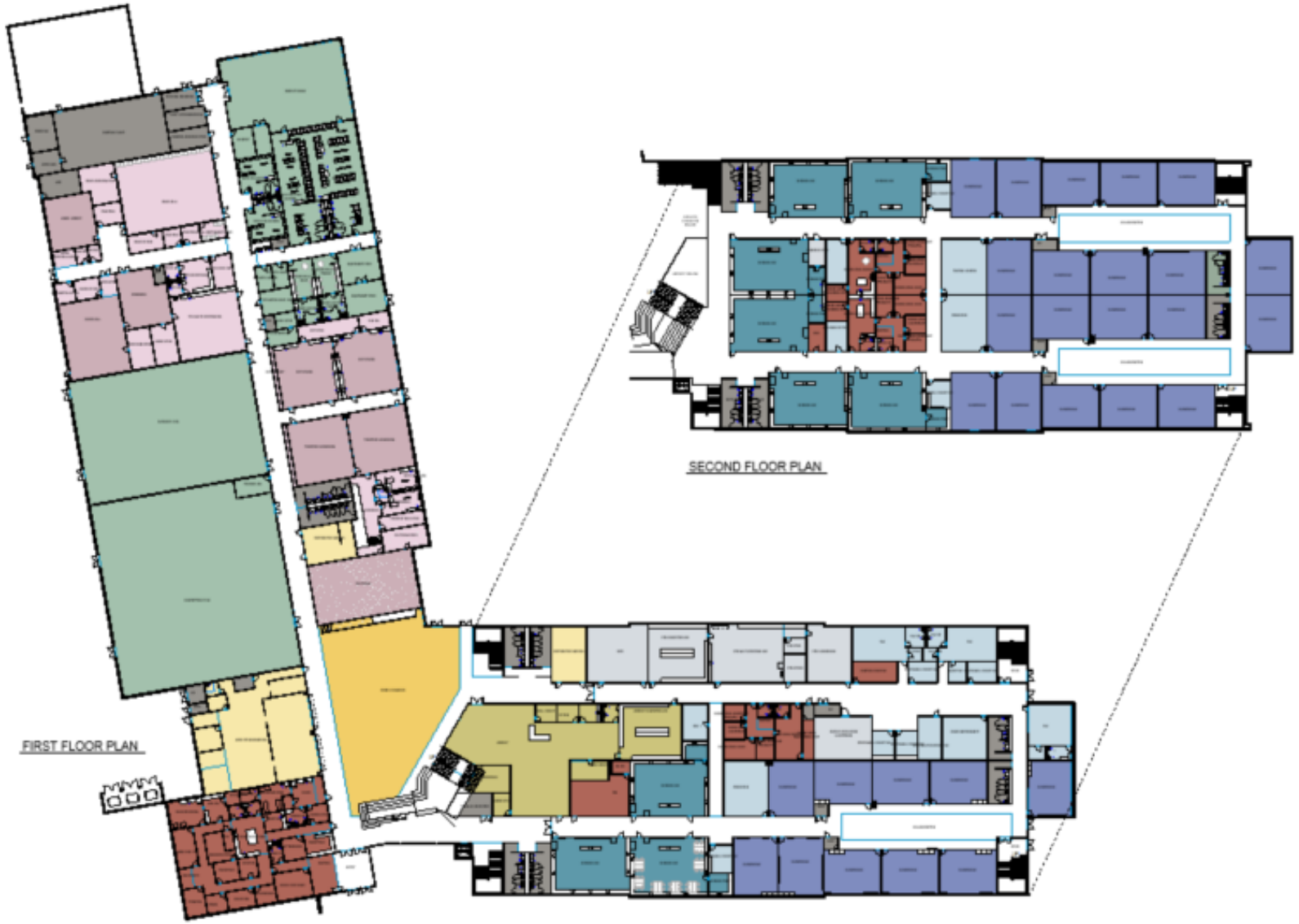
G.W. Carver Middle School
Design Development Presentation

02.24.2021

910

Design Development Update

911



Design Development Progress:

- GMP 1 Drawings Bid, Approved, and NTP
- Technical production of drawings
- Building Details Coordination and Final Materials Selection

Design Development Update

912

WACO CONSTRUCTION FAIR

WACO INDEPENDENT SCHOOL DISTRICT

CALLING ALL LOCAL TRADE PARTNERS + SUPPLIERS

COME LEARN ABOUT UPCOMING BID OPPORTUNITIES



NEW WACO HIGH SCHOOL

WHEN WED. JAN 19, 2022 | 4-6PM

WHERE CEN-TEX HISPANIC CHAMBER OF COMMERCE
915 LASALLE AVE. WACO, TX 76706

CORE

G.W. CARVER MIDDLE SCHOOL REPLACEMENT



QUESTIONS?

Terri Michalak
Diversity Manager
tmichalak@r-o.com

Koby Lawson
Precon Manager
kobylawson@coreconstruction.com

RSVP

Register online through Eventbrite at
https://wacocontracting.eventbrite.com
or by emailing rsvp@r-o.com

Waco ISD Architecture + Engineering Team

O'CONNELL ROBERTSON

Partnering Organizations

NAMC NATIONAL ASSOCIATION OF MINORITY CONTRACTORS GREATER AUSTIN CHAPTER, INC.

CEN-TEX HISPANIC CHAMBER OF COMMERCE





Waco Construction Fair – 1/19/2022

Project Schedule

Bid Package 1 (Demo, Steel, Roof)	**2.10.2022** Board Approval
Bid Package 2 (Civil + Landscape)	**4.28.2022** Board Approval
Bid Package 3 (Balance of Building)	**6.16.2022** Board Approval
Construction	
-Existing Building Demolition	**2.15.2022 to 4.25.2022**
-Site Construction	**4.28.2022** *Starts*
-Building Construction	**6.24.2022** *Starts*
-Substantial Completion	**6.30.2023**
District Move-In	**July 2023**
First Day of School	**August 2023**





Project Schedule

G.W. Carver Middle School Project Budget

Funding for Carver Middle School Construction is from the 2021 bond program and a 2021 insurance claim. The following represents the anticipated budget for G.W. Carver Middle School from the 2021 bond program. CORE Construction with support by O'Connell Robertson have worked through the typical estimate and scope analysis process of the 100% Design Development package, and the project is on-target to be within the budget.

Hard Costs Sub Total		$	61,951,344
Fees / PM / Expenses	8.0%	$	4,956,108
Other Developmental Costs (Survey / Geotech / Etc)	0.50%	$	309,757
Furnishings Fixtures and Equipment	$ 8.0	$	1,652,036
IT Systems (Projectors, Network, Security, Phone)	$ 8.0	$	1,652,036
Offsite Costs / Land Purchase		$	-
Building Move-In Expenses	0.25%	$	154,878
Construction Testing	0.25%	$	154,878
Project Contingency	3.80%	$	2,354,151
Proposed Waco ISD 2022 Bond Program		**$**	**73,185,188**





Project Budget

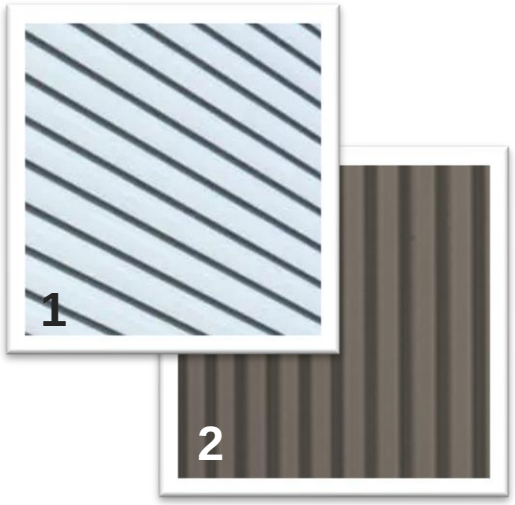
Exterior and Interior Materials

916


G.W. CARVER MIDDLE SCHOOL







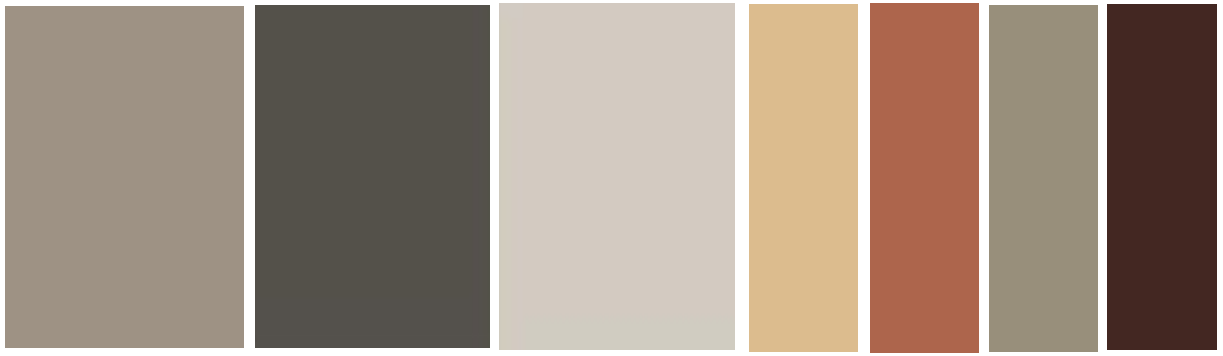




Exterior Materials

FIELD PAINT

ACCENT PAINTS



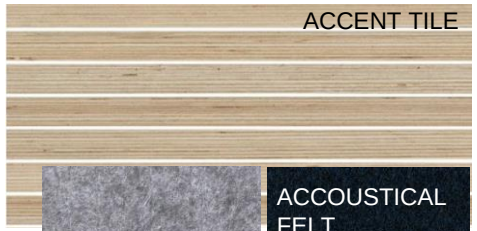
FIELD TILE



POLISHED CONCRETE



ACCENT TILE



TEXTURED BRICK



ACCOUSTICAL FELT



LIBRARY CARPET



TACKABLE WALLCOVERING



ADMIN



ACCENT TILE



ACCENT TILE



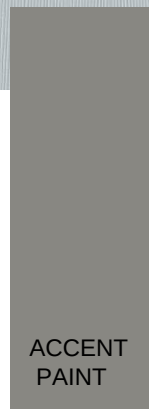
ACCENT TILE







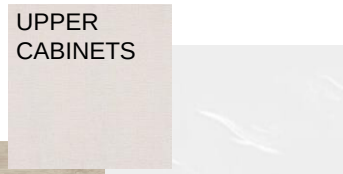
ACCENT PAINT



ACCENT TILE



UPPER CABINETS



BASE CABINETS



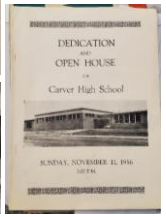
SOLID SURFACE COUNTERTOPS







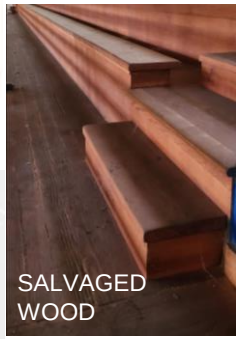








SALVAGED WOOD







Interior Materials

Next Steps

- Design Development Approval
- Progress in Contract Documents
- Demolition Begins
- Ground Breaking
- Future Bids and GMP Approvals
  - GMP 2 - Site + Civil Construction (April)
  - GMP 3 - Balance of Project (June)



O'CONNELL ROBERTSON

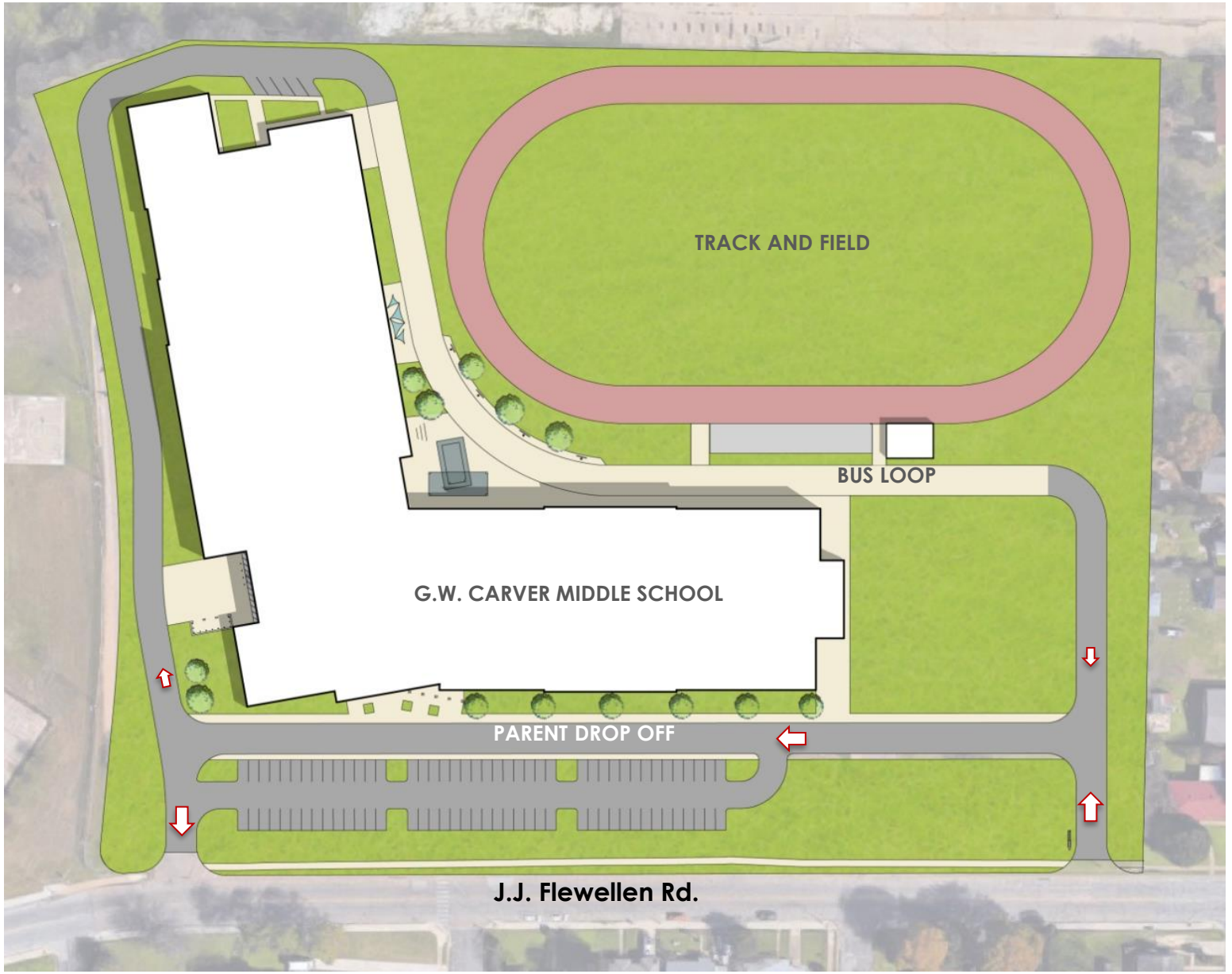
WACO INDEPENDENT SCHOOL DISTRICT

Waco Independent School District

G.W. Carver Middle School
GMP #3 Presentation

06.23.2022

921


TRACK AND FIELD
BUS LOOP
G.W. CARVER MIDDLE SCHOOL
PARENT DROP OFF
J.J. Flewellen Rd.



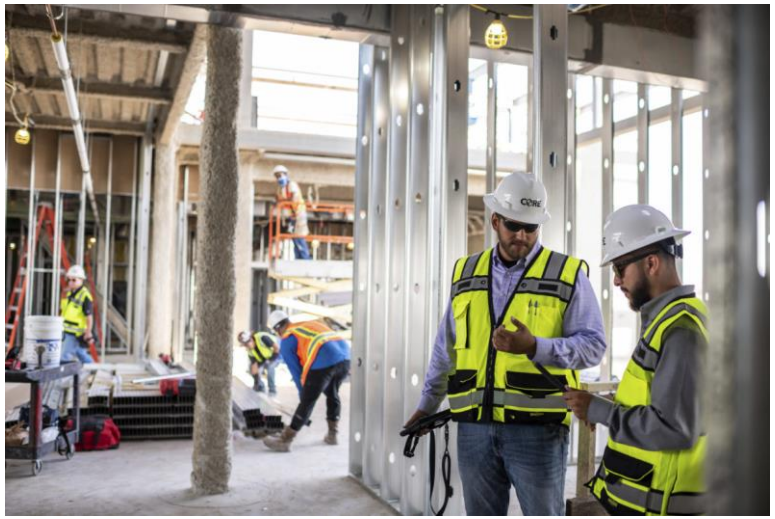
- Detailed consultant + contractor coordination with a focus on technical production of drawings
- Multiple Owner Meetings to clarify scope + details:
  - Technology Review
  - Landscaping Scope Review
  - Security Systems Review

Design Update


G.W. CARVER MIDDLE SCHOOL

Project Schedule

Design Start	9.10.2021
Bid Package 3 Approval	**6.23.2022** Board Approval (today)
Construction	
-Existing Building Demolition	*completed*
-Site Construction	*in construction*
-Building Construction	**6.27.2022** *start*
-Substantial Completion	**6.30.2023**
District Move-In	**July 2023**
First Day of School	**August 2023**





Project Schedule

Construction Progress to Date













G.W. Carver Middle School

Project Mission

The G. W. Carver Middle School project will empower students and staff supporting long-term results for Waco ISD. With a collaborative and inclusive culture, the Team will lead the project through integrity, fairness, courage, and responsiveness.

Project Goals

- Exceed the expectations of our Team and G. W. Carver Middle School community so that a relationship is formed for future work
- Commit to team-oriented communication to work through project challenges
- Deliver a campus that supports Waco ISD's educational needs and strengthens the G. W. Carver culture
- Engage trade partners in the goals of the project to ensure a safe, quality project that is in budget and on schedule





Hard Costs Subtotal	63,000,000
Fees / PM / Expenses	4,956,108
Other Developmental Costs (Survey / Geotech / Etc)	309,757
Furnishings Fixtures and Equipment	1,652,036
IT Systems (Projectors, Network, Security, Phone)	1,652,036
Building Move-In Expenses	154,878
Construction Testing	154,878
Project Contingency	1,305,495
Total Project Budget	**73,185,188**

Project Budget

G.W. Carver Middle School

GMP 1	$ 8,727,284
GMP 2	$ 6,674,632
GMP 3	$47,549,875
Total Construction Costs	$62,951,522

Including the following alternates:
Alternate #1 – Sail Shades
Alternate #2 – Field Storage
Alternate #3 – Sod ILO Hydro Mulch at Football Field
Alternate #4 – Upfit Canopy
Alternate #5 – Track Surface
Alternate #6 – Track & Field Events
Alternate #7 – Thin Brick



GMP and Alternates

O'CONNELL ROBERTSON

WACO INDEPENDENT SCHOOL DISTRICT

Waco Independent School District

Bond Projects Update

07.18.2022

Agenda

- Overview of projects and schedules
- Construction and Campus Impact
  - Phasing
  - Traffic Circulation
- Safety and Security
- Project Costs
- Next Steps

Current Projects

Project	Status
Tennyson Middle School Replacement	Design – 100%CDs September 15th 2022
Waco High School Replacement	Bidding and Permitting – bid July 14th
Child Nutrition Services	Under Construction – to be complete summer 2022
HVAC Replacements	Under Construction – to be complete summer 2022
Carver Middle School Replacement	Under Construction – to be complete summer 2023

Future Projects

Project	Timeline
Kendrick Elementary School Replacement	Begin Design Fall 2022
South Waco Renovations + Addition	Begin Design Fall 2022

Carver MS

932

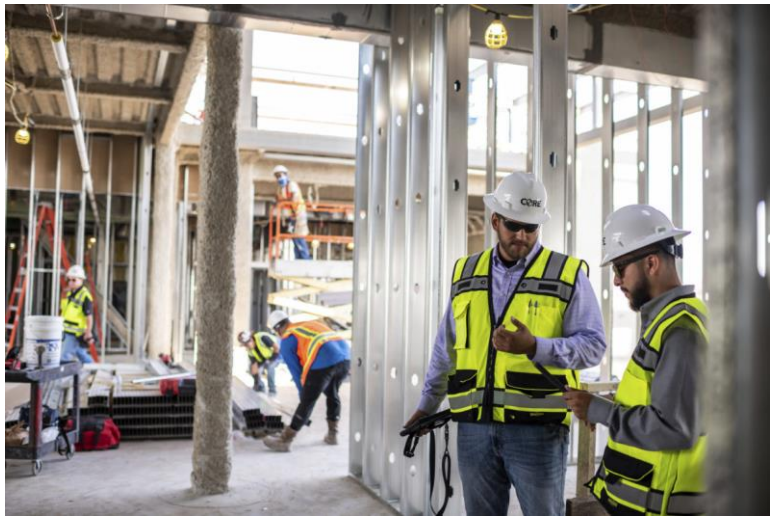

TRACK AND FIELD
BUS LOOP
G.W. CARVER MIDDLE SCHOOL
PARENT DROP OFF
J.J. Flewellen Rd.


G.W. CARVER MIDDLE SCHOOL


G.W. CARVER MIDDLE SCHOOL

Project Schedule

Construction	
- Existing Building Demolition	*completed*
- Site Construction	*in construction*
- Building Construction	*in construction*
- Substantial Completion	**6.30.2023**
District Move-In	**July 2023**
First Day of School	**August 2023**





Project Schedule

Construction Progress to Date













G.W. Carver Middle School

Project Mission

The G. W. Carver Middle School project will empower students and staff supporting long-term results for Waco ISD. With a collaborative and inclusive culture, the Team will lead the project through integrity, fairness, courage, and responsiveness.

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- Deliver a campus that supports Waco ISD's educational needs and strengthens the G. W. Carver culture
- Engage trade partners in the goals of the project to ensure a safe, quality project that is in budget and on schedule





Hard Costs Subtotal	63,000,000
Fees / PM / Expenses	4,956,108
Other Developmental Costs (Survey / Geotech / Etc)	309,757
Furnishings Fixtures and Equipment	1,652,036
IT Systems (Projectors, Network, Security, Phone)	1,652,036
Building Move-In Expenses	154,878
Construction Testing	154,878
Project Contingency	1,305,495
Total Project Budget	**73,185,188**

Project Budget

G.W. Carver Middle School

GMP 1	$ 8,727,284
GMP 2	$ 6,674,632
GMP 3	$47,549,875
Total Construction Costs	$62,951,522

Including the following alternates:
Alternate #1 – Sail Shades
Alternate #2 – Field Storage
Alternate #3 – Sod ILO Hydro Mulch at Football Field
Alternate #4 – Upfit Canopy
Alternate #5 – Track Surface
Alternate #6 – Track & Field Events
Alternate #7 – Thin Brick

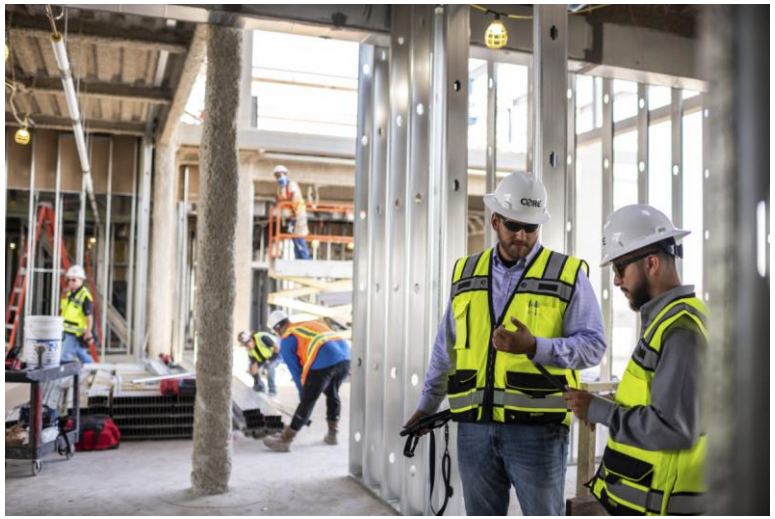


GMP and Alternates

Waco HS

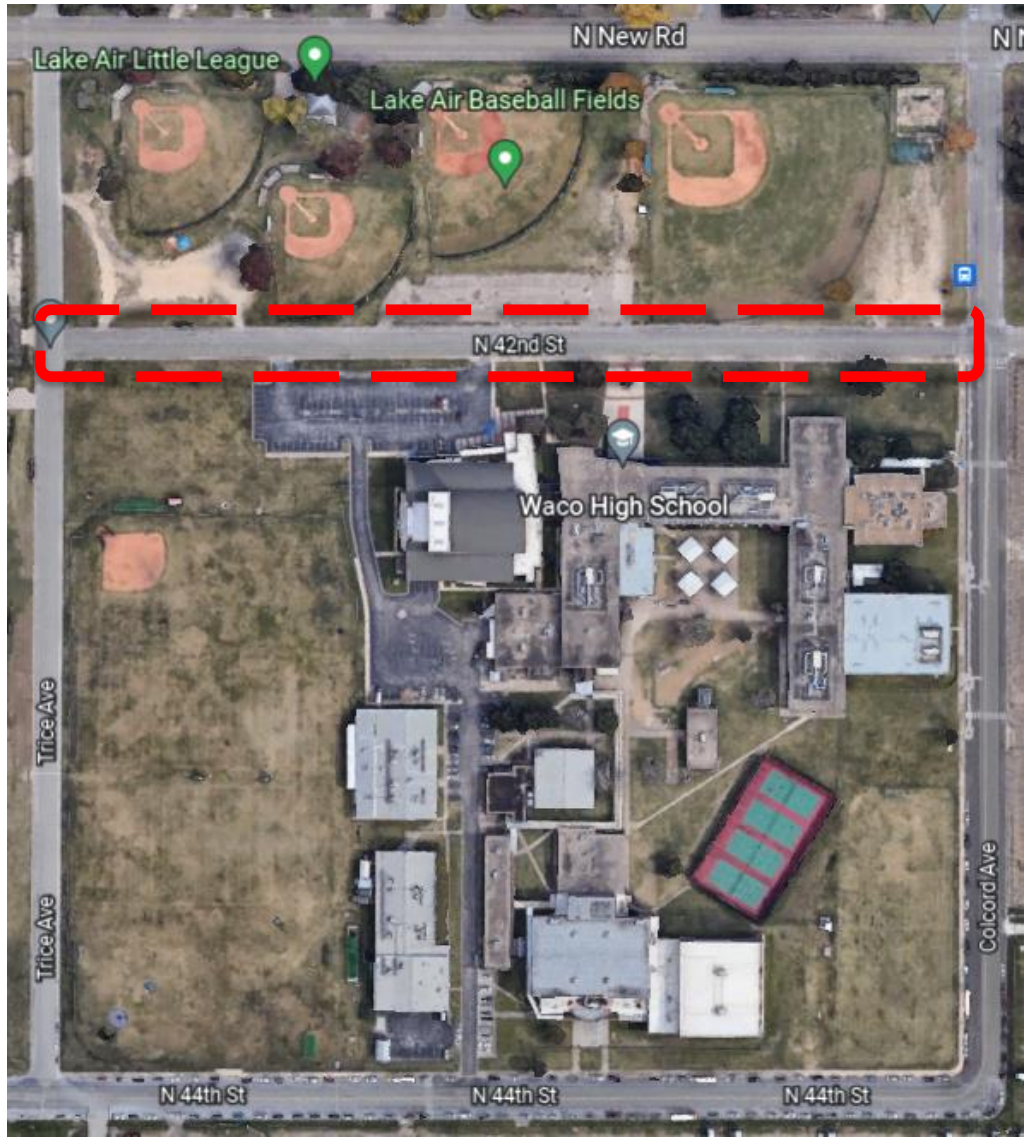
Project Schedule

Package 2 Bids Received	July 14th 2022
Construction	
- Phase 1	August 1 2022 – Dec. 30th 2022
- Phase 2 (70% of building)	August 1 2022 – June 2nd 2024
• *Classrooms / Science*	
• *Performing + Fine Arts*	
• *Library*	
• *Commons / Dining*	
• *Administration*	
District Move-In	**June 2024**
First Day of School	**August 2024**
- Phase 3 (drop off loop)	June 2024 – August 2024
- Phase 4 (first demolition phase)	June 2024 – June 2025
- Phase 5 (Remainder of building)	June 2024 – June 2025
• CTE	
• Athletics	
- Phase 6 (remainder of demolition)	June 2025 – Dec. 2025
District Move-In	**Dec. 2025**
First Day of Spring Semester	**Jan. 2024**

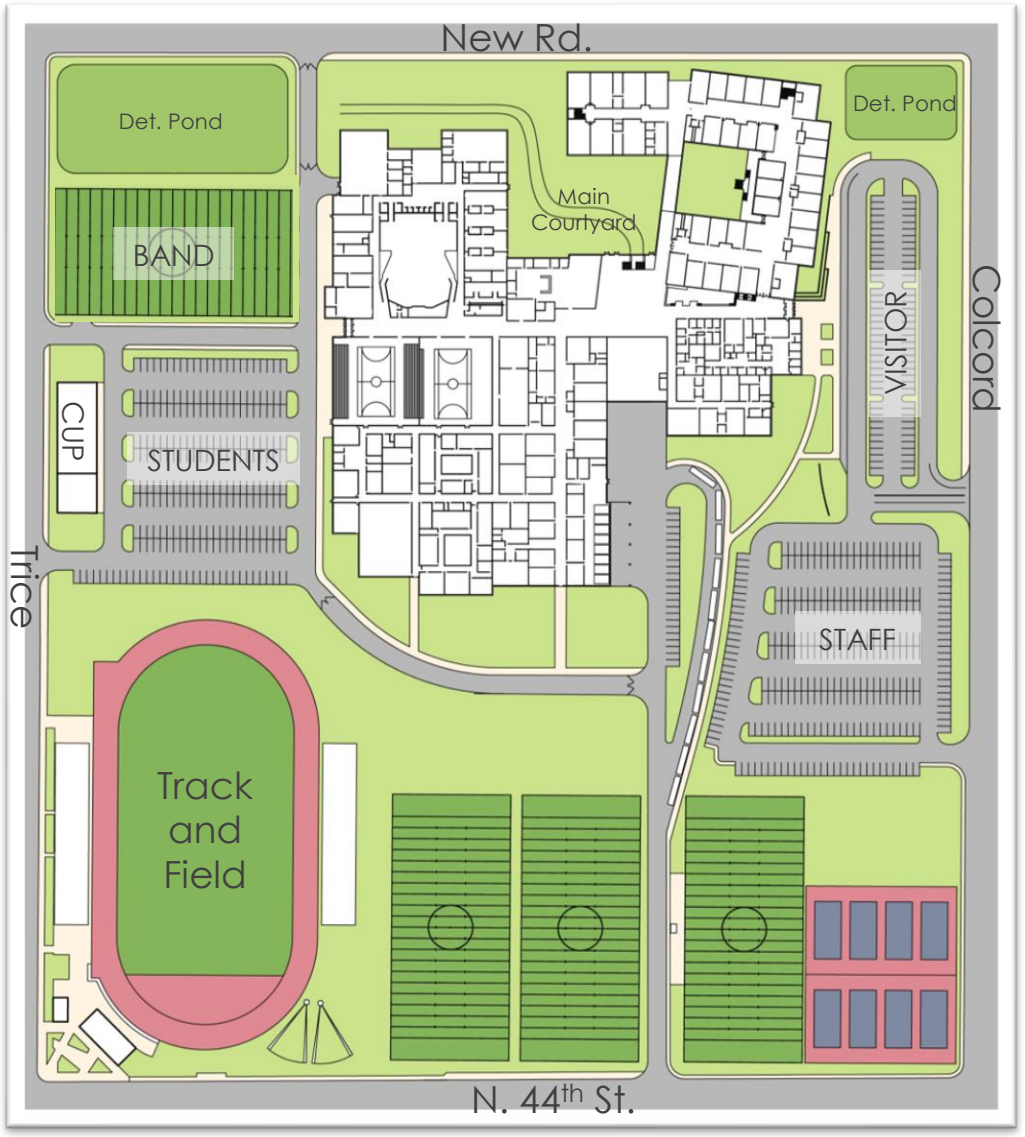




Project Schedule



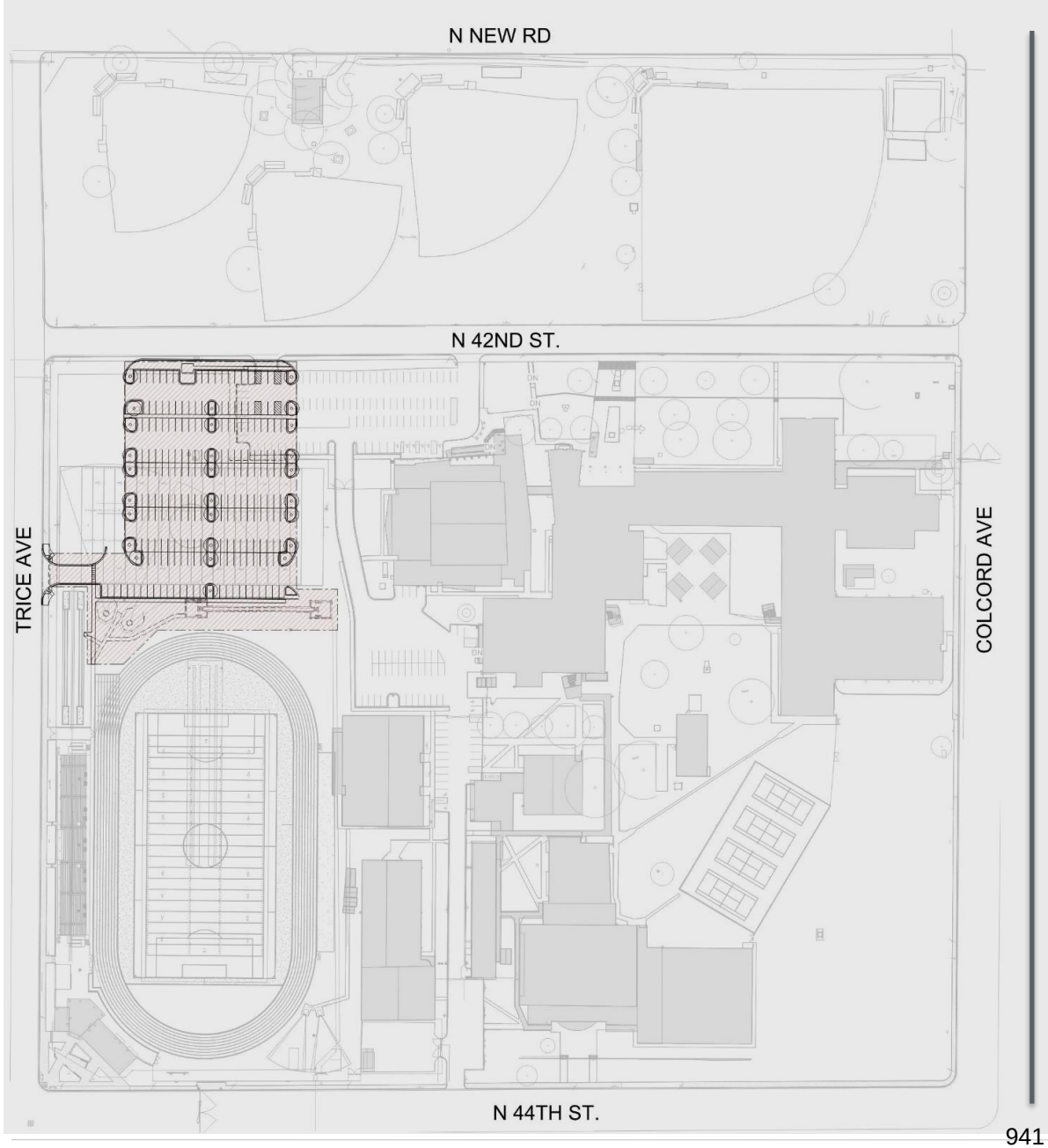
Existing Site Plan

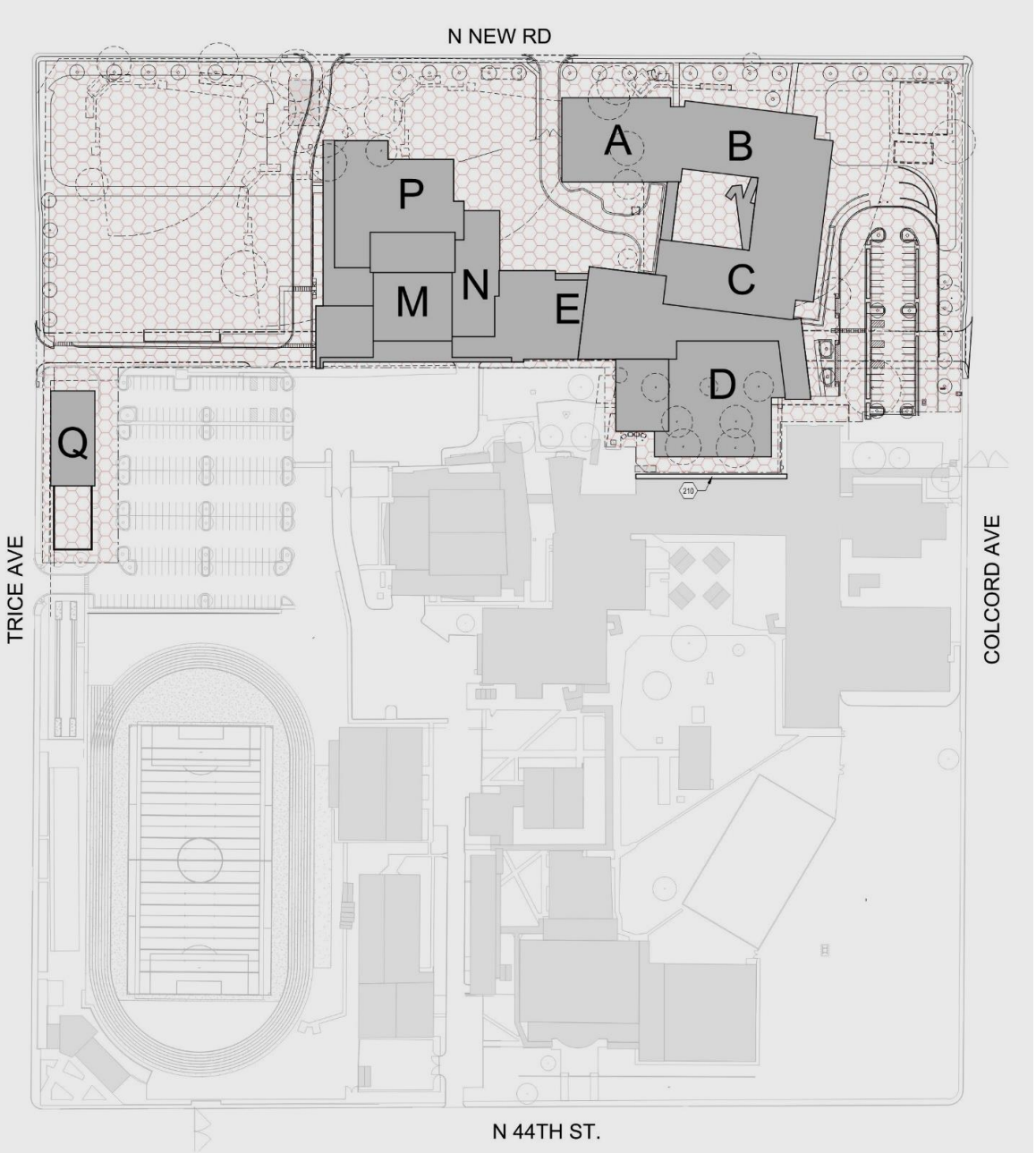


Proposed Site Plan

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Site Plan

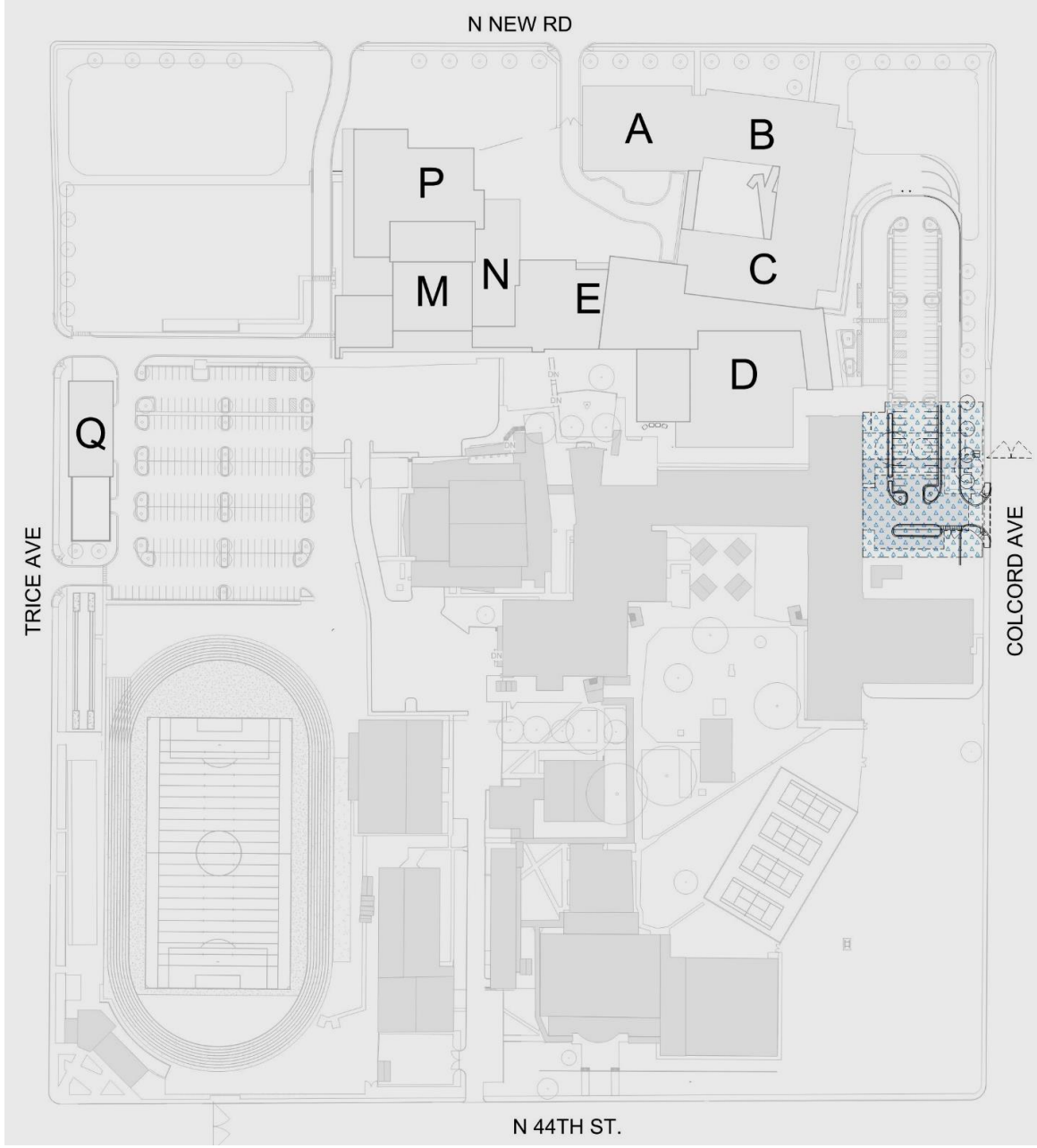


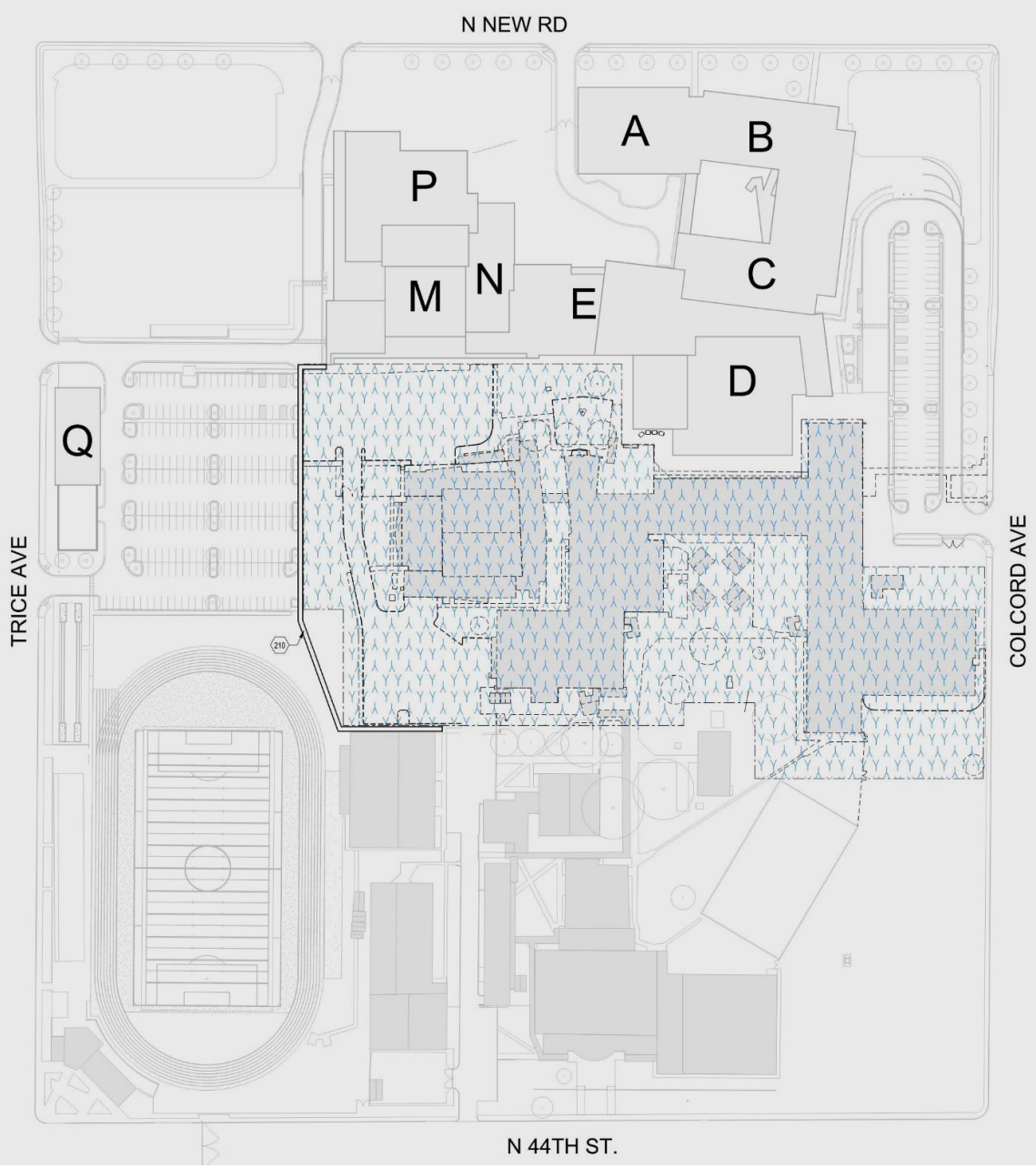


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O'CONNELL ROBERTSON

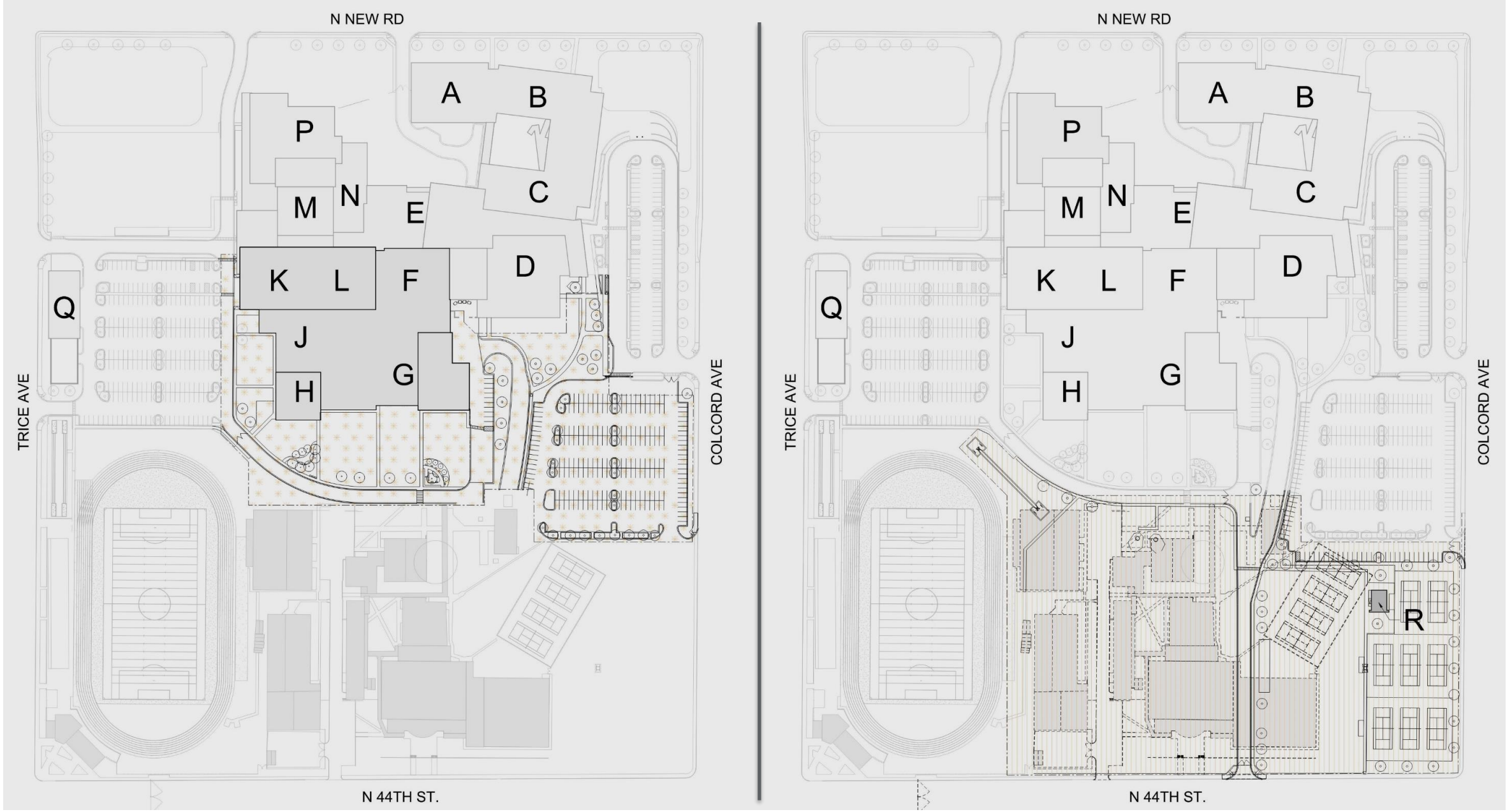
Phasing – 1 & 2





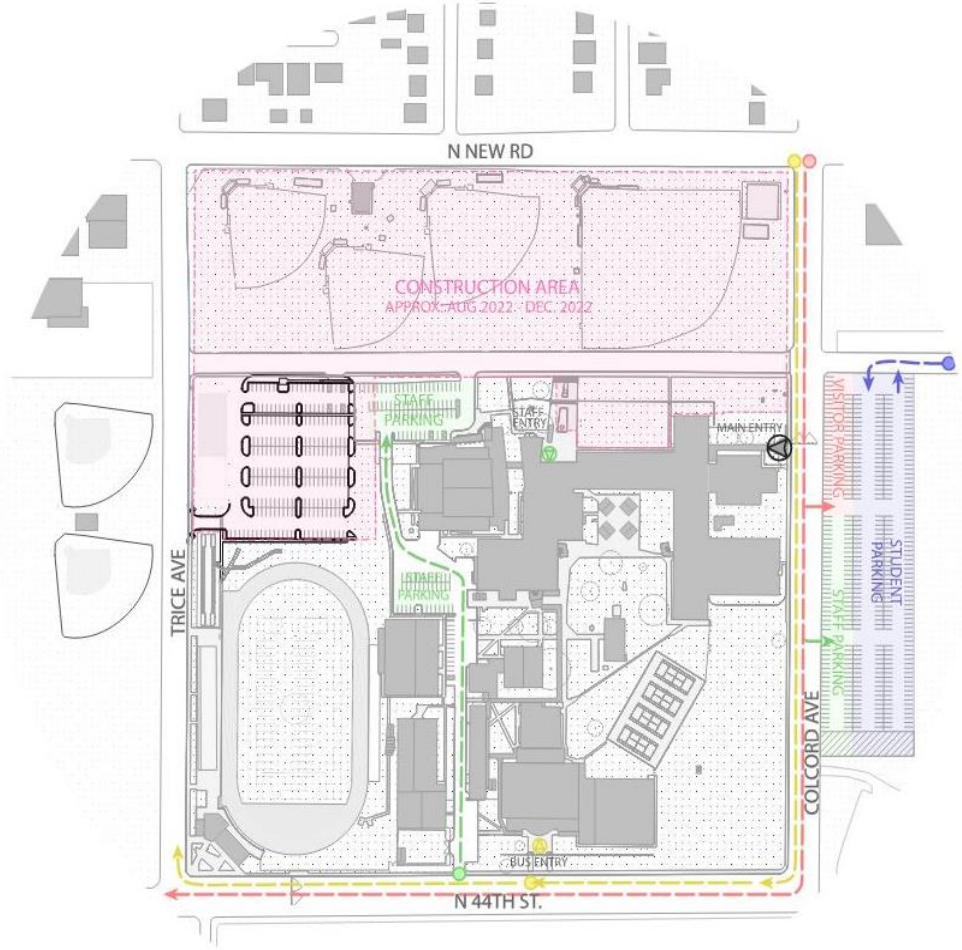
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Phasing – 3 & 4



