WACO INDEPENDENT SCHOOL DISTRICT
REGULAR MEETING

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

Thursday, September 29, 2022 - 6:00 PM

A Regular Meeting of the Board of Trustees of Waco Independent School District will be held September 29, 2022, beginning at 6:00 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. Advanced Placement Scholars
   - 4.C. College Board National African American and Hispanic Recognition Awards
   - 4.D. Texas Art Education Association District of Distinction
   - 4.E. Community Partner Award
5. **Superintendent's Report**
   - 5.A. Hispanic Heritage Month
   - 5.B. Appreciation of First Responders
   - 5.C. Leadership Development Programs
   - 5.D. Summer Graduation
6. **Consent Agenda: Consider and Take Appropriate Action**
   - 6.A. Amendments to the 2022-2023 Budget
   - 6.B. Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services
   - 6.C. Bid Award for Maintenance Supplies, Equipment, and Services
   - 6.D. Bid Award for Restaurant and Catering Services
   - 6.E. Bid Award for Music Supplies, Equipment, and Services
   - 6.F. Job Order Contract Renewal for General Construction Services
   - 6.G. Job Order Contract Renewal for Electrical Services
   - 6.H. Job Order Contract Renewal for Roof Repair Services

6.I. Purchases Over $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
6.J. Cooperative Fees Paid by Waco ISD
6.K. Approval of Allowance Expenditure Authorization (AEA) #2 for G.W. Carver Middle School
6.L. Approval of Utility Easement with OnCor for Electrical Utilities at G.W. Carver Middle School
6.M. Resolution Regarding Bullet-Resistant Shield Grant Program
6.N. Resolution Regarding ALERRT Travel Assistance for Fiscal Year 2023
6.O. Second Reading and Adoption of Board Policy Update 119
6.P. Required Annual Evaluation of Campuses Operated by Transformation Waco
6.Q. Waiver to Use Alternate Reading Instrument for Seventh Grade
6.R. School Health Advisory Council (SHAC) Members
6.S. Report on Class Size Exemptions
6.T. Staff Development Minutes Waiver
6.U. Cooper Foundation Trustee Election
6.V. 4H Adjunct Professors
6.W. Board of Trustee Meeting Minutes
6.W.1. Regular Meeting - June 23, 2022
6.W.2. Regular Meeting - July 21, 2022
6.W.3. Special Meeting - August 11, 2022
6.W.4. Special Meeting - August 18, 2022
6.W.5. Regular Meeting - August 25, 2022

7. **Review and Discuss the Sale of Unlimited Tax Building Bonds, Series 2022B**
Presenter: Dusty Traylor, RBC Capital Markets; Rob Collins, Bracewell L.L.P.
8. **Consider, Discuss and Take Appropriate Action Regarding the Guaranteed Maximum Price (GMP) #2 for Waco High School and Plan Modifications Outlined in the Construction Manager's Proposal Package**
Presenter: Gloria Barrera
9. **Consider, Discuss and Take Appropriate Action Regarding the 2022-2023 District and Campus Improvement Plans**
Presenter: Dr. Susan Kincannon
10. **Review and Discuss Comparative Accountability Data**
Presenter: Denise Bell
11. **Review and Discuss Required Districtwide Intruder Detection Audit Report Findings**
Presenter: Dr. Susan Kincannon
12. **Announcements**
13. **Consideration of Personnel**
13.A. Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
13.B. Hear a Complaint or Charge Against an Officer or Employee
14. **Adjournment**

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: September 29, 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 September, Jesus De La Fuente and Steve Owens from Indian Spring/Carver were selected for this honor.

Advanced Placement Scholars

Students receive the designation of Advanced Placement (AP) Scholar through hard work and high academic achievement in AP courses and exams. There are three designations: AP Scholar, AP Scholar with Honors, and AP Scholar with Distinction. AP Exams are scored on a one to five scale, and scores of three or better earn the student college credit for the course at most universities across the United States.