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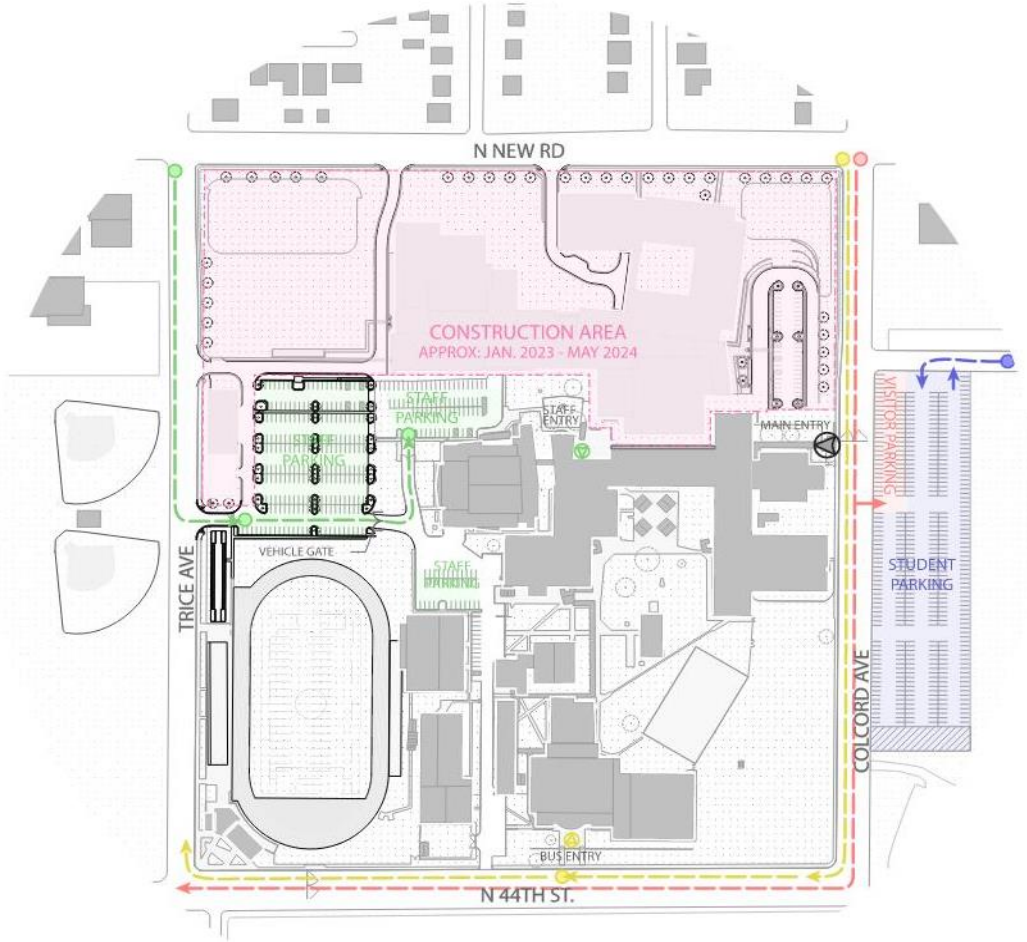
Phasing – 5 & 6



August 1 2022 – Dec. 30 2023

BUS ROUTE
STAFF TRAFFIC
STUDENT TRAFFIC
PARENT DROP OFF
CONSTRUCTION BOUNDS
ENTRY POINT

NORTH



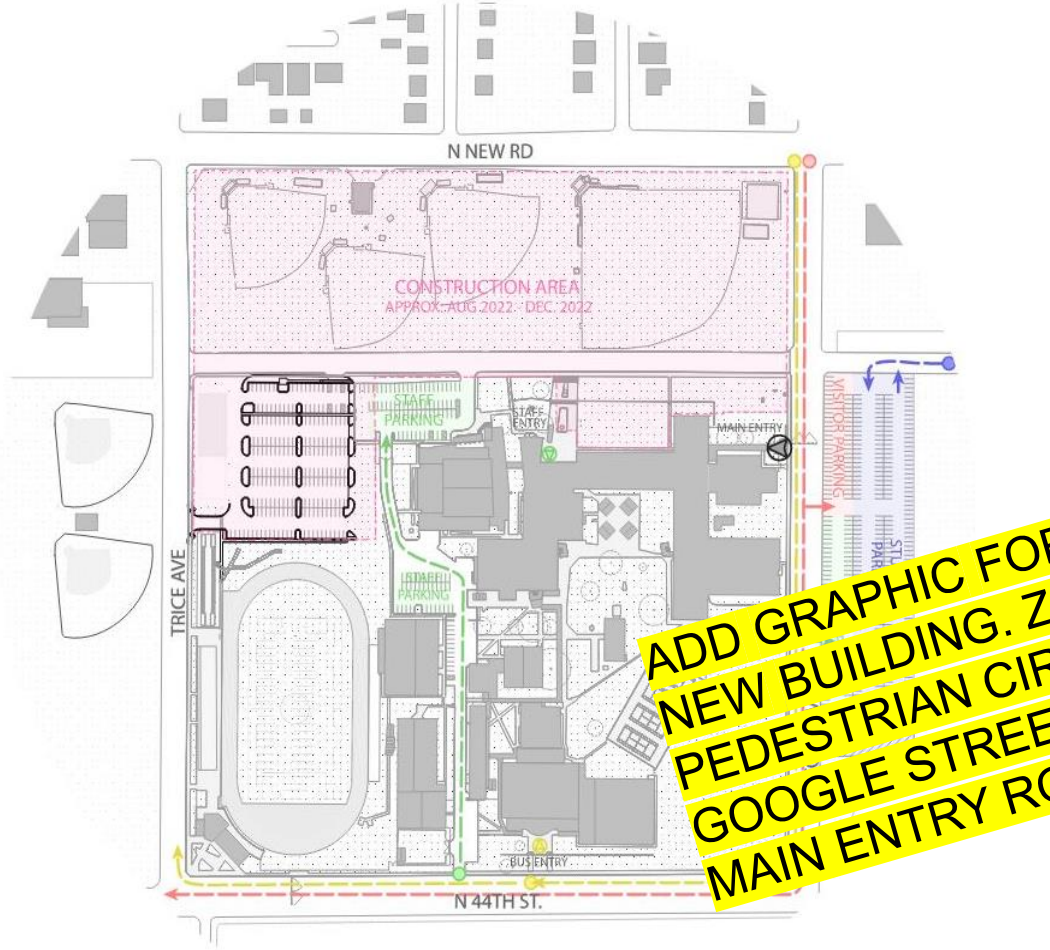
January 1 2023 – June 2024

BUS ROUTE
STAFF TRAFFIC
STUDENT TRAFFIC
PARENT DROP OFF
CONSTRUCTION BOUNDS
ENTRY POINT

NORTH

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Traffic Circulation

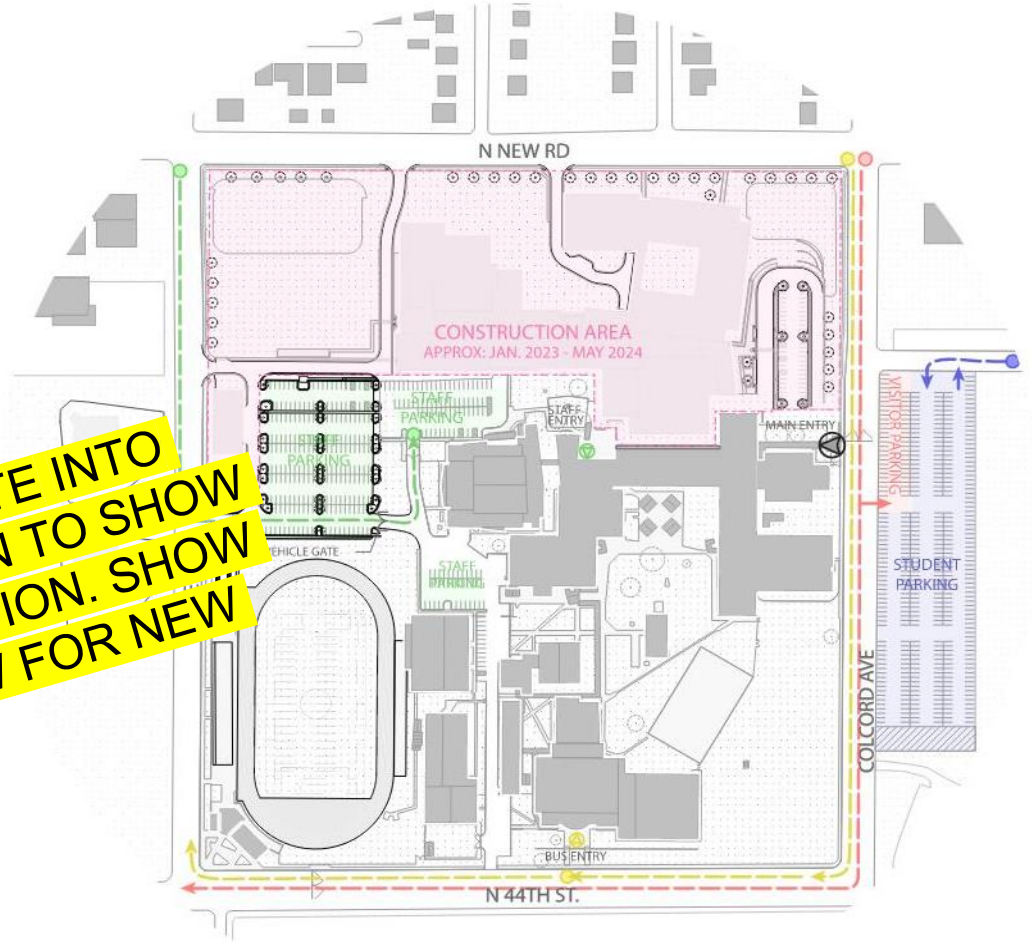


August 1 2022 – Dec. 30 2023

BUS ROUTE
STAFF TRAFFIC
STUDENT TRAFFIC
PARENT DROP OFF
CONSTRUCTION BOUNDS
ENTRY POINT

NORTH

ADD GRAPHIC FOR ROUTE INTO NEW BUILDING. ZOOM IN TO SHOW PEDESTRIAN CIRCULATION. SHOW GOOGLE STREET VIEW FOR NEW MAIN ENTRY ROUTE.



January 1 2023 – June 2024

BUS ROUTE
STAFF TRAFFIC
STUDENT TRAFFIC
PARENT DROP OFF
CONSTRUCTION BOUNDS
ENTRY POINT

NORTH

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Traffic Circulation

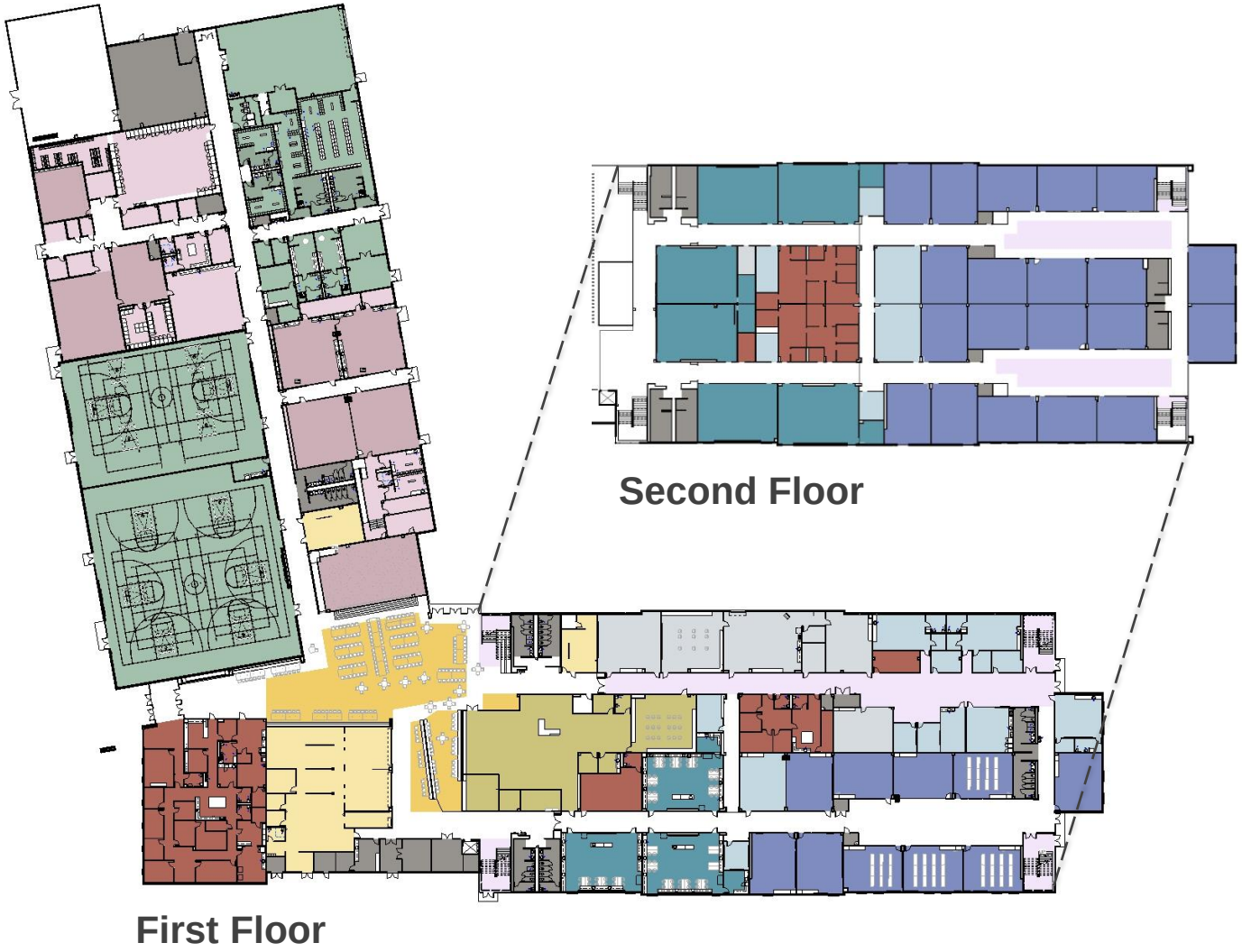
Tennyson MS

946



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Site Plan



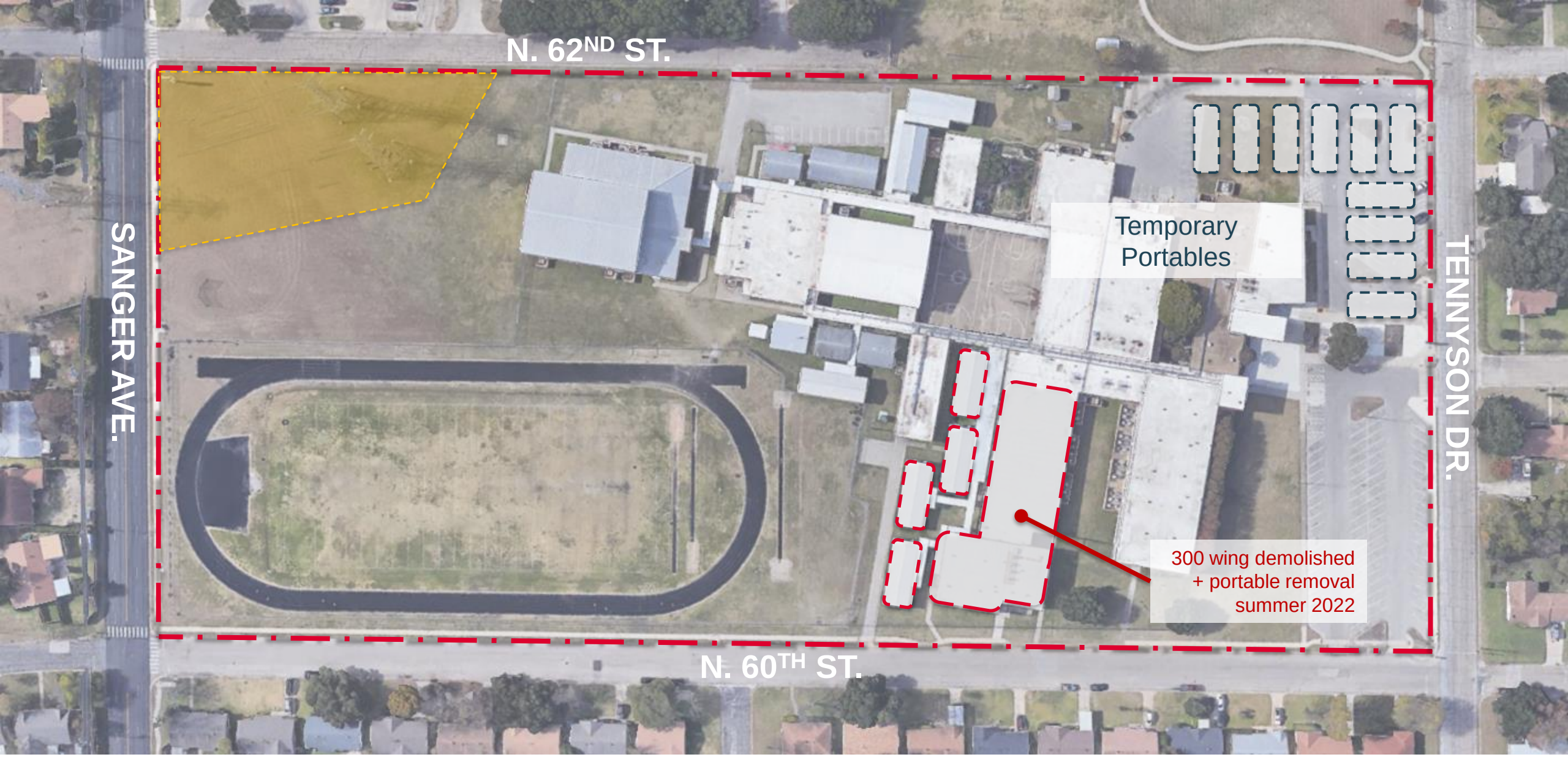
- Athletics
- Performing + Fine Arts
- Kitchen / Commons
- Administration
- Library
- Science
- Classroom Neighborhoods
- Special Education
- CTE
- Building Support

Floor Plan



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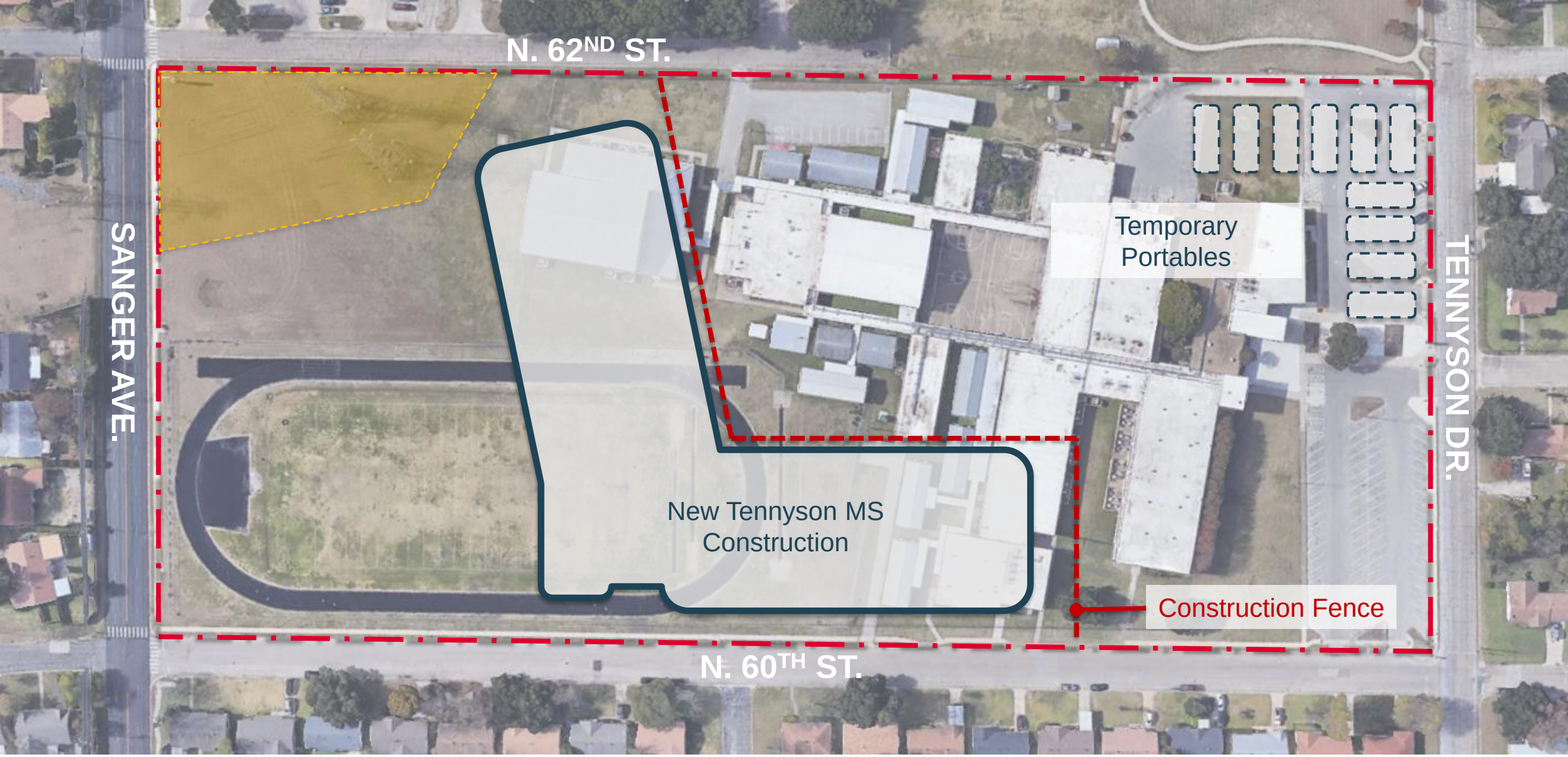
Existing Site



950

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Phase 1



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Phase 2



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Site Plan

Tennyson Middle School

Project Mission

The design of the new school embodies Tennyson Middle School's motto of "True Grit" by creating an environment that inspires commitment to student excellence, consistency in showing up, and courage to persevere through adversity.

The hardy materials can weather any storm, similar to the nature of Tennyson Texans. Designed with resiliency in mind, the school can overcome obstacles to evolve naturally and bloom where it is planted. It will show students that it's not about perfection; it's about showing up and doing your best.

Across the design, organic movement and shadow play express the ability to adapt to a situation seamlessly. Our paths to success are unlikely to be linear, and what may seem like challenges can create a beautiful journey.

TENNYSON

TEXANS

TRUE GRIT



Project Budget


TENNYSON MIDDLE SCHOOL

SECTION 5: Safety & Security



Safety & Security Additional Resources

Association for Learning Environment's Safe School Task Force
https://schoolsafety.a4le.org/

TEA Requirements for Facility Standards including Safety Requirements
https://tea.texas.gov/sites/default/files/ch061cc.pdf

Texas School Safety Center
https://txssc.txstate.edu/

School Safety – A Best Practices Guide
https://media.a4le.org/SafeSchoolsGuide.pdf

Crime Prevention through Environmental Design (CPTED)
https://www.cpted.net/
https://en.wikipedia.org/wiki/Crime_prevention_through_environmental_design

Requirements from State of Texas / Texas Education Agency
https://gov.texas.gov/uploads/files/press/O-MartinezPratherKathy202206012051_1.pdf
https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/requiredschool-safety-action-steps-this-summer

WACO INDEPENDENT SCHOOL DISTRICT

Waco High School

August 18, 2022



O'CONNELLROBERTSON
Mission driven.

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	August 5, 2021 Design Committee Meeting 6 – SD	13
	August 20, 2021 Design Committee Meeting 7 – SD	14
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Note: Items marked with an asterisk symbol (*) indicate meetings, presentations, and notes where safety and security items are discussed.

SECTION 1: Executive Planning Committee meeting minutes from kickoff through Design Development



Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	May 6, 2021	**Meeting Time:**	10:00 am
Meeting Location:	Waco ISD Admin Building Board Room A/B		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Sheryl Davis, Jerry Allen, James Stewart, Ed Love, David Hamilton, Josie Gutierrez O'Connell Robertson: Amy Jones, Jarrod Sterzinger, Casey Nicholson, Doug Dawson, Jayna Duke		
Meeting Topic:	Programming Meeting 1		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. What are the best opportunities available at existing WISD High School campus?
    a. Meaningful effort to hold onto distinct high school communities – example of Richfield Army Air Base and Richfield High School (which was combined with Waco HS)
    b. Honoring the history of Waco and Waco High School (WHS) – would like to capture pieces of this heritage and bring through in design; example:
        i. Would like to incorporate cultural history as well as physical
        ii. Suggested examples:
            1. Historical photos and history information plaques
            2. Reference to Lake Belton HS postcard displays
            3. Student made murals – new WHS art teacher is leading the creation of several new murals that celebrate cultural diversity; community has provided input on wanting to bring this idea forward
            4. Possibly work with Waco museum, or local photographer that is displayed at Waco Convention center or Baylor
            5. Honoring famous professionals + athletes
        iii. Design team will follow-up with a future visioning process to help define
    c. Culinary Arts exists at University HS, but should also be available at WHS
        i. UHS opens to the exterior for public access, which would be good to have at the new WHS – definitely needs to have a restaurant-style aspect
        ii. Potentially locate closer to the theater for pre- and post-events
    d. Flexible space – not creating 'pigeon-holed' spaced
    e. Like the plaza courtyard at WHS as it feels airy/open, but ideally would create a more modern version at the new WHS to provide the openness, but with enhanced security

2. Emerging Concepts
    a. Like transparency, wide hallways, and vertical connectivity to provide the best sightline opportunities for monitoring students – being able to see and hear is critical
        i. Concern noted about balancing safety and security with all this openness; Jayna explained this is achieved with multiple layers of protection: limited site

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access points, controlled entry via secure entry vestibule, and neighborhood lock-down points in the event of a dangerous visitor
    ii. The 'wow' factor is desired
b. Library
    i. Should communicate that literacy + education are critical to WISD academics
    ii. To be near main entry to optimize visibility and access – for daily utilization as well as for after-hours access my remote learners or the community
    iii. Current librarian has expressed desire for maker space
    iv. Ideally will be double height, big volumes, lots of natural light.
    v. Could connect the disciplines in a way that puts student learning on display
    vi. Kind of like a 'downtown' feel; everything meets at the library in the middle.
    vii. Should feel comfortable within the library.
    viii. Like the idea of the porch
c. Would like to include professional learning communities Teachers need spaces for collaboration – this helps to build community and provides opportunities for mentorship of younger teachers
d. Food Service
    i. Distributed dining to be considered – like that it provides collaborative space closer to academic areas; and potential to have multiple locations for serving
    ii. No mega-lunch. Separate lunch periods.
    iii. Outdoor spaces are critical for students, particularly during lunch time. Need to be able to walk right out of the cafeteria into a covered dining space.
        1. Outdoor service point for food in a courtyard and outdoor seating
    iv. Common space for the cafeteria that's near the library. "Main Street" concept
    v. Power and technology in the dining and commons spaces is critical
e. No need for dedicated lockers for all students, but will need to provide some distributed pods throughout the building for students to store personal items such as skateboards and cell phones (with charging capabilities)
    i. These lockers would be access by students swiping their ID cards
f. Restrooms – traditional facilities preferred, but also need future discussions about gender-specific and all-inclusive facilities
g. Flexible spaces – like to have a variety of operable walls between rooms

3. Top Goals/Elements to be included in Waco High School – all committee representatives wrote their top 3 goals on post it notes and placed them on a master sheet in rank order. After all post-it notes were placed, the design team grouped similar themes and reported back to the full-group to confirm themes. The notes below are grouped by these themes, and the 1/2/3 noted after each comment correspond to where each author ranked that goal.
    a. Theme A: How does the Building "Feel"
        i. A building that facilitates our educational vision (1)
        ii. Visually communicates that we value our students (1)
        iii. Updated technology (2)
        iv. Modern/fresh (2)
        v. Flexibility (3)
        vi. Great Library space (3)
        vii. Make the library, maker space, media center have a wow factor (3)
        viii. A building that is flexible, allows for instructional changes, shifts over time (3)

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b. Theme B: Specialty Facilities
    i. Great performing arts center with black box and good/large shop facility (1)
    ii. Secure: door access, campus, attendance via Prox cards (2)
    iii. Updated athletic facilities (2)
c. Theme C: Specific Building Design Considerations
    i. Innovative environment – touch panels in collaborative areas (1)
    ii. Larger classrooms with innovative learning concepts (1)
    iii. Large space! classrooms, hallways (1)
    iv. Outdoor spaces are important for eating, learning, and special events (2)
    v. Flexible, fun food service space (2)
    vi. Space for collaboration / multi-modal learning (2)
    vii. Transparency of common areas and flexible locations (2)
    viii. Larger/wider hallways (3)
d. Theme D: Honoring the Culture
    i. The overall design should honor history, but include the future of Waco (1)
    ii. Inspiring (1)
    iii. Pride (2)
    iv. A sense of pride (3)
    v. Cultural significance – honoring the history/diversity (3)

4. Upcoming Activity
    a. School Tours – Friday, May 14th to include Lake Belton High School (Belton), Ann Richards School (Austin), and Success High School (Round Rock) – agenda and timeline to be sent out in the next few days
    b. Programming meeting 2 – Thursday, May 20th at 10:30am

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	May 20, 2021	**Meeting Time:**	10:00 am
Meeting Location:	Waco ISD Admin Building Board Room A/B		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Sheryl Davis, Jerry Allen, James Stewart, Ed Love, David Hamilton, Josie Gutierrez O'Connell Robertson: Amy Jones, Jarrod Sterzinger, Casey Nicholson, Jayna Duke		
Meeting Topic:	Programming Meeting 2		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. School Tour Feedback – from May 14th school tours
    a. Lake Belton High School
        i. Favorite feature is how open and collegiate it feels – particularly the 2-story glass in the commons that overlooks the outdoor amphitheater space
        ii. Love the concrete floors as easier to maintain and don't need annual waxing
        iii. Like open/flexible classroom set-up with operable partitions
        iv. Like distributed dining concept
        v. Love wayfinding themes and distinct characteristics for each neighborhood
        vi. Like thoughtfulness of elements such as built-in gallery space for art display
        vii. Like teacher think tanks as it provides opportunities for staff to collaborate – in addition to the general academic neighborhoods, also need to add these for special education and fine arts
        viii. Like the centrally-located library, but would like to modify this to have direct exterior access for students after-hours access; maybe also shift closer to the commons so it's more visible/accessible during lunches
        ix. Love the sightlines across the building – no hidey-holes for student to be
        x. Like Library porch…like exterior entrance to library and DLC
        xi. Like Covered areas outside
        xii. Like the branded neighborhoods
        xiii. Like Covered approach from bus to building
        xiv. Sub hub, lockers and space for them to land
        xv. Copy paste weight rooms, maybe a little smaller
    b. Ann Richards School
        i. Like the warmth and cozy from lots of visual texture compared to LBHS
        ii. fireplace very wow, but maybe over the top for Waco
        iii. like furniture variety/groupings.
        iv. Like they way elements were pulled from the original facility – without feeling historic or museum
        v. Prefer openness of LBHS neighborhoods compared to closed off entry of ARS neighborhoods
        vi. Like direct librar/ dining connection

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c. Success High School
    i. Like the material palette with so much wood and glass
    ii. Like the opportunities for credit recovery – perhaps need to consider integrating something like this into the new Waco HS
    iii. Like that the classrooms open to the 2-story commons in that it creates a sense of community
    iv. Love the flexibility of the commons in that it functions traditionally as dining and collaborative space during the day, and offers other alternative food options for after-hours occupant
    v. Love lots of perch seating and charging stations
    vi. May want to consider partnering with a non-WISD entity for childcare – likely need to focus more on those eligible for head start to keep costs manageable

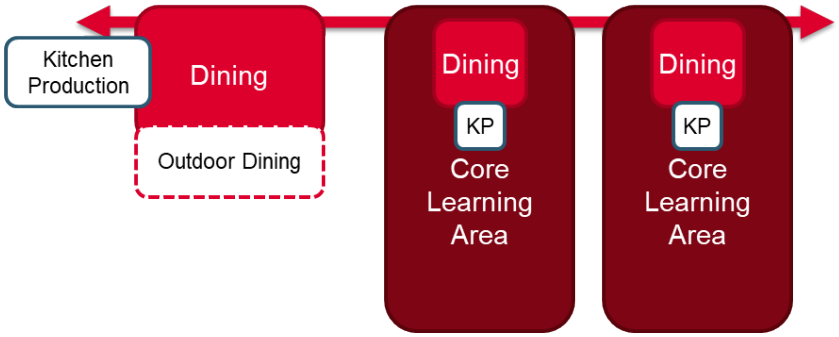
2. Site Considerations
    a. Main Entry (front door) – should have a presence from New Road, but vehicular access should be off Colcord and/or Trice.
    b. Topography – there is +/- 30 feet of fall from N 44th St (higher) to New Rd (lower)
    c. Practice fields – to be determined in the user group meetings, but likely need 2-3 for sports and marching band practice
    d. Need 8 lighted tennis courts
    e. Vehicular circulation ideally will have separate routes for busses, parents, and students – currently have 11 general busses + 3 dedicated for special ed students
    f. On-site parking goal is to get code minimum on this site, and not rely on City parking

3. Program Building Blocks
    a. Co-locate athletics and performing arts to restrict after-hours access to one entry
        i. Will need to manage conflicting event schedules
        ii. Need to plan parking accordingly so visitors are not parking too far away
    b. Should plan for 4 academic neighborhoods, which will likely be grouped by subject or department (or maybe humanities or STEM) so that the teachers in the professional learning community think tanks are not having to travel too far
        i. Having 4 neighborhoods also allows for flexibility in the future to switch to grade-level organization
        ii. Core academics to have shared classrooms with teacher think tanks
        iii. Like the collaborative space (distributed dining) at neighborhood entry point
        iv. Plan for flexibility of departments growing/ shrinking and needing more or less space from year to year
    c. Library to be located in a high-profile, central location such as at the front door and/or visible/accessible from the general academic neighborhoods
    d. Counseling: like it having a central presence like ARS College and Career w/ a more private entrance option as well
    e. CTE – intent is to continue with the existing program offerings and also add Culinary Arts plus potential trending program(s) to be identified in the CTE user group meeting (such as computer science, cyber-security, etc.)
        i. CTE programs to be co-located together in such a way as to potentially add programs from GWACHA/GWAMA campuses in the future
    f. Auditorium – to be replaced, not maintained

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g. Food Service – to be de-centralized similar to the concept sketch below

De-centralized Production / De-centralized Dining



h. Athletics – align with Lake Belton HS for now, but to be verified in user group meeting

4. Design Precedents
   a. All committee members received colored stickers and were asked to review a few building exterior precedents – placing green dots at pictures/features/elements they liked and red dots at ones they did not think were appropriate for Waco HS design
   b. Selections are attached to these minutes – we did not have the opportunity to review these as part of this meeting, but will ideally find time in the next meeting to do so

5. Logistics and Planning
   a. Site Civil Survey – being reviewed by O'Connell Robertson now and targeted to get underway in next few weeks
   b. Geotech Engineering Survey – will be ordered when potential building location(s) are defined by this committee (planned for this group's meetings in June/July)
   c. Hazardous Materials Survey – O'Connell Robertson to contact Alex
   d. Construction Delivery Method – to be Construction Manager at Risk (CMR) – Dr. Kincannon to get this on WISD's schedule for a contractor selection by August/September to maximize the impact for pre-design services

6. Upcoming Activity
   a. User Group Meetings – scheduled for May 24th – June 4th
   b. Programming meeting 3 – Thursday, June 17th at 1:30pm

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	June 17, 2021	**Meeting Time:**	1:30 pm
Meeting Location:	Waco ISD Admin 10th Floor Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Sheryl Davis, Jerry Allen, James Stewart, Ed Love, David Hamilton, Josie Gutierrez O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson Jayna Duke		
Meeting Topic:	Programming Meeting 3		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

A. Draft space program – constructed based on feedback from first round of user group meetings. The following revisions were discussed and will be updated for the final draft space program to be reviewed in our next meeting.

1. Instructional spaces will need to be balanced with the requests for new spaces (example: culinary arts) and efficiency of shared spaces (example: classrooms) – target capacity of 2,150 students at Waco HS

2. Learning communities
    a. Classrooms: no exceptions for what was reviewed today, but the classroom quantity will need to be confirmed with the instructional space quantity
    b. Science
        i. Preference for a classroom/lab combo in lieu of separate rooms
        ii. Could be shared, but will need appropriate utilities in each (ex: sinks)
        iii. Quantity of 14 labs seems appropriate; includes CTE forensics
    c. Shared Resources – distributed serving to remain; all others not needed:
        i. Grand Central Station + Language Lab – could occur in general classrooms or in the collaboration rooms
        ii. Math Lab + Forum – could occur in distributed dining or collaborative spaces or by opening operable partition between classrooms

3. Special Populations
    a. ARD conference room to be located with central administration, not with SPED - Goal to not have people walking through the building for meetings.
    b. Include work-based learning space – ages 18+, which currently occurs off-site
    c. No distinct home environment – could be folded in here or with FAC spaces
    d. ESL – needs 2 classrooms, should be with general education, not special pops
    e. SAIL rooms to be on same floor, separated by a buffer room (example: storage)
    f. Credit Recovery Room – only 1 needed

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4. CTE Spaces
    a. Arts/AV/Communications – no changes
    b. Auto Tech – 8 bays, 4 classrooms are appropriate; parts storage likely to be located in a mezzanine, but kept in the space program as it is conditioned
    c. Business and Marketing – no changes
    d. Culinary Arts – Consider locating near area where future CTE expansion may occur to support potential future culinary program growth.
        i. Culinary Lab to be sized at or above University HS size
        ii. Dining/café to be 1,600 s.f. (University HS's 2,000 s.f. is too large) - Consider dining area "open" to commercial kitchen rather than a separate room
        iii. No teaching mini-labs needed
        iv. Add 1 Family Consumer Science Lab for FCS courses
    e. Education and Training – no changes
    f. Engineering + Health Sciences – spaces for introductory courses for students to preview advanced offerings at GWACHA/GWAMA; will be supplemented by general ed classrooms and with one shared lab in CTE wing
    g. JROTC – match UHS rooms/sizes, but add firing range
    h. Law and Criminal Justice – no changes

5. Visual Arts
    a. Gallery to be incorporated into corridor displays, not a distinct room/space
    b. Dance studio and support spaces to be included – studio can be shared with color guard and cheer programs

6. Music
    a. Band – main rehearsal hall is appropriate; secondary rehearsal hall not needed
    b. Orchestra to occur in band or choir rehearsal halls; space program to include distinct support spaces (office, instrument storage, etc.)
    c. Music Flex Classroom – not needed

7. Auditorium
    a. Theater House capacity for 600
    b. Scene Shop to match current size of 1,200 sf
    c. Media production room to increase to 150 sf

8. Library – No changes

9. Physical Education / Athletics
    a. Auxiliary Gym to accommodate full 84' cross courts
    b. Weight Room – keep single 8,000 sf for now, but may end up be sub-divided

10. Commons + Food Service – no changes

11. Administration – still needs to be updated based on user group meeting, but no questions or concerns identified as of today; will be updated for the final draft review at our next meeting

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B. Site and Building Organization – three initial options where reviewed and the following discussed:
   1. Uno –
      a. Explore options that use different entrance for temporary existing building entrance – potentially the Cooper or Science wings
      b. Need CTE expansion area
      c. Need to consider kitchen service access
   2. Main Street Option
      a. Concern of North facing courtyard; perhaps rotate to face East to create privacy or add fence to enclose
      b. Like one clean main corridor (street)
      c. Like access to all surrounding roads
      d. Like parking on left side for shared community field parking
      e. Move faculty and bus to front and student to back
      f. Strengthen kitchen/commons relationship
      g. Flip student + faculty parking
   3. Town Square Option
      a. Push athletics to the East to align corridor
      b. Like parking all together

C. Upcoming Activity
   1. Programming meeting 5 – Thursday, July 1st at 10am

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	July 1, 2021	**Meeting Time:**	10:00 am
Meeting Location:	Waco ISD Admin 10th Floor Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Sheryl Davis, Jerry Allen, James Stewart, David Hamilton, Josie Gutierrez, Robert Muller O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson Jayna Duke, Amy Jones, Patricia Runge		
Meeting Topic:	WISD Design Committee Meeting 4 – programming		

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A. Site and Building Block Layouts
   1. Further development of the site plans are needed to coordinate the access drive from student parking to staff parking should be considered to maximize pedestrian access.
   2. Uno Scheme:
      a. Concerns about 3-story portion's proximity to the low, residential areas across New Road. Considerations should be taken to respect that urban relationship with our new building while still providing a strong architectural presence.
      b. Mixed feelings on splitting CTE
   3. Main Street Scheme: Overall preferred concept as it achieves the educational appropriateness as communicated by the user groups
      a. Look at flipping the parking and practice field to bring a practice field closer to Band
      b. Like the outdoor connection to courtyard spaces
      c. Ensure the visibility into courtyard from New Road is obscured

B. Space Program
   1. Building size grew approximately 4,000 GSF, based on feedback received in our last meeting and additional analysis of the instructional space quantities needed; largest space drivers were adding the dance studio, increasing the Auxiliary gym size to accommodate 84' long cross courts, reducing Auditorium capacity, and adjusting CTE space quantities + room sizes
   2. Instructional Spaces – we reviewed a few for clarity, and the following direction was provided:
      a. Core Curriculum Classroom – 46 classrooms are an appropriate quantity
      b. Science Labs – 14 labs are an appropriate quantity
      c. Credit Recovery – plan for 3 rooms, each with a capacity of 25 students
      d. CTE Spaces – 25 instructional spaces are an appropriate quantity
      e. Digital Learning Center – not a scheduled space; needs to be sized for 30 computers
   3. Potential Reductions – Casey noted we are currently a little above the building size in which the WISD facilities long-range master plan indicated (which in turn impacts construction costs). A few potential reductions were reviewed and only the following revisions requested:
      a. Remove the JROTC firing range – program isn't currently offered on this campus, and this can be added an a future CTE expansion
      b. Reduce the weight room to 7,000 square feet

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C. Exterior Design – a review of the dot exercise that was in meeting 2 of this group – the following notes summarize the discussions about why certain images received a green dot vs. a red dot
   1. Like mixed materials and masing
   2. Dislike classical architecture as it is too stately
   3. Like open/airy looks of many with transparency
   4. Dislike the high tech or "slick" look
   5. Like pops of color, but not large bright/bold colored masses
   6. Dislike monolithic facades
   7. Like organic forms

D. Upcoming Activity
   1. Design Committee meeting 6 – Thursday, July 15th at 10am
   2. Design Committee meeting 7 – Thursday, August 5th at 10am
   3. Design Committee meeting 8 – Friday, August 20th at 10am
   4. August 24th – Schematic Design deliverable/document
   5. September 7th – 15th – second round of user group meetings

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	July 15, 2021	**Meeting Time:**	10:00 am
Meeting Location:	Waco ISD Admin 10th Floor Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Sheryl Davis, Jerry Allen, Josie Gutierrez, Ed Love, Lisa Saxenian O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson Jayna Duke, Amy Jones, Patricia Runge		
Meeting Topic:	WISD Design Committee Meeting 5 – Schematic Design		

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The meeting began with an overview of the Waco HS design progress discussion from the previous meeting. Further plan development was reviewed, focusing on two academic neighborhood options and overall plan adjacencies.

General

1. Option 1 was preferred for the academic neighborhoods concept
    a. More centralized distributed dining.
    b. Less of a "traditional" corridor feel – like how the corridor widens up at the center of each neighborhood.
    c. Science split between 2 floors is okay, and preferrable for some of the labs to have courtyard access.
    d. General access and organization of courtyard was preferred in option 1.
2. The courtyard design and materials should focus on minimizing maintenance requirements and providing the appropriate balance of outdoor educational space with considerations for potential sound disruptions to adjacent interior learning spaces.
3. Option 1 was noted to provide more flexibility with various topo and drainage requirements.
4. Confirmed that band practice field should be relocated near the band hall (north of parking).
5. Construction sequencing concept presented appeared generally acceptable. Considerations for including the west (student) parking lot in an earlier phase should be explored.
6. It would be preferred for the new tennis courts to be online prior to the demolition of existing, if possible.

Plan Comments / Modifications

1. Distributed serving and dining areas should be easily accessible from 'main' level/kitchen.
2. Think tanks together would be preferred as long as passive observation opportunities within the neighborhood are not sacrificed. Otherwise, separate think tanks.
3. Preference for all APs to be together in a suite, rather than spread across neighborhoods.
4. Locate two SRO offices on opposite ends of building; one in academic neighborhood, and one near the black box/after-hours event entry.
5. Science think tank should be all together on a single floor, on the opposite level from the academic SRO office.

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	August 5, 2021	**Meeting Time:**	10:00 am
Meeting Location:	Waco ISD Admin 10th Floor Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Sheryl Davis, Jerry Allen, Josie Gutierrez, Ed Love, Lisa Saxenian O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson Jayna Duke, Amy Jones, Patricia Runge		
Meeting Topic:	WISD Design Committee Meeting 6 – Schematic Design		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

The meeting began with an overview of the Waco HS design progress discussion from the previous meeting. Further plan development was reviewed, focusing on the preliminary exterior architectural concepts.

General

1. It was noted that an after-hours credit recovery space would be beneficial to support students needing access to that program, without having to enter the main academic classroom neighborhoods. Should be able to lock down from the remainder of the facility after-hours.
2. Both exterior options contained elements that were supportive of the vision for the new Waco High School, with the following comments:
    a. Like the Shell massing concept generally, but preferred the entry massing of the Southwest option.
    b. The material choices and balance in the Shell are preferred. Could introduce the red accents at the key points of interest (e.g. entry, commons, bridge, etc.)
    c. Would prefer to see an amphitheater in the courtyard
    d. Brick texture in Southwest was liked, but should be balanced with the materials of the Shell concept.
    e. Angled columns not preferred.
    f. Fly loft of shell concept was preferred
    g. Window concept and massing in Shell at the neighborhood was liked.
3. O'Connell Robertson will plan to present at the board meeting on September 9th
4. The team will plan to present to the City of Waco following the board meeting
5.

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	August 20, 2021	**Meeting Time:**	8:30 am
Meeting Location:	Waco ISD Admin 10th Floor Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Sheryl Davis, Jerry Allen, Josie Gutierrez, Ed Love, Lisa Saxenian O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson Jayna Duke		
Meeting Topic:	WISD Design Committee Meeting 7 – Schematic Design		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

The meeting began with a quick overview of the Waco HS design progress discussion from the previous meeting. It was noted that this design committee meeting #7 is the last schedule SD phase meeting. Final exterior concept drafts were reviewed, among other critical site and building plan related decisions.

1. Overall, the exterior design updates as shown were well received and reflective of the comments made in the previous meeting.
    a. The proposed courtyard update addresses the desire for functional outdoor learning and social areas.
    b. It was noted that guardrails and fall protection as appropriate will be considered for areas where retaining walls may be tall, particularly in the courtyard.
    c. Generally, the materials selection / overall balance and massing is good, with continued tweaks and development to address constructability and finalize the façade design around the building.

2. Site: parking and site organization options were reviewed.
    a. The preferred layout was selected as it co-locates all three practice fields located along the southern edge of the site, along N 44th Street. And has the larger parking lot on the west side, off Trice Avenue (400 spaces), closest to the event entry
        i. To be determined which lot is dedicated to students vs. staff
        ii. It was noted that performing and fine arts user group's most recent discussion was with the band practice field located near the band hall, and that this will be a significant change in their understanding of design.
    b. CTE has a box truck that lives on site and will need a home.
    c. Band has a large trailer that lives on site – near tennis courts suggested.
    d. North portion of West lot to have gates at entry points to be able to block this off for band practice; will need to coordinate striping with Band needs
    e. Waco ISD noted a preference for a guard shack to be located at one of the west parking lot entry drives. Could be integrated with the CUP if desired.
    f. Consideration should be had for the special education pick up / drop off area, and potentially a nearby widened, dedicated lane for those vehicles.

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g. Discussion occurred on how students enter the building in the mornings. It was noted that minimizing entry points into the school is preferred, but will need to add an additional entry between the SPED wing and the kitchen to facilitate bus riders.
h. No exceptions taken with the single, detached Central Utility Plant (CUP)
i. O'Connell Robertson will send over site and building plan PDFs to the design committee for further “noodling”.

3. Building Plan
    a. The coffee shop (recent addition to the program, as per request from WISD food services director) location was reviewed and accepted.
    b. The elevator location was noted in plan and deemed appropriate. The proposed location improves access to vertical circulation and allows for a mid-level access door to the lowered dining area on the north side of the commons.
    c. The online learning program (formally known as credit recovery) was discussed in terms of after-hours access and it was decided that no plan changes are needed at this point as both options A+C meet programmatic needs. Option B was eliminated as it limits CTE expansion and would add square footage for additional restrooms.
    d. It was noted that JROTC requested +8,000sf of space in the most recent user group meeting. The design team expressed concern for the request for additional square footage vs the current program, and how Waco HS will compare to University HS.
        i. Casey to look-at space types/sizes at University HS and other JROTC programs to determine what is typical for a program of this size; WISD confirmed that WHS has 65 students in JROTC and UHS has 99 students

4. The design team noted a concern with the current building program as approved by the design committee, compared to some expectations / requests from recent user group meetings. Some groups have requested significantly more space that is not currently included in the project or budget (e.g. P+FA user group requested multiple band halls, JROTC added SF, etc.). It is the goal of the design team to meet the requirements of the approved program, and will communicate as such in future user group meetings.

5. A brief overview of the SD deliverable was discussed – noted to be delivered on 08/24/2021.

6. O’Connell Robertson to follow-up with proposed meeting schedule for the next few months – it was suggested that this group will want to meet monthly through the end of 2021 to stay current with project progress and to address any questions/concerns that may arise.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	October 7, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco ISD Admin 10th Floor Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Jerry Allen, Josie Gutierrez, Alex Villanueva, Robert Muller Rogers O'Brien: Charlie Hamilton, Braylon Byford, Justin Stewart O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson Jayna Duke		
Meeting Topic:	WISD Design Committee Meeting 8 – Design Development		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

The meeting began with a brief overview of the Waco HS design progress since our previous meeting and outlined that the design is focusing on In-depth structural and systems design coordination, development of the specifications manual, making updates to the plan and program based on user group input, and technical production of architectural drawings

1. Design/Program Feedback
    a. Commons/Dining intent as shown today is appropriate
    b. Learning Communities (academic neighborhoods) to have transparency between the classrooms and the corridor. Casey to coordinate with Josie and Lisa to define 3-4 WHS representatives to take on a brief tour of nearby school(s) to help illustrate transparency intent and confirm suitability for the replacement Waco HS.
    c. No unique testing support infrastructure needed
    d. CTE programs do not need showers. There are individual/unisex shower rooms in adjacent Athletics than can be accessed if needed
    e. Gender Neutral restrooms – would like to include 3-4 around the building. To be single-user restrooms (similar to a faculty one), and co-located the gender-specific group restrooms
    f. Library – no change to planned square footage to accommodate more volumes
    g. Main Administration Suite
        i. Keep open collaborative space in lieu of an additional conference room
        ii. Preference for a more secure entry/reception area – Leander's precedent as seen at the Danielson Middle School tour was ideal in terms of balance between openness, safety, and access control.
    h. Art kilns – plan for the 2 in the interior kiln room, as requested by Hope Gereghty
        i. Need more research on the requested outdoor kiln requirements to ensure it fits into the courtyard design. This 3rd kiln to be an alternate for this project.