The award of AP Scholar is awarded to students who receive scores of three or higher on three or more AP exams. Waco ISD has a total of 32 students who have earned one or more of these awards.

AP Scholars for University High School (UHS) and Waco High School (WHS) are as follows:

Miriam Hinojosa, UHS senior
Andres Luevano, UHS junior
Karen Salazar, UHS senior
Jennifer Zuniga, UHS graduate
Cheryl Fast, WHS 2022 graduate
Noah Monreal, WHS 2022 graduate
Hudson Rice, WHS senior
Kohen Scott, WHS junior
Elisha Sriram, WHS 2022 graduate
Layla Lopez, UHS 2022 graduate
German Ruiz, UHS senior
Elizabeth Sanchez, UHS 2022 graduate
Samuel Everett, WHS junior
Noah Garner, WHS 2022 graduate
Viviana Ramirez, WHS 2022 graduate
Danielle Sanders, WHS senior
Elanah Sriram, WHS senior
Noah Sutton, WHS 2022 graduate

AP Scholar with honor is awarded to students who receive an average score of at least 3.25 on all AP exams taken, and scores of three or higher on four or more of these exams.

James Burnias, WHS senior
Alicia Ramirez, WHS 2022 graduate
Libby Hack, WHS senior
Daniel Swenke, WHS 2022 graduate

AP Scholar with Distinction is awarded to students who receive an average score of at least 3.5 on all AP exams taken, and scores of three or higher on five or more of these exams.

Marisella Suarez, UHS 2022 graduate
Calla Carlson, WHS 2022 graduate
Lily Coffman, WHS 2022 graduate
Zander Lim, WHS 2022 graduate
Tahlia Tran, WHS 2022 graduate
Bailee Barton, WHS 2022 graduate
Kayla Cho, WHS senior
Helen Goodman, WHS senior
Sarah Schlappe, WHS senior
Abigail Zimmerman, WHS 2022 graduate

College Board National African American and Hispanic Recognition Awards

In August 2022, the College Board is awarding 62,000 students from across the country with academic honors from College Board National Recognition Programs for excelling in their classrooms and on College Board assessments. More than 180,000 students from all 50 states were eligible to apply for the College Board National Recognition Programs, which grant students with academic honors. Colleges and scholarship programs identify students awarded National African American, Hispanic, Indigenous and/or Rural/Small Town Recognition through College Board's Student Search Service.

Three Waco ISD students are being recognized for the National African American Recognition Award (NAARA) and seven students are recipients of the National Hispanic Recognition Award (NHRA). Seven of the 10 students are also Superintendent Scholars.

The University High School recipients are as follows:

NAARA- Archie Hatten
NHRA- Karla Suarez and Vania Gonzalez

The Waco High School award recipients are:

NAARA- Deborah Hammond and Tionni Sheppard
NHRA- Brandon Vega, James Burnias, Julio Ortega, Piper Woodward, and William Barbee

Texas Art Education Association District of Distinction

Waco ISD has successfully submitted all required materials with fidelity and will be named a Texas Art Education Association (TAEA) District of Distinction. Over 1,200 districts were eligible to apply for this Texas Art Education Association Visual Arts Award and just 59 districts will receive this outstanding honor for the 2021-2022 academic year. This distinction places the Waco ISD Visual Art programming in the top 5% in Texas. The district is one of only 16 school districts to receive this honor for four consecutive years, each year that the distinction has been available.

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 September, the district is recognizing AbbVie. AbbVie is a biopharmaceutical company with the culture of a biotech. They embrace the responsibility of making a remarkable impact on people's lives. AbbVie is driven by their compassion for people, commitment to innovation and inclusion, service to the community, and uncompromising integrity at the heart of everything we do.

As part of their service to the community, AbbVie recently gifted 150 school supply boxes to Waco ISD first-year teachers at the beginning of the 2022-2023 school year. They also donated additional supplies for students.

Fiscal Implications:
None

Administration Recommendations:
For discussion only

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person**: **Sheryl Davis**

RE: Amendments to the 2022-2023 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 #001: Districtwide (Fund 199)

This amendment will rebudget prior year purchase orders where services were not rendered or goods received as of August 31, 2022. 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:	$	2,198,902	Curriculum & Instructional Staff Development, School Leadership, Extracurricular Activities, Plant Maintenance & Operations, Security & Monitoring Services, Data Processing Services
Use of Funds:	$	2,198,902	Committed Fund Balance - Other
Fund Balance Effect		**Decrease**	

Amendment #002: Districtwide (Fund 199)

This amendment will rebudget funds committed at August 31, 2022, for the construction of the walk-in cooler and freezer infrastructure for the child nutrition program, bus replacement, and classroom furniture replacement. 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:	$	2,301,020	Instruction, Student Transportation, Facilities Acquisition, Improvements & Construction
Use of Funds:	$	2,301,020	Committed Fund Balance – Construction, Committed Fund Balance – Other
Fund Balance Effect		**Decrease**	

Amendment #003: Districtwide (Fund 199)

This amendment will adjust salary and benefit budgets for changes made after the original budget was developed. Savings will be utilized to cover subsequent cost adjustments as well as provide funding for safety and security projects. 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:	$	314,081	Curriculum & Instructional Staff Development, General Administration
Use of Funds:	$	314,081	School Leadership, General Administration, Plant Maintenance & Operations
Fund Balance Effect		**None**	

Amendment #004: Advanced Academics (Fund 199)
This amendment will realign funds, originally budgeted for instructional consulting and textbooks that were covered through other funding sources, to instructional leadership for part-time professional payroll costs. 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:	$	17,000	Instruction
Use of Funds:	$	17,000	Instructional Leadership
Fund Balance Effect		**None**	

Amendment #005: Brazos High School Credit Recovery Center (Fund 199)
This amendment will realign funds, originally budgeted for instructional contracted services, to community services to fund the Communities in Schools program. 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:	$	31,000	Instruction
Use of Funds:	$	31,000	Community Services
Fund Balance Effect		**None**	

Amendment #006: Career and Technical Education (Fund 199)
This amendment will realign funds, originally budgeted for instructional leadership contracted services, to community services to fund interpreters for a parent meeting. 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:	$	500	Instructional Leadership
Use of Funds:	$	500	Community Services
Fund Balance Effect		**None**	

Amendment #007: Kendrick Elementary School (Fund 199)
This amendment will realign funds, originally budgeted for instructional contracted services, to community services to fund the Communities in Schools program. 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:	$	30,000	Instruction
Use of Funds:	$	30,000	Community Services
Fund Balance Effect		**None**	

Amendment #008: Mountainview Elementary School (Fund 199)
This amendment will realign funds, originally budgeted for instructional supplies and materials, to school leadership and guidance, counseling and evaluation services for supplies and materials. 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:	$	5,500	Instruction
Use of Funds:	$	5,500	School Leadership, Guidance, Counseling & Evaluation Services
Fund Balance Effect		**None**	

Amendment #009: State and Federal Programs (Fund 199)
This amendment will realign funds, originally budgeted for instructional supplies and materials, to curriculum and instructional staff development for contracted professional development services. 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:	$	24,500	Instruction
Use of Funds:	$	24,500	Curriculum & Instructional Staff Development
Fund Balance Effect		**None**	

Amendment #010: Child Nutrition Programs (Fund 240)
This amendment will rebudget prior year purchase orders where services were not rendered or goods received as of August 31, 2022. 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:	$	1,619,177	Food Services
Use of Funds:	$	1,619,177	Restricted Fund Balance – Federal Funds
Fund Balance Effect		**Decrease**	

A copy of the amendments are attached for your review detailing line items to be adjusted.