2. Site Design Goals – Doug reviewed a conceptual design for the courtyard that balanced the various activities planned for this space: outdoor school activities, fire department access, accessibility, landscaping/maintenance, etc. The following feedback was provided by WISD:

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a. Prefer artificial turf throughout the academic courtyard (the smaller section surrounded by the 2-story classroom wing) – no low plantings, only trees
b. Like the mix of natural vs. artificial in the larger portion of the courtyard
c. Intent is to meet the City minimum for landscaping requirements outside of the main courtyard (e.g. parking lots, setbacks and side yards, etc.)
d. Like the shade canopy location as shown in the presentation; preference for this to be a trellis style in lieu of fully-covered steel structure or a tensile fabric shade

3. Schematic Design Estimate Review
    a. Full detailed version was e-mailed out during the meeting, but the summary was reviewed today – this was based on the Schematic Design submittal and will next be updated with the more detailed 50% Design Development submittal (due 10/22)
    b. Currently in alignment with project budget, but would like to identify some alternates in the 50% DD submittal
    c. Rogers O'Brien team noted since December 2020, the trend has been 1% escalation per month. Pre-Covid, this was more like 3-4% per year
    d. In October WISD Board Meeting, Jarrod is to show design progress and note we're currently tracking in budget, but not note a specific number

4. Upcoming Design Committee Meetings:
    a. Thursday, October 21st at 9:30am – design process update, Interiors development, life safety design intent
    b. Thursday, November 18th at 9:30am – design process update, Interiors final design, 50% DD estimate from Rogers O'Brien
    c. TBD: Thursday, December 11th – if needed, likely will share with MS design committee for a pre-holiday break update

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	November 18, 2021	**Meeting Time:**	8:30 am
Meeting Location:	Waco ISD Admin – Main Board Room		
Attendees:	Waco ISD: Susan Kincannon, Jerry Allen, Josie Gutierrez, Alex Villanueva, David Hamilton, Lisa Saxenian, Ed Love, Sheryl Davis, Meredith Casas Rogers O'Brien: Charlie Hamilton, Braylon Byford, Justin Stewart, Christina Sheng O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson Jayna Duke		
Meeting Topic:	WISD Design Committee Meeting 10 – Design Development		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

The meeting began with a brief overview of the Waco HS design progress since our previous meeting and outlined P+FA and Athletics plan changes that were in reaction to the most recent round of user group meetings.

1. WISD preference for the entry vestibule is option 2, keeping the attendance office separate from the reception office.
2. No restroom necessary to be accessed directly from the 'public' welcome center at the new high school.
3. Overall security zones were reviewed and approved as shown.
4. O'Connell Robertson noted that additional analysis for a packaged central plant is currently underway, and Rogers O'Brien will provide a final recommendation based on construction schedule and potential cost impact.
5. O'Connell Robertson will be setting up a detailed review meeting with WISD and True North Consulting Group to review the specific technology needs throughout the campus.
6. The interior design concept updates were presented with no exceptions taken by the group. Opportunities to integrate historical elements of Waco HS into the new campus design were discussed as follows:
    a. 4 Neighborhoods – Tentatively the 'River, Rail, Bridge, and Base'. To be confirmed
    b. Should consider a space for an interactive alumni display – a way to remember graduates of the past
    c. A yearbook archive was noted as a potential element to be included
    d. Design elements within the facility should focus around the people – past graduates in particular; quotes, photos, stories, etc.
    e. The existing historical flagpole should be relocated to the new interior courtyard, and new standard flagpoles provided out front
    f. WISD noted that there are a few time capsules located somewhere around the campus, and that care should be taken prior to, or at the beginning of demolition to ensure those items are carried forward.

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g. WISD indicated a desire for a new lion sculpture within the building. Metal/modernized.
h. Noted that Baylor has a historical archive of buildings for the design team to reference.
i. Opportunity to use small group rooms throughout the facility as branding – saturated graphics, quotes, etc. based on the specific alumni.
j. Other historical architectural elements should be considered within the design – some examples noted in the meeting were a bi-plane, or other aviation themed elements to reflect the campus' history as a base.

7. Other interiors comments:
    a. Deep grind concrete preferred in more areas than seen during Lake Belton HS tour.
    b. Need to revisit shades at interior classroom windows in greater detail
    c. Internal shades at the operable partitions preferred
    d. No curtains desired at classrooms
8. For campus landscaping, trees and landscaping should be provided at the required city minimum.
9. The 50% DD estimate was presented by Rogers O'Brien and discussed among the group. Some cost saving strategies noted were discussed and acceptable, or have minimal to no design or functionality impact, such as switching from CMU to stud in the CTE / Athletics areas with tile. The design team will proceed forward with these appropriate cost savings measures.
    a. A meeting was scheduled for 1:00pm on December 8th to further discuss the remaining, design-impactful value management options for the project. (Ed, Larry, Sheryl, Jerry, and Dr. Kincannon in this meeting with design team and CM@R).
10. It was noted that GMP 1 is currently planned for April 28th board approval to allow for structural steel to move forward early with procurement.
11. Remaining GMP would occur in July upon completion of the Contract Documents.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	December 8, 2021	**Meeting Time:**	1:00 pm
Meeting Location:	Waco ISD Admin – Main Board Room		
Attendees:	Waco ISD: Dr. Susan Kincannon, Dr. Robert Muller, Jerry Allen, Alex Villanueva, David Hamilton, Lisa Saxenian, Ed Love, Sheryl Davis, Meredith Casas Rogers O'Brien: Charlie Hamilton, Braylon Byford, Justin Stewart, Christina Sheng O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson Jayna Duke		
Meeting Topic:	WISD Waco HS Budget Review Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

The meeting began with a brief overview of the Waco HS design progress since our previous meeting and outlined P+FA and Athletics plan changes that were in reaction to the most recent round of user group meetings.

1. WISD preference for the entry vestibule is option 2, keeping the attendance office separate from the reception office.
2. No restroom necessary to be accessed directly from the 'public' welcome center at the new high school.
3. Overall security zones were reviewed and approved as shown.
4. O'Connell Robertson noted that additional analysis for a packaged central plant is currently underway, and Rogers O'Brien will provide a final recommendation based on construction schedule and potential cost impact.
5. O'Connell Robertson will be setting up a detailed review meeting with WISD and True North Consulting Group to review the specific technology needs throughout the campus.
6. The interior design concept updates were presented with no exceptions taken by the group. Opportunities to integrate historical elements of Waco HS into the new campus design were discussed as follows:
    a. 4 Neighborhoods – Tentatively the 'River, Rail, Bridge, and Base'. To be confirmed
    b. Should consider a space for an interactive alumni display – a way to remember graduates of the past
    c. A yearbook archive was noted as a potential element to be included
    d. Design elements within the facility should focus around the people – past graduates in particular; quotes, photos, stories, etc.
    e. The existing historical flagpole should be relocated to the new interior courtyard, and new standard flagpoles provided out front
    f. WISD noted that there are a few time capsules located somewhere around the campus, and that care should be taken prior to, or at the beginning of demolition to ensure those items are carried forward.

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g. WISD indicated a desire for a new lion sculpture within the building. Metal/modernized.
h. Noted that Baylor has a historical archive of buildings for the design team to reference.
i. Opportunity to use small group rooms throughout the facility as branding – saturated graphics, quotes, etc. based on the specific alumni.
j. Other historical architectural elements should be considered within the design – some examples noted in the meeting were a bi-plane, or other aviation themed elements to reflect the campus' history as a base.

7. Other interiors comments:
   a. Deep grind concrete preferred in more areas than seen during Lake Belton HS tour.
   b. Need to revisit shades at interior classroom windows in greater detail
   c. Internal shades at the operable partitions preferred
   d. No curtains desired at classrooms
8. For campus landscaping, trees and landscaping should be provided at the required city minimum.
9. The 50% DD estimate was presented by Rogers O'Brien and discussed among the group. Some cost saving strategies noted were discussed and acceptable, or have minimal to no design or functionality impact, such as switching from CMU to stud in the CTE / Athletics areas with tile. The design team will proceed forward with these appropriate cost savings measures.
   a. A meeting was scheduled for 1:00pm on December 8th to further discuss the remaining, design-impactful value management options for the project. (Ed, Larry, Sheryl, Jerry, and Dr. Kincannon in this meeting with design team and CM@R).
10. It was noted that GMP 1 is currently planned for April 28th board approval to allow for structural steel to move forward early with procurement.
11. Remaining GMP would occur in July upon completion of the Contract Documents.

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	December 16, 2021	**Meeting Time:**	10:15 am
Meeting Location:	Waco ISD Admin – Superintendent's Conference Room		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Jerry Allen, Josie Gutierrez, Alex Villanueva, David Hamilton, Lisa Saxenian, Meredith Casas Rogers O'Brien: Charlie Hamilton, Braylon Byford O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Doug Dawson Jayna Duke, Andrew Faust		
Meeting Topic:	WISD Design Committee Meeting 11 – Design Development		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Construction Phasing – strategy presented today balances the functions/operations of a safe school campus with the efficiency of the contractor's schedule
    a. In advance of each phase, O'Connell Robertson + Rogers O'Brien to work with Lisa + WISD to develop graphics/notes about access for their community communications
    b. Phase 1
        i. Scope: new parking off Trice
            1. The start of this construction would not impact 42nd street traffic prior to closing the street.
            2. This construction would require surrendering the grass practice field just north of Paul Tyson Field to Rogers O'Brien.
        ii. Schedule: June – August 2022, which should minimize construction impact to school operations for the 22-23 school year
            1. The district was in favor of this strategy to gain additional parking for the new facility as soon as possible.
    c. Phase 2
        i. Scope: construction 70% of new building + adjacent site improvements
            1. Construction Zone: over Lake Air Little League property + 42 Street
            2. School Operations impact: student/parent access off 44th St. or Trice
        ii. Schedule: August 2022 – August 2024
    d. Phase 3
        i. Scope: demolish Cooper Wing to connect new visitor parking to Colcord, which will allow the new building main entry to utilized
        ii. Schedule: June 2024 – August 2024
    e. Phase 4
        i. Scope: demo existing main building and auditorium
            1. Construction Zone: existing main building and auditorium
            2. School Operations impact: defined/covered pedestrian walkway to connect new building with existing CTE + Athletics buildings
        ii. Schedule: August 2024 – June 2025 (concurrent with phase 5)
    f. Phase 5

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i. Scope: construction of new CTE + Athletics and teacher parking lot.
    1. Construction Zone: same as phase 4
    2. School Operations: same as phase 4
ii. Schedule: August 2024 – June 2025 (concurrent with phase 4)

g. Phase 6
    i. Scope: demolition of old CTE + Athletics buildings & final site improvements
    ii. Schedule: June 2025 – December 2025

2. Interior Design
    a. Note
    b. Note
    c. Note

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SECTION 2: User Group meeting minutes from kickoff through Design Development



Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	May 24, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco High School, Room 136		
Attendees:	Waco ISD: James Stewart, David Hamilton, Ken Heller, Alesia Schneider, April Roberson, Jeff Mink, Amanda Phipps, Susan Giddings O'Connell Robertson: Casey Nicholson, Jayna Duke, Kelechi Chigbu		
Meeting Topic:	Core Curriculum User Group Meeting		

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1. General Planning
    a. Waco HS design committee (which includes Waco ISD + Waco HS representatives) have decided on shared, not dedicated, general teaching spaces.
    b. Target four general classroom neighborhoods – likely will be department-based, but should be flexible enough to modify to grade-level-based should leadership change
    c. All academic neighborhoods will include staff think tanks with:
        i. teacher desks lockable storage for personal belongings
        ii. workroom with copier, coffee maker, restroom, etc.
        iii. meeting space for staff collaboration and mentorship.
    d. Natural light needed in all instructional spaces, with the ability to darken for instruction / projections
    e. Transparency – great to have some windows between classrooms and the academic neighborhood cul-de-sac (collaborative spaces), but not on a main street/corridor – concern this would be distracting to those needing to focus inside the classrooms
    f. Avoid hidey-holes – for example, preference is to have doors swing flush against corridor walls in lieu of recessing door pockets where students could tuck out of sight
    g. Need corkboard or tack-able surfaces in corridors for poster presentations
    h. Stairs – keep them visible and easy to passively monitor by nearby staff
    i. APs should be spread throughout the facility
    j. Security touchdown areas needed in multiple locations around the building
    k. Need more staff bathrooms spread around campus, particularly closer to classrooms
    l. Parking – staff parking ideally to be adjacent to all areas of the building; like the idea of students being able to paint their spot

2. Classrooms
    a. Each general classroom to include:
        i. Locked storage & counter for storing and laying out materials/manipulatives; ideally on a universal teacher key; English rooms need bookshelves as well
        ii. Lots of wall space for hanging discipline-specific posters & other references
        iii. Fixed projector and document camera for easy teacher plug-in
        iv. Outlets everywhere – even in the furniture, if possible

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b. For reference, existing classroom 217 was noted as a good size for +/- 30 students
c. A small percentage of classrooms in each neighborhood to have operable partitions – would need to provide training to staff to explain/encourage utilization of these
d. GCS (Grand Central Station) space is needed – this is content mastery for non-special education students. WHS used to have this as a dedicated classroom, but was lost during Covid as the space was needed for social distancing of students
e. Would love a lecture/forum space for 75-100 students (approximately 3 classes), to be used for guest speakers + student presentations, particularly by History/English
f. Language Lab would be great for acoustic privacy for small groups to practice
g. Math Lab would be a wish list item – essentially an open space without much furniture, but lots of access to technology and other resources

3. Science Labs
    a. Need to be co-located together, not split up into the general academic neighborhoods
    b. For reference, love the lab sizes in the existing science wing (comment: "nobody in there has taught in a better place"), but storage rooms could be bigger
    c. Science labs are hard to have interchangeable. For example. biology and chemistry do not typically use the same equipment or have the same needs.
    d. Ideal room supports lecture set-up on one side and lab set-up on opposite side
    e. Preference for dedicated labs, but would like the ability to combine two near the lecture side with an operable partition wall

4. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the Waco HS / WISD design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	May 24, 2021	**Meeting Time:**	12:30 pm
Meeting Location:	Waco High School, Room 136		
Attendees:	Waco ISD: Charlotte Davis, Jim Owen, Julie Richardson, Tanner Easley, Bamma Moore O'Connell Robertson: Casey Nicholson, Jayna Duke, Kelechi Chigbu		
Meeting Topic:	Special Education User Group Meeting		

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1. Specialized rooms to be co-located in a wing or corridor that is pulled away from the primary building circulation/hallways – need to balance this separation with not being too isolated
    a. Needs direct exterior access for student drop-off / pick-up via separate bus lane from general campus busses; exterior access from corridor only, not from classroom(s)
    b. First floor is ideal/preferred as transitions to core building spaces (food service, PE, etc.) take time and would like to minimize this time taken away from instruction
    c. Functional Academics
        i. Existing is 4 teachers sharing 3 rooms. New building needs 4 FAC rooms.
        ii. Need support room(s) with kitchen, access to washer/dryer, time clocks, etc. – ideally would have shared between a pair of FAC rooms
        iii. Need restroom with changing space
        iv. Need small group / quiet rooms
        v. Would be helpful to have near to the nurse
        vi. Currently in classrooms 123/124 – set-up is great, just needs to be larger to accommodate wheelchairs and other activities
    d. OT/PT room sized to support full range of equipment, including items from overhead
    e. Work-Based Learning – currently done off-site, but would be great to add on-site if possible. Activities might included making t-shirts, creating food to sell, projects, etc.
    f. Life Skills Room – would be helpful to have a space to simulate home environment activities such as making beds, living room set-ups, etc.
    g. Offices + Staff Support
        i. Need SPED planning/workroom – currently have 13 FTEs + 10 paras
        ii. Need conference room to support maximum ARD size of 15 people

2. Dedicated Rooms to be located in or near to the general academic neighborhoods
    a. Resource rooms – same size as general classrooms
    b. Intervention/Counselor rooms – for pull-out services
    c. SAIL (Behavior) classroom – supports Positive Behavioral Interventions & Supports (PBIS) and kiddos that need to self-regulate.
        i. Need 2 – one on first floor of academic neighborhoods + one on second floor
        ii. Provide ability to split into two smaller spaces within each room

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d. Credit Recovery – need 2+ of these with science area set-up in each

3. General Planning
    a. Natural light is a must, but need to have shading capabilities
    b. Need as much acoustic separation between spaces as possible
    c. Need ability to change color/temp of lighting, dim level, etc.
    d. Limited visibility to other classrooms

4. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the Waco HS / WISD design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	May 25, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco High School, Room 136		
Attendees:	Waco ISD: Susan Kincannon, David Hamilton, Jerry Allen, Will Burney, Mark Penney, Donna McKethan, Lisa Saxenian, Brandon Classen, Reannon Ruark O'Connell Robertson: Casey Nicholson, Jayna Duke		
Meeting Topic:	Career and Technical Education (CTE) User Group Meeting		

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1. General Planning
    a. Scope: Intent is to build facilities to support all CTE programs currently offered at Waco HS, and to add spaces to support a new Culinary Arts program and introductory courses for the advanced programs offered at GWACHA/GWAMA: Introduction to Health Sciences and Principles of Engineering.
        i. May be considering Info Tech with cyber security and/or computer science in the future, but not to be planned into the space program at this point.
    b. Location: As per the district-wide CTE Educational Vision, the goal is to group all CTE spaces together – Waco HS staff has requested these in a CTE-dedicated wing
        i. Ideally this would have or be near to a public entry for after-hours access.
        ii. JROTC may not necessarily be located in this area
        iii. WISD plans to maintain GWACHA/GWAMA campuses for now, but should indicate potential expansion space at the replacement Waco HS to accommodate these programs potentially to be located here in the future
    c. CTE wing/neighborhood will include a staff think tank with:
        i. teacher desks lockable storage for personal belongings
        ii. workroom with copier, coffee maker, restroom, etc.
        iii. meeting space for staff collaboration and mentorship.
    d. Display areas for Skills USA trophies, student photos/videos, award plaques, etc.
    e. Need to mitigate or prevent any shut down of CTE facilities during construction
    f. Currently 90% of students are on a CTE pathway
    g. Computer Labs should have 30 stations w/ a center area for students to gather away from the computer screen

2. Arts, AV, Communication
    a. Graphic Design needs computer lab with Yearbook storage
    b. Animation needs computer lab
    c. Photography needs staging studio with prop storage; all digital, and no darkroom
    d. AV needs general classroom(s) and
        i. TV studio for video announcements (ideally would have 3 cameras)
        ii. Audio recording studio with a sound booth
        iii. Edit Room(s) – ideally would have 1-2 of these; currently occurs in classroom

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3. Auto Tech (biggest program currently @ 4 teachers, 300+ students)
    a. Need 4 classrooms that face the shop and have some transparency between each
    b. Shop space needs 8-12 bays (currently have 8, but more would be preferred)
    c. Need exterior fenced-in bull pen for parts and cars
    d. Interior storage – equipment, tools, etc.
    e. Locker room with showers and changing rooms
    f. Office for 4 staff

4. Business and Marketing (2nd biggest CTE program currently @ 5 teachers)
    a. Need 5 labs – currently have 5 teachers and are not projecting this to change
    b. Need school store with inventory storage – ideally located near building exterior door to be more accessible to school community
    c. Labs would be great to co-locate with AV/Photography spaces

5. Culinary Arts
    a. Commercial kitchen with dry storage and dishwash (minimum 3-compartment sink)
    b. Dining/Café should not double as a classroom; ideally would have exterior entry – views into commercial kitchen are desired
    c. Need 3 teaching labs (mini commercial kitchens)
        i. Mobile student tables and perimeter casework/equipment and deep sinks
        ii. Plan for 4 mini professional kitchens and 1 open/flexible classroom space at one end of the room – will rotate 6 groups through the 4 stations, not all 6 in a mini-kitchen at the same time.
        iii. Ideally these would be co0loaced for flow + collaboration between
        iv. Need Ansul (range hoods) in at least 2 of these
        v. Reach in cold storage if individual units provided in each lab, but if decide to centralize cold storage, would need to change to walk-in unit(s)
    d. No Family Consumer Science spaces needed; all staff are chefs, not FCS teachers

6. Education + Training – Need 3 general classrooms with lots of casework storage, not closets

7. Engineering – Principles course only, advanced to remain at GWAMA; goal is to get a taste of what is available at GWAMA
    a. Shop space to include at least 1 welding station (could occur outside), multiple 3D printers, robotics/drone storage, construction
    b. Need adjacent classroom space with visibility into shop space

8. Health Science – Introduction course only, advanced to remain at GWACHA
    a. Need 2 general classrooms with shared simulation lab between that will include two beds, scrub sink, etc.
    b. Noted that University HS has good space for reference

9. JROTC
    a. Space is needed on this campus, but nobody in this meeting could speak to the specific space needs. O'Connell Robertson will follow-up separately to define this.
    b. Should be located near building exterior for direct access to parking lot / greenspace for drill practices

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10. Law and Criminal Justice – Need 3 general classrooms

11. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the Waco HS / WISD design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	May 25, 2021	**Meeting Time:**	12:30 pm
Meeting Location:	Waco High School, Room 136		
Attendees:	Waco ISD: David Hamilton, Meredith Casas, Savannah Jones, Hope Gereghty, Brently Bartlett, Liz Vermeulen, Scott Stulir, Larry Carpenter, Tyler Sage O'Connell Robertson: Casey Nicholson, Jayna Duke		
Meeting Topic:	Fine Arts User Group Meeting		

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1. General Planning
    a. Theatre Arts, Visual Arts, and Music should all be co-located in the new building
    b. After-Hours access – shared with Athletics is fine, similar to what was seen on the Lake Belton HS tour; group reference Waxahachie HS as a reference
    c. Want to be a destination zone, somewhat secluded from rest of school
    d. Need a flex classroom in the wing for music theory and other Fine Arts classes
    e. Need shared laundry for Fine Arts
    f. Intrigued by idea of distributed dining/serving in Fine Arts wing – concerned about monitoring and access, but like that it could be a home for the students
    g. Could use a merchandising area – potentially incorporate into school store
    h. Need collaborative staff team space (copier, lounge, staff restroom)

2. Theatre Arts
    a. Auditorium – intent is to be located and sized to be able to host contests/events without disrupting normal school day operations
        i. At minimum, align with University HS seating capacity
        ii. Stage width at University HS is good, but need more depth
        iii. Need orchestra pit and typical back-of-house support rooms such as dressing rooms, costume storage w/ space for sewing, green room, etc.
    b. Black Box
        i. To be located near and accessible from the entry for evening events
        ii. Like the current scene shop size
    c. Technical Theater Classroom – adjacent to shop/stage/costume/dressing

3. Dance
    a. Does not currently exist, but goal is to grow this program
    b. A dance studio could support color guard, drill team, cheer, and maybe PE
    c. Need to include lockers for dance (part of fine arts) and cheer (part of athletics)

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4. Visual Arts
    a. Currently have 4 teachers with enrollment of approximately 700 students; typically classes are exceeding 30 students per class
    b. Preference for large industrial space, lots of natural light, and a formal gallery separate from work areas to allow for contemplative and public viewing
    c. Would like opportunity to collaborate between art rooms – both indoor and outdoor
    d. Growth goal is to add a clay/sculpture studio – could occur in a general art room, but might be better in a unique room
    e. Kiln – currently have 1, but would prefer a larger one that could be located outside
    f. Roll-up door for direct exterior access from all art rooms would be great
    g. Would love to be able to help create the graphics / murals for the new campus
    h. Great collaboration with Photography (in CTE), might be good to be nearby
    i. Need chemical wash and wash sink in at least 1 room
    j. Shared office would be great
    k. Would love to have outdoor classroom space for painting, etc.

5. Music
    a. General Planning
        i. Amenable to locating practice rooms off general corridor to be shared between music programs – need to ensure vision and sightlines into all
        ii. Laundry room – could be used for all of fine arts
        iii. Sewing room sized for +/- 15 students – needs to have a few machines and windows into the corridor or adjacent rehearsal rooms for observation
        iv. Would love to see music production and recording opportunities – this would require additional technology and acoustic control in the rehearsal rooms, but not necessarily separate or unique spaces
        v. Natural light would be appreciated from transoms and/or skylights, but not needed for viewing
        vi. Outdoor amphitheater would be great for performances
    b. Choir
        i. Target 80 in full choir, but smaller groups can be taught in smaller rooms
        ii. Support: uniform storage, music library for sheet music, min. 4 practice room
        iii. Future growth might need a piano classroom
    c. Band
        i. Target 200 in main rehearsal room; need 2nd rehearsal room for 150 students
        ii. Currently have 1 marching band and 3 other bands
        iii. Instrument storage in furniture in rehearsal room(s), not in a separate room
        iv. Support spaces: music library, percussion storage, color guard storage, uniform storage, ensemble rooms for 12-15 students, minimum of 6 practice rooms for 1-4 students
        v. Practice field (not pavement) with stripes – needs to be accessible (ramps, extra-wide doors/gates) for wheeling large equipment and instruments from/to the building
        vi. Color guard currently practices in the band room – ideally this would be moved to a new dance studio
    d. Orchestra
        i. Target a room size between band and choir
        ii. Support spaces: rehearsal room, instrument storage, practice rooms

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6. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the Waco HS / WISD design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	May 26, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Waco High School, Room 136		
Attendees:	Waco ISD: Susan Kincannon, Jerry Allen, Deena Conblum, Ashley Bates, Cristina Ramirez, Meredith Casas O'Connell Robertson: Casey Nicholson, Jayna Duke		
Meeting Topic:	Library User Group Meeting		

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1. Craft library to support independent and collaborative learning throughout the school

2. To be located in a prominent area – central hub of the school
    a. Ideally close to main entry for coordination and after-hours access – reference to Eastlake HS in that it is the first thing you see when you enter the school
        i. Easy to access to visitors, parents, alumni and the students
        ii. Technology is housed here, so visitors are dropping-off & picking-up all day
    b. Like the front porch seen at Westwood HS and Lake Belton HS and in a downtown bookstore – makes it more accessible and welcoming; should include comfortable, flexible furniture

3. Main area to offer a variety of spaces: study area, fun area, lounge areas, small conference or breakout rooms, multi-purpose space – will need lots of natural light a visibility (sight lines) to be able to easily monitor all areas

4. Need a classroom-sized presentation space that is visible, but to the side of the main library to reduce student distraction while still allowing for the remainder of the library to be utilized

5. Space should be designed with flexibility to support collaborative groupings of varying sizes

6. Like digital learning center (aka college lab) to support students' online classes. Pre-covid, this type of resource typically had 20-25 daily users

7. Technology should be robust and throughout

8. Most beneficial adjacencies, in priority order:
    a. Main office / nurse / counselor
    b. Not to be next to cafeteria or gym – concern about noise; but noted if there is some vertical separation like Lake Belton HS, these spaces could be adjacent
    c. Close to academic neighborhoods, particularly the History/English classrooms

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9. Need unisex family restroom directly off the library to support staff, transgender students, and evening users

10. Makerspace for D-I-Y projects – lots of storage for arts/crafts, a sewing machine, etc.; ideally directly adjacent to the main library area, but separated with an open glass partition (floating, no door) to allow for monitoring and assistance

11. Include a technology help desk – similar to a genius bar, could be 'staffed' by students?

12. Support spaces: storage, workroom with sink

13. Next Steps
    a. O'Connell Robertson to revise the straw program based on this feedback and then review with the Waco HS / WISD design committee to confirm scope/intent
    b. This group will come back together in a few months for a design progress update to confirm spaces are appropriately located and to dive deeper into design details.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	August 17, 2021	**Meeting Time:**	1:30 pm
Meeting Location:	Virtual Zoom Meeting		
Attendees:	Waco ISD: Lisa Saxenian; David Hamilton; Reannon Ruark; Donna McKethan; Design Team: Melissa Counihan; Terise Urias; Casey Nicholson; Doug Dawson; Jayna Duke; Andrew Faust		
Meeting Topic:	Culinary Arts User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. 96 Students enrolled in the culinary program at University HS
    a. Waco HS does not currently have a culinary arts program
2. Vision for the WHS program: *To get kids ready for a working in a commercial kitchen.*
3. Flexible Kitchen space is a high priority – single use spaces are not needed (ex. No need for a dedicated pasty lab)
4. WHS is not a pro-start school
5. Proposed Culinary Curriculum -
    a. Intro to Culinary
    b. Culinary 2
    c. Culinary 3 - Advanced
    d. Culinary 4 – Practicum
6. Desired Spaces - 3 classrooms for a full culinary program with commercial food service/ industrial machinery:
    a. Intro kitchen
    b. Small commercial kitchen
    c. Large commercial kitchen
7. Current Main culinary lab – existing equipment & functionality:
    a. Family kitchen for Culinary 1 & 2 (not functioning for current needs)
    b. Four 8-burner gas stoves
    c. Two Double Stacked Convection Ovens
    d. Two fryers
    e. Tilt skillet (don't need)
    f. Steamer (don't need)
    g. Four Commercial mixers (don't need all 4) - 1 is more than enough
    h. Three compartment Sink with Overspray
    i. Scrap Sink with Overspray and Garbage disposal
    j. Dishwasher
    k. Reach in – Half-Door Refrigerators and Freezers

8. Wish List:
    a. Equipment they would like to have:
        i. Grill
        ii. Single door dishwasher for sanitary purposes
        iii. Walk-in Cooler/Freezer to share for all the labs
    b. Offsite catering transport equipment is needed:
        i. One Mobile Holt Holding Box
        ii. Two Stacked Mobile Cambro Catering Boxes
    c. Technology at learning stations:
        i. Would love to send digital copies of the recipe to each station – could be hardwired for that way it can change as technology changes.
            1. Kids take notes afterwards of successes/lessons learned and be able submit on the iPad to the teacher.
            2. Also could be used for Recipe comparison exercises.
9. Front of room / Teacher demonstration area / Technology
    a. Video monitor projection not required – would be nice to project out into the hall to show off what they are doing in the kitchen.
    b. Mirrored tables not needed as most demonstration is gathering around to watch then supplemented with individual monitoring/coaching.
10. Small wares – pots/pans/silverware/etc. will not be included in the scope of this project.
11. Action Items:
    a. Dining hall needs visibility from the kitchen.
    b. Need sound dampening to reduce noise from the kitchen into the dining area.
    c. No glass into the hallway.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 7, 2021	**Meeting Time:**	9:30 AM
Meeting Location:	In-person meeting – Waco High School - Room 111		
Attendees:	Waco ISD: Ken Heller; Susan Giddings; Amanda Phipps; Alesia Schneider; April Roberson; Jeff Mink Design Team: Casey Nicholson; Doug Dawson; Patricio Villa; Andrew Faust		
Meeting Topic:	Core Curriculum User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Meeting opened with introductions and a brief introduction and update of the design progress.
2. Users expressed interest to keep as many trees as possible on the site after development
3. Science
    a. Expressed interest in using new detention ponds as Living labs
    b. Each science classroom needs direct access to prep rooms & storage
        i. Preference would be for general storage room access for each science classroom – can be shared between 2 adjacent classrooms.
            1. Biology has most need for storage - Types of items stored: Microscopes, Slides, Lamps, Soil, Seeds
            2. Chemistry has 2nd most need of storage – Types of items needed: chemicals storage, fume hood, flammable closet, dishwasher
            3. Physics has least amount of storage needs
        ii. Fume hood in prep room
        iii. Desire to also have hallway access to general storage
    c. Users prefer built-in Teaching tables with storage and sink / gas hookup for demonstrations
    d. All doors in science classroom to swing out.
    e. In each classroom plan for wall space to hang posters/charts.
4. Concern about dining in the classroom neighborhoods while classes are occurring in the adjacent classrooms. After this meeting, O'Connell Robertson touched base with other districts with distributed dining to determine best practices for both activities occurring simultaneously in adjacent spaces.
    a. Users that have distributed dining located next to classroom space have noted that is not a long term distraction to the students. Having visibility on students working in these flexible collaborative hallway spaces far outweighs any possible distraction.
5. Testing days occur +/ 12-15 days a year and usually include approximately a quarter to half of the student population. Dedicated restrooms for test-takers only is required, which often means WHS shuts down much of the building or takes over the Science Wing – essentially disrupting instructional offerings on those testing days. UHS has extra furniture, so they set-

up in the gymnasiums on testing days, which allows other classes to occur as usual. Attendees at this meeting like that the new WHS academic wings allow for each of the 4 neighborhoods to potentially be separated out on testing days without disrupting the remainder of the campus on testing days.

6. Transparency – some noted preference for solid walls between the classrooms and the corridors to minimize visual distractions for students trying to focus in the classroom, but some noted concern for not being able to have eyes on (passive observation) the collaborative spaces in the corridor.
    a. Expressed interest in stair treads that can be seen through
7. Users interested in using the same technology across all classrooms and to have access to shared textbooks in bookshelves in the rooms.
8. Users expressed desire to have lockable storage to put away purses and belongings in the Think Tanks

*See attached presentation & sketches from UGM

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 7, 2021	**Meeting Time:**	12:30 PM
Meeting Location:	In-person meeting – Waco High School - Room 111		
Attendees:	Waco ISD: Lisa Saxenian; Charlotte Davis. Jim Owen, Julie Richardson Design Team: Doug Dawson; Andrew Faust; Patricio Villa		
Meeting Topic:	Special Education User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Meeting opened with introductions and a brief introduction and update of the design progress.
2. Users stressed importance of having accessible access to the courtyard and easy access to the nurse
3. SPED currently does not have a Base classroom. O'Connell Robertson to follow-up on the need for this space before deleting or repurposing this for a different use.
4. The design includes dedicated shared workspace – think tanks
5. Desire from users to split SAIL classroom between the 2 levels of academic area for better proximity between all classrooms – (currently on the lower level currently only)
    a. The current set up of the SAIL classroom in WHS is ideal - lots of writing space on walls
    b. Users expressed a desire to include an approximately 100 sqft "Cool Off Office Space" – a 1 to 2 person space attached to SAIL
6. Each FAC & resource classroom is very different – having multiple uses
    a. Need white boards on the long walls
    b. Lots of writing space
    c. Resource classrooms typically to hold 12 to 15 students
7. Glazing into hall on some of the classrooms – see attached sketches
8. Restroom needs:
    a. Needs space for a 6' changing table
    b. Space for a Hoyer lift (WISD currently has 1)
    c. One tall cab in restroom for supplies & for students to store toiletries
    d. No dedicated shower needed as they could utilize the one in the nearby nurse restroom.
9. Follow up items –
    a. How many SPED busses need to park at dedicated bus loop at a time?

*See attached presentation & sketches from UGM

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 8, 2021	**Meeting Time:**	9:30 am
Meeting Location:	In person meeting – Waco High School Room 111		
Attendees:	Waco ISD: Will Burney, Mark Penney, Mandy Moss, Reannon Ruark, Donna McKethan, Lisa Saxenian, David Hamilton; Design Team: Casey Nicholson; Doug Dawson; Andrew Faust; Patricia Runge; Pooja Shetty		
Meeting Topic:	CTE User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Meeting opened with introductions and update of the design progress.
2. General Planning
    a. Would love to create an outdoor space for brick pavers that community members could purchase/engrave
        i. Possibly could be located close to the flagpole?
    b. Would like to maximize the amount to transparency between the instructional spaces and the adjacent corridors
    c. Like visibility from Think Tank + CTE offices into adjacent corridors and collaborative spaces to allow for good passive observation of the students in these spaces
    d. Flex classroom is appropriately sized and located to be flexible enough to accommodate various courses in the numerous CTE offerings
        i. Current downtrend in these programs at WHS: Automotive, Arts & AV, Animation & Graphic Design
        ii. New students to culinary program would possibly be pulled from business as currently kids are being sent to business when they want to go into culinary
    e. CTE private offices – currently 2 shown: 1 for dean; the 2nd would be used as collaboration space until a counselor is hired
3. Arts, AV, Communication
    a. Animation + Graphics Labs should have perimeter countertop on 3 of the walls (the 4th will be the primary teaching wall with markerboard + projection). If needed to accommodate the requested 30 computer stations, could have an island in the middle with the remaining workstations
    b. Photography Studio should have photo space in 1-2 corners and the remaining space to be available for instruction
    c. TV/Audio/AV
        i. Sound proofing is essential between these rooms and the adjacent spaces
        ii. Need 1 larger classroom in lieu of 2 smaller sizes
        iii. Need to enlarge the TV studio to accommodate different filming scenarios – minimum size is 22' length and 18' wide; up to 10 students at a time

iv. Do not provide glass at Filming area if accessible by students in hallway because of ability to knock on glass and cause noise
v. TV studio control booth to have some visibility from the back to allow students not in the booth to observe the process
vi. Don't need editing room as students normally do this in the main classroom

d. AV Room setup:
   i. Need room for a larger desk area
   ii. Need space to set to record an interview
   iii. Preference of user is to have larger open studio space that is more flexible vs smaller spaces.
e. Adjacencies:
   i. Okay with people walking through studio to get to other spaces because they don't move around during recording
   ii. Control room could have main street vantage because there will be acoustic barrier between control room and TV studio and can put learning on display
f. Interiors: Like the visual idea of an exposed ceiling but has concerns that you would then need a specialty lighting grid and then may not have the money to get the special lighting equipment. Drop ceiling sounded like the safe option but Will B. interested in learning more about options with an exposed ceiling.

4. Automotive Technology
   a. Mark to provide list to O'Connell Robertson of existing equipment (priority is the large items and those requiring power) then plan to move into the new space, as well as the future {larger/power} equipment pieces required for ASE certification
      i. Likely to be stored along the classroom wall.
      ii. Require Extra power needs along classroom wall of shop
         1. One drive up lift
         2. One 10k lift
         3. Two 12k lifts
   b. Users request a fenced in area for Auto-tech
   c. Compressor does not need dedicated room but needs to be accessible and out of the way. Running lines from compressor over to bays
      i. Could be in tool storage or in main work area.
   d. Tool storage would have Locked ½ door – Dutch door
   e. All glass from the shop into the classrooms for visibility
      i. Preference for in-glass blinds along this wall
   f. Mark P. approved of width of shop
5. Business and Marketing
   a. Planned spaces appear to be appropriately sized, located, and of sufficient quantity to optimally support this program
   b. Each of the labs should have perimeter countertop of 3 on the walls (the 4th will be the primary teaching wall with markerboard + projection). If needed to accommodate the requested 30 computer stations, could have an island in the middle with the remaining workstations
   c. School store
      i. Marketing displays along main street
      ii. Purchases happen inside the store itself.
      iii. Currently have mannequins used for display

d. Donna M. wanted business labs to look like large office space, curtain walls between rooms (wanted at University HS but only allowed halfway due to security concerns)
e. Need 6 spaces
    i. 5 are computer labs with 30 computers
    ii. 6th could use the CTE Flex Classroom

6. Culinary Arts
    a. Commercial Kitchen and Dining appear to be appropriately sized and located within this area of the building. The design team food service consultant met with Reannon/Donna last month to understand operations and equipment needs and are touring the University High School CA lab next week. O'Connell Robertsob will be following-up then with a more detailed floor plan of these spaces after that.
    b. Rename/repurpose Family Consumer Science to Culinary Classroom. Will include 6 U- or L-shaped residential kitchens with loose tables in the middle or at one end of the room to support large group instruction before separating into small groups.
        i. High Storage above work stations, if possible
        ii. Gas stoves / ovens would be preferrable
        iii. Need visibility to all students
    c. Current Program offerings:
        i. Program hosts a large number of students the first year and then the class size significantly drops beyond first year.
        ii. First year students aren't in the professional kitchen
        iii. Culinary (approx. 80 kids at UHS) - 3 classes - Do not have more than 20 students in lab at any given time due to safety
            1. 1st year – 1 hour
            2. Lab2 – 2-hour block
            3. Lab3 – 2-hour block
7. Education and Training
    a. No changes to what was shown/reviewed today
8. Engineering + Health Science
    a. Engineering to have 1 large lab space in lieu of a general classroom
        i. Maker bots in a classroom
        ii. 3D printers in one area
        iii. Need a shop type space for the 3D printers and storage
    b. Health Science to have 2 general classrooms, each with a professional scrub sink
        i. Does not need hospital beds
9. JROTC
    a. Planned spaces appear to be appropriately-sized, but need to re-work adjacencies and access according to the attached sketch
    b. Outdoor covered space? Band already purchased 40' x 40' tent for practice that could possibly be used for inclement weather
    c. Dressing rooms need to be accessed from hallway
    d. Switch locations of equipment room & dressing rooms
    e. Conference room to accessible from the hallway
    f. The provided storage room will also be used for Equipment storage
    g. Can sub-divide storage spaces for rifle storage (8x10 space)
    h. Has a laundry room with washer/dryer hookups – can be a part of uniform storage
    i. User would like to have wall lockers located in changing areas as well as having 1 shower in each restroom preferably

j. An option was discussed to add 3 tier lockers that are built in along the JROTC hallway. User requested to have enough space for 50-80 students store their items.
k. JROTC approved of operable partition to subdivide the classroom spaces

10. Law and Criminal Justice
    a. No changes to what was shown/reviewed today

*See attached presentation & sketches from UGM

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 8, 2021	**Meeting Time:**	9:30 am
Meeting Location:	In person meeting – Waco High School Room 111		
Attendees:	Waco ISD: Larry Carpenter, Tyler Sage, Brently Bartlett, Scott Stulir, Liz Vermeulen, Hope Gereghty, Savannah Jones, David Hamilton Design Team: Casey Nicholson; Doug Dawson; Andrew Faust; Patricia Runge, Pooja Shetty; Alex Robertson; Andy Miller		
Meeting Topic:	Performing & Fine Arts User Group Meeting		

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1. Meeting opened with a design update on the plans

2. General Planning + Shared Support Spaces
    a. Theatre Arts students painted brick art. Would love to have a display space internal to the campus (ie, general public doesn't need to see these)
    b. Only need one laundry room in this area (currently two are shown)
    c. Acoustically rated partitions for noise reduction between all spaces desired
    d. Water needs - 3 bottle fillers preferred in PFA area

3. Visual Arts
    a. Plan for 3d gallery/display on the exterior courtyard windows to maximize visibility out to the campus
    b. Kiln needs to be access from a corridor or from the exterior of the building. Can also have a door into an adjacent art studio, if there is room – potentially move kiln next to library in the corner of the courtyard
    c. In the storage room in the art studio furthest from the one with the kiln, add a counter and sink in here. Currently no dark room, but may consider converting this storage room in the future to serve this purpose.
    d. Polished concrete floors preferred
    e. Eye/Shower combo
    f. Minimum 1 sink with a clay trap
    g. Art program currently has 6 sinks each used as art stations (instructor currently using an old science room)
    h. Stainless steel sinks
    i. Provide faucets with retractable hose
    j. Has need to fill up large buckets. Would like a mop sink or utility sink
    k. Designate or plan for mural space in the fine arts flex area for the visual arts program
        i. Gyp walls
        ii. Not semi-gloss paint (harder to paint over)
        iii. Can do a mosaic here also
    l. Don't want to save lockers with murals, but can take photos of them

4. Theatre Arts
    a. Technical Theatre Classroom needs to be directly adjacent to the scene shop; can relocate the sewing program from the music laundry into this space
    b. Green room
        i. Users expressed desire for Green room to be closer to the back of the stage / Stage door - Flip dressing room with the green room – see attached sketch.
        ii. Must remain as a Green Room and not be used as storage/junk room – could be used for *temporary* storage for middle school concerts (currently hallway is used for this)
    c. Dressing/Makeup rooms
        i. Plenty of power
        ii. Mirrors, counters
        iii. Video monitor to see stage
        iv. Dressing rooms should have 2 plumbing fixtures each
        v. Band will share these when needed
    d. User preference is to not force performers into public portion of hallway to get back into the blackbox
    e. Provide video monitor in dressing and green rooms
    f. Wish list is to include 3 director offices: 1 inside technical theater + 2 outside black box; If only 2 offices are possible, put them both outside black box
        i. space program currently has a 200 square foot office for Theater Tech office for 2 people, which will be located adjacent/inside the tech theater classroom. Program also includes a box/stage manager's office planned for 1 person, which will be located outside the black box and auditorium.
    g. Sinks to be included in makeup rooms
    h. Prefer double Height storage in costume storage
    i. 15 students in technical theater class. Only need a typical classroom set up
    j. No door needed between scene and tech theater
    k. Provide utility sink in technical theater
    l. Would like covered outdoor, fenced area for aerosol use outside scene shop
    m. Moving rear stage entrance west to actual west side for direct access to scene shop

5. Dance
    a. No changes discussed

6. Music – Band, Orchestra, Choir
    a. Band/Choir each need separate office/library spaces.
        i. Band office to include space for 3 staff members
        ii. Choir office to include space for 2 staff members
        iii. Each library to be 200sf
            1. Music storage currently houses 30 filing cabinets full of music.
            2. Efficient storage solutions are preferable
            3. Prefer library to be accessed from the hall
    b. Potential to share the ensemble room between band & choir – no direct doors from choir
        i. To be accessed through the uniform storage to act as a sound lock/buffer into shared ensemble space.

c. Practice Rooms
    i. One of the larger practice rooms to include acoustic reverb technology
    ii. Medium Practice Rooms to have single 4'-0" wide doors
d. Band/Choir each need larger uniform/robe storage spaces to store 400+ choir robes
    i. Prefer Uniform storage to be accessed from the hall
e. Color guard storage could be accessed off the corridor; doesn't need to be embedded within the band rehearsal room
f. Choir -
    i. Preference to have no carpet
    ii. Preferably has plenty of natural light
    iii. Choir has 2 sets of risers – one set will be located in choir rehearsal hall; the second set will be in the auditorium riser storage space
    iv. Program owns Mini Grand and Grand piano requests thoughtfulness on where to store.
g. Band / Orchestra –
    i. Orchestra office to be moved across the hall to be in line with the practice rooms (this is to facilitate the growth of the band/choir support spaces)
    ii. 220 Amp plug needed in percussion room near exterior wall
    iii. Band recently purchased Wenger instrument storage units – Scott to send this information to Casey (along with estimate of units still needed for orchestra) so OR can show these along the band rehearsal room perimeter to ensure we have adequate space in this room
    iv. Band currently uses two 28' trucks – staff expressed desire to be able to back up to the band hall for loading/unloading.
    v. Props are currently stored in the band hall – users expressed interest in locating a 12' tall garage door to the exterior or possibly 12' tall double doors with no center mullion
    vi. Asphalt band practice lot / overflow parking adjacent to band hall:
        1. Practice lot to have perimeter lights only – no interior light poles.
        2. Band tower to be located next to parking lot area – not at grass field
        3. NCAA Band lines required to be different color at the designated lot adjacent to the band hall.
            a. Dark blue for parking
            b. Brighter / white for the field markings
            c. Lines to face south
        4. Need 115 volt circuit at north and south side as well as a hose bib
        5. Band discussed that they would practice facing Paul Tyson Field which would potentially free up the northmost parking spots for staff.
    vii. Grass Band Practice field -
        1. Noise of band with football practicing a possible issue – band will primarily use the band practice lot
        2. Still need Concrete pad at the grass band practice field

7. Auditorium
    a. No changes discussed

*See attached presentation & sketches from UGM

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 9, 2021	**Meeting Time:**	9:30 am
Meeting Location:	Virtual Zoom Meeting		
Attendees:	Waco ISD: Christina Ramirez; Deena Cornblum; Jerry Allen Design Team: Doug Dawson; Andrew Faust; Patricio Villa; Patricia Runge		
Meeting Topic:	Library User Group Meeting		

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1. Meeting opened with introductions and update of the design progress.
2. Library is adjacent to open seating area in the courtyard – add door directly from reading area to courtyard with some overhang included next to the Library for an outdoor reading area.
3. Circulation desk needs visuals to all of the reading area – plan for an furniture solution for secondary desk closer to reading area
4. Christina to send picture of long wooden dowels that will be used in the office/work room for OCR to plan for special needs.
5. Double doors needed in and out of library
6. Want access to and from college and career center from inside library
7. Operable partition between Digital Learning Center (DLC) and college and career
8. Partial operable partition between DLC and library
9. Turn southern think tank into Archive think tank - can still be used as collaborative space, but will also include archive display/storage
    a. Lockable glass storage for yearbooks
    b. Brand this as the achieve station
    c. Yearbooks cannot leave the library, putting this display within the room keeps it more secure
10. Workroom to have sink and counter on 2 walls
    a. 50% upper casework open
    b. 50% upper casework lockable
11. Okay to not have visibility into DLC from circulation desk
12. Presentation area will be max 35 people in tables and chairs
13. Circulation Desk
    a. 2 computers
    b. Book drop at front door that can be accessed from inside and outside the library
    c. Maybe 1 book drop at circulation desk too
    d. 1 small printer to be housed on shelf under counter
    e. Mobile checkout stands around library
14. Digital Learning Center - DLC
    a. Tables floating in center of room
    b. Computers will not line the walls
    c. Provide plenty of floor power

*See attached presentation & sketch from UGM

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 10, 2021	**Meeting Time:**	1:30 PM
Meeting Location:	Virtual Teams Meeting		
Attendees:	OCR – Casey Nicholson, Doug Dawson, Aaron Anderson, David Meyer, Kim Pham, Nick Patterson, Andrew Faust WISD – Kevin Hafer, Alexander Villanueva, Susan Kincannon		
Meeting Topic:	WHS – Building Systems Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

Meeting opened with an update on project status from the design team.

1. **Central Utility Plant**
    a. Will be located along Trice Avenue next to student parking to maximize long term flexibility of future connections and minimize conflicts at the main high school building.
    b. Considerations will be made with the CUP architecture to ensure it is aesthetically part of the overall campus.

2. **Technology:**
    a. PA system should not be a hybrid system –individual devices are preferred to be plug & play for ease of maintenance.

3. **Electrical:**
    a. Multi-zone and dimming control in classroom for lighting – projection surface to be a zone and remainder of classroom in a separate zone
    b. Exterior lighting to be controlled by photocell in lieu of scheduling, with BAS override.
        i. Having photocells at each fixture is preferred
    c. Flow tests indicate a fire pump is needed and will tapped directly off the utility transformer.
    d. Golf cart charging locations needed around campus, similar to UHS.
    e. Capacitor storage for main switch gear power factor correction is planned at the CUP.
    f. Services for Central Utility Plant (CUP)
        i. One electrical service dedicated to the CUP.
        ii. Two additional services one at north phase 1 and one at south phase 2
    g. Docking station for portable generator at the CUP.
    h. Contactors for shunt trip to be accessible immediately above ceiling grid.

4. **Plumbing**
    a. Food truck hook ups/docking station for power & plumbing needed at food service.

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b. Design team will review water hookup and drain lines as well as electric needs similar to what is provided at UHS.
c. Vandal Resistant Bottle Filler fountains needed sporadically throughout the building (not all) – consideration for high-traffic student and staff areas.
d. Shutoff valves to be located in easy to accessible locations above ceiling.
    i. Valves to be located not more than 18" above ceiling.
    ii. WISD to review those locations in-depth further in design.
        1. Particularly in the science labs
        2. WISD would like valves per gendered restroom at a minimum.

5. Mechanical

a. Design based on MERV 11 filters – district standard is 8.
    i. District would like to design for a 2" MERV 11
    ii. All roof AHUs for accessibility.
b. WISD prefers an Open BACnet system - Controls
    i. OCR specs – any modification software is owned by WISD

6. **Owner Questions** –
    a. see attached excel spreadsheet with outstanding questions for WISD.

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 14, 2021	**Meeting Time:**	9:30 am
Meeting Location:	In person meeting – Waco High School Conference Room		
Attendees:	Waco ISD: Lisa Saxenian; Edward Love; Chasitiy Hyder; Robert Garcia; Linden Heldt Design Team: Doug Dawson; Andrew Faust; Patricia Runge, Antonio Grenier PD; Brent Tuley PD; Trevor Riek PD		
Meeting Topic:	Athletics User Group Meeting		

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1. Meeting opened with a presentation & overview of the design progress.
2. Shared Spaces -
    a. Current plan is for 3 washers & 3 dryers and users are requesting at least 4 washers & 4 dryers.
    b. Users expressed a concern for lack of teachers to monitor students in the locker rooms as their offices are across the building – Design team explained that the current design is more contemporary design of locker rooms has those offices removed from the locker rooms themselves. Users agreed this is the way things are headed.
    c. Users approved the design/layout of the offices
    d. Users approved the design/layout of the team rooms
    e. Users believe that the concessions room is sized appropriately
    f. Users were concerned with needing Track storage – design team informed users that there will be some storage included with the Paul Tyson Field project currently underway.
3. Display case –
    a. Users requested a large display similar to how long theirs is now
    b. Include spot to display large jersey frames. (see attached)
4. Gymnasiums -
    a. Users like the Main & AUX gym in the current location with storage doors along the inside of the aux gym.
        i. Users expressed a concern for the ceiling heights in the storage as their current storage has some low areas where you can bump your head.
    b. Competition Gym
        i. Desire to Split seating: Home 60% Visitor 40%
        ii. There was a desire to go up to 2000 seats – bring up to design committee
            1. UHS has seating for 1980 students
        iii. One side standard scoreboard one side video scoreboard.

c. Auxiliary gym
    i. All seating along the plan east wall
    ii. There was a desire to go up to 400 seats – bring up to design committee
        1. UHS has 470 in each of their 2 AUX gyms
    iii. Scoreboard will have a floor box with hookup – prefer to have it on the storage side
    iv. Two standard wall mounted scoreboards in each gym
d. Users approve that all seats in gyms will be retractable.
e. Flooring –
    i. Users to send any inspiration images to design team as to how they envision this.
    ii. One user has seen recent courts he likes that include a larger logo in the middle of the court that exceeds the size of the center circle instead of restricting the logo to inside the circle only.
f. Volleyball
    i. Users approve the use of an in-floor volleyball standards system in both gyms.
    ii. Users expressed a need for four total volleyball courts between both gyms for use in competitions. Design team advised that to achieve this the bleachers would need to be stored away.