Fiscal Implications:

Budget amendments #001 and #002 decrease the General Fund committed fund balances by $2,198,902 and $2,301,020, respectively, for a total of $4,499,922. Amendment #010 decreases the restricted fund balance in the Child Nutrition Fund by $1,619,177. The remaining budget amendments have 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 # 001

CAMPUS OR DEPARTMENT: Districtwide **DATE:** 9/29/2022

								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	13	6399	18	999	99	000	Other General Supplies & Materials	25,400	11,694.96	3,251	28,651
199	23	6399	99	999	99	000	Other General Supplies & Materials	40,000	27,461.65	12,539	52,539
199	36	6299	31	999	91	000	Other Miscellaneous Contracted Services	233,700	155,698.64	1,080	234,780
199	36	6399	31	999	91	000	Other General Supplies & Materials	89,000	79,332.44	1,155	90,155
199	36	6639	30	002	91	429	Furniture/Equip/Software Unit Cost > $5000	-	(59,393.55)	65,046	65,046
199	51	6247	50	999	99	433	Contracted Building Maintenance	-	(1,467,808.75)	1,467,809	1,467,809
199	51	6247	51	999	99	404	Contracted Building Maintenance	-	(524,900.00)	524,900	524,900
199	51	6247	51	999	99	472	Contracted Building Maintenance	300,000	93,524.78	8,185	308,185
199	52	6397	68	999	99	000	Equipment - Unit Cost <$5000	23,621	18,493.41	5,128	28,749
199	52	6631	68	999	99	000	Vehicles - Unit Cost >$5000	55,000	(19,338.00)	74,338	129,338
199	53	6299	75	999	99	000	Other Miscellaneous Contracted Services	114,100	36,768.88	13,309	127,409
199	53	6397	75	999	99	000	Equipment - Unit Cost <$5000	20,000	663.11	13,898	33,898
199	53	6399	75	999	99	000	Other General Supplies & Materials	285,988	69,031.80	8,264	294,252
199	00	3545	00	000	00	000	Committed Fund Balance - Other			2,198,902	

REASON FOR REQUEST: Rebudget prior year purchase orders where services were not rendered or goods received as of August 31, 2022.

BUDGET ADMINISTRATOR /

Chief Financial Officer

Revised 06/2019

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 002

CAMPUS OR DEPARTMENT: Districtwide **DATE:** 9/29/2022

								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	11	6399	99	999	99	000	Other General Supplies & Materials	550,000	548,484.77	178,860	728,860
199	34	6631	98	999	99	000	Vehicles w Unit Costs $5000+ Contingency	-	-	1,520,202	1,520,202
199	81	6624	51	999	99	431	Contracted Construction-Cooler/Freezer Proj	-	(497,377.00)	497,377	497,377
199	81	6625	51	999	99	431	Architect's Fees-Cooler/Freezer Project	-	-	59,332	59,332
199	81	6626	51	999	99	431	Other Professional Svcs-Cooler/Freezer Proj	-	-	32,500	32,500
199	81	6628	51	999	99	431	Reimbursable Expenses-Cooler/Freezer Proj	-	-	12,748	12,748
199	00	3510	00	000	00	000	Committed Fund Balance - Construction			2,122,159	
199	00	3545	00	000	00	000	Committed Fund Balance - Other			178,861	

REASON FOR REQUEST: Rebudget funds committed at August 31, 2022, for the construction of infrastructure for the walk-in cooler and freezer for the child nutrition program, bus replacement, and classroom furniture replacement.

BUDGET ADMINISTRATOR /

Sheryl Davis
Chief Financial Officer

Revised 06/2019

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 003

CAMPUS OR DEPARTMENT: Districtwide **DATE:** 9/29/2022

								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	13	6119	21	999	99	212	Salaries-Teachers & Other Professionals	58,787	58,787.00	(58,787)	-
199	13	6141	21	999	99	212	Social Security/Medicare	852	852	(852)	-
199	13	6142	21	999	99	212	Group Health & Life Insurance	4,556	4,556	(4,556)	-
199	13	6143	21	999	99	212	Workers' Compensation	166	166	(166)	-
199	13	6146	21	999	99	212	Teacher Retirement/TRS Care	1,749	1,749	(1,749)	-
199	13	6119	00	044	21	000	Salaries-Teachers & Other Professionals	78,083	78,083	(78,083)	-
199	13	6141	00	044	21	000	Social Security/Medicare	1,132	1,132	(1,132)	-
199	13	6142	00	044	21	000	Group Health & Life Insurance	4,556	4,556	(4,556)	-
199	13	6143	00	044	21	000	Workers' Compensation	220	220	(220)	-
199	13	6145	00	044	21	000	Unemployment Compensation	77	77	(77)	-
199	13	6146	00	044	21	000	Teacher Retirement/TRS Care	3,866	3,866	(3,866)	-
199	23	6119	00	044	99	000	Salaries-Teachers & Other Professionals	260,748	260,748.00	10,746	271,494
199	23	6141	00	044	99	000	Social Security/Medicare	5,861	5,567.23	156	6,017
199	23	6143	00	044	99	000	Workers' Compensation	1,089	56.32	30	1,119
199	23	6146	00	044	99	000	Teacher Retirement/TRS Care	16,758	1,440.79	450	17,208
199	41	6129	46	750	99	000	Wages-Support Staff	421,411	420,971.80	(135,177)	286,234
199	41	6141	46	750	99	000	Social Security/Medicare	14,550	14,052.28	(2,266)	12,284
199	41	6142	46	750	99	000	Group Health & Life Insurance	72,896	72,896.00	(18,224)	54,672
199	41	6143	46	750	99	000	Workers' Compensation	2,681	2,583.84	(386)	2,295
199	41	6146	46	750	99	000	Teacher Retirement/TRS Care	37,910	37,639.00	(3,984)	33,926
199	41	6299	98	750	99	000	Other Miscellaneous Contracted Services	100,000	100,000.00	67,699	167,699
199	51	6249	98	999	99	000	Other Contracted Maintenance	340,000	340,000.00	235,000	575,000
										-	

REASON FOR REQUEST: Adjust salary and benefit budgets for changes made after the original budget was developed. Savings will be utilized to cover subsequent cost adjustments as well as provide funding for safety and security projects, i.e., fencing and door hardware.

BUDGET ADMINISTRATOR /

Chief Financial Officer

Revised 06/2019

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 004

CAMPUS OR DEPARTMENT: Advanced Academics

DATE: 9/29/22

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	11	6291	21	999	99	015	Consulting Services	4,000	4,000.00	(4,000)	0
199	11	6321	21	999	11	015	Textbooks	13,000	13,000.00	(13,000)	0
199	21	6117	21	999	99	000	Wages-PT Teacher/Other Prof.	0	0	17,000	17,000
										0	

REASON FOR REQUEST: Realign funds originally budgeted for Consulting Services and textbooks, which were not needed due to availability from other funds. The funds will be utilized to contract a part time employee to work with AVID.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 005

CAMPUS OR DEPARTMENT: Brazos High School Credit Recovery Center

DATE: 9/29/2022

								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	11	6299	00	007	26	000	Other Miscellaneous Contracted Services	31,000	31,000.00	(31,000)	0
199	61	6299	00	007	26	000	Other Micellaneous Contracted Services	-	0.00	31,000	31,000
										0	

REASON FOR REQUEST: Realigning funds originally allocated to instruction- other miscellaneous contracted services to provide Community in Schools service.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 006

CAMPUS OR DEPARTMENT: Career and Technical Education

DATE: 9/29/2022

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	21	6299	22	999	22	000	Other Misc Contracted Services	15,000	14,800.00	(500)	14,500
199	61	6125	22	999	22	000	Wages Part Time Support Staff	-	0.00	438	438
199	61	6118	22	999	22	000	Extra Duty Teachers	-	0.00	45	45
199	61	6141	22	999	22	000	Social Security/Medicare	-	0.00	5	5
199	61	6146	22	999	22	000	Teacher Retirement/TRS Care	-	0.00	12	12
										0	

REASON FOR REQUEST: Funds originally budgeted for Other Misc Contracted Services are being moved to pay for interpreters used at a Parent Information Meeting.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 007