5. Training room
    a. WHS has two full time trainers currently and each need an office
    b. WHS has 3 total tubs currently and they are used regularly – Design team to design for 3 as a minimum for new WHS, users would prefer 4 tubs.
        i. Users like the "Wet room" concept where the tubs are located in a tiled room with floor drains.
    c. Need direct access to outside one larger 4' wide door – 42" wide?
    d. Users expressed a desire for as much glazing/visibility from the training room into the weight room, hallway and exterior as possible.
    e. Users to create a list of equipment to send to Design team such as:
        i. Beds & taping stations, Fridge, Sink, Hydrocollator, Ice machines, etc.
        ii. Need more than 3 beds and 4-6 taping stations
        iii. One treadmill one elliptical
    f. There is a need by the users for multiple storage closets
    g. Users need lockers for student trainers - 8-12 double tiered lockers requested
    h. Epoxy flooring is preferred throughout.
    i. Would like some mirrors but do not need the amount they currently have – design team to plan for two full height mirrors.
    j. Need casework with storage to administer first aid.
6. Weight room -
    a. Users would like visibility into the weight room from the training room.
    b. Users requested windows along the weight room into the hallway.
    c. Users would like lots of glass along the exterior wall as well – floor to ceiling glass where possible.

d. Users referenced LBHS as the ideal.

*See attached presentation & sketches from UGM

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 14, 2021	**Meeting Time:**	12:30 pm
Meeting Location:	In person meeting – Waco High School Administrative Building Superintendent Conference room		
Attendees:	Waco ISD: Dr Susan Kincannon; Joe Emmons; Clifford Reese; Design Team: Doug Dawson, Jayna Duke, Andrew Faust, Terise Urias, Melissa Counihan		
Meeting Topic:	Food Service User Group Meeting		

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1. Meeting opened with a presentation and overview of the design progress.
2. Design team explained that the dish return would likely be along the plan west side of the kitchen area next to the CTE wing.
3. Users asked design team to create an efficient flow for all serving lines.
4. Food truck
    a. Design team is planning for an area near student drivers entry for the food truck to set up to catch students as they come into the building (plan west)
    b. Design team is also planning for food truck access to the courtyard for lunch.
5. Users agreed they would like to pursue a more mature experience of dining with a collegiate feel to it. Suggestions from the users & design team:
    a. Make it look inviting, upscale & durable as well as modular & flexible.
    b. There is an opportunity to reference community history in the design.
        i. Possibly could pull in old airfield motif but with a modern, clean line look with natural surfaces & finishes without looking institutional.
    c. Both of the satellite kitchens should have their own identity
        i. Design team to provide satellite kitchen design to be aesthetically pleasing whether it is open or closed as it is part of the classroom space.
    d. User Goal: flexibility is key to take us into the future.
6. University HS User Dislikes:
    a. The serving lines are a little cumbersome because they have 2 lines converging to one point with a lot of wasted open space in the middle.
    b. The serving lines are a bit maze-like
    c. Dish room has no access for students
    d. The serving line entry is too much of a glassed in room instead of a focal point for the cafeteria.
    e. Design team brought up that the UHS floor plan included an employee dining area but users explained this was not built and is not something that is needed for the new WHS.

7. Users would like to move towards server line equipment that is a more modular approach with power coming up from the bottom for more flexibility to change in the future and create a more elegant space as district needs evolve.
    a. Users prefer not to use a stanchion in the ground.
8. Current most popular food lines items in order:
    1. Pizza
    2. Grill
    3. Deli
    4. Mexican
9. Pizza area –
    a. Users expressed a desire to have this serving line more closely resemble an oven cooked pizza kitchen. This would be if production can be maintained and if it is affordable.
    b. Current demand is 30 – 40 pizzas made per period (40 pizzas per 30 minutes)
10. Users require that when the kitchen is closed there should be some sort of Perforated shutter or Security grill in place to lock up the kitchen.
    a. Users are unlikely to use the kitchen after hours.
11. Design team to plan for a food recycler - Located inside right next to the dish room.
12. Existing WHS has 4 dumpsters and 2 recycle bins shared by entire campus
    a. For new WHS plan for 5 spaces as they will likely have less refuse due to utilization of the food recycler
13. Users requested a dedicated custodial closet space for the cafeteria/commons area.
14. Kitchen Receiving area:
    a. Design team to rework the shared receiving hallway between custodial & Kitchen.
    b. Kitchen requires a dedicated (not shared) exterior delivery entry point (One 42" door) for food safety with no access from custodial into receiving.
        i. Design team to locate a secondary receiving area entry for main school.
    c. Include a Hose bib along exterior near entry point
    d. Provide a Peep hole in the door
    e. Provide an Alarm system card reader & fire alarm at receiving area
    f. WHS currently has 22 lockers – New WHS to match that count.
15. Kitchen – Wish list / User requested Equipment list:
    a. Bring in new and latest tech like air fryers
    b. Digital menu boards with POS & ordering.
    c. Two 18” gas burners
    d. Quick & crispy air fryer (for satellite kitchen)
    e. Advanced Tabco - High quality 14-gauge stainless equipment – (example: John Boos)
    f. Corner guards
    g. Speed racks
    h. 49" wide x 32” Lockable cooler that is left in a shared space location to be used for prepared athletic lunches.
    i. Users would like a hands-free motion sensor handwashing stations
    j. Juice dispensers that do NOT use CO2 are preferred.

    k. Needs exhaust out of all stations
16. Coffee bar to include an automated push button barista
17. Materials:
    a. Walls - Preference in entire kitchen area is to provide stud walls with tile (not CMU walls) for ease of stubbing out for equipment.
    b. Flooring - preference by users is for quarry stone tile for durability.
        i. Alternate option that is also acceptable is an Altro flooring solution.
18. Culinary Arts:
    a. User request gas stubs in culinary arts program.
    b. Any desk space provided should have clear visibility to the classrooms/dining area
        i. University HS is laid out like a commercial kitchen with the "office" out of the way of the main kitchen area which does not work for a classroom setting.
    c. FCS room - will be taken over by food service and will look like residential kitchen classroom from tour
        i. In this classroom user does not need lots of upper cabinets and would rather hang pots and pans on the wall.
    d. Dining area
        i. Users prefer windows all the way to the floor into the dining area for monitoring of students.
        ii. should not be used as a classroom on a regular basis.
        iii. Users would like a "to go" order station in the dining area where customers could quickly access from a corridor to pick up pre-ordered meals.
        iv. Users prefer to include a station that is more hidden from the main dining area.
        v. Need concealed storage space for the dining Cafe
19. Follow up –
    a. Set up follow up virtual meeting in about 3 – 4 weeks to review design with cost estimate & cut sheets.
    b. Dr. Kincannon asked what the square footage of the existing WHS is?
    c. Food Service team to send pictures of the existing WHS coffee bar & Kitchen to design team.

*See attached presentation & sketches from UGM

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 15, 2021	**Meeting Time:**	9:30 AM
Meeting Location:	In person meeting – Waco High School Conference Room		
Attendees:	Waco ISD: Rhiannon Settles; Lou Arterburn (Counselors) Ana Limones (Front Office; Tracey Fletcher (Nurse); Reggie Louis? Design Team: Doug Dawson; Andrew Faust;		
Meeting Topic:	Administrative User Group Meeting		

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1. Meeting opened with a presentation and overview of the design progress.
2. General campus feedback –
    a. Users expressed concern for there to be single person all gender restrooms throughout the campus.
    b. Users see a need for covered outdoor courtyard space to escape the sun/heat.
    c. Users requested a guard station located at CUP for visibility of traffic to/from the school parking lot which the design team envisions for students.
    d. Users see a need to include fencing around a majority of the perimeter to keep a tighter rein on students' whereabouts throughout the day.
    e. Question from user – "What will the new address be? The same as before?"
3. Administration suite –
    a. Does not do well with a lot of open area as people get loud
    b. Users would prefer more private conference rooms as opposed to the open area –
        i. Requesting an additional 4–6-person sized conference room.
4. Nurses' office –
    a. Entry door to be 42" wide into hallway
    b. Users would like to better control student access into the nurse's station
        i. User preference would be to have a service transaction window next to the door to help control access where students could come up to pick up medication without coming into the suite.
    c. One entrance to hallway
    d. Users would like to include a door from the nurse office into the main athletic suite
    e. Have outside doorbell or buzzer to let people in
    f. Offices to be next to corridor with windows into the hallway for visibility on students coming and going
    g. Users have a need for lockable cabinets within the suite.
    h. Need a sink in both isolation rooms
    i. Storage room also to have a residential style washer/dryer.

5. Main Reception –
    a. Uses requested that the reception area have as much protection as possible -
        i. To include a desk & counter with transaction window that has 3" gap below glass
        ii. Also need ability to pass a backpack
    b. Need space at the main front desk for 1 computer & their raptor system
    c. Users would prefer to have Kiosks for self-check in, possibly across from the reception desk – 2 stations should suffice.
    d. Front desk to have an Emergency panic button
    e. User requested some casework used as a Drop-off space to store backpacks/lunches, etc. that parents drop off to pass along to their child.
        i. This could be a cubby space close the reception desk –
        ii. This space should be hidden from view by parents/students in the waiting area.
    f. User typically sees about 10 – 15 people at the most at one time in the waiting area and requests the design team to plan for seating for that many people.

*See attached presentation & sketches from UGM

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	September 15, 2021	**Meeting Time:**	12:30 PM
Meeting Location:	In person meeting – Waco High School Conference Room		
Attendees:	Waco ISD: Israel Carrera; Tommy Trotter (Head of Custodial); Lucas Wells (Supervisor); Kevin Hafer (Assistant Director of Maintenance) Design Team: Doug Dawson; Andrew Faust; Jayna Duke; Patricia Runge; Kim Pham; Aaron Anderson		
Meeting Topic:	Custodial / Maintenance User Group Meeting		

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1. Meeting opened with a presentation and overview of the design progress.
2. General Campus feedback -
    a. WHS currently is limited on campus grounds maintenance staff – so all areas need to be as low maintenance as possible.
        i. Prefer Trees that do not shed leaves
    b. Users would like to see the use of natural buffers (landscaping) between the street and the building
    c. Users prefer to keep trees keep away from building for ease of maintenance of the trees and to protect the building.
    d. Preference is to not combine Custodial offices with the storage closets, staff prefer to have a separate place for storage.
    e. In group restrooms – counter mounted sinks are preferred
    f. Existing Waco ISD facilities have both wall and floor mounted Toilets but mostly wall mounted. Currently the district does not have a standard for this
    g. District has no standard Toilet partitions – (plastic laminate or solid surface)
3. Courtyard
    a. Users would prefer to keep grass in the courtyard to a minimum
        i. any grass in the courtyard should be in strips no less than 6' wide for ease to mow with their zero-turn mowers.
        ii. One larger section of grass is preferred over many smaller separate areas of grass.
            1. Keep accessibility to the grass in courtyard in mind – users would prefer to not travel across hardscape with a muddy mower which would create a mess they would have to later clean up.
        iii. Users are open to the use of artificial turf on the upper level near the library
        iv. Courtyard Materials
            1. Concrete
            2. Specialty pavers in some areas near library/dining

3. **No** pervious pavers.

b. Keep Irrigation controls consistent with University HS –
   i. ask Jarrod who worked on it. Verify with Alex.
   ii. Courtyard to be fully accessible.

Interior Finishes:

4. Flooring Finishes –
   a. Polished Concrete (Israel Carrera asked for a sample – photos or a video)
      i. Main corridor & classrooms
      ii. Art/ Music rooms
   b. Carpet to be used in:
      i. Admin areas
      ii. Think tanks
      iii. Library
      iv. Auditorium
   c. Epoxy
      i. Boiler rooms & CUP
      ii. Culinary lab & Auto Tech wing 4 classrooms
      iii. Restroom / Locker rooms – poured epoxy with grit for traction
   d. Auto Tech Shop area – medium broom finished concrete
   e. Weight room to have a rubberized flooring
   f. Laminates are a challenge to find consistent colors – User preference is to stay away from this material.
5. Wall finishes
      i. Corridors - Wall tile up to 4' with painted gyp finish above at high traffic areas
      ii. Restrooms – all walls tile - full height
      iii. Corner guards – Stainless steel in high traffic areas for durability.
         1. Would be ok with plastic in admin or low traffic areas.
      iv. Auto Tech wing walls to be CMU
      v. Kitchen will be stud wall with tile full height
6. Ceilings
   a. Storage – no ceilings
   b. IDF / MDF – have dropped ceilings
      i. For accessing lower ceiling maintenance use a ladder so design team to ensure that valves, etc. are within reaching distance above the ceiling grid.
      ii. For accessing any elevated ceilings – WISD maintenance brings one of their rotating lifts
7. Electric questions:
   a. No specialty 220V plugs needed for equipment such as waxers/polishers throughout the building apart from in Auto Tech.
   b. No golf carts used at this campus, so no charging stations needed.

*See attached presentation & sketches from UGM

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	November 10, 2021	**Meeting Time:**	9:00 – 9:45 AM
Meeting Location:	Virtual Teams Meeting		
Attendees:	Waco ISD: Amanda Phipps; Alesia Schneider; April Roberson; Jeff Mink; David Hamilton Design Team: Casey Nicholson; Doug Dawson; Andrew Faust; Jayna Duke; Patricia Runge		
Meeting Topic:	Core Curriculum User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Meeting opened with introductions and a brief introduction and update of the design progress.
2. Transparency tour of Lake Belton High School (LBHS observations):
    a. April praised the use of the Colab space in the hallways on the transparency tour of LBHS that students really utilized those spaces for solo and group work. She described an open quiet space with multiple levels of seating and power outlets for students to use their laptops.
    b. There are places for students to work & learn all throughout the building with places for students to set up shop with whiteboard & power outlets everywhere.
    c. Included some nook spaces that were a bit quieter
    d. One LBHS teacher commented that some of the smaller colab spaces would be easier to access if they have openings instead of doors.
    e. The LBHS design represents a shift in the education style by using glass everywhere. Initially users thought this was going to be a distraction but it was not a distraction for long and soon became a part of daily life.
    f. The concern raised by some staff about this design is a classroom management issue and there will be an adjustment period but this is the direction that the district would like to head.
3. Open Collaborative Area + Distributed dining shared space discussion:
    a. The new WHS design includes operable partitions that opens up a classroom into this area for larger group collaboration.
    b. This setup is all about teamwork & collaboration while being able to monitor the students with a line of sight into the larger space.
4. Teacher Think Tanks:
    a. All think tanks on the corner in the center of each neighborhood – all nearly identical with a lot of glass/visibility window into the hallway and main collaboration spaces and include:
        i. Desk work stations for each teacher, many which look out to the hallway for monitoring.

ii. Large collaborative table
iii. Fridge, sink & restroom for each think tank
iv. Users request an ice maker, refrigerator, microwave & coffee maker in each

b. Overall users liked the teacher think tank concept but expressed some concern about the lack of storage.
c. Fixed vs non-fixed storage –
    i. April thinks a combination of both is the way to go.
    ii. There is a concern with movable furniture that teachers might be coming in after hours and moving items around.
d. Each classroom neighborhood has a dedicated book room
e. Users like the option for meetings, Potlucks, baby showers & gatherings can occur in a space like this to accommodate a long table family gathering
    i. Casey mentioned that there are other larger spaces for meetings or celebrations such as this.
f. Users prefer more of a fixed solution for individual desks along the hallway wall vs. furniture solutions.
    i. Users are requesting that each teacher have a tower with 3 drawers that can lock for security.
g. Users could see the benefit of having an acoustically sound telephone booth area to do a recording or have a private phone conversation to have a little privacy.
h. Users do not require the lounge feel – this is a work zone that should function as such with the furniture. Users would prefer this space to feel more professional and business like.
    i. Maybe it could include a small area with a coffee table with 2-3 chairs for an informal sit or chat.
    ii. Space should work for those who thrive in group settings or prefer to go solo.
i. Would like to maximize storage in the think tank – using high bookshelves, etc. to keep it out of the way.

5. Classroom
    a. Each classroom is provided with fixed storage casework including one tall cabinet, base cabinet with countertop and uppers.
        i. Users believe the casework shown would be adequate for typical storage needs in a classroom
        ii. All classroom casework should be locked by the same master key which all teachers would have.
    b. Preference is for entering each classroom at the rear of the classroom, opposite the teaching wall.
    c. Classroom size comparison:
        i. Current classrooms at WHS & University range in size between 700 – 720
        ii. Lake Belton are similar in size to the new Waco HS about 840 SF
    d. Users prefer to have more markerboards and less tackboards standard in each classroom.
    e. Technology – Projector vs. Screen –
        i. Users prefer mounted TVs vs. Overhead Projectors

ii. Must be mounted in a place where students can actually see it from all points in the room.
iii. Screen could be above the markerboard without covering it much
iv. District standard is to provide a 4' x 16' magnetic white board, a projector with sound and a projector screen. This standard is acceptable for this space.
v. Common areas will have flat panels/ clear touches

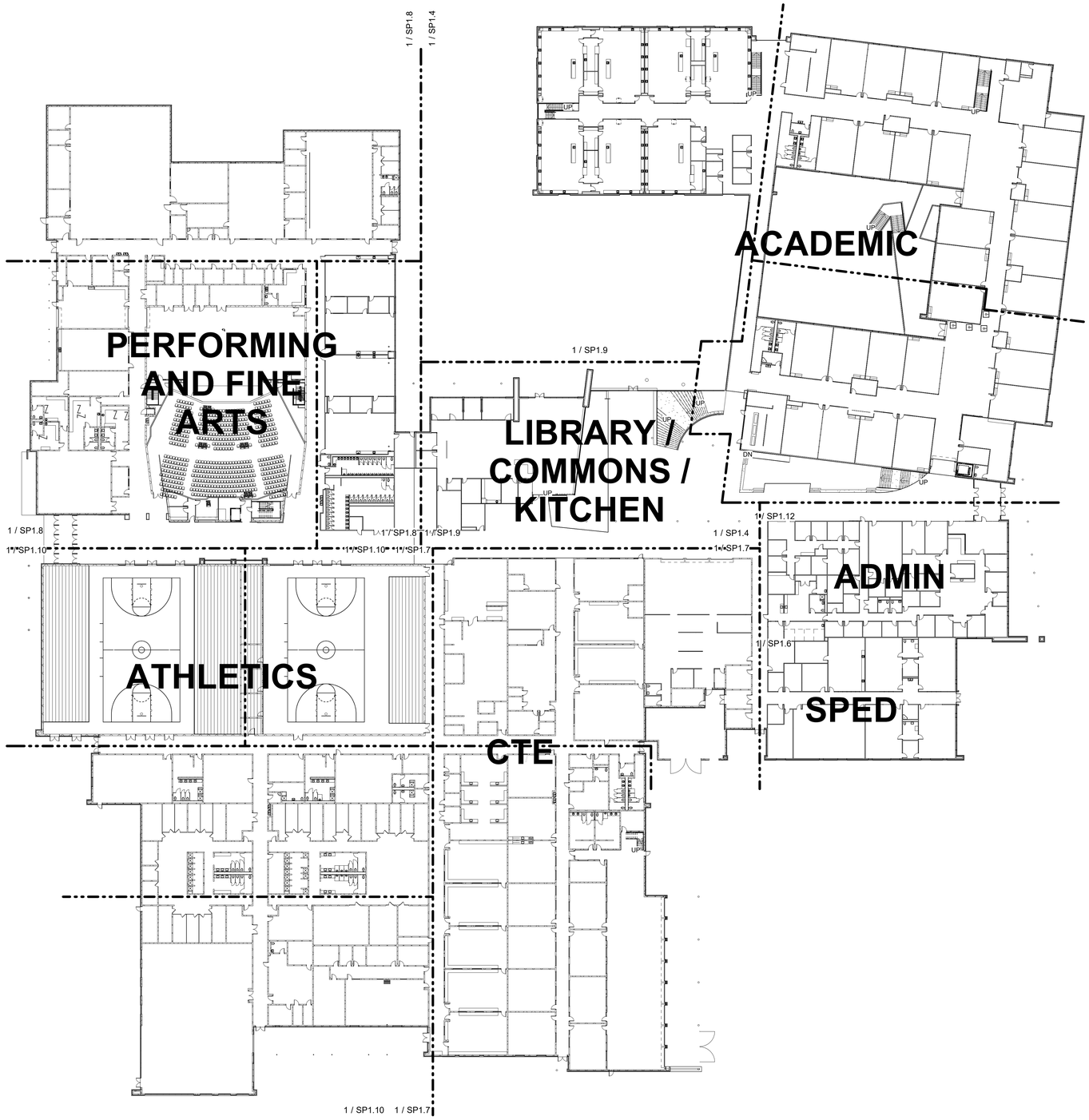
f. Users like the idea of joy spotting & color use for wayfinding

g. Science Lab
i. Current design is to have a teacher station with sink, gas, etc. similar to current science classrooms.
ii. Each classroom will have 7 stations with 4 seats each & each student station will have, a drying rack, sink & gas hookup.
iii. Each will have a single 16' markerboard at the front of the classroom
iv. Users would also like a markerboard on the entry wall.
v. Users request some open shelving on the wall somewhere in the room as well as closed cabinets for storage.
vi. Fume hood – dual sided in prep room and classroom is preferred for all Science classrooms
1. Preference is for a vacuum line or compressed air included as well
vii. List of chemicals stored in the Chemical Storage room:
1. Acids (sulfuric, hydrochloric, nitric), bases, salts, & alcohol.
2. District currently has alcohol closet for stock solutions.
3. Chemical storage room will need to be vented.

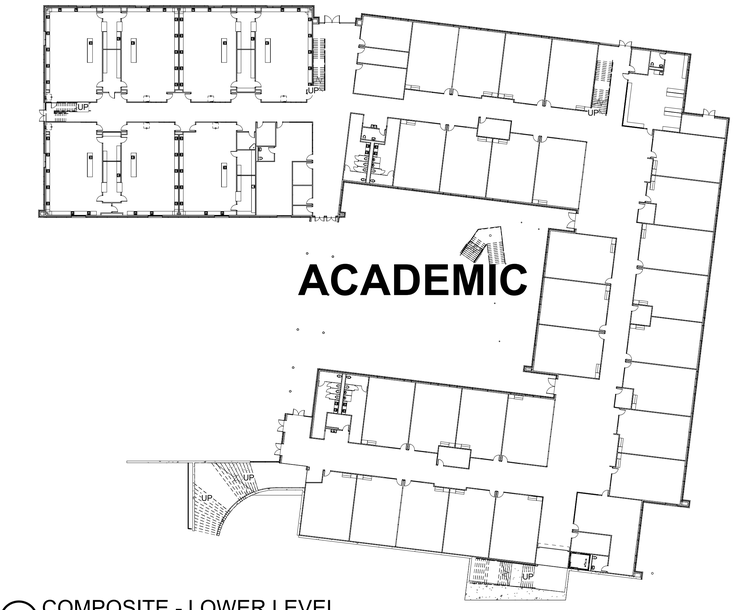
*See attached markups revied at the User Group Meeting.

End of Meeting Minutes

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1 COMPOSITE - UPPER LEVEL
SCALE: 1/32" = 1'-0"



2 COMPOSITE - LOWER LEVEL
SCALE: 1/32" = 1'-0"



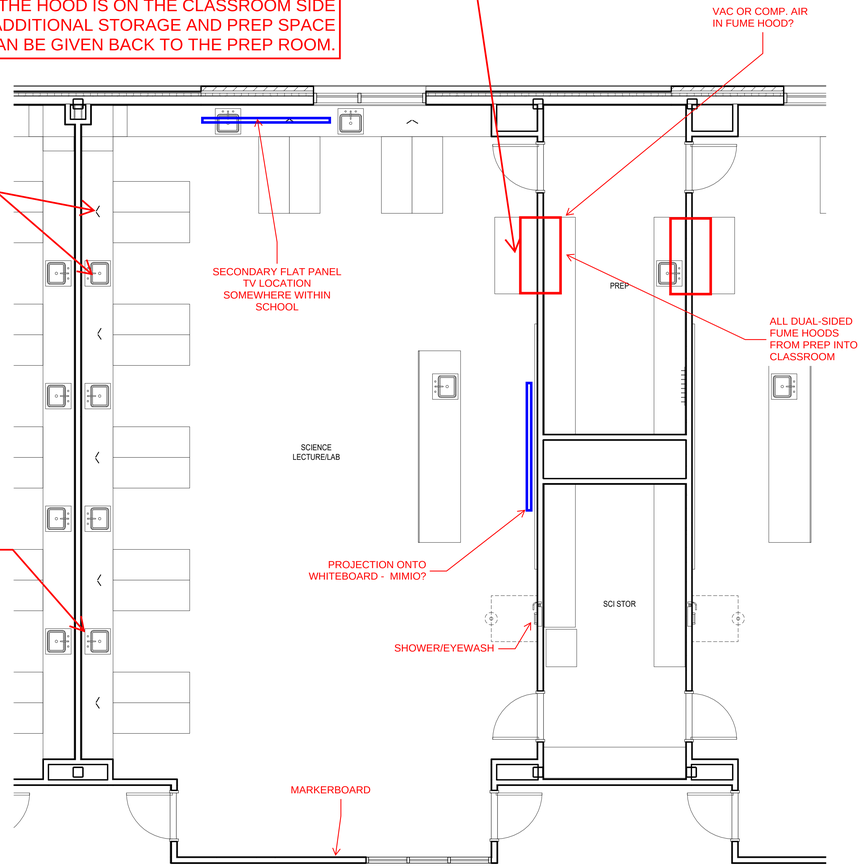
CLASSROOM NEIGHBORHOOD AMENITIES
- WHITEBOARDS
- ABILITY TO 'PLUG-IN' EVERYWHERE
- WALLS BUT NO DOORS IN SOME OF THE COLLABORATIVE SPACES TO ALLOW FOR BETTER CIRCULATION
- VISIBILITY FROM THE CLASSROOM AND HALLWAY
- NEW AND 'HOMEY'

CLASSROOMS - UPPER LEVEL

SCALE: 1/16" = 1'-0"

PREVIOUS MEETING NOTES INDICATE PREFERENCE FOR A FUME HOOD IN THE PREP ROOM. CAN THEY BE DUAL-SIDED HOODS ACCESSED FROM PREP AND THE CLASSROOM?

NOTE: IF THE HOOD IS ON THE CLASSROOM SIDE ONLY, ADDITIONAL STORAGE AND PREP SPACE CAN BE GIVEN BACK TO THE PREP ROOM.



TYP. SCIENCE LABS
- OPEN SHELVING MOUNTED ON THE WALL
- ACIDS, BASES, ALCOHOL CLOSET,

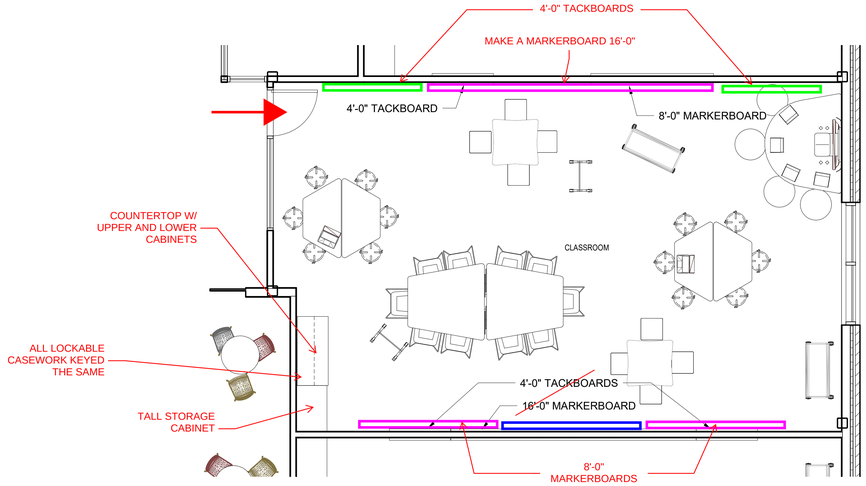
WOULD LIKE TO CONFIRM THAT EACH SINK SHOULD HAVE DRYING RACK, SOAP, AND PAPER TOWEL DISPENSER SIM. TO EXISTING LABS?



TYPICAL SCIENCE LAB

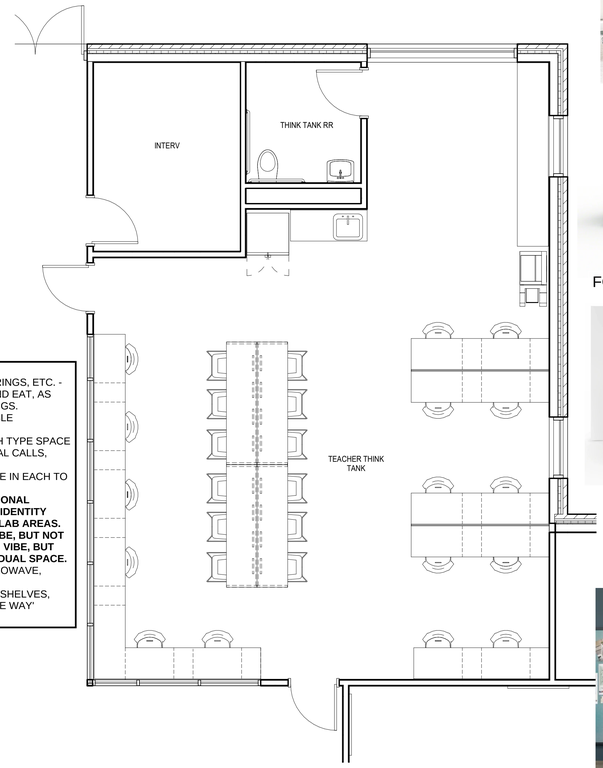
FROM PREVIOUS MEETING: SCIENCE LIKES THE FIXED TEACHING STATION UP FRONT W/ GAS AND WATER. CURRENTLY PLANNING TO COPY AT NEW WACO HS





TYP. CLASSROOMS
- DEFINITELY WANT SOME FIXED CASEWORK ELEMENTS THAT CAN'T 'LEAVE' THE CLASSROOM
- MORE MARKERBOARD!!!
- FLAT PANEL TVs PREFERRED OVER PROJECTORS. PREFERRED MOUNTED ON THE WALL V.S. MOBILE

TYPICAL CLASSROOM



TYP. THINK TANK
- LIKE TO HAVE POTLUCKS, GATHERINGS, ETC. - LIKE AN AREA TO SIT TOGETHER AND EAT, AS WELL AS AN AREA TO HAVE MEETINGS.
- FIXED INDIVIDUAL DESKS, LOCKABLE PERSONAL STORAGE
- LIKE THE IDEA OF A PHONE-BOOTH TYPE SPACE FOR RECORDING THINGS, PERSONAL CALLS, ETC.
- SMALL LOW-TABLE / COFFEE TABLE IN EACH TO BE A LITTLE BIT MORE INFORMAL
- **OVERALL VIBE: STILL A PROFESSIONAL ENVIRONMENT, BUT WITH ITS OWN IDENTITY FROM THE CLASSROOMS AND COLLAB AREAS. NOT QUITE A FULL 'STARBUCKS' VIBE, BUT NOT TOO STERILE. SUPPORT THE TEAM VIBE, BUT OFFER OPPORTUNITIES FOR INDIVIDUAL SPACE.**
- ICE MAKER, REFRIGERATOR, MICROWAVE, COFFEE MAKER.
- PRIORITIZE STORAGE (HIGH BOOKSHELVES, ETC.) - STORAGE THAT'S NOT 'IN THE WAY'

TYPICAL THINK TANK





FOCUS SPACES





INFORMAL COLLABORATION



PROFESSIONAL WORK AREA

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	November 10, 2021	**Meeting Time:**	10:15 – 11:00 am
Meeting Location:	Virtual Teams Meeting		
Attendees:	**Waco ISD:** Will Burney, Mark Penney, David Hamilton; Reannon Ruark; Sara Bartlett; Donna McKethan; Jerry Allen **Design Team:** Casey Nicholson; Doug Dawson; Andrew Faust; Patricia Runge		
Meeting Topic:	CTE User Group Meeting		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

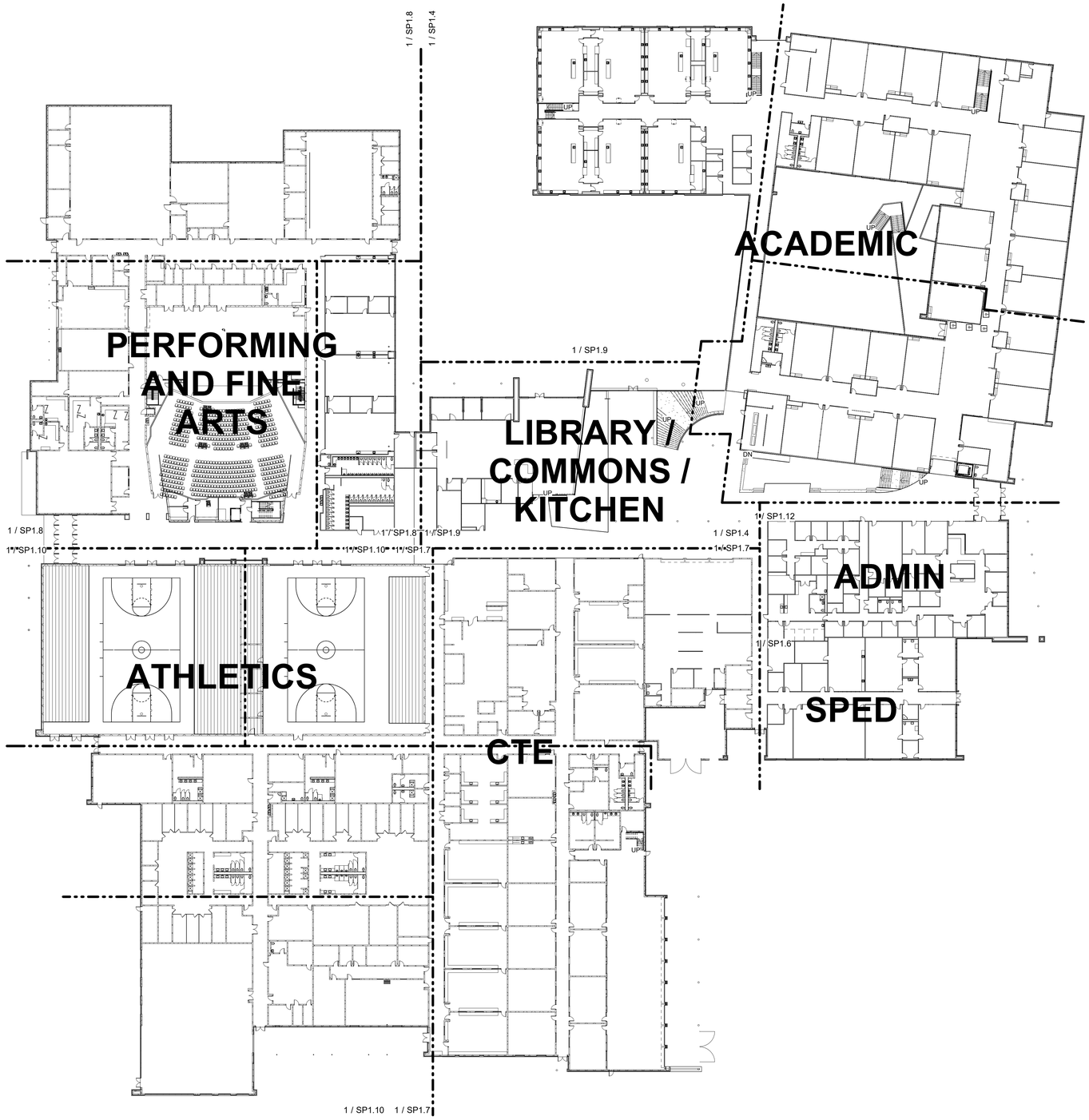
1. Meeting opened with introductions and a brief introduction and update of the design progress.
2. Design team to provide USB power outlets in entire CTE wing.
3. District preference is to have a data port at each computer station.
4. Need extra data ports in all of CTE
5. Photography studio
    a. The layout as shown matches existing studio and is acceptable to the district.
    b. District standard is to provide a 4' x 16' magnetic white board, a projector with HDMI connections and a separate sound connection and a projector screen. This standard is acceptable for this space.
        i. (This standard works with a MIMEO interactive device system that is not part of this project and instead will be part of FFE and installed by the district)
        ii. The infrastructure for this will be a part of the Tech Spec and the district has already been in communication with True North concerning this.
    c. Photo Storage:
        i. District requests extra power outlets for charging camera
        ii. District requests data outlets for future computer setup in that space.
6. Graphic Design & Animation Lab
    a. Current design is planning for 30 computers in each lab – computers along perimeter of 3 sides of the room and stations in the center of the room.
        i. District requests data & power outlet keystones in the floor for PCs in center of the room
        ii. No storage or casework needed in this space
        iii. These are basically computer labs
        iv. Would like extra power in storage would need extra power outlets & data
7. AV classroom
    a. Standard classroom elements sufficient in this space
8. AV Studio
    a. Cables need to pass through AV Studio into AV control room without sound leaking

9. AV Studio Control Room
    a. Need extra outlets in the studio recording studio
    b. Design team to provide a fixed countertop with lots of outlets –
        i. Currently WISD have 5 computers, each computer takes 5 outlets.
    c. Need at least 5-10 data ports in these spaces as well
10. Audio Recording Studio
    a. Cables need to pass through Audio Recording Studio into Audio control room without sound leaking including XLR, SDI, and HDMI something like this:
        i. 
    b. District are requesting extra data ports in this room
    c. Audio recording studio should not have any casework – furniture solutions will be used when needed.
11. Audio Control Room
    a. Prefer a built-in desk in this space that is facing into the audio recording studio
        i. to include a 16-channel audio board
    b. District are requesting extra data ports in this room
12. AV Storage
    a. Would like some outlets here as well
13. Automotive –
    a. Would like a fixed countertop with a stainless steel top in all the classrooms along the back wall with uppers
        i. Include standard power above the counters
    b. Polished concrete floors in the classrooms are acceptable.
    c. The design goal of this space is to look like a commercial auto shop.
    d. District requires a plumbed eyewash station in the shop as well as a hand sink.
    e. District would prefer a hose bib and compressed air outside in the exterior bull pen outside the shop.
14. Business and Marketing classrooms are computer labs.
15. Design team to provide Health sciences classrooms with a handwash sink.
16. Next Steps – Donna to facilitate targeted meetings with each group and then follow-up with Casey to provide additional feedback and potentially a request for follow-up meeting(s)

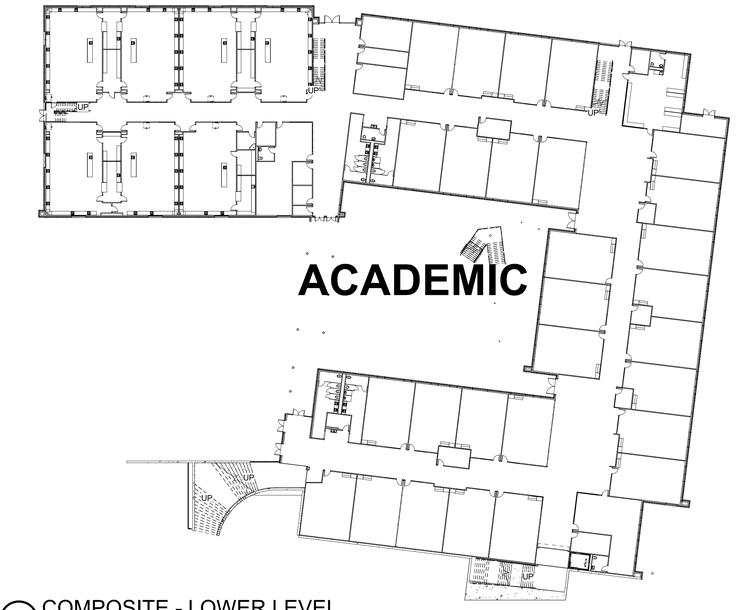
*See attached markups revied at the User Group Meeting.

End of Meeting Minutes

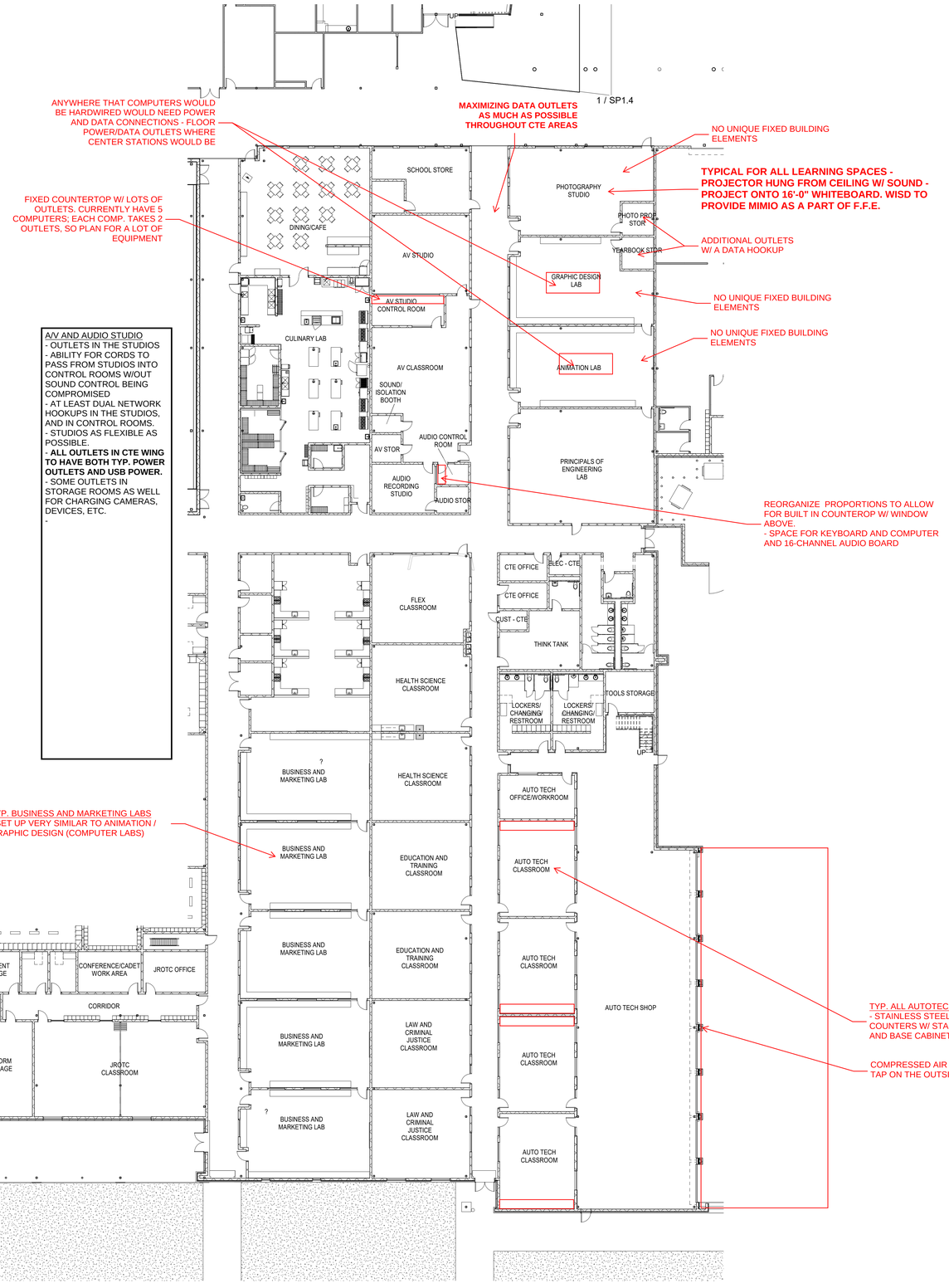
Austin 811 Barton Springs Road, Suite 900, Austin, Texas 78704 p: 512.478.7286 f: 512.478.7441
San Antonio 4040 Broadway, Suite 300, San Antonio, Texas 78209 p: 210.224.6032 f: 210.224.6453
Houston 700 Milam, Suite 1300, Houston, Texas 77002 p: 713.487.1583 f: 713.487.1573



1 COMPOSITE - UPPER LEVEL
SCALE: 1/32" = 1'-0"



2 COMPOSITE - LOWER LEVEL
SCALE: 1/32" = 1'-0"



CTE

SCALE: 1/16" = 1'-0"

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	November 10, 2021	**Meeting Time:**	11:15 am – 12:00 pm
Meeting Location:	Virtual Teams Meeting		
Attendees:	**Waco ISD:** Larry Carpenter, Tyler Sage, Brently Bartlett, Scott Stulir, Micelle Nelson; Liz Vermeulen-Wise, Hope Gereghty, Savannah Jones, David Hamilton **Design Team:** Casey Nicholson; Doug Dawson; Andrew Faust; Patricia Runge, Sameer Kanafani, Jayna Duke; Alex Robertson; Andy Miller		
Meeting Topic:	Performing & Fine Arts User Group Meeting		

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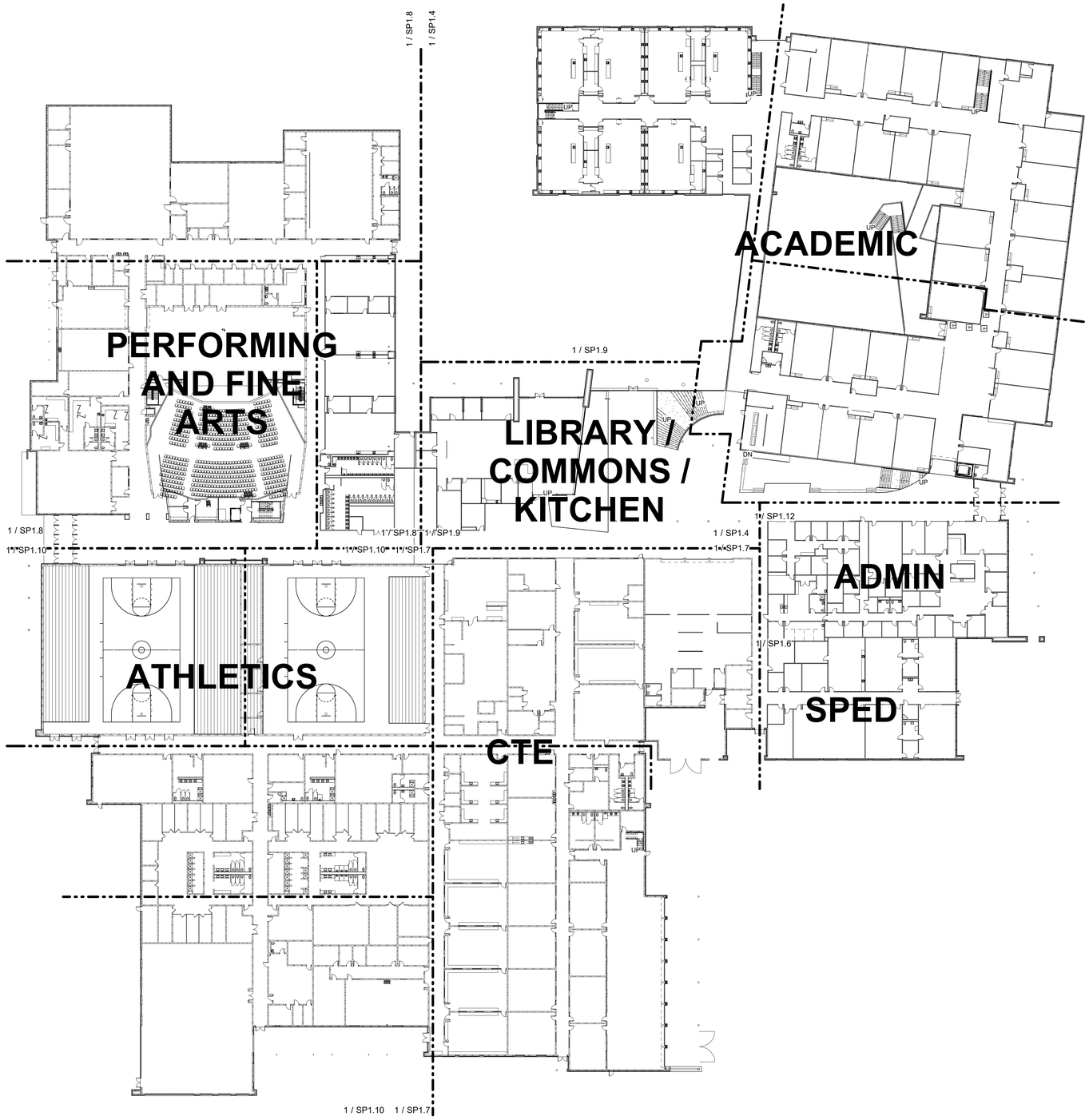
1. Meeting opened with introductions and a brief introduction and update of the design progress.
2. General PFA comments:
    a. Design team to provide double doors in these locations:
        i. Band, choir, Dance, Technical Theatre & Green Room, cheer storage
3. Theatre
    a. After seeing the LBHS theatre, David Hamilton wants to make sure the seats in the new HS are elevated enough so all seats get a good view of the stage.
    b. House left & right seating at existing WHS currently can see through the stage into backstage users would like that to be covered.
    c. Users prefer the 4 restroom/changing rooms as shown in the plans currently vs. combining them into 2 larger ones as they occasionally host other schools and would prefer to keep them separate.
    d. Entry doors into theatre need light locks and should be soft close doors.
    e. 10'x10' office requested near tech theater/scene shop. Remove square footage from tech theater.
    f. Shrink green room to allow for more wardrobe storage.
    g. Dressing / Makeup rooms
        i. Having lockable makeup storage is desired
        ii. Users prefer to have a furniture mobile drawer storage solution for flexibility opposed to fixed built -in drawers under the makeup counter.
4. Band
    a. WHS Staff to send orchestra storage needs from directors to the design team.
    b. Users voiced concern of lack of exterior access to percussion.
    c. Users requested to remove the wall dividing music loading and receiving and the band hall and provide a 10' wide by 12' tall door
        i. This will create 10' of space for prop storage near loading and receiving.
        ii. Tallest prop district has is 10' tall.
    d. Users requested tall shelving to be added to the Uniform Storage room to store instruments that are not used frequently.

e. Design team to provide 48" doors at any space that would have a keyboard rolled through. Ensemble, etc..
f. Users requested motorized gate with badge access to the band practice lot.

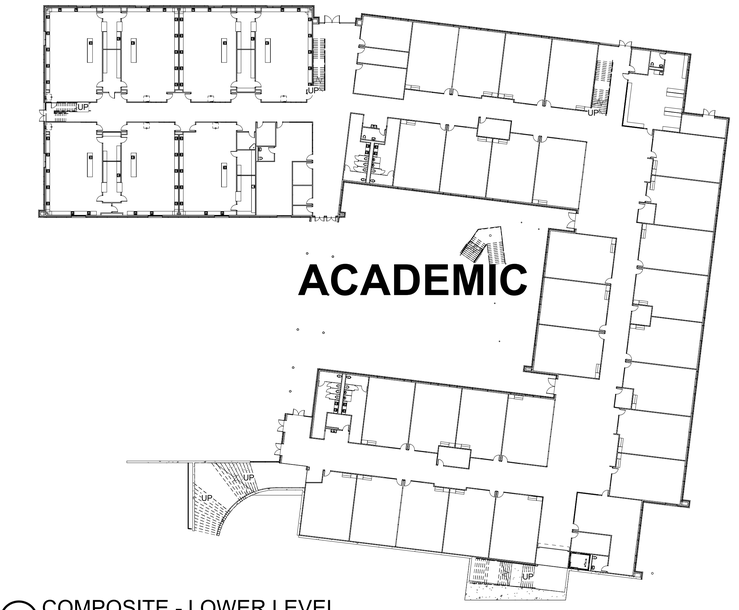
5. Dance
    a. Existing WHS color guard storage room currently has racks which would need at least 65' of wall space to accommodate. This space is currently used as student storage and long term storage for larger items as well as a changing room.
    b. Color guard program has 18 students currently –
        i. Each student has a cubby that is 8"x8"x6' tall for storage of flags/rifles and a separate space to store their backpack.
    c. Design team to plan for 20 lockers in the color guard storage
    d. Design team to combine the 2 music changing rooms into one long term storage room for dedicated storage. Users plan to use it to store multiple heavy tarps. (4'x4' squares) among other things.
        i. Requesting high shelving starting at 4' and open below
        ii. No ceiling in this space
6. Visual Arts Labs
    a. Clay traps needed in all labs
    b. Desire for each visual arts lab have a combined storage / office space instead of sharing an office.
    c. Casework & sink layout as shown is acceptable to users
    d. Design team to provide a door to both side of the display cases / gallery displays.
    e. Glazing preferable at each entrance to each lab.
    f. No ceilings desired in the visual art labs
    g. Design team to provide hung cord reels
    h. Users are requesting a space to hang posters and tapestries. 15' space across. Working wall to paint over on the wall next to the sinks/casework.
    i. Users request a venting hood for painting in the Kiln room.
    j. Users requested a garage door with windows to open art rooms to the corridor
    k. Users requested a flat art display across from the hallway.
7. Choir
    a. Piano storage should be able to hold a large grand and a mini grand.
    b. Design team to move the Sound lock Vestibule to the choir side of ensemble.

*See attached markups revied at the User Group Meeting.