CAMPUS OR DEPARTMENT: Kendrick Elementary

DATE: 9/29/22

BUDGET CODE								A	B	C	D
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION	CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
199	11	6299	00	112	30	000	Other Misc. Contracted Services	30,000	30,000.00	(30,000)	0
199	61	6299	00	112	30	000	Other Misc. Contracted Services	-	0.00	30,000	30,000
										0	

REASON FOR REQUEST: Realigning funds to the correct account to cover cost of Communities In Schools services held on our campus for the 2022-2023 school year.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 008

CAMPUS OR DEPARTMENT: Mountainview Elementry

DATE: 9/21/2022

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	11	6399	00	116	11	000	Other General Supplies and Materials	$22,000	19,845.68	(5,500)	16,500
199	31	6399	00	116	99	000	Other General Supplies and Materials	$149.00	49.01	2,000	2,149
199	23	6399	00	116	99	000	other General Supplies and Materials	2,210	181.20	3,500	5,710
										0	

REASON FOR REQUEST: Realigning funds initially budgeted for instructional supplies to cover anticipated expenditures. Due to the change in leadership, the current principal didn't have the ability to align her initial budget.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 009

CAMPUS OR DEPARTMENT: State and Federal Programs

DATE: 9/29/22

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	11	6399	24	999	24	000	Other Gen Supplies & Materials	175,000	126,070.00	(24,500)	150,500
199	13	6299	24	999	24	000	Other Misc Contracted Services	-	0.00	24,500	24,500

REASON FOR REQUEST: Realign funds for Curriculum Associates professional development services at Waco ISD campuses for iReady and Toolbox math diagnostic and intervention resources for Tier 2 and Tier 3 students.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM **AMENDMENT # 010**

CAMPUS OR DEPARTMENT: Child Nutrition Programs (Fund 240) **DATE:** 9/29/2022

								A	B	C	D
BUDGET CODE											
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION	CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
240	35	6397	70	999	99	000	Equipment - Unit Cost <$5000 - Tracked	110,000	(175,423.14)	285,423	395,423
240	35	6399	70	999	99	000	Other General Supplies & Materials	390,000	351,920.35	29,145	419,145
240	35	6639	70	999	99	000	Furniture & Equipment w Unit Cost $5000>	350,000	(1,304,609.04)	1,304,609	1,654,609
240	00	3450	00	000	00	000	Restricted Fund Balance-Federal Funds			1,619,177	

REASON FOR REQUEST: Rebudget prior year purchase orders for child nutrition programs where goods were not received as of August 31, 2022.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

Revised 06/2019

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person: C. Eppel**

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

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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 five (5) responses during the past month. The recommended vendors will be added to our previously approved list of one hundred and seventy-one (171) 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 five (5) 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

Business Training Works, Inc

Company Name: Business Training Works, Inc.

Street Address: 9015 Katie Court

City, State, Zip: Port Tobacco, MD 20677

Contact Name: Chris Zabriskie

Contact Phone Number: 301-934-3250

Contact Email Address: czabriskie@businesstrainingworks.com

Category of Service Provided: Professional/Staff Development Training

Target Audience: Administration

Description of Services: Provides onsite customer service training tailored to professionals in public education.

Pricing: Full-day onsite training workshop, for up to 18 participants, is $6,900 plus travel allowance of $1,500 applies.

Catapult Learning West, LLC (Catapult Learning West LLC)

Company Name: Catapult Learning West, LLC

Street Address: 150 Rouse Blvd., Suite 210

City, State, Zip: Philadelphia, PA 19112

Contact Name: Warren Dillon

Contact Phone Number: 214-784-3557

Contact Email Address: warren.dillon@catapultlearning.com

Category of Service Provided: Professional/Staff Development Training

Target Audience: Teachers and Administration

Description of Services: Provides instructional and professional development. Service and support, initial start-up and training through full implementation. It allows State and Local Education Agencies to create, maintain and build on a comprehensive program for students and teachers. Deliver intervention instructional services to eligible Title I students. Increase parental involvement and outreach capacities. Tools, technology, onsite training, and ongoing support.