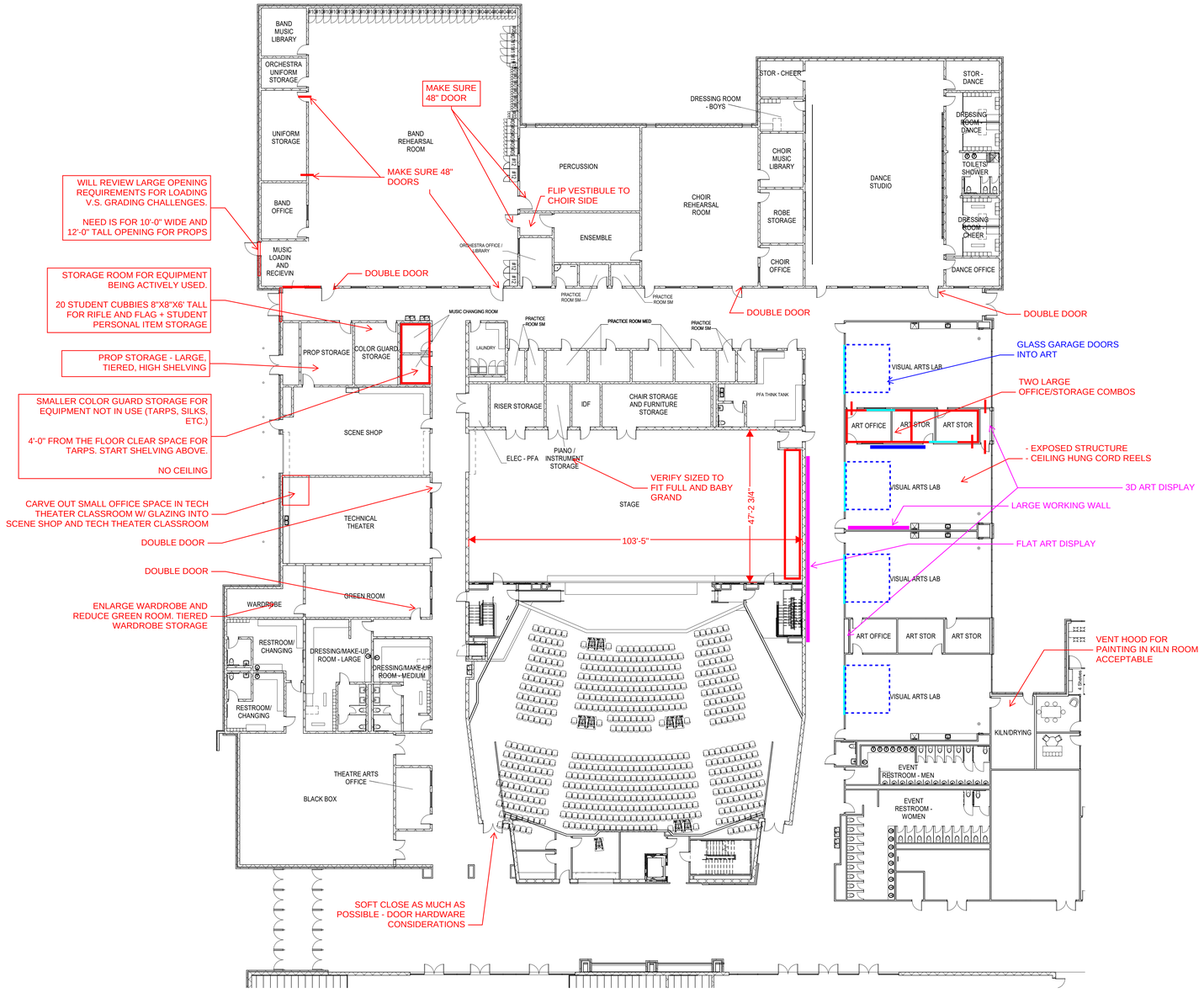
End of Meeting Minutes



1 COMPOSITE - UPPER LEVEL
SCALE: 1/32" = 1'-0"



2 COMPOSITE - LOWER LEVEL
SCALE: 1/32" = 1'-0"



PERFORMING/FINE ARTS

SCALE: 1/16" = 1'-0"

Meeting Minutes

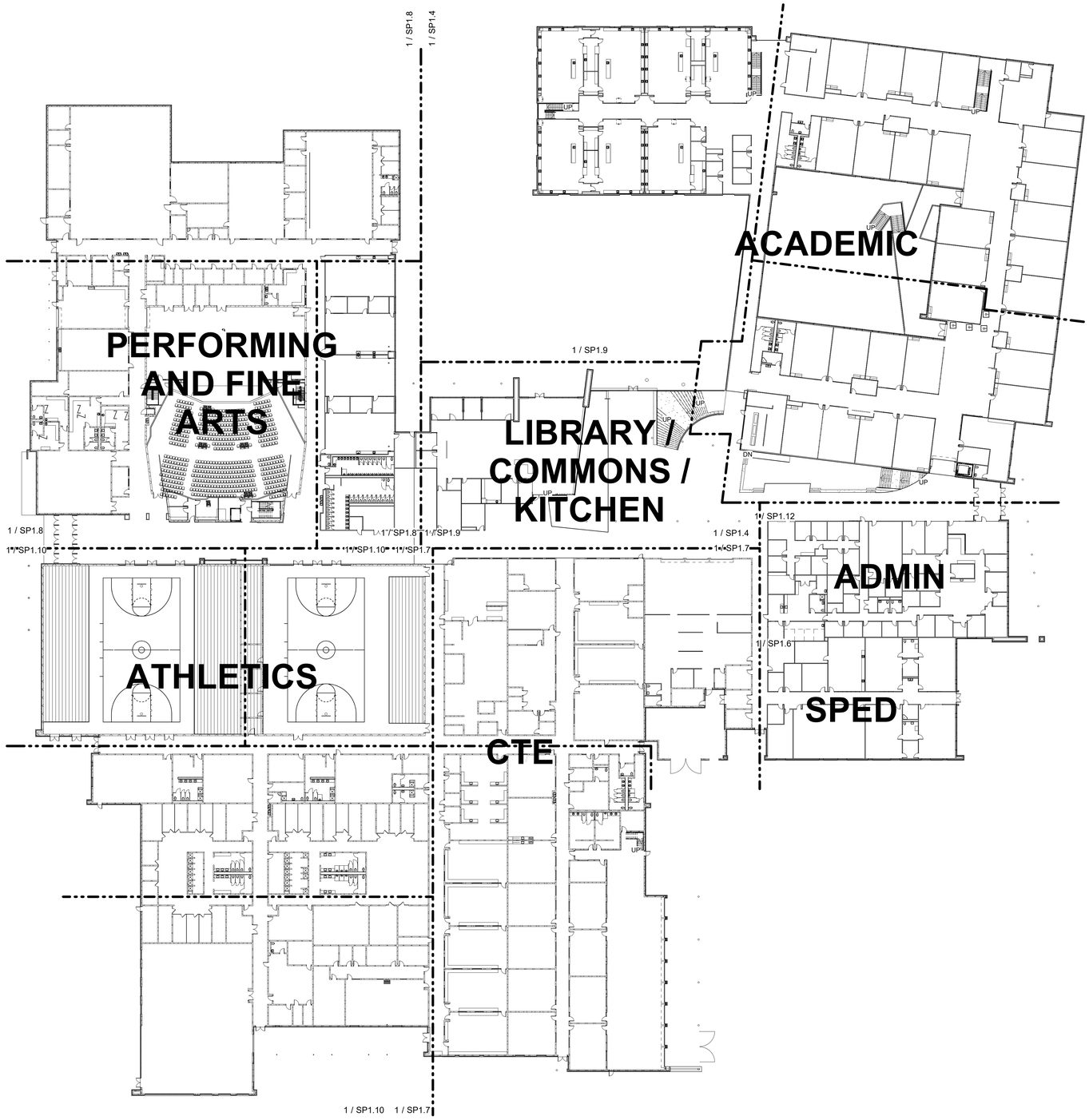
Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	November 11, 2021	**Meeting Time:**	11:00 am – 11:00 pm
Meeting Location:	Virtual Teams Meeting		
Attendees:	**Waco ISD:** Edward Love; Linden Heldt; Meredith Casas; **Design Team:** Casey Nicholson; Andrew Faust; Patricia Runge		
Meeting Topic:	Athletics User Group Meeting		

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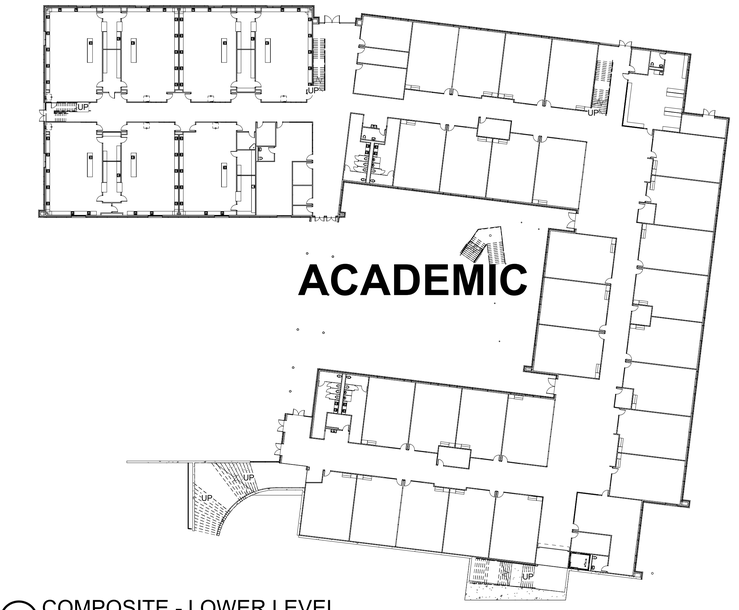
1. Meeting opened with introductions and a brief introduction and update of the design progress.
2. Users requested to add an operable partition at large team room
3. In locker room, provide full CMU wall between locker and team space and fence between each locker with windows for observation
4. Users requested 1 secretary office outside athletic coordinator office with waiting area for parents
5. Users were pleased with the windows at the corner facing the stadium similar to LBHS windows.
6. District selected training room option 1.
7. Confirmed 24 male coaches and 18 female coaches to occupy the office spaces.
8. Design team currently planning for at least 1980 seats in comp gym & 470 seats at aux gym.
9. Existing gym floor to be salvaged & used in a custom interior design feature wall near the entrance of athletics by coordinators office
10. Team room to have operable partition with markerboard on either side – see markups for all markerboard locations in Athletics.
11. District approve of the location and size of the display case.

*See attached markups revied at the User Group Meeting.

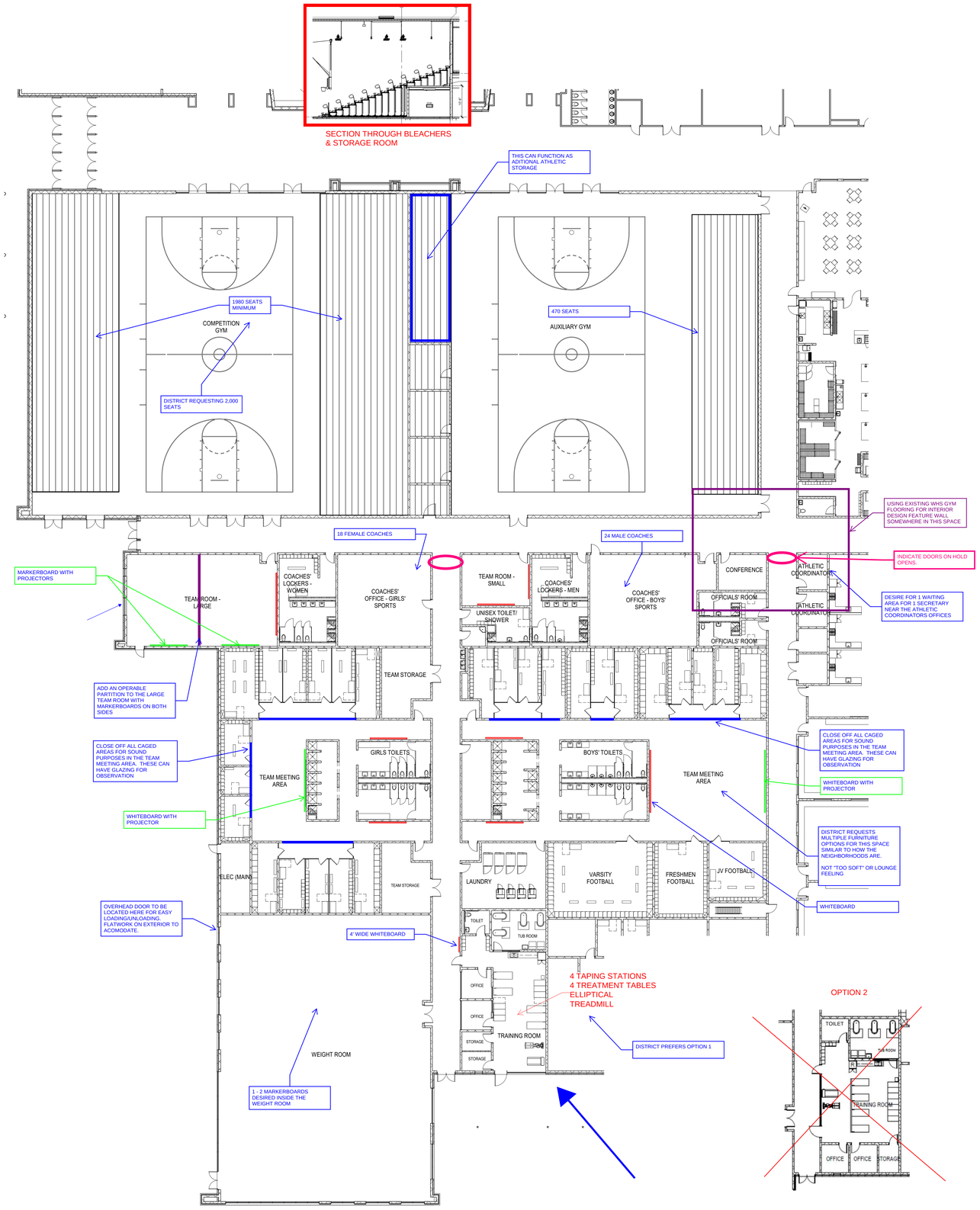
End of Meeting Minutes



1 COMPOSITE - UPPER LEVEL
SCALE: 1/32" = 1'-0"



2 COMPOSITE - LOWER LEVEL
SCALE: 1/32" = 1'-0"



PE/ATHLETICS

SCALE: 1/16" = 1'-0"

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	November 11, 2021	**Meeting Time:**	11:00 am – 11:00 pm
Meeting Location:	Virtual Teams Meeting		
Attendees:	**Waco ISD:** Meredith Casas, David Hamilton, Josie Gutierrez, Suzanna Hamilton, Jerry Allen **Design Team:** Casey Nicholson; Andrew Faust; Patricia Runge		
Meeting Topic:	Safety & Security User Group Meeting		

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1. Meeting opened with introductions and a brief introduction and update of the design progress.
2. Add a pipe gate to the entrance of Bus loop – better to have it now and not use it than need it later. Likely will be open the majority of the time and be closed on weekends
3. Band practice lot – badge access at band parking lot. Extend fencing around this lot to create a secure area for band trailer
4. Provide badge access at strategic locations across campus at gates (purple circles)
5. Guard shack attached to central plant at student parking lot – NE corner of the central plant.
    a. Current shack is +/- 4' x 10'. A room this size is adequate
    b. Create monitor control area within this. Solid brick and caged for security
    c. A second guard shack was discussed, but decided that 1 would be sufficient
6. It was discussed to widen parking entry drive to the north of the central utility plant – to provide more separation between the entry and exit. This will be the only access for students on school days. The other end would be gated off and only open for evening event traffic
7. Secure entry vestibule
    a. Add buzz-in access only at exterior door.
    b. Move reception desk to top corner to see if someone walks up to front door
    c. Transaction window from reception to vestibule and from reception to welcome center
8. Building compartmentalization – add doors at athletics, fine arts, and CTE. Those are to be key card access

*See attached markups revied at the User Group Meeting.

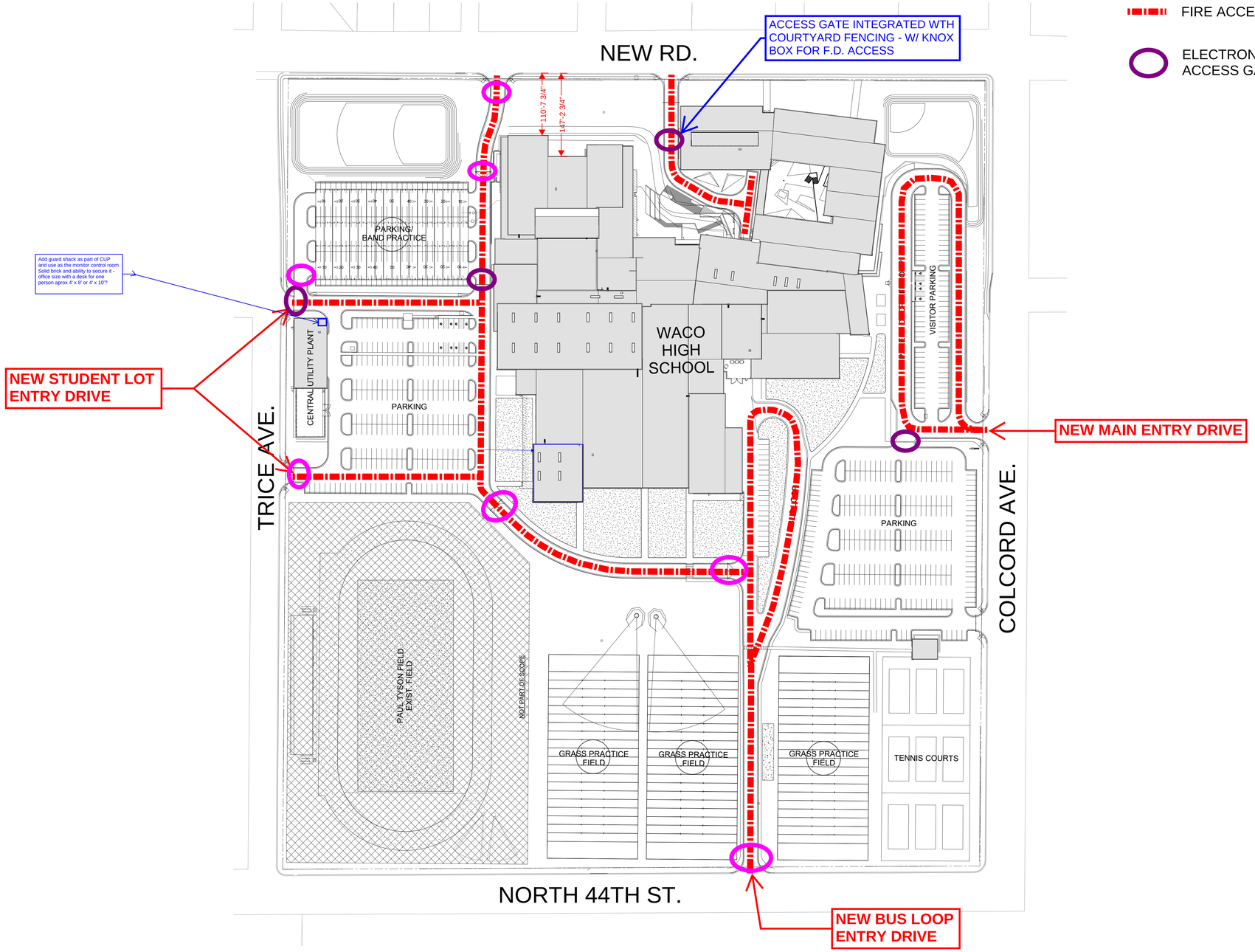
End of Meeting Minutes

DRIVES AND VEHICLE GATES

VEHICULAR ACCESS GATES (PIPE GATE)

FIRE ACCESS DRIVE AROUND BUILDING

ELECTRONIC MOTORIZED VEHICULAR ACCESS GATES WITH BADGE ACCESS

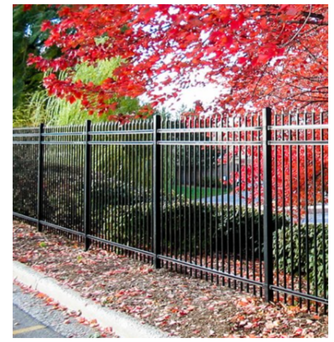


SITE PLAN

SITE FENCING AND GATES

PEDESTRIAN GATE

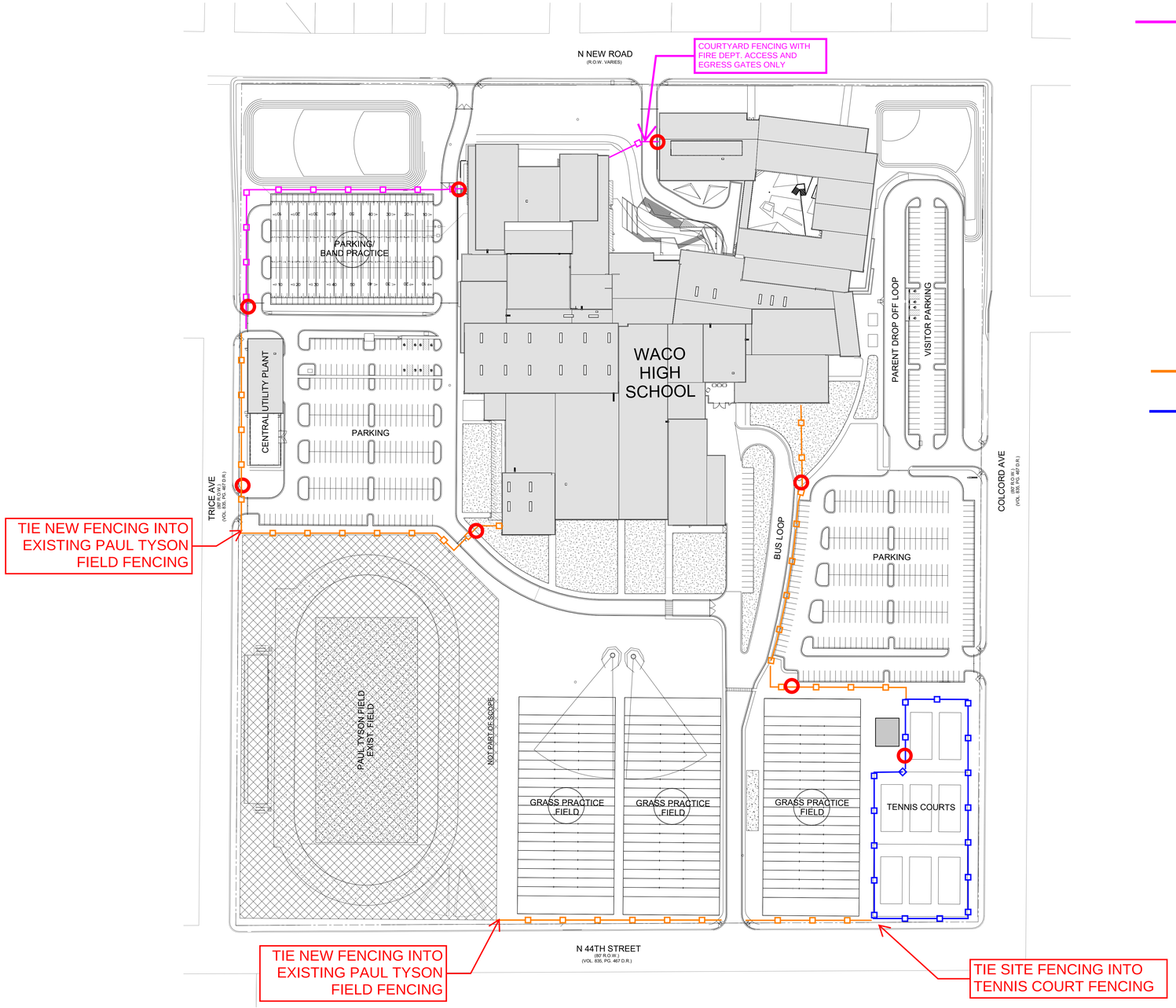
ORNAMENTAL FENCING



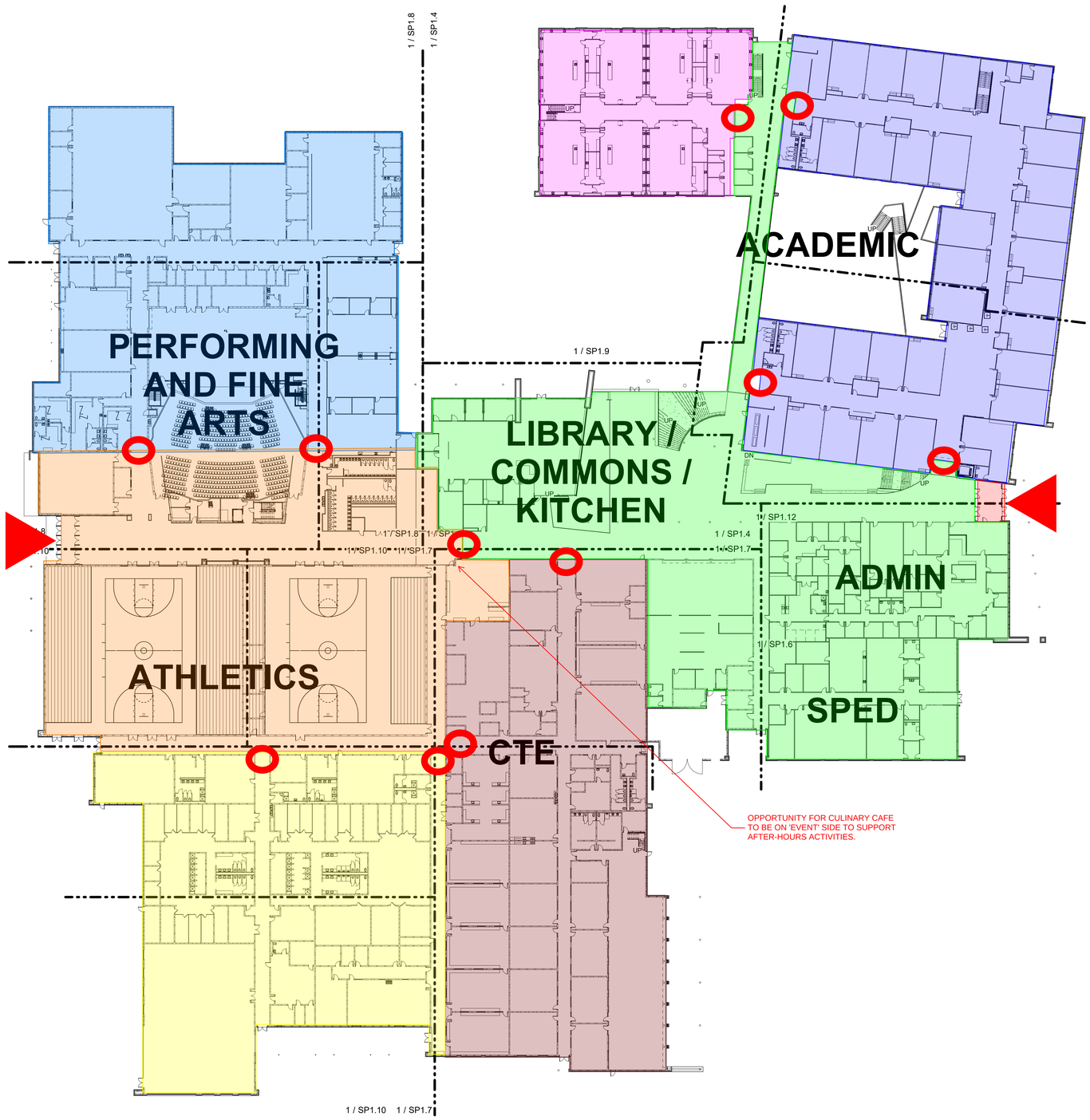
6'-0" BLACK VINYL CHAINLINK FENCING

10'-0" BLACK VINYL CHAINLINK W/ WINDSCREEN AS SHOWN ON TENNIS PLAN ENLARGEMENT

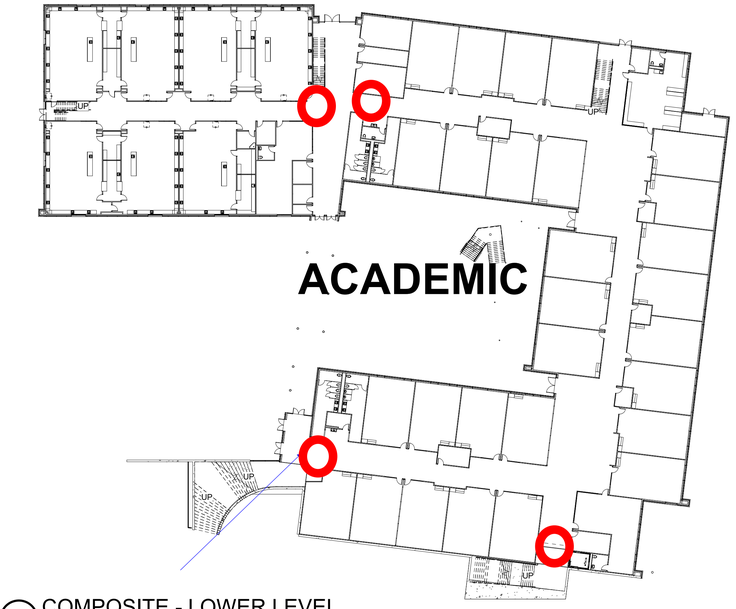




SITE PLAN



1 COMPOSITE - UPPER LEVEL
SCALE: 1/32" = 1'-0"



2 COMPOSITE - LOWER LEVEL
SCALE: 1/32" = 1'-0"

DOORS TO BE ON MAGNETIC HOLD OPENS TO HAVE THE ABILITY TO LOCK DOWN IN THE CASE OF A N EMERGENCY EVENT

PROVIDE CORRIDOR DOORS

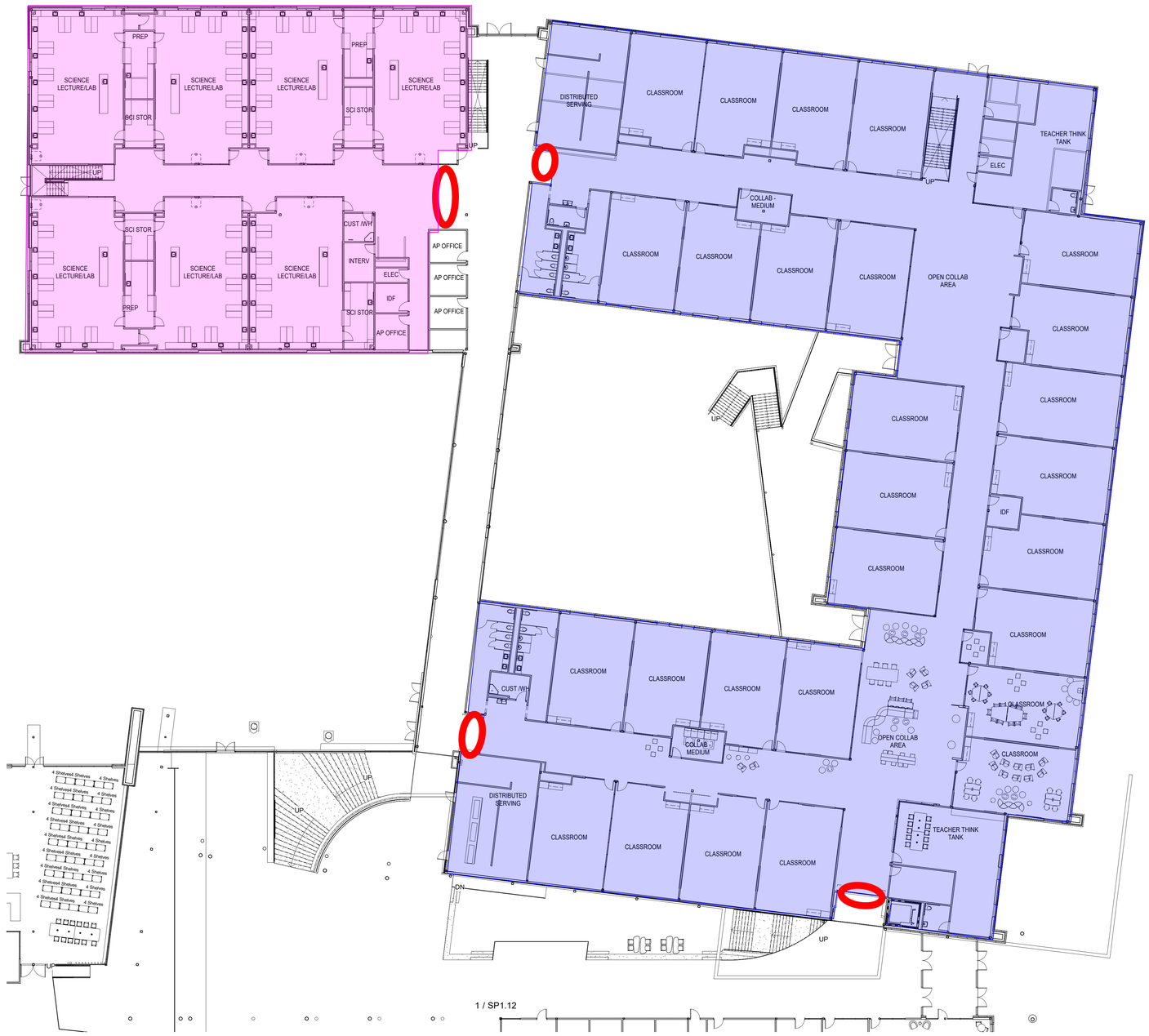
CTE TO BE IT'S OWN SECURE ZONE

CARD ACCESS

BUILDING 'ZONES'

CLASSROOM NEIGHBORHOOD LOCK DOWN

LOCK - DOWN DOOR LOCATIONS



CLASSROOMS - UPPER LEVEL

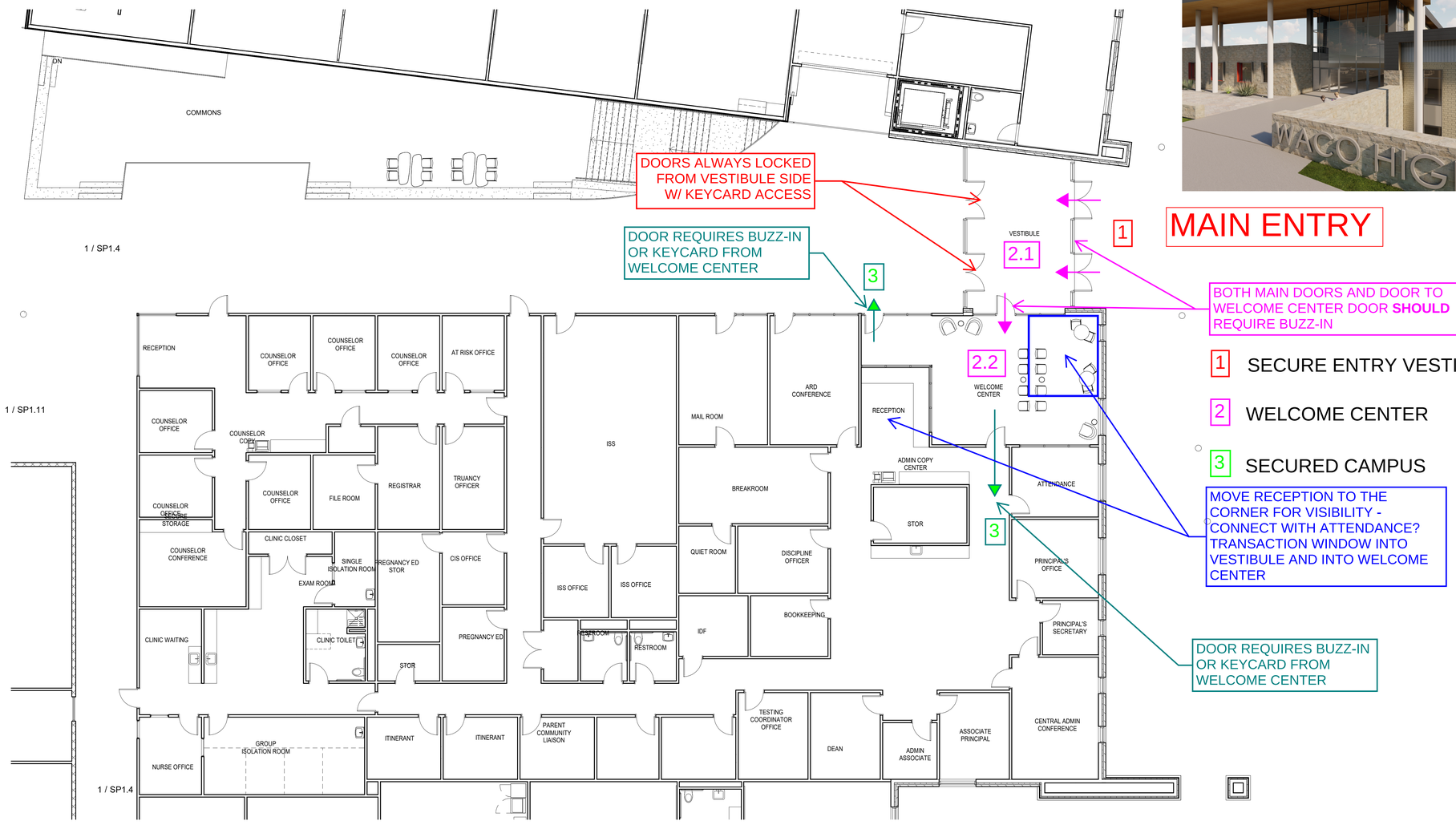
SCALE: 1/16" = 1'-0"

WACO ISD - WACO HIGH SCHOOL
WACO, TX - 11/10/21

O'CONNELLROBERTSON

MAIN ENTRY





ADMIN/OFFICE SUITE

SCALE: 1/8" = 1'-0"

SECTION 3: Post Design Development Meeting Minutes



Meeting Minutes

Project Name:	Waco HS & Carver MS	**Project Number:**	2124.00
Meeting Date:	December 16, 2021	**Meeting Time:**	11:00 am
Meeting Location:	Waco ISD Administrative Building		
Attendees:	WISD: Jerry Allen, Alex Villanueva Design Team: Casey Nicholson, Doug Dawson; Erin Van Doren; Andrew Faust; Jon Martin; Judy Boatman		
Meeting Topic:	Targeted WISD Standards for Security / Door Hardware Meeting		

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Hardware discussion to talk through Card reader access & big picture hardware requirements of the district – see attached markup for locations of hardware and security items.

1. Alex V distributed district spec for door hardware to design team.
2. Access control –
    a. Standard: every exterior door has card reader
    b. Functionality on doors with multiple door sets (main & student entries)
        i. Card reader to be located on the Righthand door on both sets of secure entry vestibule doors at Waco High School. (see attached markup)
        ii. Card reader to be located on the Lefthand door on both sets of secure entry vestibule doors at Carver Middle School. (see attached markup)
        iii. Badge access will trigger only 1 door
        iv. For scheduled opening times (i.e. in the morning when students arrive), the locking will be controlled by the janitorial staff by key
        v. Currently the district uses a hex key, but the preference is for keyed "dogging".
        vi. District plans to keep with current security systems
        vii. Non-integrated card reader to be mounted on the wall – not on mullions.
    c. Card access through the vestibule, and into the main reception area. (see markup)
    d. Medication always to be locked in the nurse's station cabinets
    e. IDF, MDF and all exterior doors into mechanical/maintenance spaces to have card readers as well
    f. REX – request to exit
        i. District not monitoring forced doors at this time
    g. BOSCH intrusion panel & access control integration
        i. Jon to send this question to Jerry for follow up outside of this meeting
    h. Security grille - see through product is preferred by the district and to include a keyed lock. No card reader access necessary.
        i. OCR to send spec for motorized gate to Jody

i. True North to design Access Control cabling to all security doors for future card reader inside the building. It was determined that prewiring for electric is not needed as it can be added later relatively easily.

3. Hardware
    a. Pairs of doors to have Keyed removable mullions apart from security doors on hold opens – those doors not to have center mullions.
    b. Classrooms all to include intruder lock with keys on both sides that all teacher keys will work from the inside.
    c. Card readers at all doors into think tanks.
    d. Think tank restroom to have key access with deadbolt & indicator
    e. Automatic operators will be provided at both main entries, bus entry and SPED entry.
    f. Gate & gate hardware
        i. Gate into courtyard to have card reader
        ii. OCR to coordinate with Jody about egress gates to possibly facilitate a hollow metal gate type that pairs well with hardware
        iii. Jon has a detail about this to be coordinated with the design team
    g. See attached markup for the door hardware in the admin.
    h. Tennis building
        i. Classroom type deadbolt on restroom
        ii. Family restroom to have key to lock/unlock with occupied indicator
        iii. Card reader at janitor/idf rack only.
    i. Technology - Common areas such as colab spaces to have a 65” clear touch with PC module.
4. Future meeting topics:
    a. TV locations
    b. Security cameras
    c. WAP access on site
    d. Temp. data during construction

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	January 12, 2022	**Meeting Time:**	9:00am WHS 10:00am CMS

Meeting Location: Waco ISD Admin – Main Boardroom

Attendees: Waco ISD: Susan Kincannon, Robert Muller. Kyle DeBeer, Jerry Allen, Josie Gutierrez, Alex Villanueva, Sheryl Davis, Ed Love*, Lisa Saxenian*,
Rogers O'Brien*: Charlie Hamilton, Braylon Byford, Christine Sheng, Terri Michalak
CORE Construction**: Steven Butler
O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson

** Waco High School meeting only*
*** Carver Middle School meeting only*

Meeting Topic: Waco High School Design Committee Meeting 12
Carver Middle School Design Committee Meeting 8

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Waco High School Design Update
    a. Salvage tour – coordinate with and include Lisa
    b. Landscape plan - no exceptions taken to the site plan shown; additional feedback:
        i. Trees/grass need to include irrigation
        ii. Parking lot islands to be grass
        iii. Practice fields to be sod; sprigging is not acceptable as an option
    c. Computer labs – floor boxes with metal covers are preferred for the stations located in the middle of the room
    d. No vape detectors needed
    e. Think Tanks – no additional review needed for those in CTE or PFA areas
    f. In School Suspension
        i. Combine the offices into a conference room – should have a door and windows into the ISS classroom and a 2nd door into the admin suite corridor
        ii. Classroom needs to include a teaching wall (markerboard, projector, etc)
        iii. Room perimeter to have power at the perimeter similar to the computer labs
        iv. No fixed casework or countertops – furniture solutions for seating/working
        v. Pocket the admin suite corridor door far enough back from Lions Way to create space for the ISS door to enter from this side hall, not off of Lions Way
        vi. Door hardware to match general classrooms
    g. Old Band Hall likely does not need temporary infrastructure to support CTE during the 2nd phase of new building construction (which includes athletics + CTE spaces)
        i. Casey to send Lisa quantity/list of instructional spaces that would be available after the first phase of the new building is completed so she can confirm that the current CTE offerings occurring in the existing main building

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(not in the ancillary CTE building) will have adequate temporary space for classes in the new building while they are waiting on their dedicated CTE rooms to be built

h. Page turner for architectural drawings – Dr. Kincannon to confirm with Gloria
i. Schedule – Building permit timeline is concerning – O'Connell Robertson and Rogers O'Brien are clarifying with the city to understand what can be completed via the site permit while awaiting the completion of the building permit
    i. May need to consider issuing an early building permit package in advance of the construction GMP set
    ii. A meeting may need to be scheduled with Bradley (City of Waco), Dr. Kincannon, Gloria Barrera, and O'Connell Robertson to discuss permit review timelines and/or Bureau Veritas (3rd party reviewer) to ensure a timely delivery of the permit
j. Construction Phasing – updated version from Rogers O'Brien renamed phases as 1 through 6 (removed all the lettered versions); no concerns or exceptions taken
k. Construction Fair –
    i. Social media and news communications are indicating interest from many sub-contractors and manufacturers
    ii. Targeted e-mails and letters were sent out in December/January to local sub-contractors
    iii. So far 80 have registered
    iv. Rogers O'Brien will be evaluating a virtual option to allow for live streaming or post-viewing of the event.

2. Carver Middle School Design Update
    a. Schedule – Building per timeline is concerning
        i. Already planning for early release of site permitting package and additional considerations may need to be given for the building permit package
        ii. A meeting may need to be scheduled with Bradley (City of Waco), Dr. Kincannon, Gloria Barrera, and O'Connell Robertson to discuss permit review timelines and/or Bureau Veritas (3rd party reviewer) to ensure a timely delivery of the permit
    b. HVAC systems – O'Connell Robertson engineers and CORE Construction met with Alex + team last week to review feasibility of options; decision was to keep air-cooled in for now, but may need to review with Gloria after cost estimates ae received
    c. Computer labs – floor boxes with metal covers are preferred for the stations located in the middle of the room
    d. In School Suspension
        i. Needs to include a teaching wall (markerboard, projector, etc)
        ii. Room perimeter to have power at the perimeter similar to the computer labs
        iii. No fixed casework or countertops – furniture solutions for seating/working
        iv. Door hardware to match general classrooms
    e. Landscape plan - no exceptions taken to the site plan show today

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3. Upcoming Meeting Schedule
    a. Construction Fair (WHS + CMS): January 19th, 4-6pm
    b. Design Committee Meetings
        i. February 17, 9-10am Waco HS, 10-11:30am Carver MS
        ii. March 24, 9-10am Waco HS, 10-11am Carver MS
        iii. April 28th, 9-10am Waco HS, 10-11am Carver MS
    c. Board Meetings
        i. January 27
            - Waco HS design/process update
            - Waco HS approval of interior + exterior colors/materials
        ii. February 17
            - Carver MS design/process update
            - Carver MS approval of interior + exterior colors/materials
            - Carver MS approval of GMP 1 (roof + demolition)
        iii. April 28
            - Waco HS approval of GMP 1 (roof + steel)
            - Carver MS approval of GMP 2 (civil)
        ii. June 16
            - Carver MS approval of GMP 3 (building)
        iv. July 28
            - Waco HS approval of GMP 2 (site + building)

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School / Carver Middle School	**Project Number:**	2124.00 / 2150.00
Meeting Date:	February 2, 2022	**Meeting Time:**	1:00 PM – 3:00 PM
Meeting Location:	Virtual Zoom Meeting		
Attendees:	ACOUST: Richard Boner, Bill Hammon; ARCH: Andrew Faust, Casey Nicholson, Doug Dawson, Gilbert Salinas, Jarrod Sterzinger, Kurt Schwerdtfeger, Li Tong, Patricio Villa, Pooja Shetty, Sameer Kanafani; CIVIL: Antonio Grenier, Brent Tuley, Chandni Patel, Shelly Mitchell, Trevor Riek; CMR: Braylon Byford, Charlie Hamilton, Christine Sheng, Justin Stewart, Mitch Kennedy, Natalie Sandoval; ELEC: Daniel Cruz, Ed Sapir, Kim Pham, Logan Grieve, Louis Milia; FOOD: Joanne Counihan, Melissa Counihan, Terise Urias; INT: Jayna Duke, Patricia Runge, Shannon McKinley; LAND: Brad Sims, Brent Baker; MECH: Aaron Anderson, Andrew Greene, Grace Ito; PLUMB: Alex Longshaw, Daniel Johnson, David Meyer Erick Rangel; STRUCT: Chris Carsten, Dante Angelini, Ryan Stoltz; TECH: Jon Martin, Mike Berglund, Ricki Fisher; THEATER: Alex Robertson Waco ISD: Alexander Villanueva, Mike Tyra, Gloria Barrera, x (one other person in room – didn't catch name)		
Meeting Topic:	WHS & Carver MS MEP DD Flip-through		

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1. Waco HS Site
    a. District: why is central plant located so far from building?
        i. Phasing strategy requires plant location plan west – access, routing utilities
        ii. Noise issues
        iii. District concern is expense – cost $ to pipe long distance
    b. Patrick Woods (Waco ISD transportation dept.) to look over site plan to review layout and flow

2. PLUMB/FP

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a. Fully sprinklered building – routing shown right now, still need to coordinate above ceiling
    i. Specialty sprinkler heads to be coordinated with interiors and contractor
    ii. Fire pump located in CUP
b. District asked what type of pipe system
    i. They have used phenolic piping before; possible district will want for cost savings – is this allowed by code?
c. District wants information on dry pipe vs. wet pipe
    i. Typically use wet pipe indoors, require to be heated
    ii. Concern with wet system & winter storms – losing power & heating
        1. Space heaters & generator as an option – would be a lot for such a big building
        2. No generator on this project due to budget, but docking station to serve food service & could add spaces to connect to roll-up generator
        3. See if we could keep a docking station and generator to be funded by someone else on districts end
    iii. Want capability of backup power for heat in case power is lost for a week
d. Cold water supply into building
e. Tank type water heaters
    i. 2 serve kitchen
    ii. Remote to serve showers
    iii. Recirculating loops
f. Sanitary sewer water - PVC underground, cast iron above ground
g. Acid waste system for science
h. Gas to serve boilers, kitchens, and science labs with shutoff
i. Grease waste system in kitchen
j. Storm drain – PVC underground, cast iron above ground (use PVC where possible for cost savings)
k. District asks about access panels for valves
    i. Specs say to locate valve no more than 18” above ceiling
    ii. Access panels for valves in walls coordinated w arch
    iii. Isolate RR – better for maintenance
l. Hot water for all sinks in RR
m. Concern for classroom location of __?
n. District concern for boy’s showers – issues previously with cuts and infections
    i. Slope showers to drains & put additional drains outside showers– no ponding of water
    ii. Individual stall showers here (Area J)
o. How will washers be drained?
    i. Lint trap drain with adjacent floor sink (Area H)

3. ELEC
    a. KP working with Oncor
    b. Site
        i. Demo existing lines at fields

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   ii. 3 pad mounts
      1. 2000A transformer for north half of building for phase 1
      2. 5000A service transformer at CUP (20'x20' clear)
      3. 2000A service near electrical room
   iii. Pole mount for tennis area
   iv. Full cutoff site lighting to comply with dark sky requirements
c. CUP
   i. Switchboard
   ii. Circuit breakers for large equipment – can be changed to switch/fuse if needed
   iii. Capacitor size not confirmed yet for correction factor; awaiting utility power factor
   iv. Guard booth could be expanded for emergency communications
      1. District requested guard booth to monitor entrance/exit to parking lot
d. Science lab will have shutoff for elec.
   i. Panels local to labs for easy access to shutoff
e. District asked what we are using for conductors
   i. Aluminum for 110A and larger
   ii. Can revise to copper only, but aluminum for budget purposes
f. Interior Lighting
   i. Dimming capability for all classroom lights
   ii. Switch at teachers' stations
      1. 50% auto-on occupancy sensing for code
      2. Presentation lights at front of classrooms switched separately from rest of classroom lights
   iii. Daylight sensors for spaces with continuous windows
g. Exterior Lighting
   i. Photo cell control – district asks if there could be one per parking lot?
      1. Photo cell per fixture is by energy code
      2. HOA controls
   ii. Tie into BAS
   iii. Motion sensors for each light fixture – if nobody is around, then light dims to 50% or less
h. Fire Alarm
   i. Standard layouts
i. District would like automatic way to turn on/off breaker to avoid non-functional switch affecting service
   i. Remotely turn on or off
j. District wondering if there is a lighting fixture standard
   i. Basis of design manufacturer with two alternatives for competitive pricing
   ii. Concern for maintenance if it is a new fixture, can move to Signify for basis of design which district is comfortable with
k. District would like set of hard copy documents to review
l. SPED rooms to have tunable lighting to change color temperature
m. District asks if there's plan for feeder circuit for food trucks
   i. Pull-off in courtyard for food trucks, need power and domestic water tap

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ii. Spaces near kitchen as well

n. District asks if there is a dedicated circuit for digital marquee
   i. ELEC waiting for cutsheet

o. District says circuits are required for time clocks, near admin
   i. District will follow up with email?

4. MECH
   a. CUP
      i. Water-cooled chillers with crossflow cooling towers in yard
         1. 600T main chillers and 400T trim chiller (by district request)
         2. CTSS basin scrubber system – district says they don't need it → **remove**
         3. Structural supports pre-installed for future CT-5 and OSHA platforms
      ii. Spot for emergency/future chiller, boiler, pumps
      iii. All equipment designed for n+1 redundancy
      iv. Condensing boilers with master boiler controller (BAS control on/off and T setpoint)
      v. District asks if we are doing packaged plant → NO, wouldn't show savings
      vi. Isolation valves on every branch for all equipment
      vii. Pipes routed direct-buried with possibility to be tapped into – no concerns for pipe material lead times
         1. Copper and steel
         2. No press fittings by district request
      viii. Existing CUP will serve gyms when rest is demolished, bypass valves
      ix. District asked about technology concerns in phasing
         1. Tech consultant isn't on call (True North)
         2. District wants to set up meeting with TECH
      x. District asks why sewer lines are re-routed
         1. See CIVIL sheet to show re-routing
         2. Extraco convention center nearby – want sewer separate from this for load
   b. Roof Plan
      i. Multiple access points – almost every roof has access
      ii. Ships ladder for filter changeout
      iii. All units on roof
         1. District is surprised units are on roof? –never planned to have units inside
         2. ERUs for science – enthalpy core, no double decker access, terminal units on supply and exhaust
         3. FHEF stack fans on science roof
         4. AHUs – standard 4-pipe, preheat, cooling, fans, piping cabinet, VFDs in each AHU, we specify 1 VFD/ fan currently (from owner request document)
            a. District concern for walking pads

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iv. District asks what air quality standards we are basing design on
    1. District standard is MERV 9, we call for MERV 11, but 9 can be used
v. DX
    1. Admin area
    2. 2 stage compressor with gas heat
vi. Exhaust Systems
    1. Specify EC motor where possible
    2. Belt driven fans when direct drive won't work
vii. District asks if each class will have control? YES, VAV per class

c. BAS
    i. Spec: District wants to add pre-programming meeting (to go through every point of the BAS & district language) to the specification (needs to be a standard), to be done during or right after installation
    ii. District typically does combo of manufacturer and programmer for sequence operation
        1. AA to set up a controls meeting with district to walk through both projects
d. District: Is there a commissioning agent on board yet?