Pricing: Instructional Program: $74.00-$90.00 per teacher hour. Enrichment Program pricing: $84.00-$103.92 per teacher hour. Summer Program: $155.93-$183.34 per teacher hour. Average group size for Instructional, Enrichment, and summer program is 6 students to 1 instructor. Counseling Program: $85.53-$107.42 per counselor hour. In person and virtual Professional Development and Coaching: $999.00-$8,970.00 (up to 40 participants for PD sessions). Family Engagement: $44.00-$176.00 per bag. Family Engagement workshops: $599.00 per 1-hour.

Jim Patton

Company Name: Jim Patton

Street Address: 7525 Brentwood Cir

City, State, Zip: Waco, TX 76712

Contact Name: Jim Patton

Contact Phone Number: 254-722-1970

Contact Email Address: jimwpatton@aol.com

Category of Service Provided: Academic Educational Consultant

Target Audience: UIL Academics

Description of Services: UIL Consultant and Judge.

Pricing: Flat fee

Joy Tapia

Company Name: Joy Tapia

Street Address: 2311 S 3rd St

City, State, Zip: Waco, TX 76706

Contact Name: Joy Tapia

Contact Phone Number: 214-803-7220

Contact Email Address: joy.lee7@yahoo.com

Category of Service Provided: Academic Educational Consultant

Target Audience: Homeless Youth

Description of Services: Case management and tutoring.

Pricing: $26/hour, max of 20 hours a week

Tiffany Flores

Company Name: Tiffany Flores

Street Address: 175 Kenna Ln

City, State, Zip: Waco, TX 76708

Contact Name: Tiffany Flores

Contact Phone Number: 254-717-8709

Contact Email Address: Tiffany_Towner@aol.com

Category of Service Provided: Academic Educational Consultant

Target Audience: Staff and Students

Description of Services: Instructional Specialist.

Pricing: Negotiable

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person: C. Eppel/G. Barrera**

RE: Bid Award for Maintenance Supplies, Equipment, and Services

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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.

• 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 seventeen (17) vendors for the Maintenance Supplies, Equipment, and Services bid, as presented.

RFP # 22-2115
Maintenance Supplies, Equipment and Services
Vendor List for September

Responding Supplier	City	State
Bleacher Service Company (Gilbert D. Trevino)	Moody	TX
Brem's Fencing LLC	Valley Mills	TX
BUGSDOTCOM Termite and Pest	Waco	TX
Dent Enterprises LLC	Desoto	TX
Diesel Power Supply Co.	Waco	TX
Encore Fence	Temple	TX
Fort Worth Window Cleaning, Inc.	Haltom City	TX
Fred's Power Wash	Waco	TX
Gene Ives Acoustic & Tile Co.	Waco	TX
H. B. Blake Company	Hewitt	TX
Lennox Industries (Lennox Industries Inc.)	Richardson	TX
Patriot Supply Company	Brady	TX
Share Corporation	Milwaukee	WI
Southwest Maintenance, LTD	Waco	TX
Starks Janitorial Services	Mesquite	TX
Sunrise Environmental LLC (Jessica L Marquesen)	Bridgeport	TX
United Refrigeration Inc.	Waco	TX
Previously Awarded Vendors	**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

RFP # 22-2115
Maintenance Supplies, Equipment and Services
Vendor List for September

Previously Awarded Vendors	City	State
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 & SecuritySsupply	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
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: September 29, 2022 **Contact Person: C. Eppel**

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-eight (58) 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 Purchasing, the Business Services Department has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

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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 one (1) additional vendor for the Restaurant & Catering Services bid, as presented.