5. CARVER MS
    a. Arch
        i. Full replacement facility, not phased
        ii. Single-story PFA, athletics, commons
        iii. Two-story classroom wing
        iv. Tilt wall building – best for tight construction schedule
    b. Mechanical
        i. Similar to Waco HS but smaller scale
        ii. Air-cooled chillers instead of water-cooled chillers
    c. Electrical
        i. Will have a lot of demolition on site
        ii. Work with civil for existing poles
        iii. 1 pad mount plan north of CUP
        iv. 3000A service, leaning towards 4000A
    d. Plumbing
        i. No fire pump at Carver, better water pressure
    e. District Questions:
        i. Why is fire lane around entire school?
            1. Based on site constraints – firetruck turnaround required if there isn't a loop, doesn't make sense spatially
            2. Fire lane doubles as bus loop to separate from parent drop-off & pipe gates to allow for students to walk over to track
        ii. Why is there an open space plan east?
            1. Possibility for **future expansion**

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End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	February 18, 2022	**Meeting Time:**	1:00pm WHS 2:00pm CMS
Meeting Location:	Waco ISD Admin – Virtual		
Attendees:	Waco ISD: Gloria Barrera, Alex Villanueva, Jerry Allen, Luther Ward, Dekhar Trosper, O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson True North Consulting Group: Jon Martin, Mike Berglund, Steve Bridges, Rene Torres, Bill Haas		
Meeting Topic:	Waco High School and Carver MS Technology Meeting		

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UPN Conversation

1. Currently, the existing UPN fiber comes into the PAC from Trice, crossing under the proposed phase 1 parking lot.
2.

HS Technology Notes

1. Direction is TENTATIVELY a projector onto a whiteboard at the HS typical classrooms and science labs. Waco ISD will mock-up the projector onto a whiteboard scenario to verify if preferred.
2. Confirmed classroom projectors are F.F.E.
3. Mounts, HDMI, VGA, and Sound, in CM@R scope
4. TNCG drawings to include a mock-up classroom and science lab for technology.
5. A/V connection on the wall with a stainless-steel plate.
6. Match elec. for data cover plate color/type
7. Adding 2 data drops in science each prep room
8. CAT6 for data, and ceiling CAT6A for POE devices – should be potential cost savings
9. Wireless access points on site were reduced to student parking lot only, and key areas on exterior of building.
10. Classroom Technology
    a. Number of data drops needed in each typical classroom was confirmed @ 6.
    b. 2 data drops in ceiling near projector confirmed. (1 for A/V, 1 for projector)
    c.
11. Reception
    a. Raptor
    b. Computer
    c. Phone
    d. 4 data outlets on each side
12. Welcome Center

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End of Meeting Minutes

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Agenda & Meeting Minutes

Project Name:	Waco ISD Bond Program	**Project Number:**	2124.00 WHS 2150.00 CMS
Meeting Date:	February 18, 2022	**Meeting Time:**	11:00 am
Meeting Location:	Virtual		
Topic:	Waco ISD Projects – Weekly O/A Meeting		

1. **General**
    a. Monthly Projects Report
    b. List of All Project Meetings to Gloria (Casey) – *sent by email*
        i. **Clarity of meetings week of Feb. 21st**
    c. IT OFOI / CFCI SD Matrix to Gloria – *sent by email*
    d. Geotech / Survey contacts – *sent by email*
    e. Construction Contracts
        i. Review General Conditions requirements / calculations of CMR contracts
    f. Develop review process / page-turner for WHS/CMS:
        i. Schedule
            1. Waco HS – Propose 50% CD as first
            2. Carver MS – Propose time week of 2/28
        ii. Bluebeam
        iii. sign-off sheet
        iv. meeting agenda

2. **Carver Middle School**
    a. Permitting Timeline Overview
        i. Site Permit
        ii. Building Permit
            1. **Per City of Waco Response 2/18 – foundation permit may be submitted for on Carver.**

    b. GMP Timeline Overview
        i. **Need updated GMP review/scoping schedule from CORE**
        ii. **Status GMP 1 Approval and NTP**

    c. B.O.T. Presentation
        i. **O'Connell Robertson developing B.O.T. presentation – deliver to WISD 2/22.**

    d. VE
        i. **Discuss V.E. and scope reductions with design committee on 2/24**
        ii. **O'Connell Robertson to share draft of presentation VE list to Gloria on 2/23**

4. **Waco High School**
    a. Permitting Timeline Overview
        i. Site Permit
        ii. Building Permit
            1. **RO is confirming that the estimated 8/31 building permit date is acceptable.**

    b. GMP Timeline Overview
        i. Questions:
            1. **Need updated GMP review/scoping schedule from RO**

    c. RO to develop a GMP Mock-up – **due week of Feb. 28th**

    d. Transportation Meeting – TBD
    e. Develop Waco HS phasing update for communication to the community
        i. O'Connell Robertson to provide draft mid-April

    f. Confirm summer schedules with Lisa S, principal B.O.T. Presentation – TBD

    g. Contractor Constructability review – coordinate design team and Gloria access
    – Bluebeam session has been shared and RO is actively providing comments

    h. VE
        i. Discuss V.E. and scope reductions with design committee on 2/24
        ii. O'Connell Robertson to share draft of presentation VE list to Gloria on 2/23

    i. Process for student engagement in design.

5. **Tennyson / Kendrick / South Waco**
    a. Prime Contract – **Gloria and Jarrod to meet**
    b. CMR / CSP, Survey, Geotech – **Waco ISD working through procurement.**
    c. Review preliminary phasing options with design committee – **Confirm presentation on agenda for 2/24 meeting.**

6. **Paul Tyson**
    a. Letter of concurrence for CO 17 / 18 / 19 / 20, review with Jarrod
    b. Punch completed 2/15.
    c. Ribbon-cutting planned March 4th.

7. **Library Furniture Project**
    a. Project efforts continuing
    b. Next Steps?

8. **CNS / MEP Projects**
    a. O'Connell Robertson to send list of Meetings to Gloria

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	March 2, 2022	**Meeting Time:**	2:00 PM
Meeting Location:	Waco ISD Admin – Main Boardroom		
Attendees:	Waco ISD: Susan Kincannon, Robert Muller. Kyle DeBeer, Josie Gutierrez, Sheryl Davis, Lisa Saxenian, Rogers O'Brien: Charlie Hamilton, Braylon Byford O'Connell Robertson: Jarrod Sterzinger, Casey Nicholson, Jayna Duke, Doug Dawson, Andrew Faust		
Meeting Topic:	WHS – Reductions + Alternates Review		

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1) The design team stepped through each potential alternate to gain direction on which should be included for the next round of pricing.
   a) RO indicated that many alternates can drive sub-contractors away – typically 5-8 is a good number to keep
2) Hydro mulch around building – **Accepted as an alternate**
3) Weight room reduction by 1,000 SF in base bid - **Accepted as an alternate**
4) Dance + Dance support spaces –
   a) Option A – build the shell of the building only - Rejected
   b) Option B – remove completely - **Accepted as an alternate**
5) Gym square footage reduction – Rejected
6) Enclosing the bridge –
   a) Option A – exterior bridge without covering - Rejected
   b) Option B – exterior bridge with covering - Rejected
   c) Option C – Remove altogether - Rejected
7) Academic Courtyard Balcony and Stair - **Accepted as an alternate**
8) Shade structure in courtyard - **Accepted as an alternate**
9) Potential CTE Reductions
   a) Option 3d – eliminate think tank - Rejected
   b) Option 2c.c – Reduce CTE by 2 classrooms – **Accepted as an alternate**
   c) Option 2c.1 – Reduce Auto Tech by1 classroom and 2 service bays – **Accepted as an alternate**
10) Remove PFA Think Tank – **Accepted**
   a) Design team to retain the staff restroom
11) General Classrooms
   a) Reduce classrooms by 2 - Rejected
   b) Reduce classrooms by 4 - Rejected
12) Eliminate Science Think Tank – Rejected

13) Final list of Alternates:

1. Weight room –
   - base bid - Provide a 6,000 SF Weight Room
   - alternate – Provide a 7,000 SF Weight Room
2. Dance Suite –
   - base bid - no dance spaces included in project
   - alternate – include dance and support spaces included in are
3. Sod on site
   - Base bid – Hydro mulch used on entire site apart from the 3 practice fields
   - Alternate - Provide Sod in lieu of hydro mulch
4. Academic courtyard balcony/stair
   - Base bid – Provide two exterior galvanized concrete steel pan stairs, one at each upper level exit of area B & C
   - Alternate – Provide balcony and custom stair in lieu of exterior galvanized concrete steel pan stairs.
5. CTE Classrooms –
   - Base Bid – Provide 10 CTE classrooms in area G
   - Alternate Bid – Provide 12 CTE classrooms in area G
6. CTE Auto Tech –
   - Base Bid – Provide 3 auto tech classrooms and 6 auto tech service bays in area G
   - Alternate Bid – Provide 4 auto tech classrooms and 8 auto tech service bays in area G
7. Shade Structure
   - Base Bid – Do not provide a shade structure in the courtyard
   - Alternate Bid – provide a delegated design shade structure in the courtyard

End of Meeting Minutes

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	March 2, 2022	**Meeting Time:**	9:00 am – 1:30 pm
Meeting Location:	Virtual Zoom Meeting		
Attendees:	See attached sign in sheets		
Meeting Topic:	Waco HS - Systems VE Review		

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1) Design team walked through each discipline to identify potential cost saving measures.

2) Civil

a) Reuse of temporary storm Pipe
   i) Civil suggested reusing approximately 250' of temporary pipe in phase 1 to be salvaged and reinstalled in phase 2 as the permanent solution.
      (1) RO – constructability – this will be a minimal cost impact due to the small amount of pipe as well as there is risk involved for the reuse of pipe.

b) Storm Event Sizing reduction
   i) Select storm pipe can be designed using a reduced Storm event standard -
      (1) Best practice is to design to the 100-year standard on entire site, but it is not uncommon on private sites to reduce down to 10 year event for certain areas.
      (2) Areas directly adjacent to the building to remain designed to the 100-year event.
      (3) Areas outside that can be designed to 25 or even 10-year events
         (a) System above the band practice lot and student lot are currently 25 and may be able to be reduced to 10-year event.
      (4) **Civil moving forward with this VE and will provide a PDF markup of LF of reduced pipe.**

c) Material for pipes
   i) City requires RCP in the public ROW – pipe outside public ROW could possibly be a contact metal pipe for the public piping while remaining HDPE near the building.
      (1) Civil to investigate this potential solution and provide Linear Foot of possible reductions

d) Reduce Parking – Remove Band Practice Lot and replace with a grass field
   i) Current design is meeting the minimum parking requirement for the site
   ii) Additional savings could be realized from also eliminating the driveway from New Road to the band practice lot – awaiting design committee approval.
   iii) Arch to investigate variance to reduce amount of parking below the city mandated minimum and if there are any concerns with removing drive from New Road.

e) Reduce flatwork on site
   i) Design team has taken out approximately 10,000 sq ft that will be realized in the next submission.
      (1) This results in a cost savings of about $6 / SF.

(2) Currently designed sidewalks around the perimeter of the site are already at the minimum required width.

f) Bus loop reduction
   i) The bus loop is currently designed efficiently to allow a bus to pull around to let students off in the drop off zone. No additional savings to be had,
      (1) rejected

g) Site balance
   i) Most of the fill is pulled from on site with stabilization
   ii) There is about a 10 – 15' difference between existing & finished grade below the PFA the portion of the site

h) Sanitary pipe abandonment
   i) Sanitary pipe must be demoed and cannot be abandoned. Rejected.

i) Gas Service Entry
   i) Possible savings by extending the main gas line along New Road towards the band practice lot instead of routing the gas line through the building to the CUP.
      (1) Plumbing to investigate with city to see if there is potential savings for main line extension
      (2) Plumbing to investigate it RO do the main line extension themselves with an approved contractor opposed to having the city perform the work.
         (i) Civil has heard that Atmos has allowed this in past projects
      (3) Plumbing to Investigate pulling the line from the south to serve the CUP

j) Remote CUP location – move CUP closer to the building?
   (1) CUP location was determined by site and phasing constraints – current location is optimum.

3) Electrical

a) Electrical Routing
   i) Current design utilizes a pole next to cup that are tapped into from New Road routing all lines underground from pad mount to electrical room and feeders run above ceiling to the panels in the distributed electrical rooms.
      (1) Routing underground from main electrical rooms to distributed electric rooms -
         (a) Less flexibility for changing routing in future
         (b) Multiple 2" – 4" conduit used in that routing
         (c) Conduit can be oversized for future conduit runs in the future
      (2) Accepted – Elect to move forward with this change

b) Routing from transformer to electrical rooms switched to copper –
   i) VE item to be aluminum - Conduit will need to enlarge to accommodate
   ii) Accepted - Elect to move forward with aluminum 1 AUT enlarger going down to #1 wire – any feed over 100 AMPS can use aluminum

c) Site Lighting
   i) Currently meeting city requirement for site lighting
      (1) Current design utilizes relocating lights at existing practice field to provide general illumination to both practice fields.
      (2) Tennis courts will be illuminated according to minimum requirements
      (3) No areas identified for VE.

4) **Landscape**
   a) Tree Reduction
      i) Rejected - not a substantial cost savings.
   b) Reduce Sod in project and switch to hydro mulch
      i) This was accepted as an alternative keeping sod at the practice fields only. Landscape to incorporate into next submittal.
      ii) RO to price out the cost savings of switching all sod to hydro mulch
   c) Irrigation Reduction
      i) University HS is 100% irrigated
         (1) There is a significant amount of irrigation on the site, WISD would like to limit irrigation and use native plants where possible
         (2) WISD to research if irrigation can be reduced from a district standpoint
         (3) Landscape to confirm we are complying with COW irrigation requirements and create markup of potential areas to remove permanent irrigation.

5) **Structural**
   a) Science Mechanical Unit Screening Removal
      i) Design includes very tall/ visible energy recovery units above science that include a costly mechanical screening wall that requires additional steel bracing.
         (1) 300K – 500k in steel costs for this screen
      ii) Mechanically this system can be revised to exclude the use of custom units and remove energy recovery from the system and instead provide typical science exhaust fans at science while still maintaining terminable unit controllability from a user standpoint.
         (1) Accepted Mechanical & Structural to move forward with this VE item.
   b) Academic Courtyard Balcony Removal
      i) **Accepted as alternate** – base bid will include to 2 stairs ILO a balcony.
   c) Retaining wall reduction
      i) This has already been completed in previous VE effort – the latest design has already reduced the structural retaining walls in the courtyard. No additional savings to be had.
   d) Reduce roof heights and route utilities up in structure.
      i) MEP already using this strategy where possible
      ii) Gym – already using joist space for fabric ductwork.
   e) Reduce Gym Volume
      i) Reducing roof height while maintaining minimum required heights for sporting events – highest being 23' – 0" clear for volleyball.
      ii) This will reduce structural CMU around the perimeter, for every 1' – 0" we reduce the gym roof translates into a $40K savings.
      iii) Structures to call Vulcraft to verify no joist conflicts with MEP routing between joists in the gym, if none, design team to reduce gym volume by at least 2' – 0"
   f) Parapet Framing misc. steel reduction
      i) Currently we have a mixture of bypass and standard framing
      ii) Misc. steel channels required at entire parapet
      iii) If we switch to TPO the expansion joint detail simplifies and can help reduce the cost
      iv) Arch to identify linear foot of each condition to start the cost comparison
   g) Geotech site balance –

i) Savings could be seen if select fill can be reduced underneath the building pad or to utilize a thickened slab to remove the grade beams. Driving factor is depth of the required fill from existing grade (mostly in PFA where there is 10' - 15' of fill)

ii) Structures to engage Geotech concerning the fill requirements and investigate to reduce number of grade beams in the project and instead increase reinforcement, increase slab depth, or use better fill instead.

h) Reduce Piping loads –

i) Can routed pipes stack in the ceiling space to reduce the overall support needed and instead use a more targeted support approach by supporting all pipes in one cohesive rack to only upsize the joists that are directly supporting these pipes and reduce joists elsewhere.

(1) MECH to investigate

i) Reroute Hydronic Piping

i) Can we reroute the hydronic piping entry point to cut linear feet of piping to come in near the black box and/or by angling the hydronic piping to be 45* instead of 90*?

(1) MECH to investigate

j) Switch to Spread footings ILO drilled piers

i) Structures does not believe this is feasible due to Geotech recommendations.

k) Reduce Fireproofing

i) Can the 2nd floor framing become a UL rating assembly by switching to composite deck with 4 ¾" deep concrete that is inherently rated instead of fireproofing deck & joists. Current design is 3" concrete on 3" metal deck which would require fireproofing.

ii) Lightweight concrete is $30/yard more than standard and does not seem feasible as this will increase steel costs for the added weight.

6) See updated Waco HS Budget Tracker Log for all final approved VE items

a) 212053-WacoHS Budget Tracker 2022-02-25.xlsx

7) Mechanical

a) M1a - Switch from water cooled to air cooled chillers - Rejected

b) M1b - Switch to all Direct exchange RTUs - Rejected

c) M1c - Rejected

d) M1d - Rejected

e) M2 - Rejected

i) Switch to grooved couplings to all piping connections in central plant only – all welded outside of cup – Some contractors indicate fusion connection is a large part of the labor costs

f) M3 - Plenum Returns ILO Ducted returns - Pending

i) Acoustic transfer between spaces – using u shaped transfer ducts to reduce this but will still cause some acoustic crossover general classrooms/admin areas only (not band/choir or loud spaces)

ii) This will eliminate the opportunity to take P1 & P2 VE options if this option is selected

g) M4 - Remove energy recovery from AHUs at science, art, and locker rooms and provide split deck units - **Accepted**

h) M5 – rejected
i) M6 – no cost
   i) RO to provide pricing information
j) M7 – Rejected
k) M8 – Rejected
l) M9 - Remove 10-yr Labor Warranty from Chillers - **Accepted**
m) M10 – Rejected
n) M11 – Defer Chiller –
   i) This is preferable from a mechanical perspective (possibly a $300k savings) –
   ii) Accepted
o) Reduce Ductwork
   i) No cost savings opportunities identified

8) Plumbing

a) WISD plumbing standards identified during meeting:
   i) No plastic pipes above ground
   ii) No press fittings
   iii) No PVI
b) P1 – Rejected
c) P2 – tabled to break into cast iron to PVC Above ceiling for storm, etc. - Pending
   i) RO to investigate this and investigate if this number includes underground and how the savings breaks out
d) P3 – standard couplings are allowed in the spec for vent piping - Pending
   i) RO to investigate this and to see if this number includes underground and how the savings breaks out
e) P4 – no cost associated – this would not net any savings when considering other disciplines.
f) P5 - Water heaters – downgrade to non ASME rated tanks and expansion tanks – Plumbing initial thought is this could save $4k / water heater. - Pending
   i) RO to provide pricing for this

9) Electrical

a) E1 – MC cable for branch circuits – cuts down on labor costs – **Accepted**
   i) RO to provide pricing for this
b) E2 – AL conductors for feeders' equivalent to 1/0 AWG CU and higher
   i) **Accepted**
   ii) RO to provide pricing for this
c) E3 – Remove Lighting Relay Controls, except in corridors and common areas
   i) Design team is unsure where this savings comes from as the design is already providing code minimum apart from the commons. - **Accepted**
   ii) RO to investigate what this includes and provide pricing
d) E4 – Remove Lightning Protection & Counterpoise
   i) **Accepted**
   ii) RO to provide pricing for this
e) E5 – can go with contractor select fixture – currently using a cost-effective solution: Spectrum acuity – Hubble Lighting

i) Next step: when design team submits the lighting package subcontractors to provide comparable fixture list for specific cost savings achieved with this item. - Pending

ii) RO to provide pricing for this

f) E6 – Use aluminum feeder wire for #1 and larger

i) **Accepted**

g) E7 – Use MC Cable throughout project (same as E1) - Rejected

h) E8 – Open specification and installation to NEC code – Rejected

10) Technology

a) All items reduced from previous technology meeting that WISD approved will be implemented and these costs will be reflected in upcoming estimate.

b) Arch to set up meeting to look at reducing camera locations in the next few weeks – Gloria, Chief Williams, Jerry Allen & Principles from both schools, TNCG & OCR.

11) Architectural

a) A simplification of the architecture and framing has already taken place in areas G/H/J.

b) A4.1 – Low wall condition column-line KG (south of gyms in hallway) provided as load bearing CMU ILO Steel.

i) Accepted

ii) **RO to provide pricing for this**

c) A4.2 – Use a coursed ashlar pattern on the limestone in lieu of random ashlar

i) Accepted

d) A4.3 – Use grey unpigmented mortar at brick in lieu of pigmented mortar

i) **Arch to investigate implications of this**

e) A4.4 – King size Brick – **Accepted**

f) A4.5 - Eliminate cast stone sills and replace with brick rowlock or limestone rowlock - Rejected

g) A6.1 – Reduce the number of built-in cabinets/millwork/countertops and provide as furniture

i) Interiors to investigate what areas can be furniture solution

h) A6.2 – Millwork Alternates or Changes?

i) Current design is solid surface at most millwork for durability

ii) RO to provide cost per linear foot to downgrade.

i) Provide TPO – ILO ModBit

i) RO to price TPO as well as provide a separate line-item reduction to remove the 5/8" Substrate board currently specified.

j) A7.4 - Interior metal Panel reduction – **Accepted**

k) A7.5d – MWP-1 & 2 as Pac-Clad; Soffits as Pac-Clad woodgrain; MCM as Alucobond Rainscreen - **Accepted**

l) A7.7b – Painted Stucco ilo Metal Panels at auditorium house & gym north and east wall above low roof. - **Accepted**

i) OCR to provide sq ft area of material change

m) A8.4 - Change interior alum/glass doors to wood – **Accepted**

n) A8.8 - Permanente/Final Door Cores and Keying provided and installed by WISD – **Accepted**

o) A8.10 - Remove Kalwall at gym – **Accepted**

p) 1/2" Tempered at all "F" Doors & Frames ilo 9/16" Laminated– Rejected due to safety concerns

q) Elevator shafts change to drywall – rejected
r) A9.3a - Polished Concrete Treads and Landings on Stairs CV2 and ES1 ilo Terrazzo
   i) Accepted pending the concrete being deep grind to match the corridors.
s) A9.5 - Change wall tile to a $2/sf material allowance
   i) Tiles already at $2/sq ft in 95% of building
   ii) Saving opportunity is to strategically reduce tile locations in hallways
   iii) Reduce tile from 5' down to 4'
   iv) Interiors to investigate extents and provide quantity of reduction to RO for pricing
t) A9.7 - Alternative wood sports flooring option (Auxillary Gym, Dance)
   i) 3rd and better at aux & dance & 2nd and better at competition gym –
   ii) Accepted and increased to $50k in savings
u) A9.9 ACT type –
v) A9.10 - Change wall tile grout from epoxy to cement type - **Accepted**
   i) Keep epoxy grout at kitchen
w) Reduce epoxy flooring to shower areas only – **Accepted**
x) A10.3 – Eliminate half (5-ea) the operable partitions between classrooms (see keynote 373)
   i) Awaiting design committee decision
y) Auto tech equipment change to FFE or reuse some existing equipment
   i) WISD to provide feedback
z) Food service equipment change to FFE or reuse some existing equipment
   i) WISD to provide feedback
aa) A11.6 – Change motorized Parking/Drive Gates to manual.
   i) Arch to set up meeting with WISD safety & security – chief, principle to review site security and motorized gate locations.
bb) Theater / BB loose seating –
   i) **WISD to investigate if there is room to purchasing these using the FFE budget**
cc) A11.7 - Theater & Black Box Equp/Seat VE
   i) RO to send proposals to OCR. OCR to Coord w/Consultant to achieve Target VE
dd) A12.4 - Lab Casework changing to built-in Millwork (Div-06) with Epoxy Tops - **Accepted**
ee) Do we include the orchestra shell in the project, or will the district use the existing?
   i) WISD to investigate
ff) Reduction of abatement costs
   i) WISD to investigate

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	March 24, 2022	**Meeting Time:**	9:00am
Meeting Location:	Waco ISD Admin – Main Boardroom		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Gloria Barrera, Jerry Allen, Ed Love, David Hamilton, Josie Gutierrez, Alex Villanueva, Lisa Saxenian, Larry Carpenter Rogers O'Brien: Charlie Hamilton, Braylon Byford, Christine Sheng O'Connell Robertson: Jarrod Sterzinger, Doug Dawson, Casey Nicholson		
Meeting Topic:	Design Committee Meeting 13		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Design Update
    a. Design team has been focused on detailed consultant + contractor coordination with a focus on technical production of drawings, including:
        i. Page turner + scope review with WISD
        ii. Documentation of VE Selections + Alternates
    b. GMP + Permit Progress
        i. GMP 1 issued this week
        ii. Site Permit re-submittal this week
        iii. 70% CDs of GMP2 for pricing
        iv. Parking variance to remove 180 spaces (band lot will become hydroseed).
            1. Will keep the plan-east drive access to New Road so that band can pull their trailers in for loading/unloading and this could be used as an additional exit point for vehicles exiting after events
            2. Will keep pipe gates at New Road to and at edge of parking lot to restrict daytime and non-emergency access during the school day

2. Site Landscaping
    a. O'Connell Robertson to develop an updated plan based on today's review – to keep trees near main entry and at parking lot perimeters, but remove parking lot islands
    b. O'Connell Robertson to set up a meeting with Landscaping team and Gloria to review
    c. WISD to champion engagement with City to get variance to eliminate parking islands

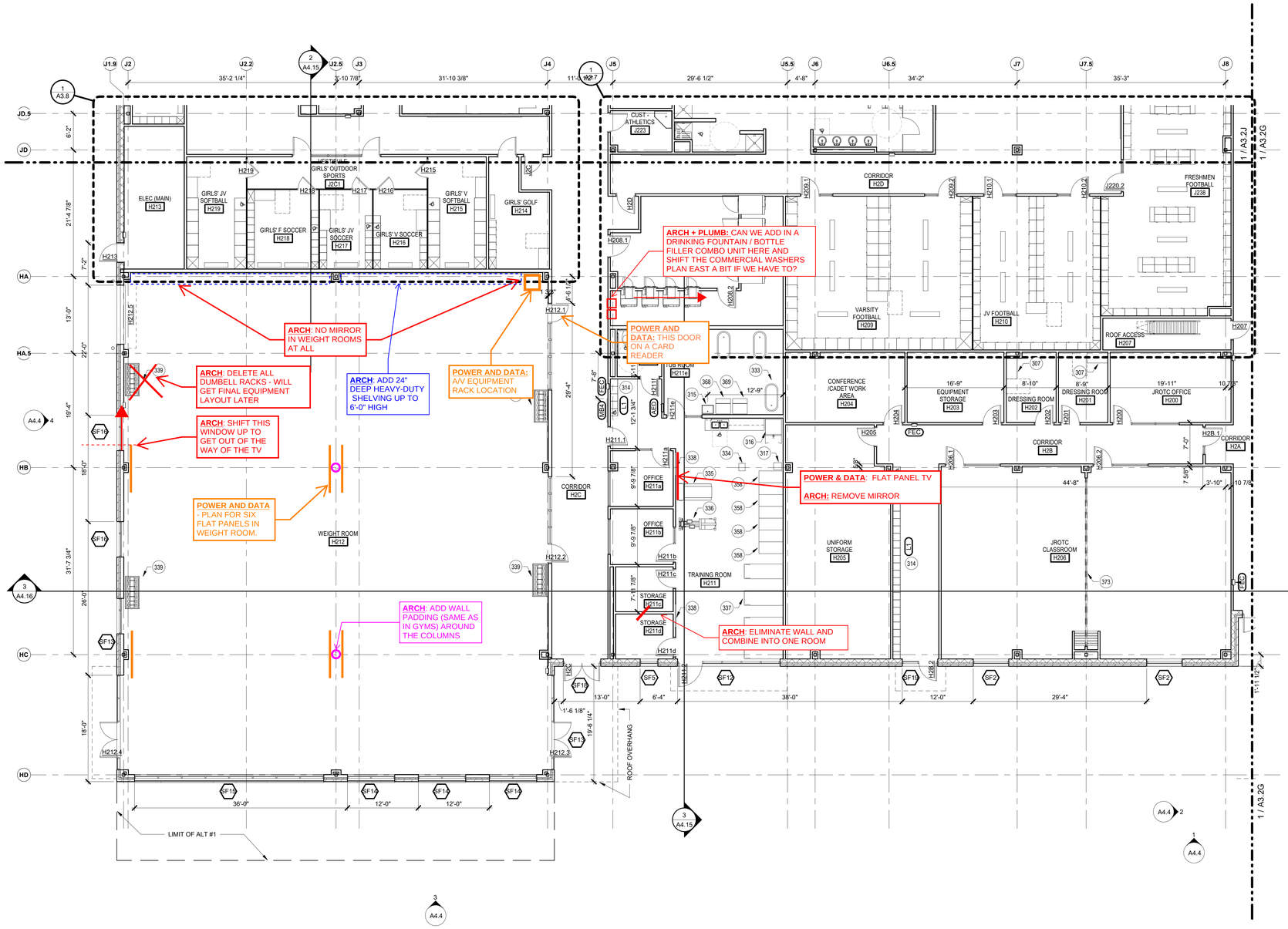
3. Upcoming Meeting Schedule
    a. Groundbreaking to occur in Fall 2022
    b. Design Committee Meetings
        i. April 28th, 9am – final meeting of this group
    c. Board Meetings
        i. May 19th - Board approval of GMP 1 (roof + steel)
        ii. August 25th - Board approval of GMP 2 (site + building)

End of Meeting Minutes

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1 UPPER FLOOR PLAN - AREA H
SCALE: 1/8" = 1'-0"

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GENERAL FLOOR PLAN NOTES

1. GENERAL PLAN NOTES APPLY TO ALL FLOOR PLANS.
2. ALL STUD PARTITIONS SHALL BE TYPE SA UNO.
3. ALL CMU PARTITIONS SHALL BE TYPE 8W UNO.
4. ALL DIMENSIONS TO STUD PARTITIONS ARE FACE OF FINISH.
5. ALL DIMENSIONS TO CMU PARTITIONS ARE FACE OF FINISH.
6. REFER TO SHEET A7.1 FOR PARTITION TYPES
7. REFERENCE A10 SERIES FOR INTERIOR ELEVATION TAGS.
8. REFERENCE SHEET A0.2 FOR TYPICAL ADA LAYOUTS & TOILET ACCESSORIES SCHEDULE.

KEYNOTE LEGEND

307	ACCESSIBLE BENCH WITHOUT BACK
314	PROVIDE 4" CONCRETE CURB BASE
315	UTILITY SINK
316	REFRIGERATOR, CFCI
317	STIMULATION UNIT, OFCI
333	STAINLESS STEEL WHIRLPOOL, TYP.
334	HYDROCOLLATOR HEATING UNIT
335	TREADMILL, OFOI
336	ELLIPTICAL, OFOI
337	EXAM TABLE, TYP.
338	MIRROR, 7'-0" X 4'-0"
339	DUMBELL RACK, OFOI
358	ATHLETIC TAPING STATION
368	ICE MAKER TYPE 2, CFCI
369	ICE MAKER TYPE 3, CFCI
373	FOLDING PANEL PARTITION - TYPE 2

LOCKER LEGEND

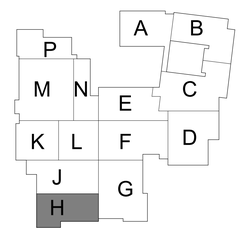
L1	TWO TIER 15"W X 15"D
L2	TWO TIER 24"W X 24"D
L3	SINGLE TIER 15"W X 15"D
L4	SINGLE TIER 24"W X 15"D
L5	SINGLE TIER 24"W X 24"D
L6	TWO TIER 12"W X 12"D
L7	TWO TIER 12"W X 12"D WITH METAL BASE

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WACO INDEPENDENT SCHOOL DISTRICT
WACO HIGH SCHOOL
2020 N. 42nd Street, Waco, TX 76710

KEY PLAN



TRUE NORTH PLAN NORTH

FOR INTERIM REVIEW
NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

RESPONSIBLE ARCHITECT: DOUGLAS DAWSON 28410

Revisions:
NO. DESCRIPTION DATE

04/05/2022
Project No. 2124.00
BID PACKAGE 2

UPPER FLOOR PLAN - AREA H

A3.2H

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	April 8, 2022	**Meeting Time:**	11:00am
Meeting Location:	Waco ISD Facilities Dept.		
Attendees:	Waco ISD: Gloria Barrera Rogers O'Brien: Charlie Hamilton, Braylon Byford, Justin Stewart, Christine Sheng, Ash Gilliam O'Connell Robertson: Doug Dawson, Andrew Faust, Casey Nicholson,		
Meeting Topic:	Waco HS Athletics – Weight Room and Equipment Discussion		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

General

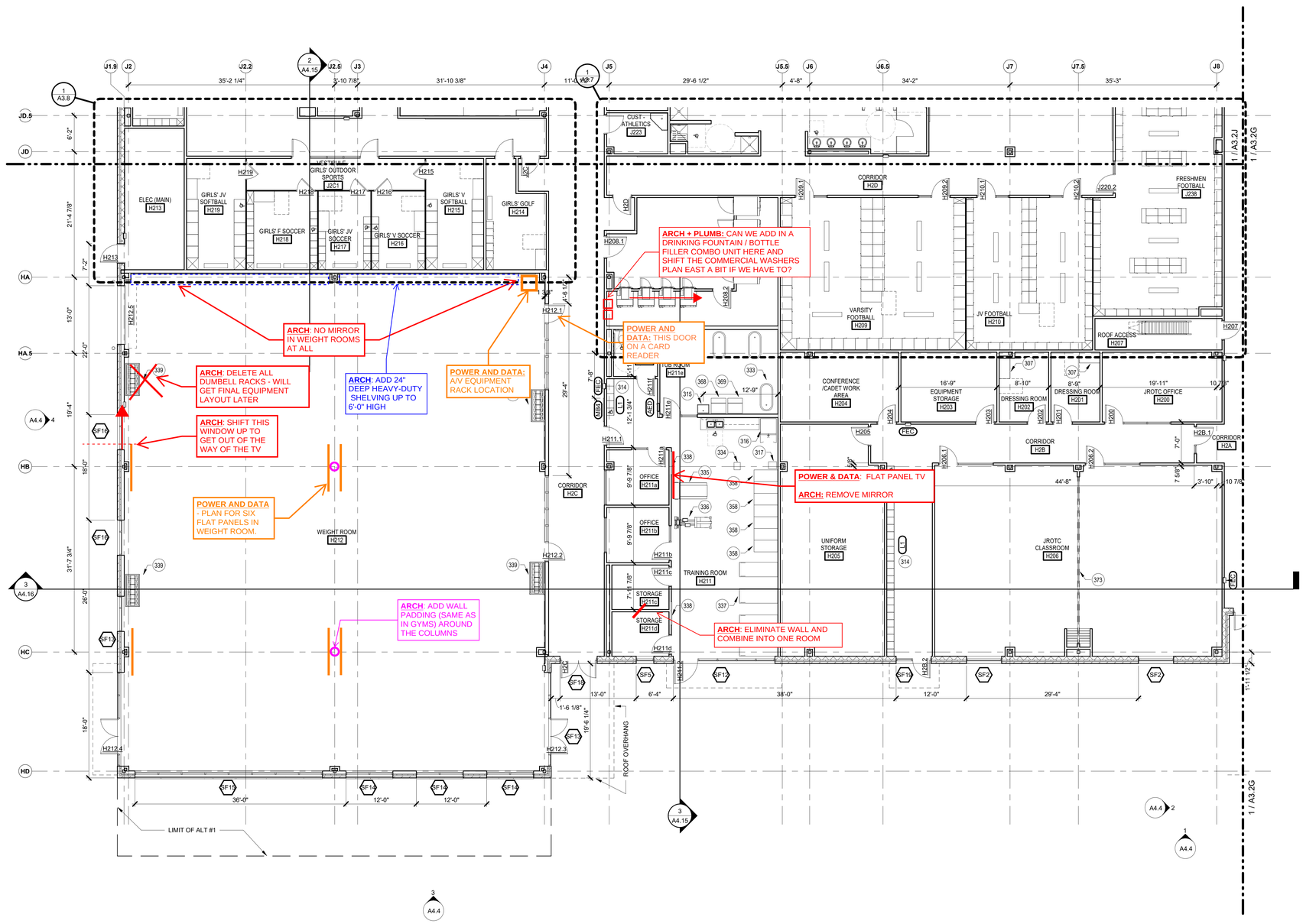
1. Inlaid platforms were confirmed to be used in the weight room.
2. The flooring will be a 10mm rubber flooring throughout.
    a. Inlaid platforms will have colors and patterning to clearly identify lifting and weight-drop areas.
    b. A floor area along the plan north or east wall will be striped with yard lines, 5 yards wide min. with a green color to mimic a field.
3. Concrete columns in center should be wrapped with pads.
4. No mirrors desired in the weight room at all.
5. Built-in shelving to be included along the North wall. 24" deep, heavy duty.
6. One weight room interior door preferred to be on a card reader leading into the corridor.
7. A/V cabinet to be located in the northeast corner along the storage wall.
8. A drinking fountain was requested to be added in the corridor near the weight room. Double w/ a bottle filler.
9. The training room storage rooms were requested to be combined.
10. A flat panel TV should be included inside the training room – east wall of the offices.
11. O'Connell Robertson to schedule a zoom follow up meeting for discussing the weight room layout w/ Athletics
12.

End of Meeting Minutes

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1 UPPER FLOOR PLAN - AREA H

SCALE: 1/8" = 1'-0"

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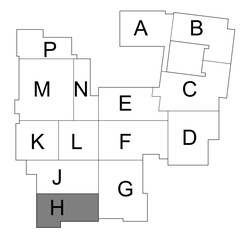
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RESPONSIBLE ARCHITECT: DOUGLAS DAWSON 28410

Revisions:

NO.	DESCRIPTION	DATE

KEY PLAN



TRUE NORTH PLAN NORTH

04/05/2022
Project No. 2124.00
BID PACKAGE 2

UPPER FLOOR PLAN - AREA H

A3.2H

Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	April 12, 2022	**Meeting Time:**	2:00pm
Meeting Location:	Waco ISD Facilities Dept.		
Attendees:	Waco ISD: Gloria Barrera, Jerry Allen, Alex Villanueva, Kirk Keltner, Chief Williams, O'Connell Robertson: Doug Dawson		
Meeting Topic:	Security Review Meeting		

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General

1. **O'Connell Robertson will schedule a door hardware review meeting with Jody, Jon, etc. for Waco HS and Carver MS.**
2. Milestone XProtect Corporate
3. All card read doors have motion detectors
    a. Motion detectors face away from doors.
4. Doorbell at kitchen at both campuses (flashing light for visual indication).
5.

Waco HS

1. 360s at the parking lot in lieu of two 180s
2. Remove band practice field camera locations, keep the conduit.
3. Additional / modified cameras as indicated on markups.
4.

Carver MS

1. Add streetside cameras as noted on markups
2. Additional interior cameras as marked up on plans
3. Choir hall and theater classroom exterior egress door to be marked "emergency exit only" and be locally alarmed.
4. Add timeclock and alarm keypad at receiving – separate zone from remainder of building
5. Need intercom/door release at main entry (2n preferred).
6. Verify that double doors into the stairs from the corridor are 180 degrees

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	April 28, 2022	**Meeting Time:**	9:00am
Meeting Location:	Waco ISD Admin – Main Boardroom		
Attendees:	Waco ISD: Susan Kincannon, Kyle DeBeer, Gloria Barrera, Larry Carpenter, David Hamilton, Josie Gutierrez, Alex Villanueva, Lisa Saxenian, Susan Giddings O'Connell Robertson: Doug Dawson, Casey Nicholson		
Meeting Topic:	Design Committee Meeting 14		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1. Design Progress Update
    a. Design team has continued to focus on detailed consultant + contractor coordination and technical production of drawings – Gloria has been assisting in tracking down answers to design questions and a few are address in item 2 below
    b. Since we last met, we've had multiple owner meetings to clarify scope + details:
        i. Technology Review
        ii. Athletics' Weight Room + Equipment Coordination
        iii. Landscaping Scope Review
        iv. Security Systems Review

2. Design Questions / Decisions
    a. The recently proposed outdoor learning at the plan south end of the CTE/Athletics wing will be a project alternate. If it is not able to be included in this project's GMP, will be helpful to have the design drawings if/when funding becomes available
    b. After-school events restrooms – preference for option 1
    c. Tennis courts – can review color options with Coach Love and Dr. Kincannon
    d. Lockers to be slope-topped
    e. Science labs – 4 outlets per student and staff stations
    f. Time capsules – Lisa to check with Jeff Mink on suspected existing locations so that design team can identify in construction documents
    g. Hand drying in restrooms will have two strategies:
        i. Paper towel dispensers in group restrooms in academic wing and in all individual restrooms throughout the campus
        ii. Electric hand dryers in all group restrooms in CTE, PFA, and Athletics wings
    h. Quiet Room (in admin suite) – request for new name to differentiate from Special Ed

3. Construction Communications – will schedule a meeting in June/July to outline a flyer for August distribution to the Waco HS community. Will need to show
    a. Where students and visitors can access the building
    b. Where staff/students can park
    c. Where parents can drop-off and pick-up students

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4. Upcoming Meeting Schedule
    a. May 19th - Board approval of GMP 1 (roof + steel) – new Board members will be joining in May, so need to make sure this presentation briefly recaps the project history to get them up to speed.
    b. August 25th - Board approval of GMP 2 (site + building)
    c. September – groundbreaking – details TBD when it gets closer

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	May 26, 2022	**Meeting Time:**	9:30 am – 4:00 pm
Meeting Location:	Virtual Zoom Meeting		
Attendees:	Waco Independent School District (WISD) – Gloria Barrera; Kevin Hafer Rogers O'Brien (RO) – Justin Stewart, Braylon Byford, Charlie Hamilton, Chris Sheng O'Connell Robertson (OCR) – Jarrod Sterzinger, Nick Patterson, Jayna Duke, Kim Pham, Daniel Johnson, Doug Dawson, Patricia Runge, Grace Ito, Andrew Greene, Andrew Faust		
Meeting Topic:	Waco HS – Value Management Discussion		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1) Design team reviewed the Mission + Goals setting to align everyone's focus for the day.
2) Bidding + GMP Approval
   a) The group discussed deferring procurement of the scope of work or negotiating language with the subcontractors. This scope would be Phase 4, 5, 6 (tennis courts + landscaping – site work has been procured) and could be a GMP 3 effort. WISD directed the team to plan for 3 or more GMPs as follows:
      (a) GMP1 – Phase 1 / Site + Structural Steel (already Issued)
      (b) GMP2 – Phase 2
         (i) Potential Expedited Systems: HVAC Equipment (Chillers, Cooling Towers, AHUs, Boilers, Hydronic Piping), Electrical Equipment (Switchgear, Panel Boards, MSBs), Sheet Metal
         (ii) Delay bid for casework until summer 2023
      (c) GMP3 – Please 3, 4, 5 & 6 including existing building demolition.
      (d) Possible GMP4 – Equipment Procurement
   ii) The intent is to defer the bidding process to be closer to the actual work being preformed in the hopes the current market conditions will have subsided thus making the project more attractive to bidders and lowering the overall cost of work to the district. This will require intentional staggered contact of the trades by RO.
   iii) Current phasing plan lends itself to the approach of splitting the project into multiple GMPs as Phase 2 was already designed to function as a complete building during the remaining phases of construction.
   iv) One rationale for this decision was the current Baylor Pavilion project will have their soft opening in January 2024 and some of the sub-contractors may be more interested in the WHS project at that time.

v) Conversely the Riverfront project, depending on its schedule, may do the opposite and draw participation away from the Waco High School Project.
vi) Moving to 3 GMPs also decreases leverage with sub-contractors of the overall size of the project.
vii) This may lead to different sub-contractors and vendors for one scope of work in each phase all in one building which may cause discrepancies in quality and a challenge in communication of modifications/decisions between phases.
(1) RO to investigate how we track savings and changes during GMP2 so it is reflected in GMP3 as well
(2) OCR to proceed forward with issuing final drawings on 6/7/22 and Addendum 1 on 6/16/22 as planned and proceeding to submit for building permit.
(3) RO will update language in bidder invitation and contracts to clearly define the intended instructions to bidders and feasibility of an early GMP for portions of the work in GMP2.

The Design team walked through the 70% CD estimate budget tracker by discipline to identify potential cost saving measures and verify if we realize the savings, VE, and alternates included previously -

3) <u>Civil</u>
a) C32.5b – Hydroseed practice fields ilo sod
i) Pending
ii) RO to update pricing
b) C32.6 - Change 4" 100-gal trees (16-ea Monterey Oaks, 8-ea Cedar Elms) to 3" 65-gal
i) Pending
c) C32.9 - relocate the 2-ea memorial trees, 2-ea memorial stones, and 1-ea time capsule called out on A2.1
i) Removed $150K allowance due to small size of trees
ii) WISD to evaluate how to proceed concerning the trees.
d) C32.10 - Remove Concrete pad at Southern Practice Field (see sheet C3.05; 2,000-sf)
i) Accepted – CIVIL to remove
(1) There is now a concrete pad at the grass band practice field where the Band Practice Parking lot once was.
e) Further sidewalk reductions were discussed and dismissed as no additional areas of reduction were identified.

4) <u>Structural</u>
a) S3.4 - Tilt wall Concrete ilo Masonry & Metal Panels
i) Areas G, H & J – Rejected
ii) Area Q (CUP) - Pending with a bent towards accepting if savings can be realized.
(1) RO to break out by phase / building area
b) S5.2a - Eliminate Railing at Library porch, and Alt Glass Railing system ilo Shoe type.
i) OCR to remove rail at library porch completely

ii) OCR to remove short glass railing atop curved wall at stair AV1 in area E & extend concrete retaining wall to 42" guard requirement.

c) S5.3 - Change Concrete Columns to Steel Painted Columns?

i) Per Braylon there is no significant cist difference – design team to move forward with concrete as intended.

ii) OCR - Structures to issue ASI to clarify the update to concrete columns in area E.

5) <u>Mechanical</u>

a) M3a - Plenum Returns ilo ducted

i) Partially Accepted by WISD after 70% CD issued, current design has plenum returns in areas A, B, C, G and all of Lion's Way.

ii) OCR to remove additional Chiller erroneously shown in schedule

iii) RO to confirm update price to reflect areas that have been adjusted

b) M4 - Remove energy recovery from AHUs and provide split deck units.

i) This was accepted and adjusted for 70% CDs but the 2 AHUs that were included instead came out to be the same cost as the energy recovery unit. Tall mechanical screening was removed because of this change which resulted in a net cost reduction.

c) M8 - Remove 10-yr Labor Warranty from Chillers

i) Accepted – OCR to update Spec

d) M11 – Changed hydronic kitchen hood MAUs to packaged DX MAUs w/ gas heat

i) **Accepted by WISD after 70% CD issued – 95% CDs reflect change**

e) M12 - Changed type 1 hoods at culinary classroom & home env. to residential type (7 total - removed grease fan, removed fire suppression and controls)

i) **Accepted by WISD after 70% CD issued – 95% CDs reflect change**

f) M13 – Redundant Cooling Tower & Condenser Water Pump

i) Accepted – OCR to remove

ii) WISD to confirm if infrastructure to remain

(1) Arch to shrink outside yard if infrastructure is removed

iii) OCR to verify if current sizing will accommodate all accepted alternates?

iv) OCR to verify if additional cooling tower would serve future CTE addition?

6) <u>Electrical</u>

a) All previously outlined items were accepted and incorporated into 70% set for pricing.

b) RO to confirm pricing reflects sports Lighting at Tennis Courts only and that practice fields only include 2 relocated sports lights.

c) E8 - Open specification and installation to NEC code

i) Need RO to confirm what this actually means for OCR to properly evaluate this potential $428k in savings.

d) E10 - Remove Federal Grade Receptacles?

i) Accepted

e) OCR to confirm RO priced based upon updated low voltage spec from True North that reflected changes from WISD Security meeting.

7) Plumbing

a) Potential Alternate Fixture Package could produce a cost savings
   i) RO to obtain list from subs and send to OCR to evaluate

b) Potential savings by using press fittings on gas piping located on the roof only on all pipe.
   i) RO to provide pricing

c) Gas Service Main Line Extension –
   i) Two locations for the meter are being evaluated by the Gas service company for the most cost-effective route. One along New Road next to the PFA driveway and another on the south side of the CUP. This likely will not be much of an overall savings to the project due to the costly nature of utility extensions.
   ii) OCR to send pricing from gas utility to WISD upon receipt.

d) P2 - Use PVC ilo No Hub CI w/ HD couplings
   i) RO to provide price

e) P3 - Use Standard No Hub couplings ilo HD coupling
   i) Rejected

f) P5 - Non ASME rated water heaters and expansion tanks
   i) Accepted – RO to verify if this was priced as accepted in 70% estimate.

8) Architectural

a) A0.6b REV- Change elevated corridor A2A to a covered (non-conditioned) prefabricated walkway system – simple platform with railing and canopy
   i) Accepted
   ii) RO to reprice this option
   iii) OCR to proceed forward with changing this to an alternate

b) A0.12b - Elim. PFA Think-tanks (ROM 1,000-sf)
   i) For 70% CD, OCR removed the square footage in corridor space ILO removing the Think Tank to realize this savings.

c) Overhang Removal & Architectural Envelope Simplification
   i) Accepted - OCR to remove the overhangs and replace with roof canopies over doors at
      (1) SPED entrance
      (2) PFA West Entrance near band and theater spaces
      (3) PFA East Entrance and art classroom overhangs

d) A0.16 - Reduce Escalation value carried at 70%CD Budget
   i) WISD to investigate use of a purchasing co-op to pre-purchase and store major equipment to be OFCI and be included in a 4th Early Equipment GMP.
      (1) Mech & Elect equipment are good candidates such as gear package, panels, transformers, distribution panels, chillers, AHUs, boilers, air terminals, cooling towers, Hydronic piping, RTUs etc.
         (a) MEP to provide a list of equipment schedules of which equipment would be in the best interest of being procured by WISD directly.
      (2) Warranty of items purchased is primary concern of WISD
      (3) WISD Maintenance building has large lay-down space for potential storage of equipment.

(a) This space may be in a flood plain

ii) RO to investigate early procurement of equipment through a sub

(1) Primary concern of WISD is being locked into a sub-contractor before seeing full bid.

(2) Many manufacturers will not lock in a price until the product is shipped.

iii) RO to give local Waco broker contact information to WISD to reach out directly.

e) A2.1 - Defer Building/Structure Demo until Phase-3. Carry a Demolition allowance of $1.5M.

i) Accepted – RO to include allowance for Lake Air Little League demo required in Phase 2.

(1) The potential savings of this option would come in labor and fuel savings as well as removing the escalation in the hopes that the market will have stabilized when the bids go out for GMP3.

f) A4.2 - Use a coursed ashlar pattern on the limestone in lieu of random ashlar

i) Accepted at previous VE meeting & implemented for 70% CD – RO to realize savings.

ii) OCR to send picture of selected stone veneer masonry to WISD

g) A4.4 - Use king size brick with an allowance of $650/M in lieu of a modular brick with a $700/M allowance

i) Accepted – Spec not updated for 70% CD – OCR to update spec for final CDs. RO to realize savings

h) A4.6 - Provide Rough face Limestone Veneer ilo Smooth

i) Pending - RO to provide pricing to evaluate

ii) OCR recommendation is for veneer to be sawn on 6 sides

i) A4.7 - Replace the Metal Panels at the Gyms with Brick

i) Rejected – greater savings can be had by switching to EFIS instead.

j) A6.2 – Provide Particleboard drawers ilo hardwood drawer boxes

i) RO to send take-offs to OCR

ii) RO plans to get more millwork sub involvement for final GMP

(1) Many subs are busy and were not submitting for interim pricing exercises but plan to submit for final GMP.

(2) Local subs are not equipped for this size job.

(3) Possible solution to involve more local participation is to split the job into quadrants to let multiple subs bid this work.

(4) Cabinetry is likely not needed until Late 2023 or early 2024 – possibly could hold as an allowance until closer to that time in the hopes that subs will have more availability at that time and provide a more competitive bid.

iii) Three options to reduce casework costs:

(1) RO to investigate use of pre-fab millwork

(2) OCR to create markup of reducing overall amount of millwork

(3) OCR to send options for furniture solutions ILO millwork

(a) OCR to send furniture solutions from LBHS to WISD for comparison.

(i) LBHS Millwork cost 1.9M

k) Provide Plastic laminate counters ilo solid surface where there are no sinks

i) Accepted – OCR to update

l) A7.6 - Standard 16-GA Zee Furring/Framing ilo Thermafast sub-framing sytem specified

i) RO to follow up to verify pricing is accurate
ii) OCR to investigate

m) A7.7b - Painted Stucco ilo Metal Panels. Only at the Auditorium/Theather (approx 14,600-sf)
  i) EFIS was identified as the most cost effective exterior material
    (1) Approved to move forward with this solution as much as feasible at areas not on ground level.
    (2) OCR to identify and maximize area to change to EFIS and provide square footage markup to RO.
    (3) OCR to identify areas where TPO could be installed vertically
      (a) RO to provide recommended height to run TPO vertically based on sub feedback.
    (4) OCR to send EFIS Spec & Details to Design Team

n) 7.8 - Use 2" Mineral Wool in-lieu-of Polyiso Insulation
  i) OCR to investigate

o) 7.9 - Omit ABAA Quality Assurance and Certified Installer from Fluid Applied Membrane specification 072726/1.6/A/1
  i) This should not decrease the quality of the work produced, removing this would relieve the sub from having to pay for someone with this certification to be on site at all times.
  ii) RO to give explanation of why this is a cost savings
  iii) OCR to investigate

p) A7.10a – Mechanically attach the substrate board and both layers of polyiso insulation, then adhere the cover board and the 80 mil TPO membrane
  i) Pending
  ii) RO to send tested Roof Nav assemblies that sub will warranty per specifications
  iii) OCR to investigate

q) 7.10b - Eliminate the substrate board, mechanically attach the polyiso and adhere the cove board and 80 mil TPO membrane
  i) RO to send tested Roof Nav assemblies that sub will warranty per specifications
  ii) OCR to investigate

r) A7.13 – Remove Auto Tech Overhang and replace with prefabricated canopy.
  i) Approved – OCR to revise drawings
  ii) RO to give price of removal of Auto Tech overhang and replacement with prefabricated canopy structure.

s) A8.11 - 1/2" Tempered at all "F" Doors & Frames ilo 9/16" Laminated
  i) Rejected
  ii) OCR to send plan of secure entry to WISD including a composite floor plan.
  iii) WISD to investigate use of bullet resistant film at front entry

t) **OCR to identify areas in the current design as potential areas of refuge and number of people served at each in order for WISD to identify them with formal signage.**

u) OCR to follow up with and forward email from Gary about permitting to Gloria.

v) A8.12 – Reduce the number of STC-50 Openings.
  i) OCR to verify only required openings have STC rating
  ii) RO to provide unit price for openings.

w) A8.13 – Open Specification for Auto Operators – Rejected

x) A9.5 - Change wall tile to a $2/sf material allowance
   i) Accepted - Wall tile already $2/sf so this reduction will be realized at final CDs
y) A9.7 - Alternative wood sports flooring option (Auxillary Gym, Dance)
   i) RO to verify the savings was realized.
z) A9.9 - Change ACT type - $317K
   i) Accepted
aa) A9.10 - Change wall tile grout from epoxy to cement type
   i) Accepted
bb) A9.11 - Use Quarry Tile from Daltile
   i) Accepted
cc) A9.13 - Use Carpet Tile Allowance of $38/sy for CPT1 & CPT3 and $28/sf for CPT2 (installed) ilo Specified
   i) RO to provide range of products for OCR to select from
dd) A9.14 – Remove Custom Graphics/Murals Design & Install - Rejected
ee) A9.15 - Change or Removal of Wallcoverings (WC-1 thru WC-4)?
   (1) WC1 – Tack – OCR to reduce quantity
   (a) RO to provide price per square foot
   (2) WC2 – Writable – OCR to reduce quantity
   (a) RO to provide price per square foot
   (3) WC3 – Custom Graphics – no change
ff) A9.16 - Provide all Polished Concrete Floor as Class-B finish – Pending
gg) A9.17 - Remove Entrance Surrounds 6/A11.8 – Pending
hh) A9.18 - Reduce the amount of Acoustical Wall Panels. ROM = $25/sf (17,600-sf)
   i) OCR to reduce amount and provide amount reduced to RO
ii) A9.19 - Remove Light Acoustic Rings & Baffles - ROM = $250k
   i) OCR to reduce baffles
   ii) Rings – Pending
jj) A10.1 - Reduce amount of Marker &/Or Tack boards by 100-ea - Rejected
kk) A10.2 - Alternate Type of Operable Partition? - Rejected
ll) A10.3 - Eliminate half (5-ea) the operable partitions between classrooms (see keynote 373)
   i) Rejected
mm)
nn) A10.4 - On operable partitions provide 48" tall trimmed porcelain markerboard ilo full height
   i) Accepted
oo) A10.5 - Provide Aluminum Brackets/Hardware at Toilet Partitions ilo Stainless Steel
   i) OCR to review Spec to see if acceptable
   ii) RO to provide price
pp) A11.4 - Use some of the existing Food Service Equipment ilo buying all new equipment.
   i) WISD investigating by reviewing specs to see what can be reused.
qq) A11.5 - Auto-Tech Equipment included with FFE
   i) Some to be reused – **OCR to send notes from meeting with Auto Tech teacher with OFCI items included.**
rr) A11.6 - Parking/Drive Gates eliminate Elec? Target Savings?
   i) OCR to provide markup of what was reduced at 70% CD

ss) A12.5 - Theater & Black Box Equp/Seat VE?
   i) Current breakdown is 250k for platforms and 130k for loose seating
   ii) WISD to investigate what University HS currently has in black box
   iii) RO to confirm savings
   iv) OCR to provide FF&E list for LBHS to WISD
tt) OCR to change Auto Tech hallway and classroom walls to stud.

9) General
   a) Marek Brothers has a strong student intern program and is preferrable to use by WISD if competitive.
   b) **RO to share list of sub-contractors they are contacting to entire team for us all to reach out separately on behalf of the project.**
      i) RO to highlight those which have not expressed interest for the team to focus on reaching out first.
   c) RO to set up pre-proposal meeting about a week an a half after sending out to bid – possible location is the WHS gym to get the subs onto the site.
   d) RO to formulate GMP 2 & 3 scheduling.

10) Front End Documents
   a) Employment identification to be carried as an allowance to include background checks.
   b) Chapter 126 section 1.5 - Change order should reflect AEA process
   c) Requiring 3 signed and notarized copies of pay apps will likely not be exercised but leave verbiage.
   d) Info exchange – WISD to send verbiage to include the requirement to use their project management software.
   e) Eliminate scheduling consultant.
   f) Schedule updates are to be provided with pay apps
   g) Eliminate photographer qualifications
   h) Include verbiage for a jobsite live webcam for WISD to stream a live feed for educational purposes during normal business hours.
   i) RO to review front end documents to ensure they reflect current best practices

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	June 21, 2022	**Meeting Time:**	8:00 am – 9:00 am
Meeting Location:	Virtual Zoom Meeting		
Attendees:	Waco Independent School District (WISD) – Gloria Barrera; Kevin Hafer O'Connell Robertson (OCR) – Jarrod Sterzinger, Doug Dawson, Andrew Faust		
Meeting Topic:	Waco HS – Technology Scope and Bidding		

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1. Lead times will be a concern:
    a. Card readers are about 42 weeks out – the current readers designed are a multi-class reader. This gives the district flexibility and security.
    b. A/V – projectors and A/V equipment may be pushing up to a year.
2. TNCG described the current security standard at Waco HS regarding exterior door access and card readers. Generally, all exterior doors have card readers unless multiple doors lead to the same space.
3. O'Connell Robertson will pull together an additional slide for the backup security presentation regarding technology specifically.
4. RO to provide an allowance for the Div. 27 scope (27 11 00 – 27 66 00).

5. The following specs would be left in scope:
   27 00 00 General Technology Requirements
   27 05 00 Communications General Requirements
   27 05 23 Pathways for Technology Systems
   27 05 26 Grounding and Bonding for Technology Systems

6. Provide an allowance for the following specs:
   27 11 00 Communications Equipment Rooms
   27 13 00 Communications Backbone Cabling
   27 15 00 Communications Horizontal Cabling
   27 16 00 Communications Connecting Cords
   27 18 00 Communications Labeling and Identification

   27 40 00 AV Multimedia General Requirements
   27 41 00 Audio Visual Systems
   27 41 22 Video Production Systems
   27 51 00 Campus Communications Systems

   27 60 00 Physical Security General Requirements
   27 62 00 Electronic Access Control System
   27 64 00 Video Surveillance System
   27 66 00 Intrusion Detection System

End of Meeting Minutes

Meeting Minutes - DRAFT

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	July 6, 2022	**Meeting Time:**	2:00pm
Meeting Location:	Virtual		
Attendees:	Gloria Barrera, Kevin Hafer, Johnathan Eggeling, Braylon Byford, Brent Tuley, Trevor Riek, Charlie Hamilton, Christine Sheng, Brad Sims, Doug Dawson, Kim Pham, Aaron Anderson.		
Meeting Topic:	Waco HS Phase 1 Discussion		

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1. Currently waiting on Oncor for final design on Waco HS service through the phase 1 parking lot.
    a. Once design is received, final easements can be coordinated. (it was noted that easements are to be approved by the board).
2. O'Connell Robertson to reach out to Oncor about a blanket easement in the interim to expedite approval.
3. Access for Bath to Newforma – O'Connell Robertson to verify Brian can review all submittals through Newforma.
4. O'Connell Robertson to verify if demolition permit is needed for LALL fields.
5. O'Connell Robertson will discuss LALL demolition, timeline, and power shutoff with the City during this Friday's meeting.
6. O'Connell Robertson to provide updated traffic diagrams based on the phasing discussion. RO and O'Connell Robertson to participate in Monday morning's meeting with new Waco HS principal.
7. RO to provide GMP 2 estimate prior to 7/14 to serve as baseline for when bids for GMP 2 come in.
8. Phase 1 schedule to be updated to reflect turning the parking lot over to Waco HS by Friday Dec. 30th 2022. (teachers return to school the following Monday 01/02/2023)

End of Meeting Minutes

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Meeting Minutes

Project Name:	Waco High School	**Project Number:**	2124.00
Meeting Date:	July 11, 2022	**Meeting Time:**	8:30 PM
Meeting Location:	WISD Administration Building		
Attendees:	Gloria Barrera, Kevin Hafer, John Eggeling, Doug Dawson, Andrew Faust, Sterling McGruder – WHS Principal, Kristin Siller – WHS Assistant Principal, Amy Dillawn – WHS Associate Principal		
Meeting Topic:	WHS – Reductions + Alternates Review		

These minutes of the aforementioned meeting reflect the understanding of the author. Any corrections or additions to the statements contained herein should be directed to O'Connell Robertson within five (5) business days of receipt of these minutes, otherwise the minutes shall stand as a record of items discussed and decisions made.

1) Introductions and roles.
2) How many students does dining accommodate?
3) Temporary traffic control signage by RO
4) Move pink line in phasing markup
   a) Add visitor parking area
5) Create parent drop off graphic before the end of this week
6) Traffic management opportunities
7) Can Colcord become a one-way street during drop off time?
8) Need to move buzzer for new main entry
9) RO to help create signage for traffic flow
10) At least 120 staff parking spots required

End of Meeting Minutes

SECTION 4: Presentations



O'CONNELL ROBERTSON



Waco Independent School District

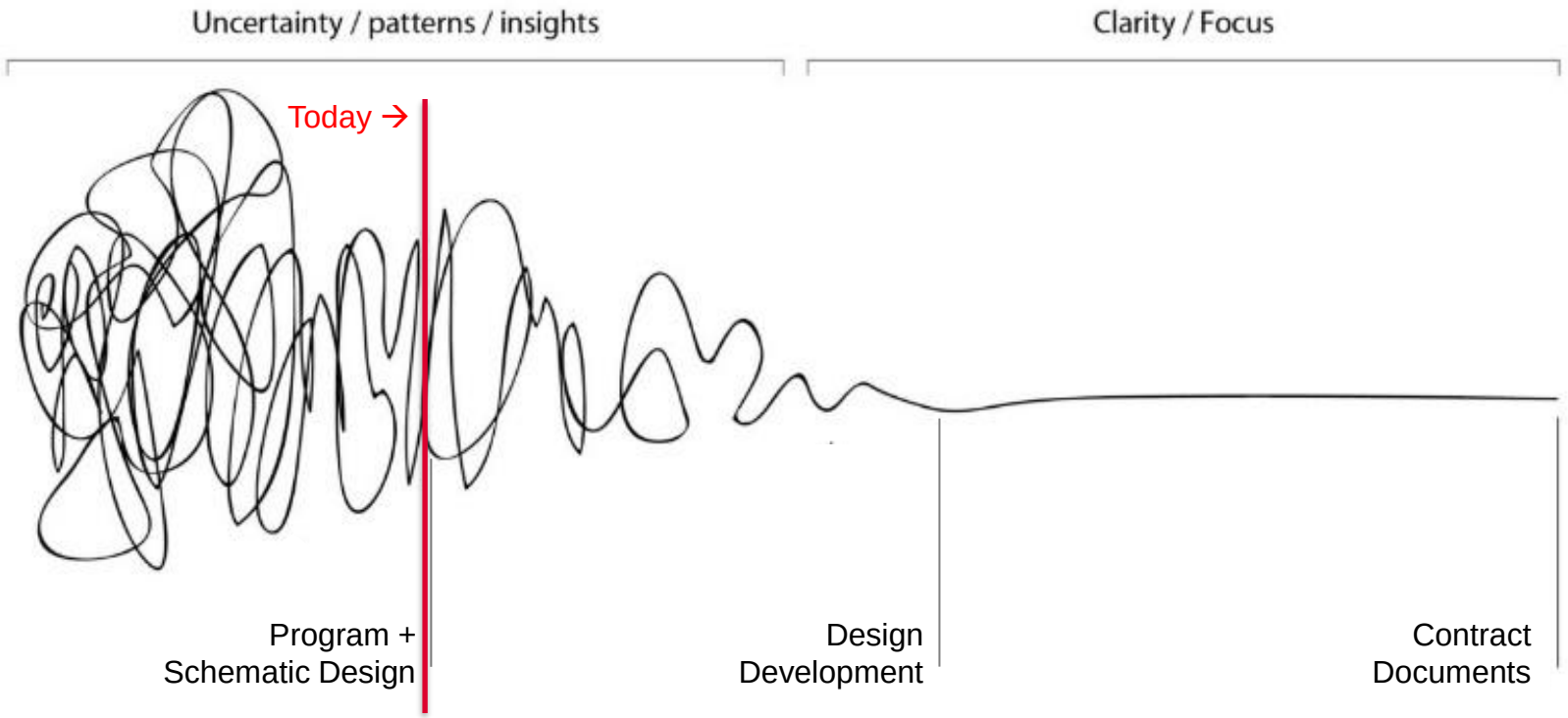
Waco High School
Schematic Design Presentation

09.09.2021

1090

Design Process

1091



Construction NTP 8.1.22

First Day of School August 2024

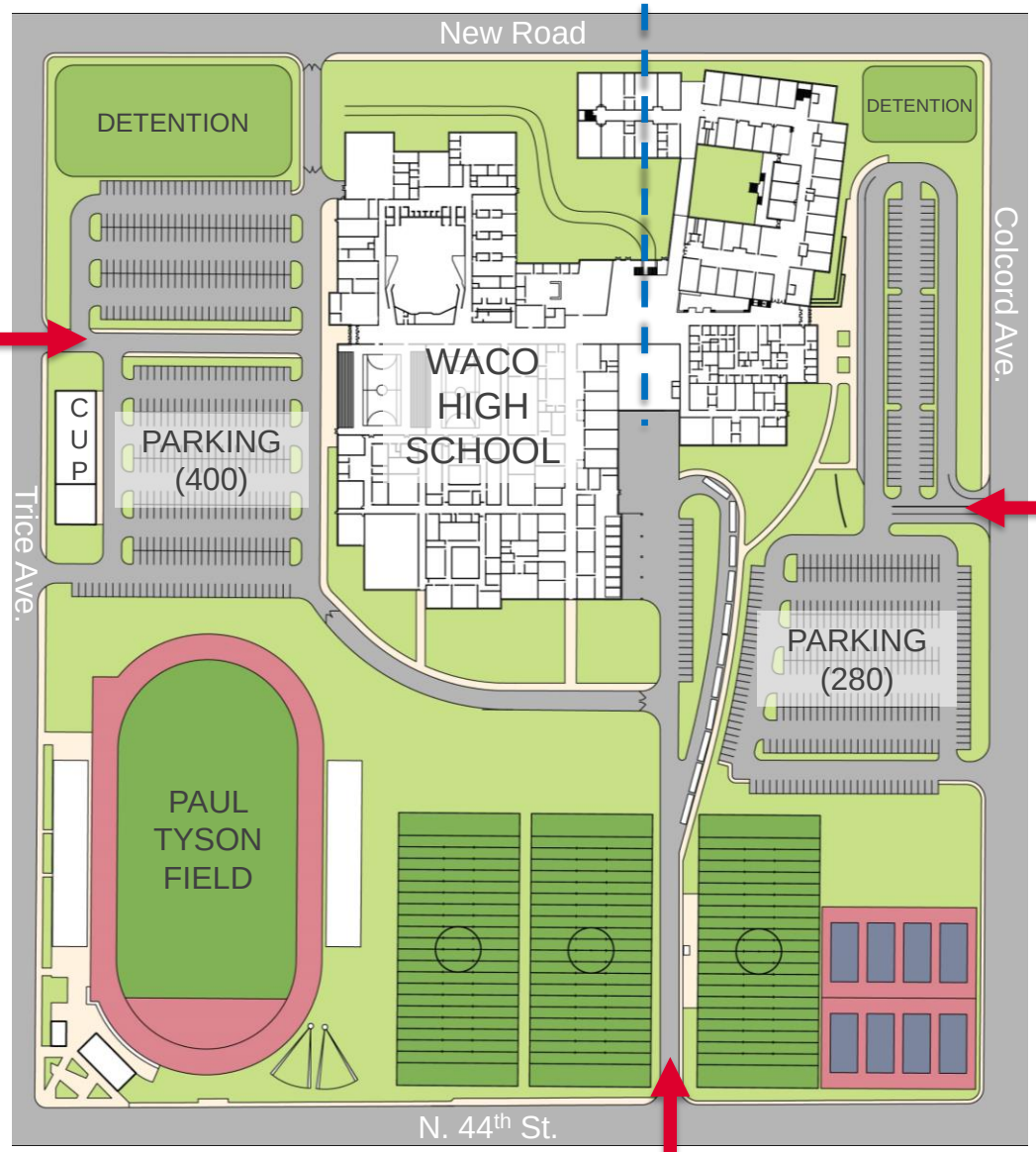
Site Development



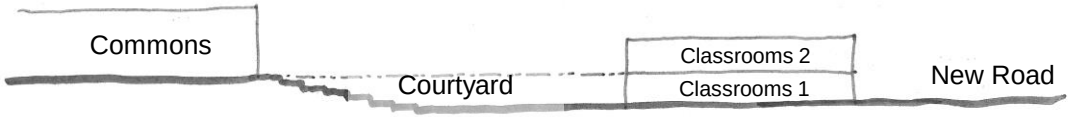
Existing Site



With Paul Tyson Field Completed



Tiered Courtyard: aligns lower floor of classrooms with New Road; aligns upper floor of classrooms with ground floor of single-story areas



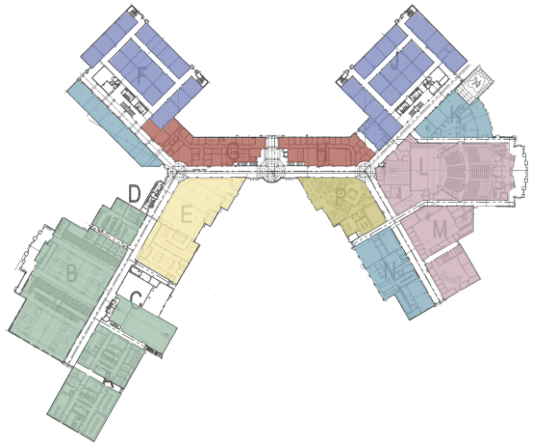
Site Design Considerations

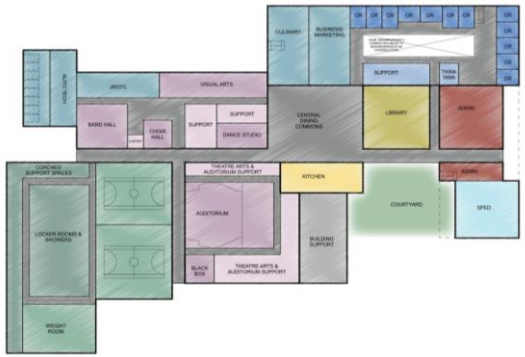
- Closure of N. 42nd St.
- Single, contiguous campus property
- Constructability around existing facility
- Queuing length for parent drop off
- Protected pedestrian access to athletic fields
- Grading and detention areas

1095

Program and Floor Plan







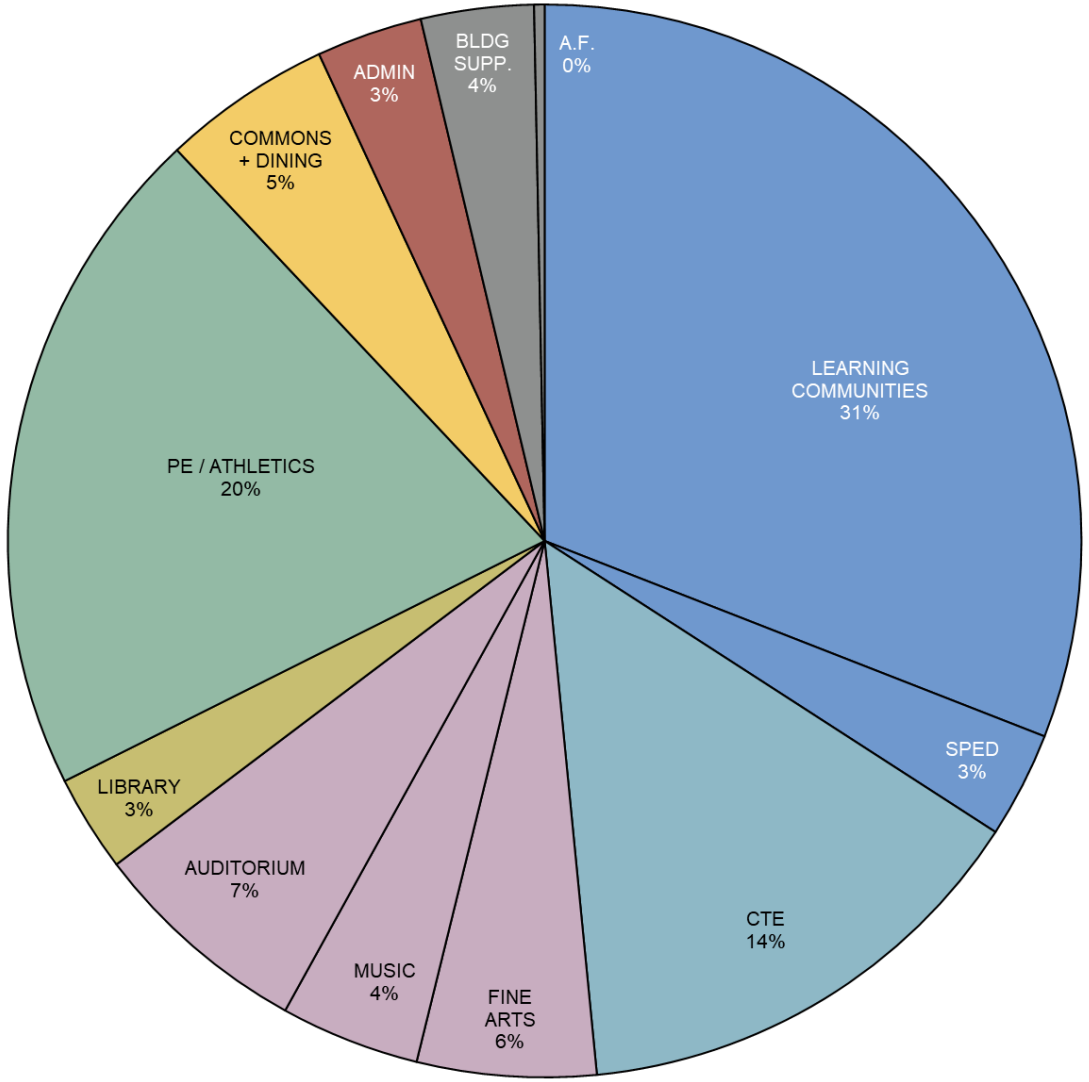


PLAN ORGANIZATION
CONCEPT EXAMPLES

Design Committee Initial Input and Key Goals:

- Co-locate athletics and performing arts to restrict after-hours access to one entry
- Academic Neighborhoods: 4 core curriculum (with some special education resource spaces) + 1 science + 1 special education
- Library located in a high-profile, central location such as at the front door and/or visible/accessible from the general academic neighborhoods
- Dining + Food Service to be dispersed in learning neighborhoods

1097



LEARNING COMMUNITIES	85,760
SPECIAL POPULATIONS	8,860
CTE SPACES	39,690
FINE + PERFORMING ARTS	14,940
MUSIC	11,630
AUDITORIUM	18,480
LIBRARY	8,080
P.E. / ATHLETICS	56,495
COMMONS + FOOD SERVICE	14,150
ADMINISTRATION	8,860
BUILDING SUPPORT	9,410
ANCILLARY FACILITIES	872
MAIN BUILDING SUBTOTAL	277,227
CIRCULATION/WALLS/RESTROOMS	93,961
TOTAL	**371,187**





Floor Plan Notes

- “Main Street” concept
- 4 core curriculum academic neighborhoods.
- Highly visible and accessible library
- Centralized courtyard
- Shared after-hours lobby for P+FA and Athletics

Structural

a. Foundation likely to be slab on grade with drilled piers
b. Structural system likely to be steel framing with bar joists – currently verifying with Construction Manager at Risk based on current market conditions.
c. Expansion joints (at yellow lines); may also be fire wall between building phases pending final construction type selection.

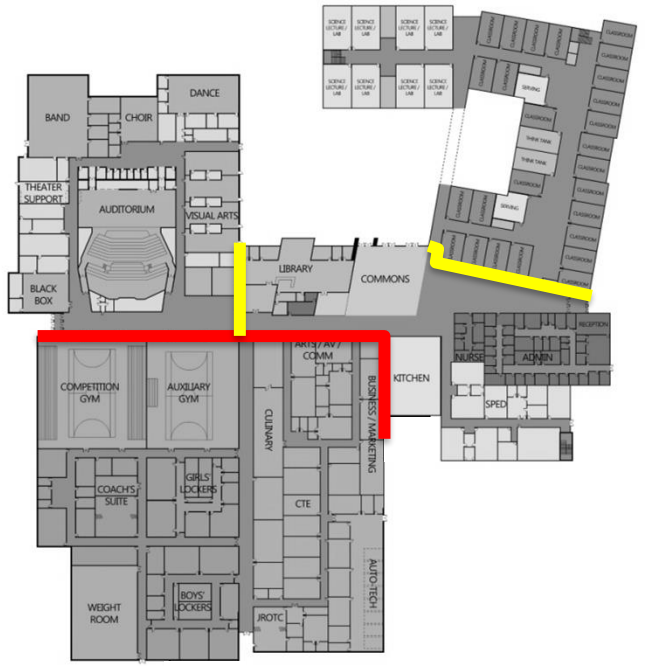
Mechanical, Electrical, Plumbing (MEP)

a. Central utility plant (CUP) to be remotely located on site to reduce acoustical conflicts with adjacent educational space, and to provide for easier future connections.
b. Basis of design for mechanical system is water-cooled chillers served by cooling towers located at the remote CUP.
c. Existing gyms will need access to the existing central utility plant during phase 2 construction.
d. New facility to have all roof-mounted air handlers. No anticipated mechanical mezzanines within the building.

Foodservice

a. Primary kitchen near the commons to support four dedicated serving lines near the commons.
b. Two remote kitchen/serving locations on the same level as the main kitchen for distributed serving and dining in the learning neighborhoods.
c. Culinary arts commercial kitchen with adjacent café and serving room near after-hours entry.
d. Coffee bar similar to University High School, directly accessible from Main Street. Highly visible and accessible for students entering in the morning.

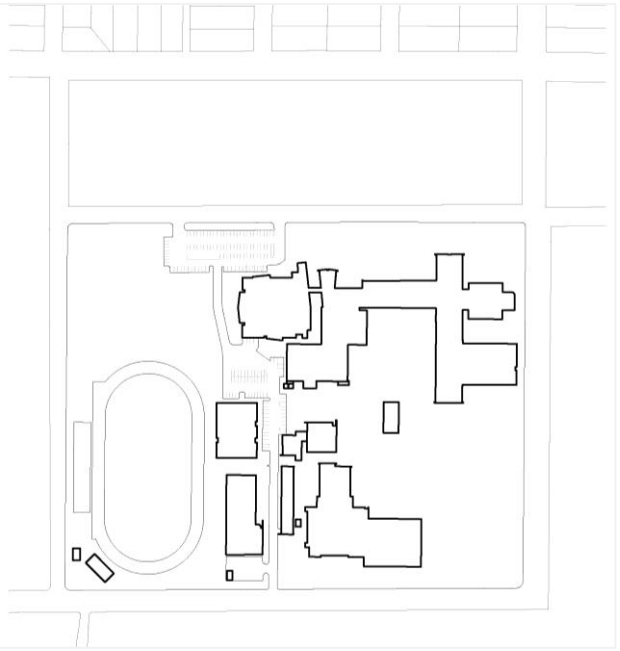




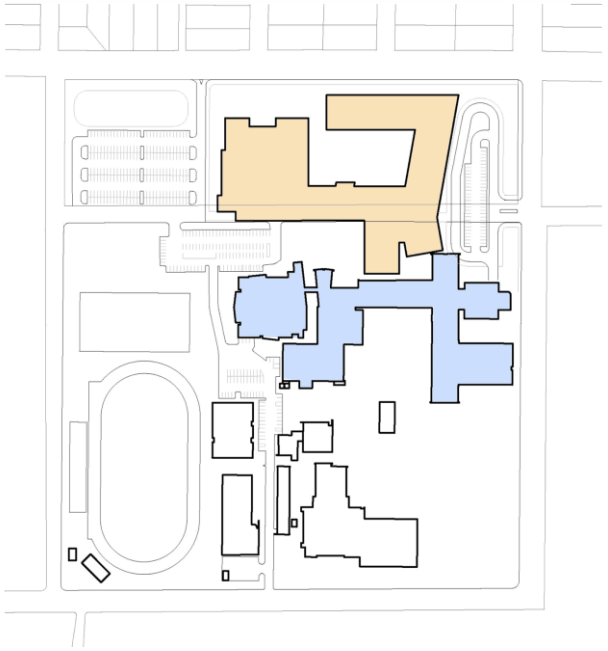
Phasing

1101

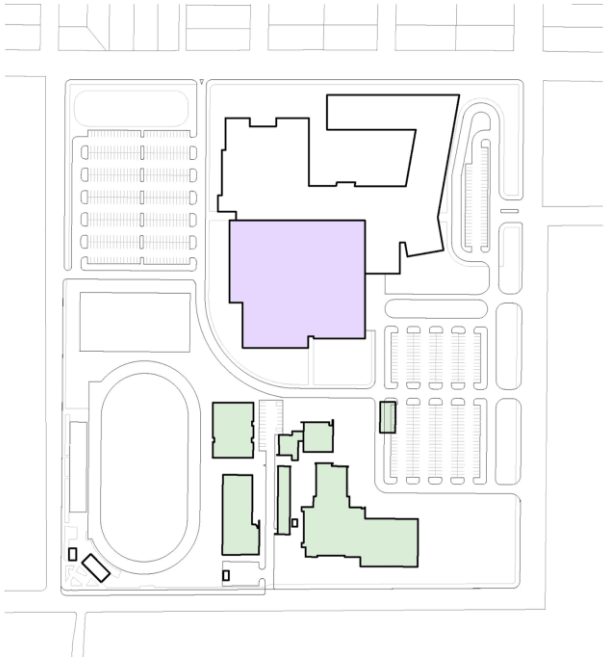
Existing Campus



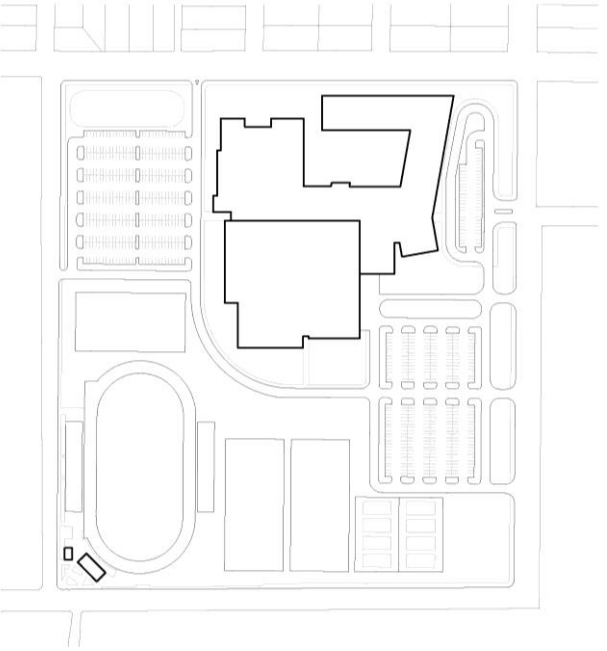
Phases 1 + 2



Phases 3 + 4



Completed Campus



HOW, IF AT ALL, HAVE THESE DATES CHANGED?

Phase 1

- August 2022 to May 2024 – 22 months
- Construction of +/- 65% of new facility

Phase 2

- June 2024 to December 2024 – 6 months
- Move into completed Phase 1 building
- Demolish existing classroom/aud. building

Phase 3

- January 2025 to June 2025 – 6 months
- Construction of +/ 35% of new facility

Phase 4

- July 2024 to December 2025 – 18 months
- Move into completed Phase 2 building
- Demolish existing ancillary buildings
- Complete site improvements

Exterior Design

1103



Main Entry



After-Hours / Event Entry


Main Courtyard


Main Courtyard


Academic Courtyard Stair



1109

O'CONNELL ROBERTSON

WACO INDEPENDENT SCHOOL DISTRICT

Thank you!

Waco Independent School District

Waco High School
Schematic Design Presentation

09.09.2021

1110

O'CONNELL ROBERTSON

WACO INDEPENDENT SCHOOL DISTRICT

Waco Independent School District

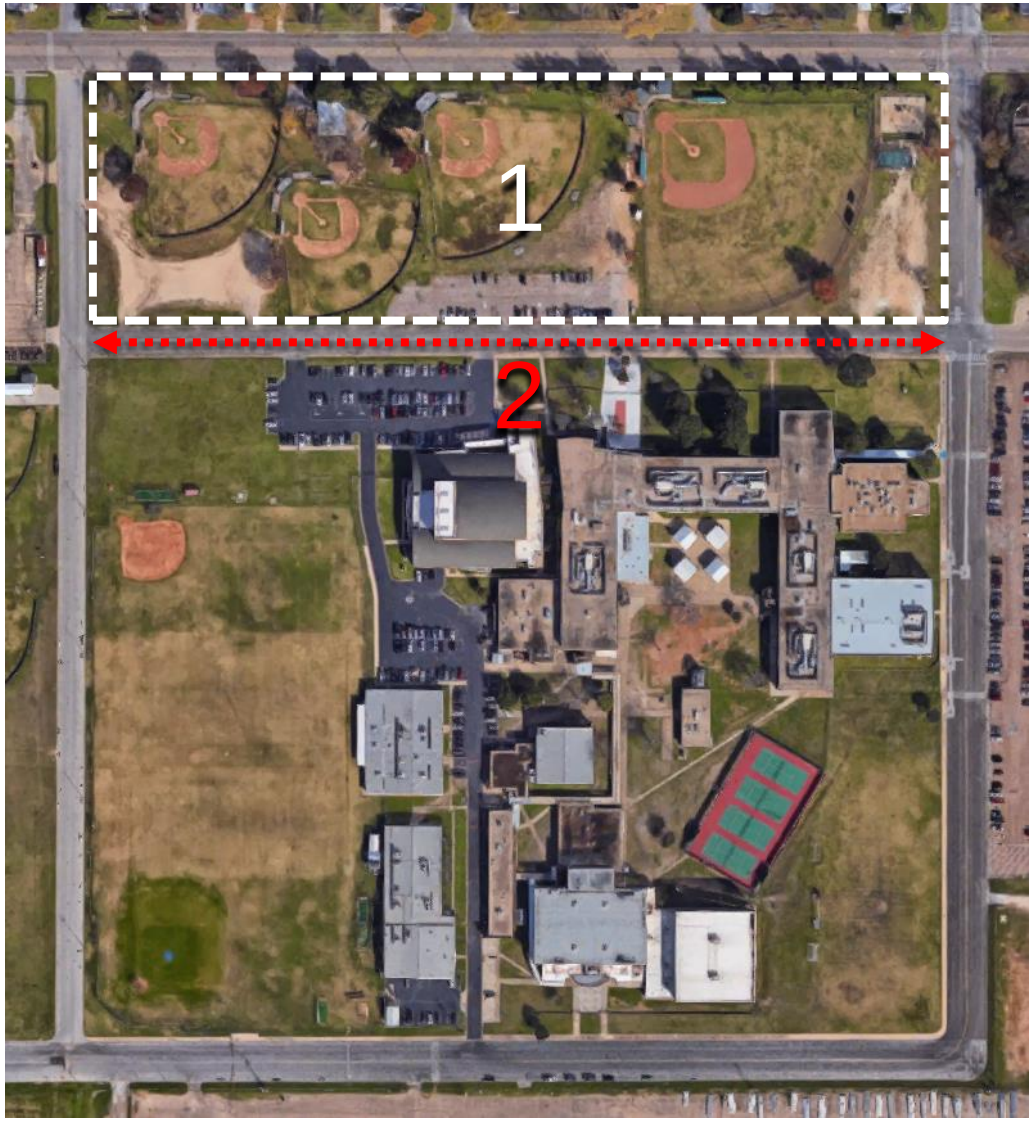
Waco High School
Design Development Process Update

10.28.2021

1111

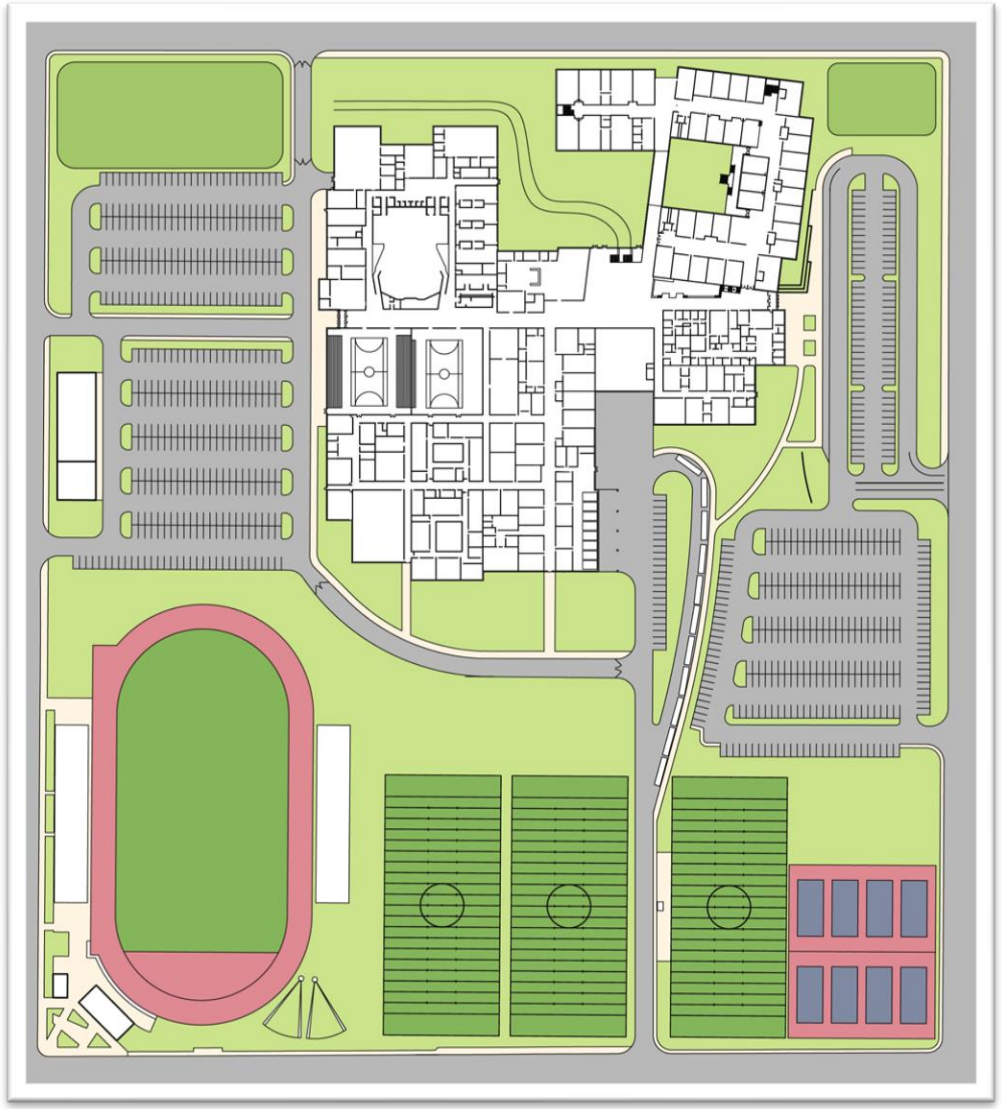
Design Development Progress

1112



1. Lake Air Little League Indemnification
2. 42nd street closure

Site Update





Design Development Progress

1114









Exterior Design

Construction Manager at Risk

Constructability – Phasing – System Selection

Probable Estimate of Costs $157.1M

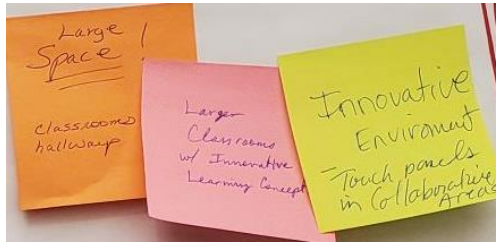
- Construction Costs (GMP)
- Fees / PM / Expenses
- Other Developmental Costs (Survey / Geotech / Etc)
- Furnishings Fixtures and Equipment
- IT Systems (Projectors, Network, Security, Phone)
- Offsite Costs / Land Purchase
- Building Move-In Expenses
- Construction Testing
- Project Contingency
- Proposed Waco ISD 2022 Bond Program

Rogers-O'Brien CONSTRUCTION

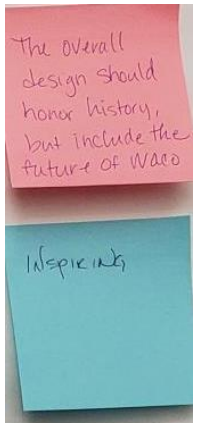
Schematic Design Estimate of Costs at $142.5M – within project budget

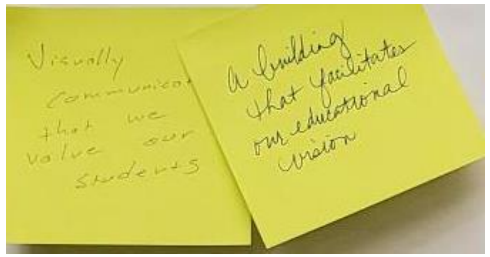
Interior Design

1117

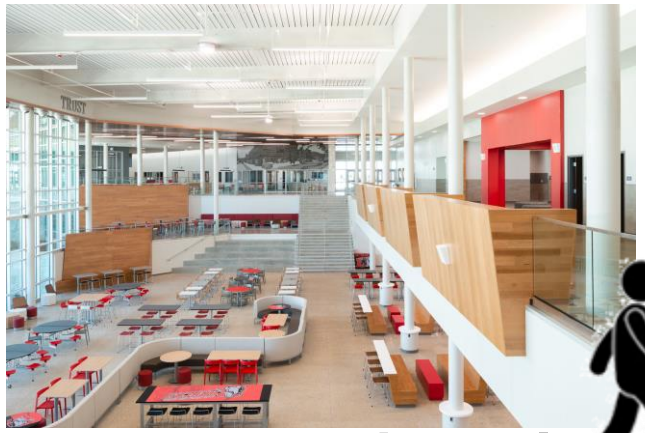


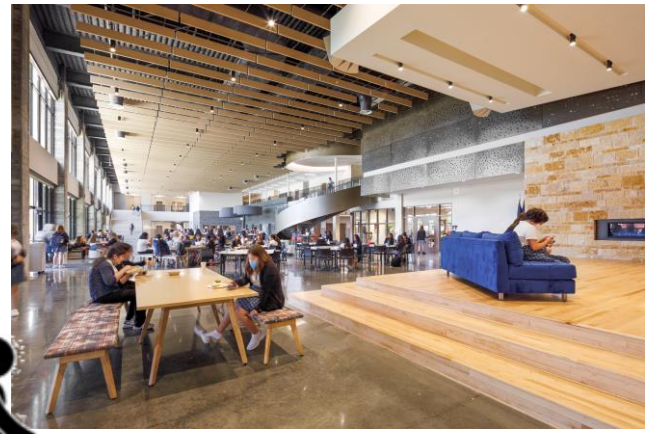












School Tours



Interior Design Visioning

Lion **PRIDE** runs deep!

- Personal Responsibility
- Respect
- Integrity
- Determination
- Excellence



PAST PRESENT FUTURE

Interior Design Visioning



1120

PRIDE



1121 PERSONAL RESPONSIBILITY



DETERMINATION

1122



1123

RESPECT



1124

INTEGRITY



EXCELLENCE



Next Steps:

- Continued Engagement with WISD + WHS Staff
- Design Development Completion
- Participation with Rogers O’Brien
- Early GMP for Structural Steel + other long lead items

O'CONNELL ROBERTSON

WACO INDEPENDENT SCHOOL DISTRICT

Waco Independent School District

Waco High School
Final Interior Design Presentation

12.16.2021

1127

Agenda

- Design Development Update
- Exterior and Interior Materials Review
- Next Steps

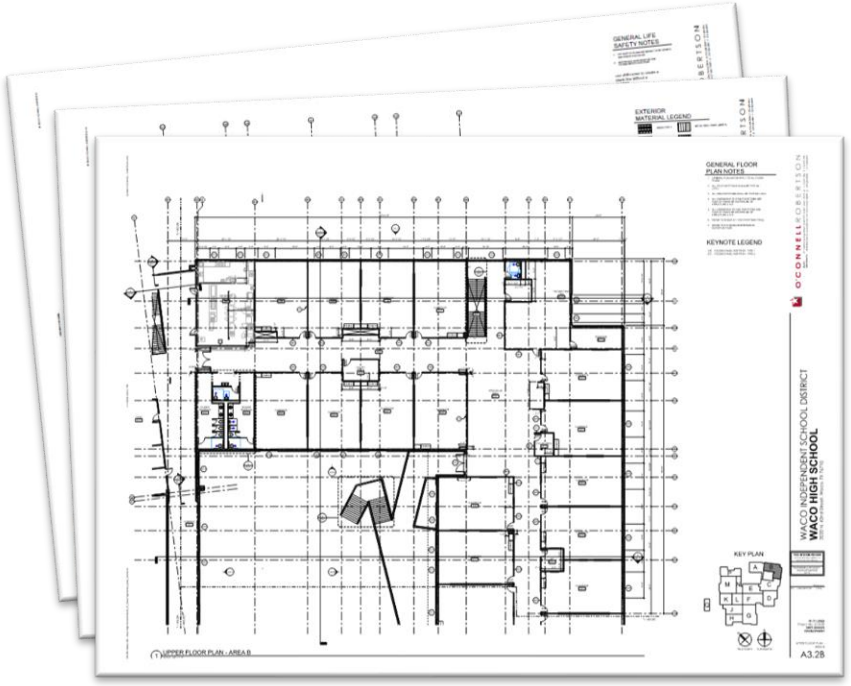
Design Development Update

1129



Design Development Update:

- 100% Design Development Drawings Issued in early January
- Building Details Coordination and Final Materials Selection
- Site Development Permit Package 02/01/2022



Design Development Progress

1130

WACO CONSTRUCTION FAIR

WACO INDEPENDENT SCHOOL DISTRICT

CALLING ALL LOCAL TRADE PARTNERS + SUPPLIERS

COME LEARN ABOUT UPCOMING BID OPPORTUNITIES



NEW WACO HIGH SCHOOL

WHEN WED. JAN 19, 2022 | 4-6PM

WHERE CEN-TEX HISPANIC CHAMBER OF COMMERCE
915 LASALLE AVE. WACO, TX 76706

CORE

G.W. CARVER MIDDLE SCHOOL REPLACEMENT



QUESTIONS?

Terri Michalak
Diversity Manager
tmichalak@r-o.com

Koby Lawson
Precon Manager
kobylawson@coreconstruction.com

RSVP

Register online through Eventbrite at
https://wacocontracting.eventbrite.com
or by emailing rsvp@r-o.com

Waco ISD Architecture + Engineering Team

O'CONNELL ROBERTSON

Partnering Organizations

NAMC NATIONAL ASSOCIATION OF MINORITY CONTRACTORS GREATER AUSTIN CHAPTER, INC.

CEN-TEX HISPANIC CHAMBER OF COMMERCE

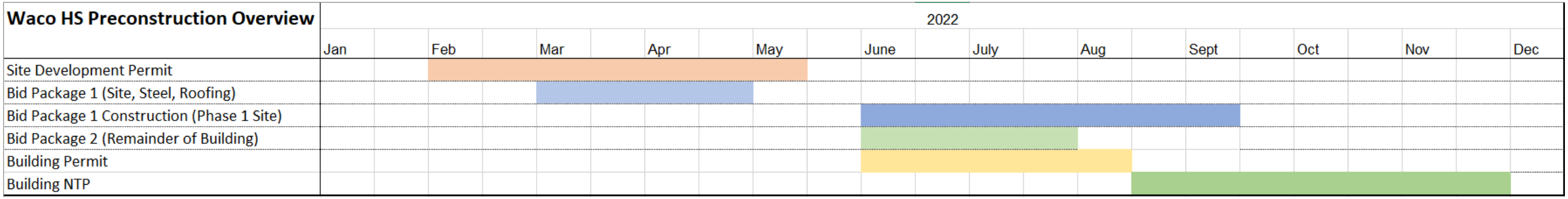




Waco Construction Fair – 1/19/2022

Pre-Construction Schedule

Site Development Permit Timeline	02/01/2022 – 05/02/2022
Bid Package 1 (Site, steel, roofing)	03/08/2022 – **04/28/2022** ***GMP approval**
Bid Package 1 (Site) Construction	06/01/2022 – 09/09/2022
Bid Package 2 (Remainder of Building)	06/07/2022 – **07/28/2022** ***GMP approval**
Building Permit Timeline	06/08/2022 – 08/17/2022



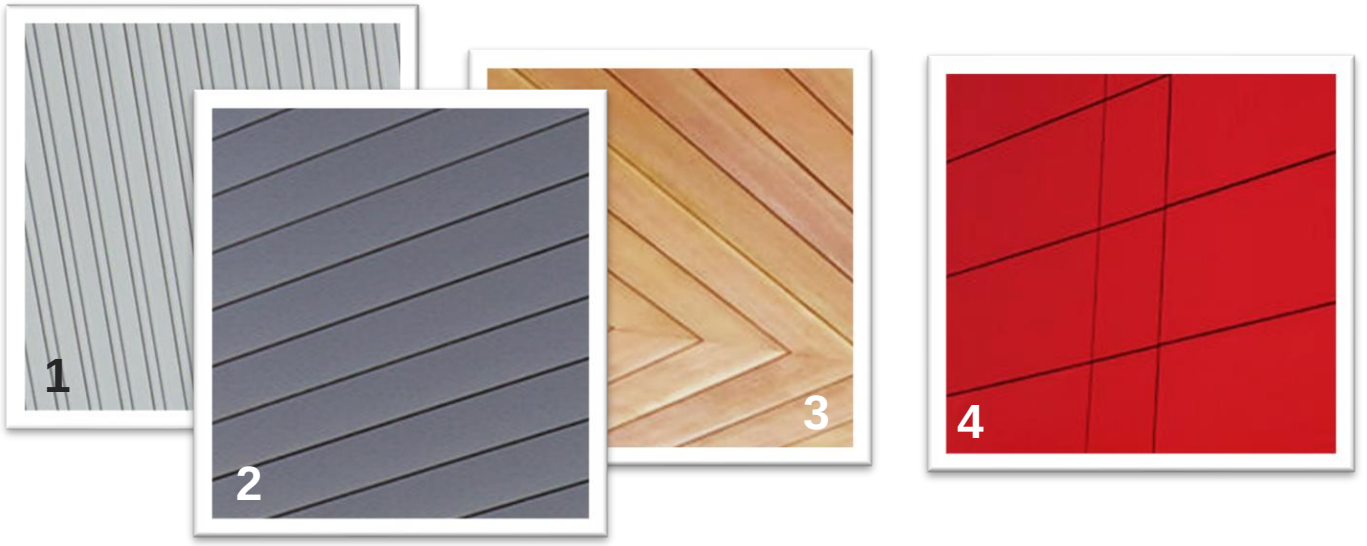
Design/Permit/Construction Schedule

Exterior and Interior Materials

1133

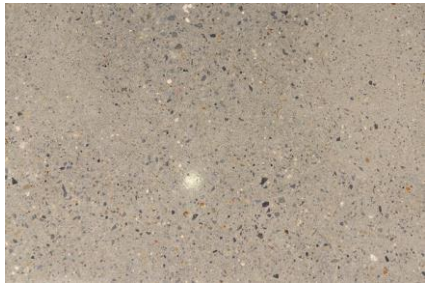








Exterior Materials



Polished Concrete

Field Paint

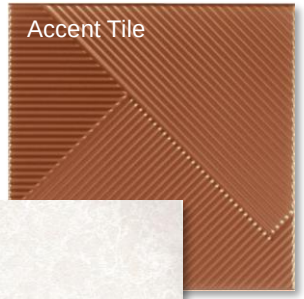


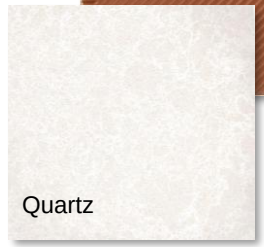
Door Frame Paint



Accent Pains







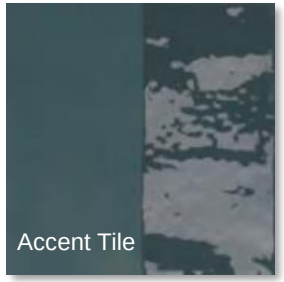








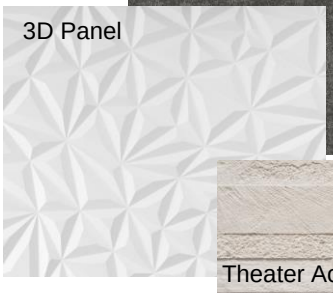


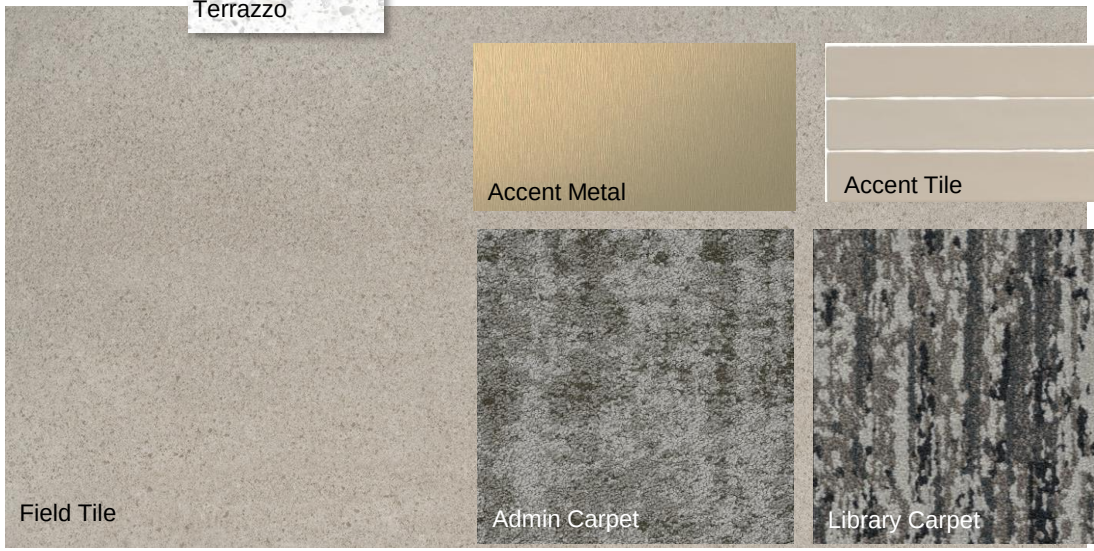




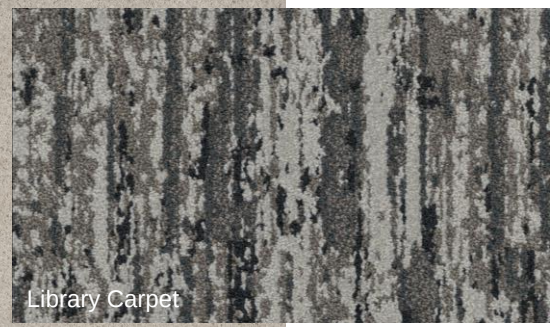










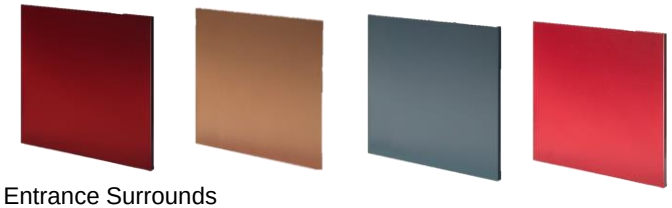








Accent Lighting



Entrance Surrounds

Interior Materials

Lion **PRIDE** runs deep!

- Personal Responsibility
- Respect
- Integrity
- Determination
- Excellence



PAST PRESENT FUTURE

Thank You!

O'CONNELL ROBERTSON



Waco Independent School District

Bond Projects Update

07.18.2022

Agenda

- Overview of projects and schedules
- Construction and Campus Impact
  - Phasing
  - Traffic Circulation
- Safety and Security
- Project Costs
- Next Steps

Current Projects

Project	Status
Tennyson Middle School Replacement	Design – 100%CDs September 15th 2022
Waco High School Replacement	Bidding and Permitting – bid July 14th
Child Nutrition Services	Under Construction – to be complete summer 2022
HVAC Replacements	Under Construction – to be complete summer 2022
Carver Middle School Replacement	Under Construction – to be complete summer 2023

Future Projects

Project	Timeline
Kendrick Elementary School Replacement	Begin Design Fall 2022
South Waco Renovations + Addition	Begin Design Fall 2022

Carver MS

1140

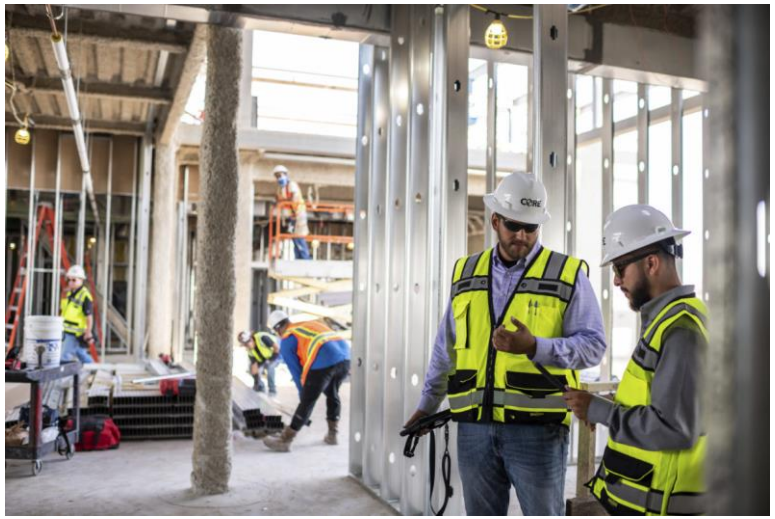

TRACK AND FIELD
BUS LOOP
G.W. CARVER MIDDLE SCHOOL
PARENT DROP OFF
J.J. Flewellen Rd.


G.W. CARVER MIDDLE SCHOOL


G.W. CARVER MIDDLE SCHOOL

Project Schedule

Construction	
- Existing Building Demolition	*completed*
- Site Construction	*in construction*
- Building Construction	*in construction*
- Substantial Completion	**6.30.2023**
District Move-In	**July 2023**
First Day of School	**August 2023**





Project Schedule

Construction Progress to Date













G.W. Carver Middle School

Project Mission

The G. W. Carver Middle School project will empower students and staff supporting long-term results for Waco ISD. With a collaborative and inclusive culture, the Team will lead the project through integrity, fairness, courage, and responsiveness.

Project Goals

- Exceed the expectations of our Team and G. W. Carver Middle School community so that a relationship is formed for future work
- Commit to team-oriented communication to work through project challenges
- Deliver a campus that supports Waco ISD's educational needs and strengthens the G. W. Carver culture
- Engage trade partners in the goals of the project to ensure a safe, quality project that is in budget and on schedule





Hard Costs Subtotal	63,000,000
Fees / PM / Expenses	4,956,108
Other Developmental Costs (Survey / Geotech / Etc)	309,757
Furnishings Fixtures and Equipment	1,652,036
IT Systems (Projectors, Network, Security, Phone)	1,652,036
Building Move-In Expenses	154,878
Construction Testing	154,878
Project Contingency	1,305,495
Total Project Budget	**73,185,188**

Project Budget

G.W. Carver Middle School

GMP 1	$ 8,727,284
GMP 2	$ 6,674,632
GMP 3	$47,549,875
Total Construction Costs	$62,951,522

Including the following alternates:
Alternate #1 – Sail Shades
Alternate #2 – Field Storage
Alternate #3 – Sod ILO Hydro Mulch at Football Field
Alternate #4 – Upfit Canopy
Alternate #5 – Track Surface
Alternate #6 – Track & Field Events
Alternate #7 – Thin Brick



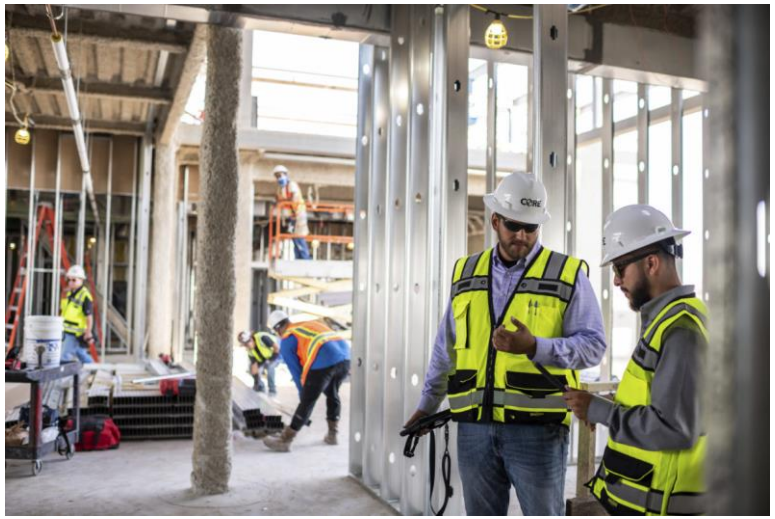
GMP and Alternates

Waco HS

1146

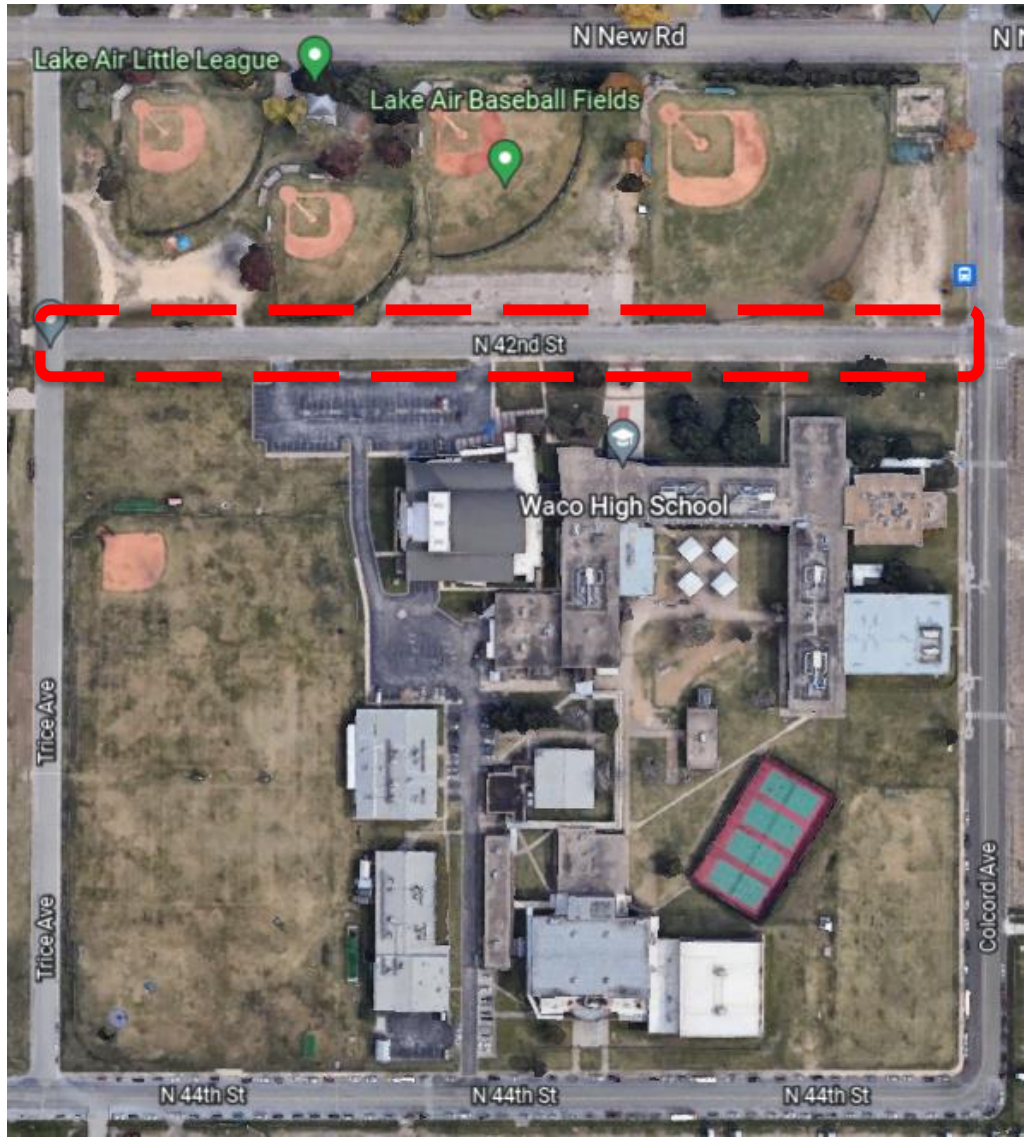
Project Schedule

Package 2 Bids Received	July 14th 2022
Construction	
- Phase 1	August 1 2022 – Dec. 30th 2022
- Phase 2 (70% of building)	August 1 2022 – June 2nd 2024
• *Classrooms / Science*	
• *Performing + Fine Arts*	
• *Library*	
• *Commons / Dining*	
• *Administration*	
District Move-In	**June 2024**
First Day of School	**August 2024**
- Phase 3 (drop off loop)	June 2024 – August 2024
- Phase 4 (first demolition phase)	June 2024 – June 2025
- Phase 5 (Remainder of building)	June 2024 – June 2025
• CTE	
• Athletics	
- Phase 6 (remainder of demolition)	June 2025 – Dec. 2025
District Move-In	**Dec. 2025**
First Day of Spring Semester	**Jan. 2024**

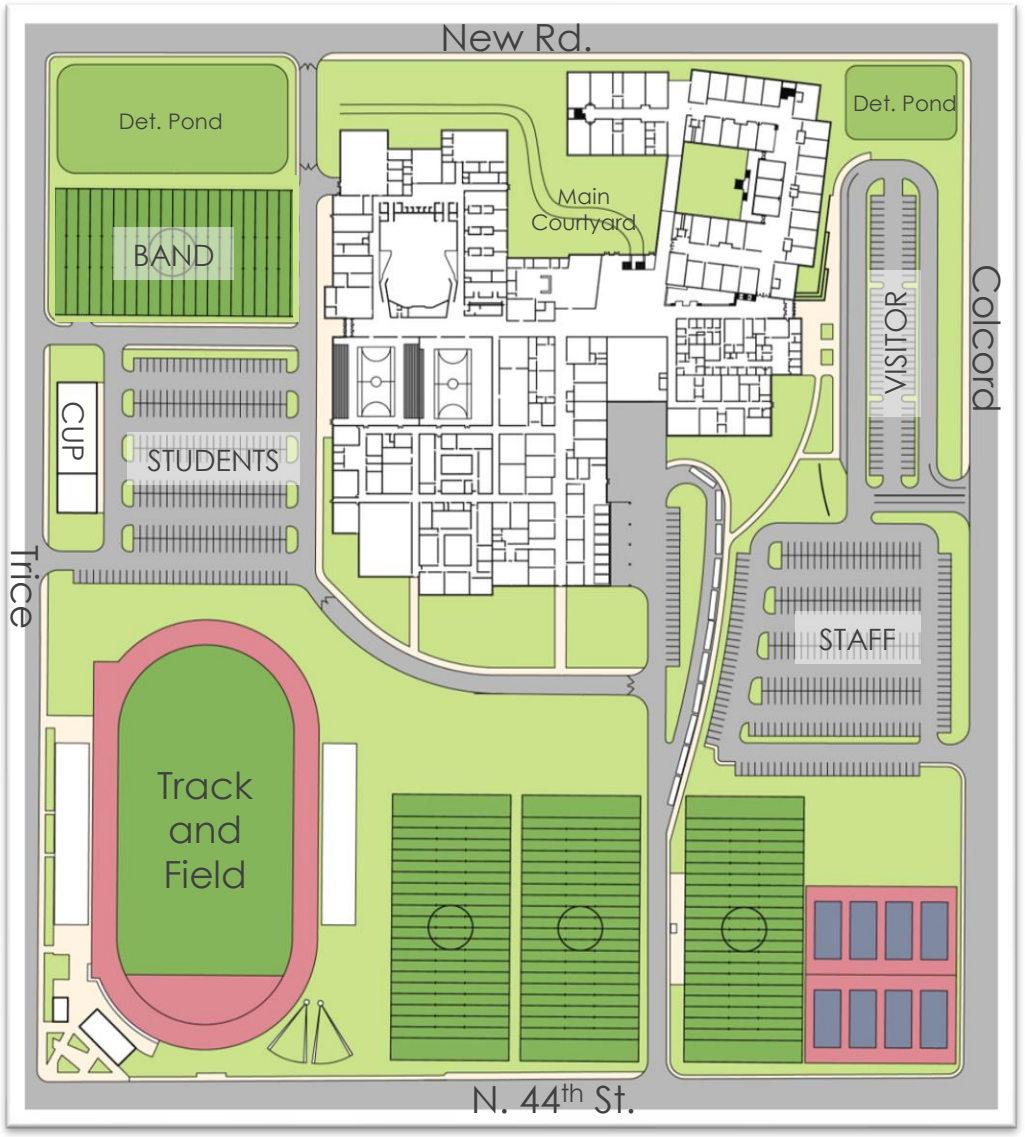




Project Schedule



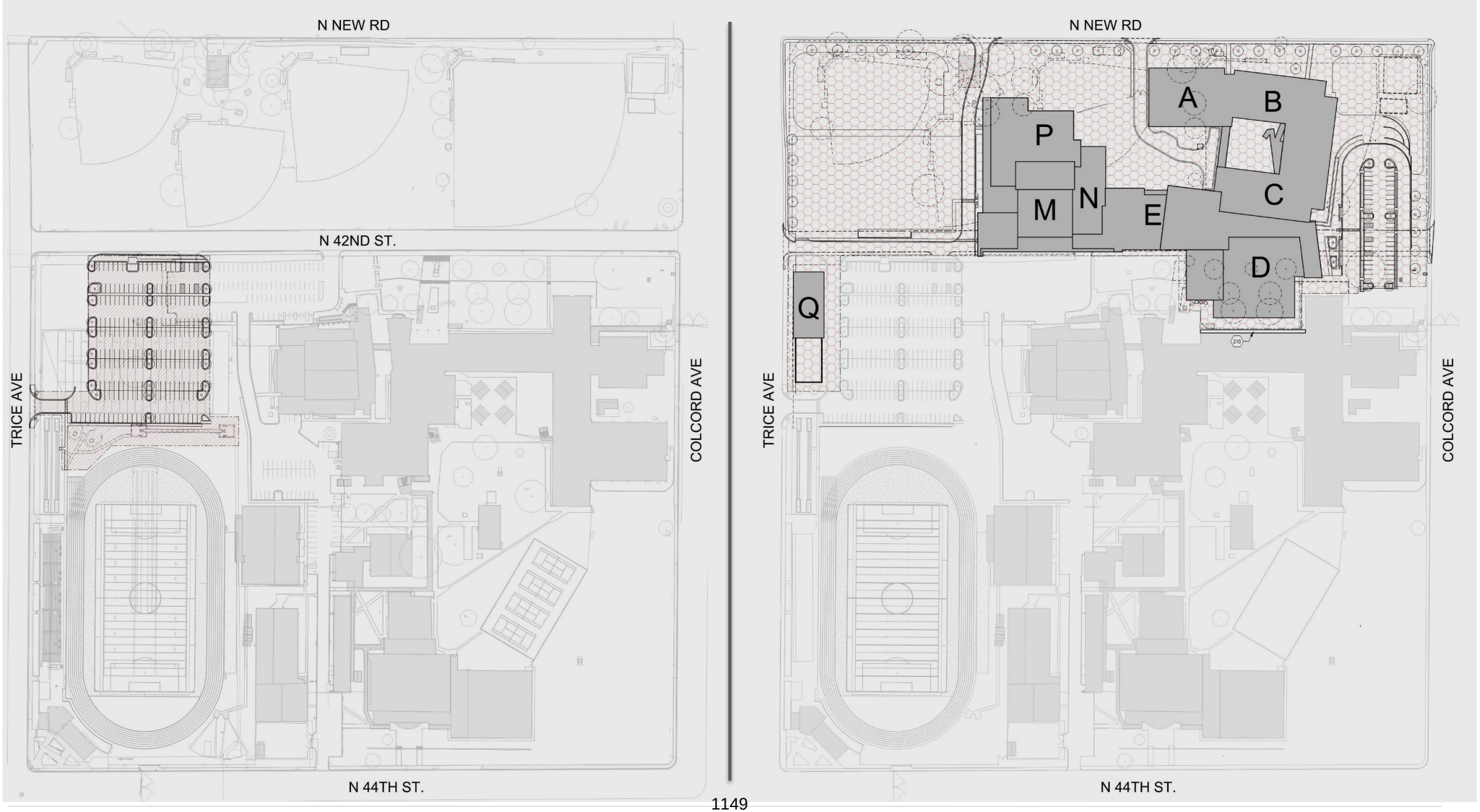
Existing Site Plan



Proposed Site Plan

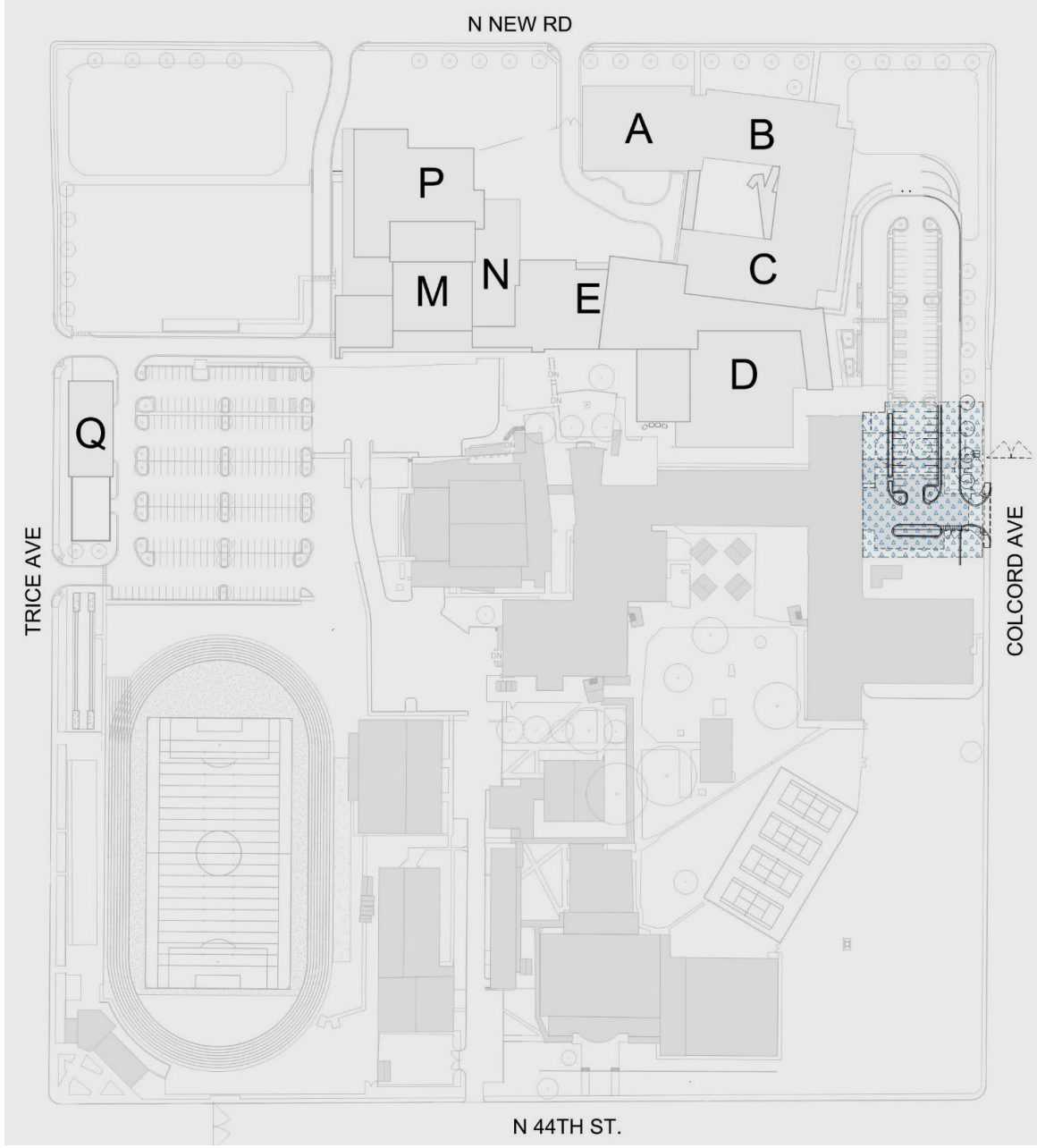
O'CONNELL ROBERTSON

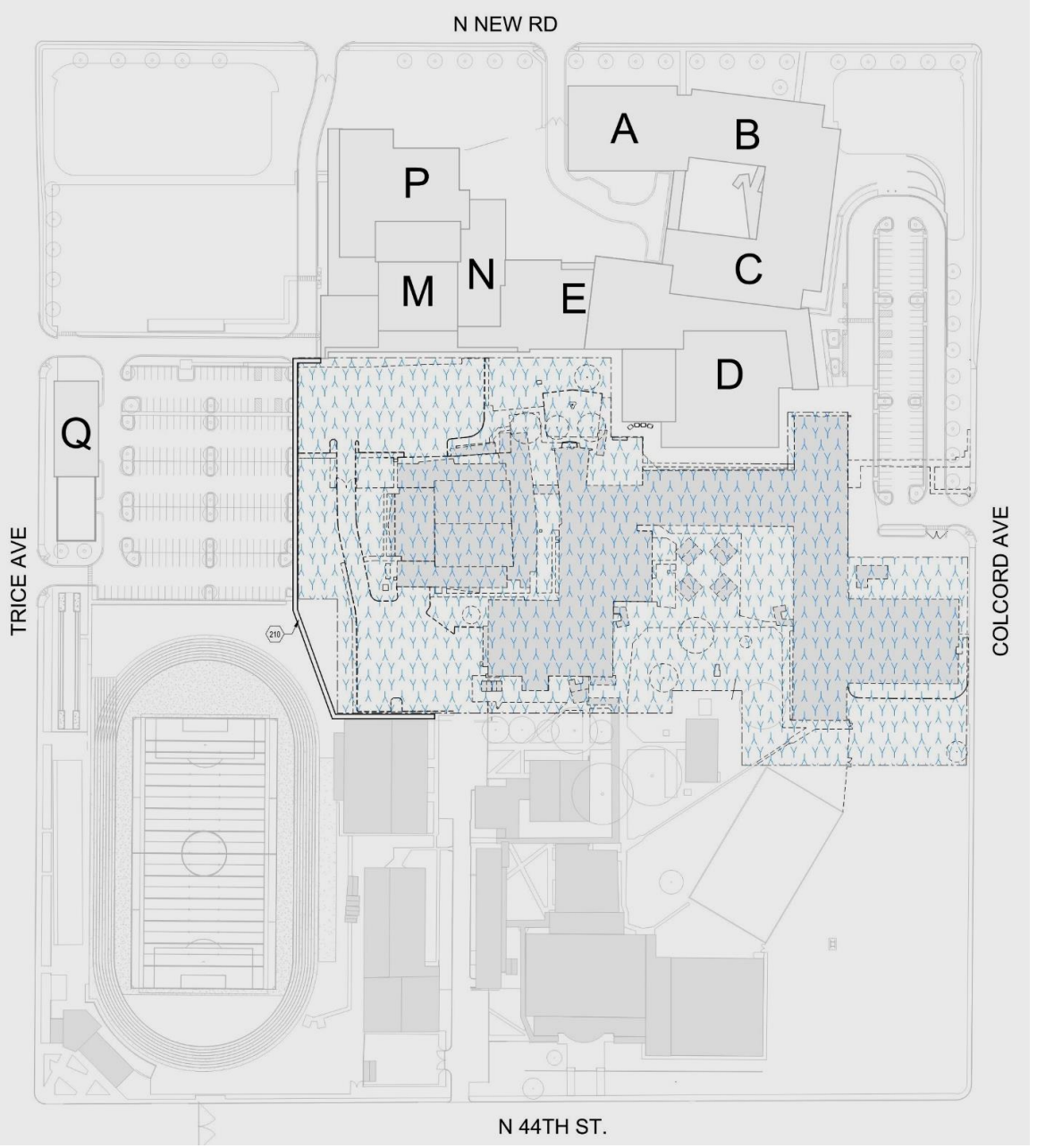
Site Plan



O'CONNELL ROBERTSON

Phasing – 1 & 2

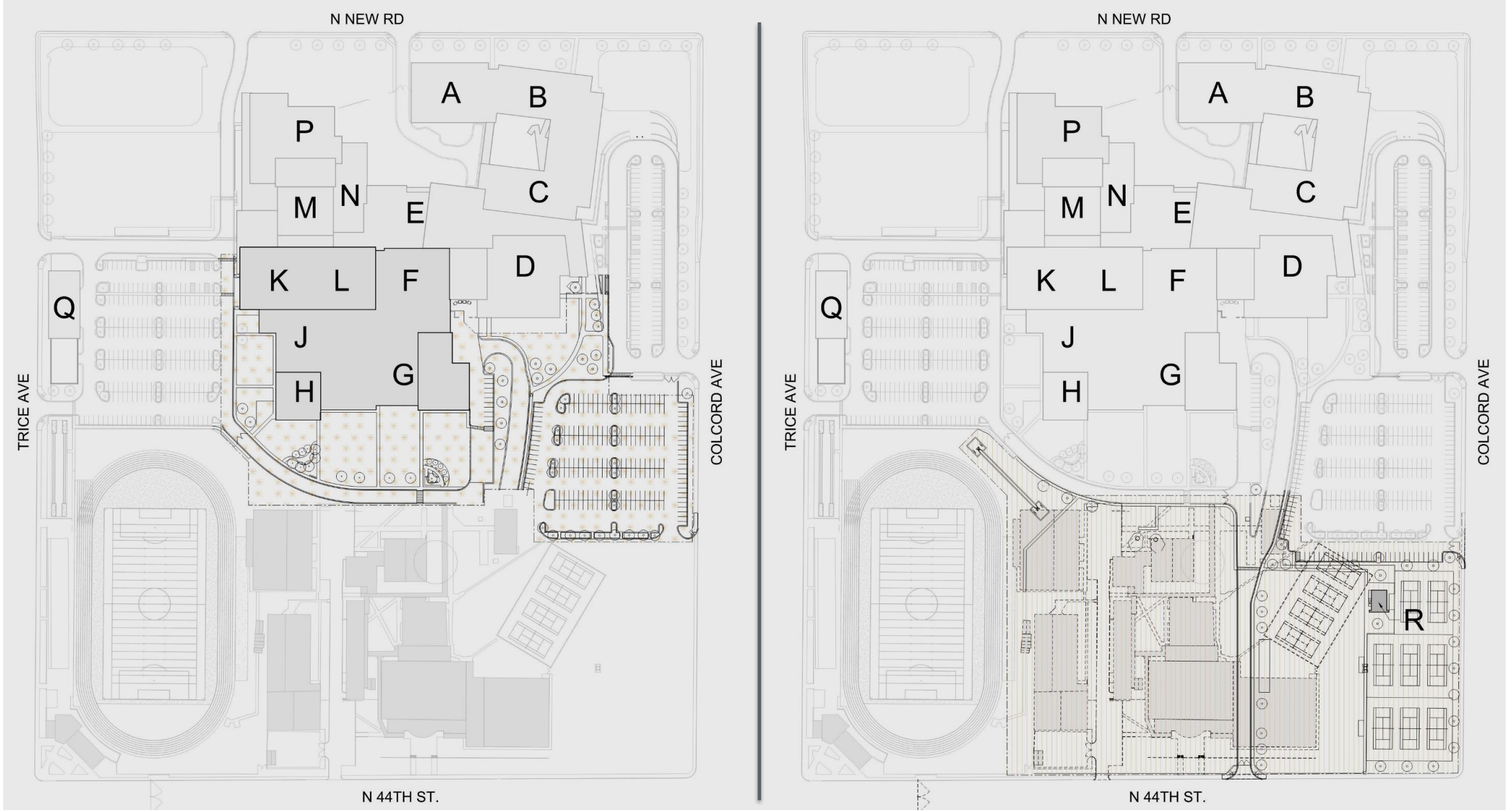




1150

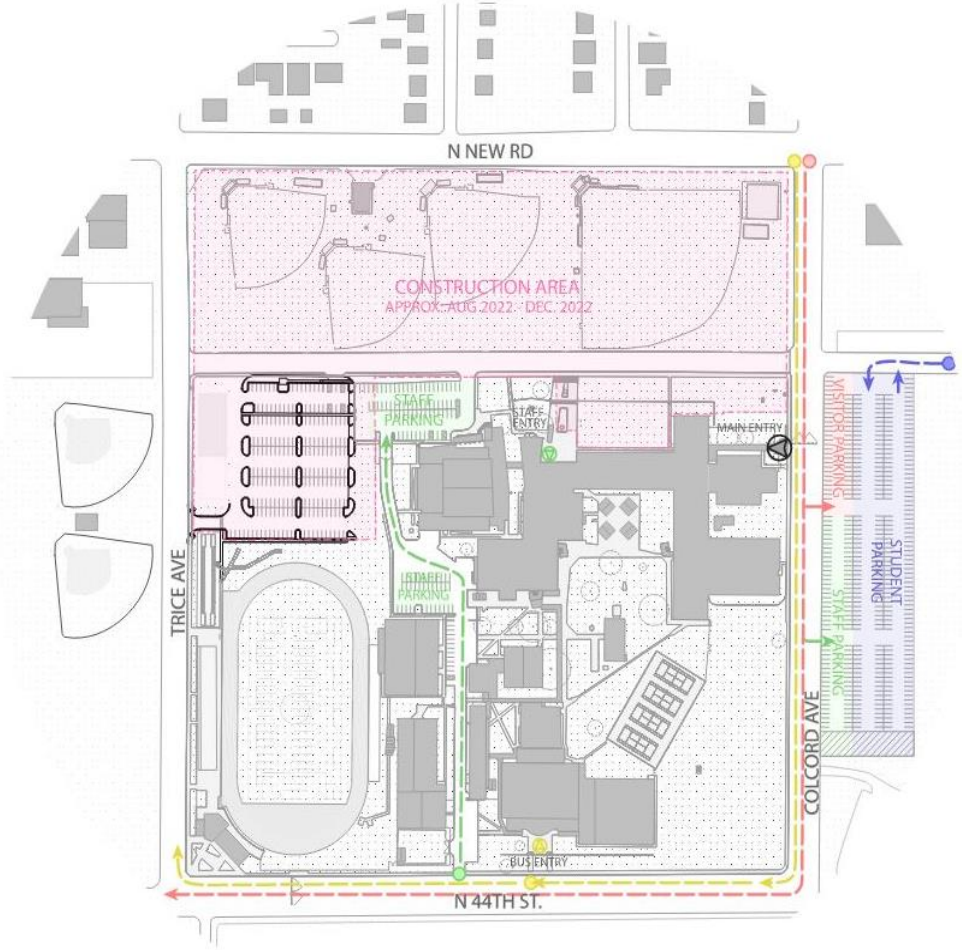
O'CONNELL ROBERTSON

Phasing – 3 & 4



O'CONNELL ROBERTSON

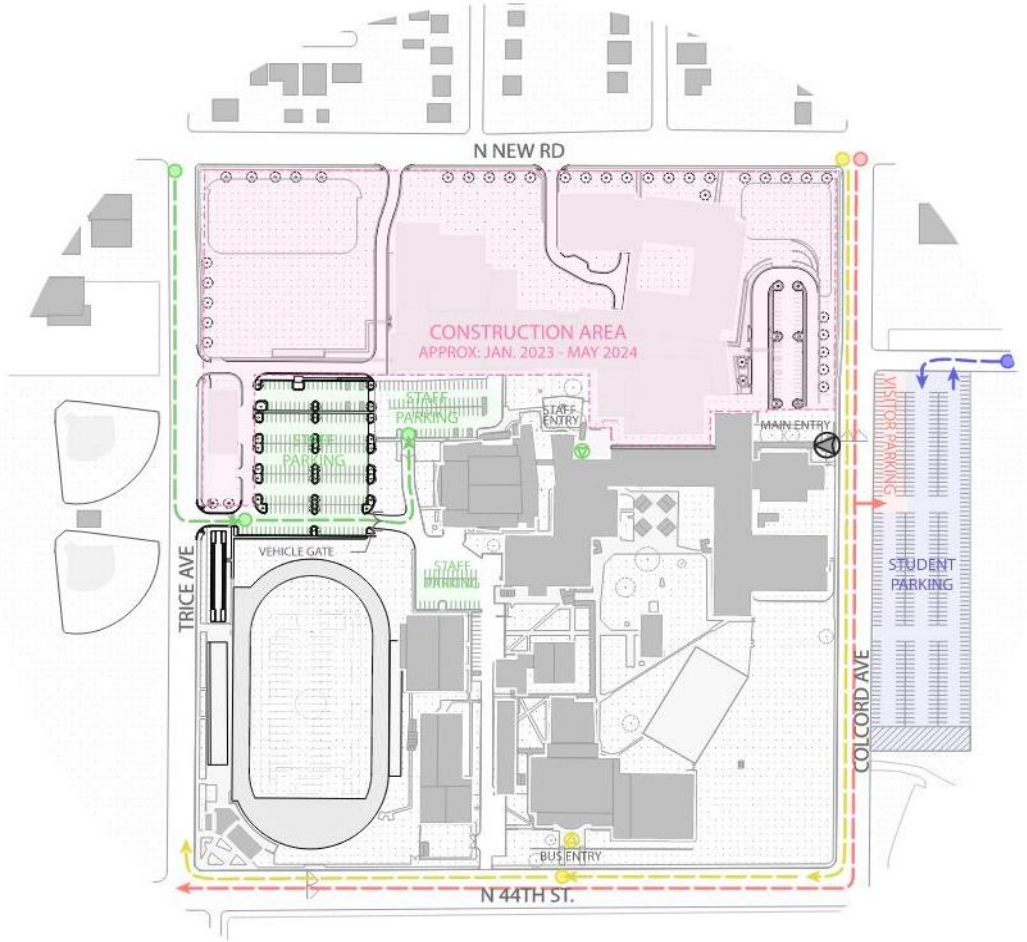
Phasing – 5 & 6



August 1 2022 – Dec. 30 2023

BUS ROUTE
STAFF TRAFFIC
STUDENT TRAFFIC
PARENT DROP OFF
CONSTRUCTION BOUNDS
ENTRY POINT

NORTH



January 1 2023 – June 2024

BUS ROUTE
STAFF TRAFFIC
STUDENT TRAFFIC
PARENT DROP OFF
CONSTRUCTION BOUNDS
ENTRY POINT

NORTH

O'CONNELL ROBERTSON

Traffic Circulation

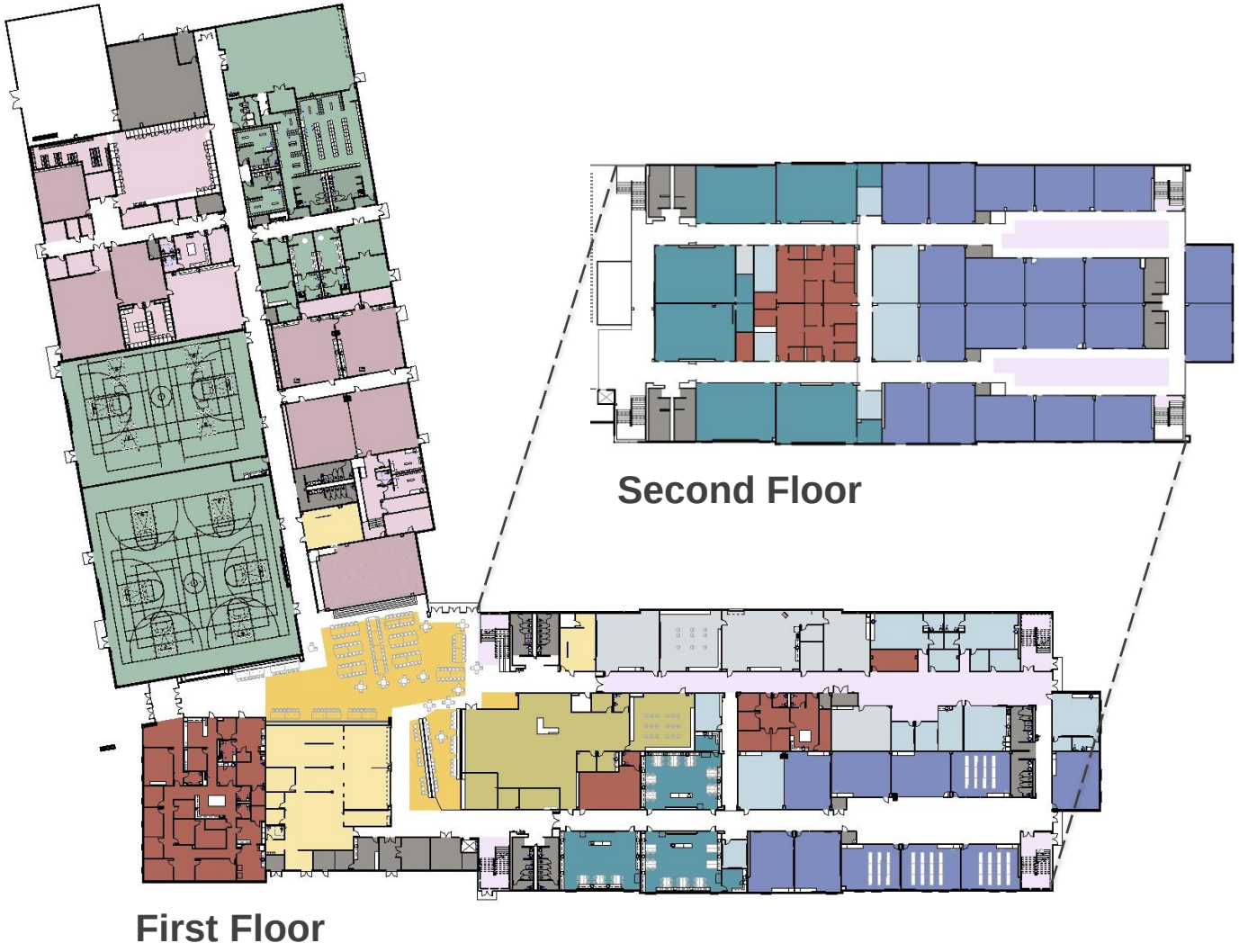
Tennyson MS

1153



O'CONNELL ROBERTSON

Site Plan



- Athletics
- Performing + Fine Arts
- Kitchen / Commons
- Administration
- Library
- Science
- Classroom Neighborhoods
- Special Education
- CTE
- Building Support

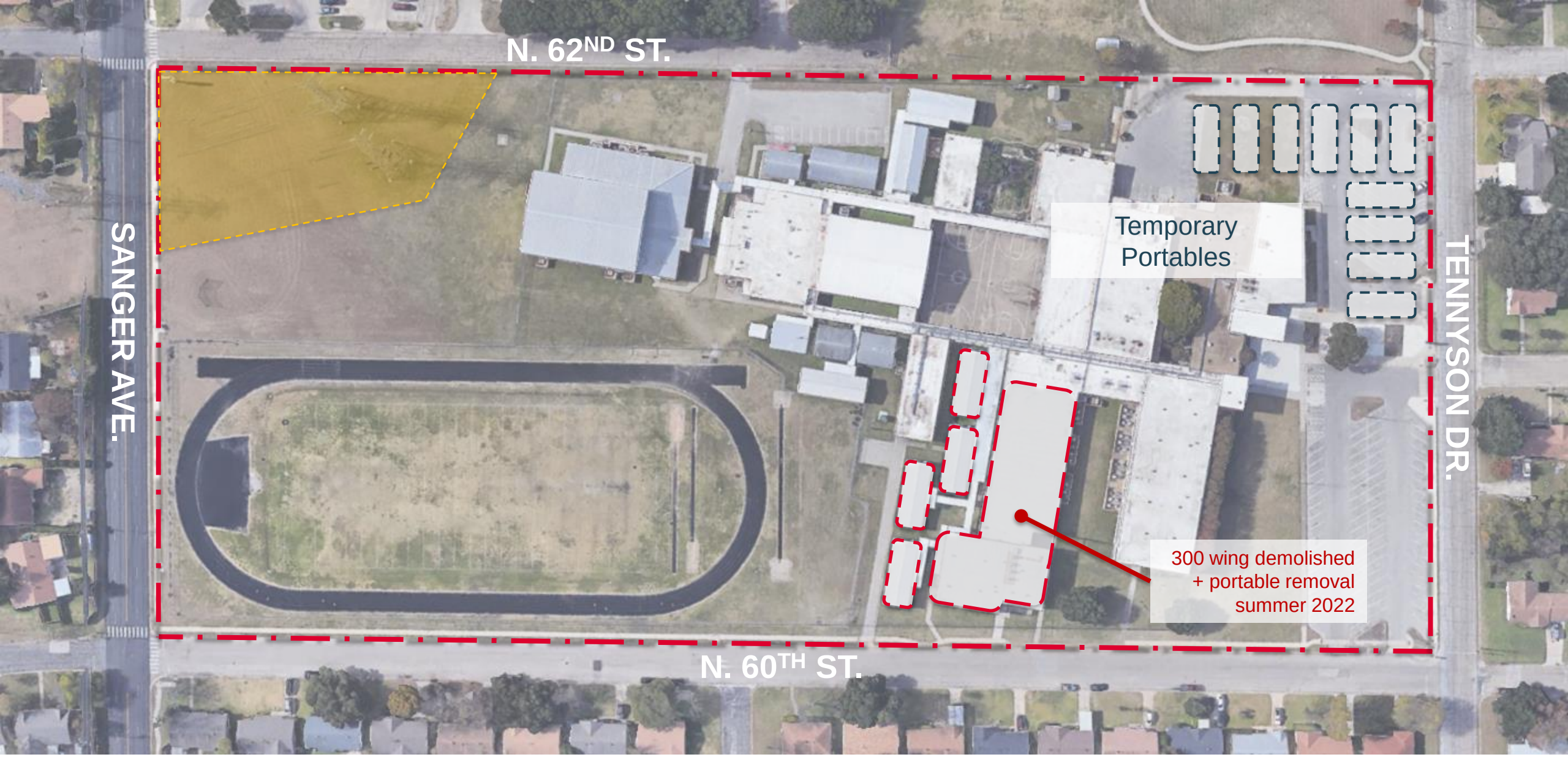
Floor Plan

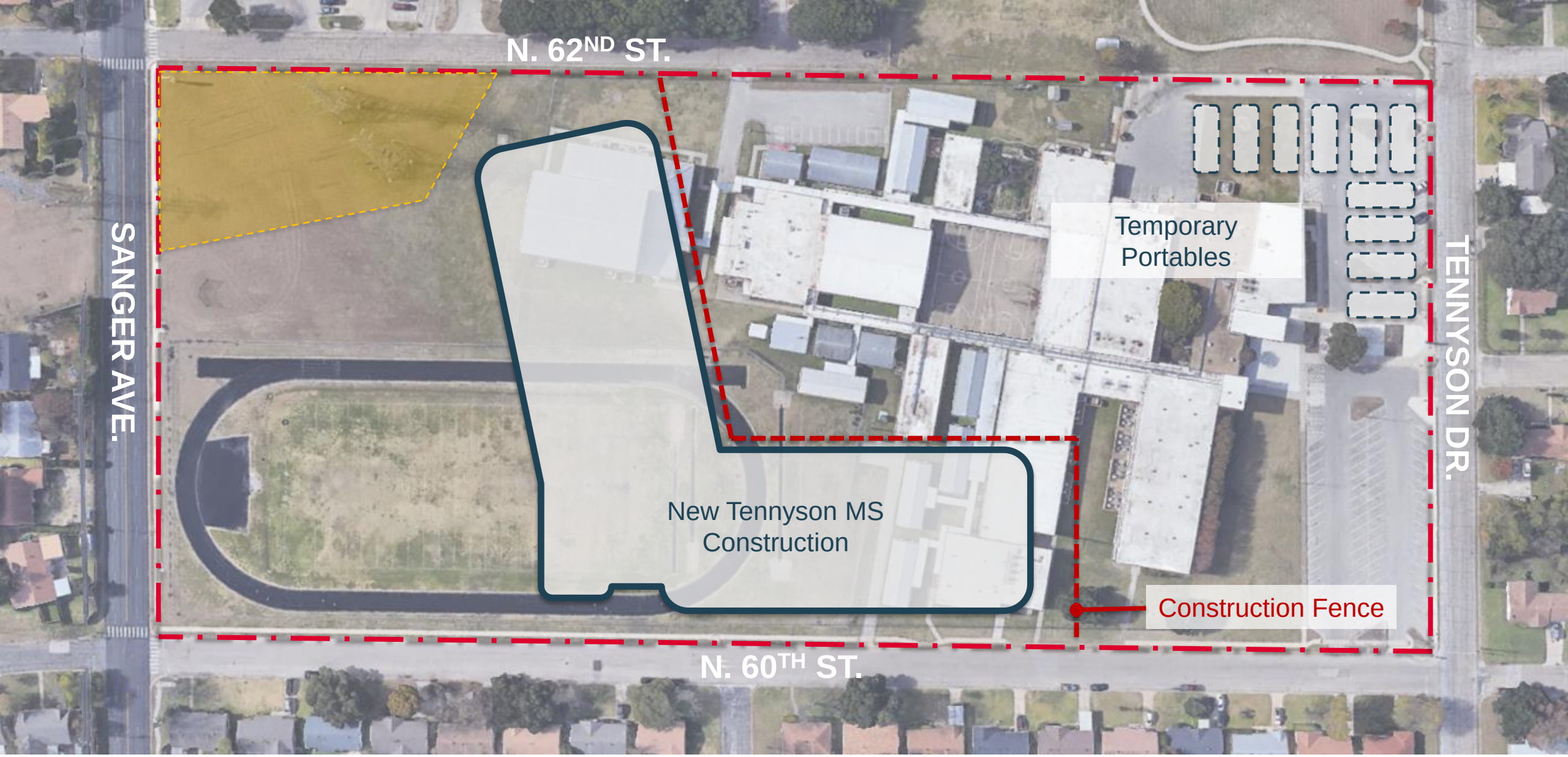
1155



O'CONNELL ROBERTSON

Existing Site


N. 62ND ST.
SANGER AVE.
TENNYSON DR.
N. 60TH ST.
Temporary Portables
300 wing demolished + portable removal summer 2022


N. 62ND ST.
SANGER AVE.
TENNYSON DR.
Temporary Portables
New Tennyson MS Construction
Construction Fence
N. 60TH ST.



O'CONNELL ROBERTSON

Site Plan

Tennyson Middle School

Project Mission

The design of the new school embodies Tennyson Middle School's motto of "True Grit" by creating an environment that inspires commitment to student excellence, consistency in showing up, and courage to persevere through adversity.

The hardy materials can weather any storm, similar to the nature of Tennyson Texans. Designed with resiliency in mind, the school can overcome obstacles to evolve naturally and bloom where it is planted. It will show students that it's not about perfection; it's about showing up and doing your best.

Across the design, organic movement and shadow play express the ability to adapt to a situation seamlessly. Our paths to success are unlikely to be linear, and what may seem like challenges can create a beautiful journey.

TENNYSON

TEXANS

TRUE GRIT



Project Budget

1160


TENNYSON MIDDLE SCHOOL

SECTION 5: Safety & Security



Safety & Security Additional Resources

Association for Learning Environment's Safe School Task Force
https://schoolsafety.a4le.org/

TEA Requirements for Facility Standards including Safety Requirements
https://tea.texas.gov/sites/default/files/ch061cc.pdf

Texas School Safety Center
https://txssc.txstate.edu/

School Safety – A Best Practices Guide
https://media.a4le.org/SafeSchoolsGuide.pdf

Crime Prevention through Environmental Design (CPTED)
https://www.cpted.net/
https://en.wikipedia.org/wiki/Crime_prevention_through_environmental_design

Requirements from State of Texas / Texas Education Agency
https://gov.texas.gov/uploads/files/press/O-MartinezPratherKathy202206012051_1.pdf
https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/requiredschool-safety-action-steps-this-summer