New Responding Supplier	City	State	Bid #	Expiration Date
Roni's Mac Bar	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
Bigwards Smokehouse	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 University (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 Pizzaworks (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 Ceasars 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 Lemonade 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

RFP # 19-1150

Restaurant and Catering Services

Previously Awarded Vendors	City	State	Bid #	Expiration Date
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
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 Corp)	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: September 29, 2022 **Contact Person: C. Eppel/L. Carpenter**

RE: Bid for Award Music Supplies, Equipment, and Services

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Background Information:

Sealed bids, RFP # 20-1164-1, Music Supplies, Equipment, and Services was issued and responses received for the purpose of creating a supplemental list of awarded music vendors to add to the previously awarded vendors. These vendors service the needs of the Fine Arts Department. This supplemental bid received eighteen (18) responses. These eighteen (18) vendors will be added to the previously awarded sixty-seven (67) vendors from the original bid. All recommended vendors are included on the attached list for your consideration.

This bid will expire September 30, 2024. Additional supplemental bids may be issued before the expiration date.

Fiscal Implications:

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

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approved the list of vendors to be awarded on the Supplemental Music Supplies, Equipment, and Services bid, as presented.

Responding Supplier	City	State
AM Designs LLC	Rogers	TX
BK Goodman	Houston	TX
Bocal Majority (Bocal Majority Bassoon Camp, LLC)	Richardson	TX
Boxfish Music Publishing, Inc.	Austin	TX
getpoms.com	Dallas	TX
GraceNotes, LLC	Houston	TX
Homestead Pianos	Waco	TX
Mariachi Y Folklorico Center (Weslaco Music Center)	Mercedes	TX
Marimba One, Inc.	Arcata	CA
Music & Arts (Guitar Center Inc.)	Frederick	MD
Rhythm Band Instruments	Fort Worth	TX
Shar Products Company	Ann Arbor	MI
Southwest Emblem Company (Eris Ritchie Company, Inc.)	Cisco	TX
Sweet Pipes (BRBM Publishing LLC)	The Colony	TX
Sweetwater Music Education Technology (Sweetwater Sound Inc.)	Fort Wayne	IN
Team Go Figure (Single Piece Apparel)	Mesquite	TX
Tote Unlimited (Tote Inc.)	Fort Worth	TX
Ultimate Drill Book, Inc.	Austin	TX
Previously Award Vendors	**City**	**State**
Alamo Music Center (Jonathan Martinez)	San Antonio	TX
Antonio Strad Violin (Z's Musical L.P.)	San Antonio	TX
Austin Ink	Waco	TX
Band Shoppe (Pearison, Inc.)	Cynthiana	IN
Barnes & Noble (Barnes & Noble Inc)	New York	NY
Blackerby Violin Shop	Austin	TX
Brook Mays Music (Universal Melody Services)	Dallas	TX
Brown Industries, Inc.	Media	PA
Champion Teamwear (It's Greek To Me, Inc.)	Manhattan	KS
Columbus Pro Percussion	Columbus	OH
Dance Sophisticates	Indianapolis	IN
Delgado Guitars (Delgado Guitars, LLC)	Nashville	TN
DuPuy Oxygen & Supply, Company, Inc.	Waco	TX
Educational Enterprises Recording Company	Pasadena	TX
Educators Depot Inc.	Sugar Land	TX
Gandy Ink (G & G Investments)	San Anngelo	TX
Ginger Snaps Apparel (Clark Fashions, Inc.)	Mesquite	TX
High School Music Service, Inc.	San Antonio	TX
Hole in the Roof Marketing (Hole in the Roof)	Waco	TX
J.W. Pepper & Son, Inc.	Richland Hills	TX
K&S Music	Berkeley Heights	NJ
Katy Violin Shop (Vio Strings Inc.)	Katy	TX
KORG USA - SoundTree (Chris Kearney)	Melville	NY
La Hacienda Musica	Edinburg	TX
Lisle Violin Shop	Pasadena	TX

Lone Star Percussion (ZNK Partners LLC)	Dallas	TX
Luck's Music Library	Madison Heights	MI
M & D Music Company	China Spring	TX
Macie Publishing Company	Peapack	NJ
MC Art Supplies (A&J Williams Investments, LLC)	Waco	TX
McCormick's Group, LLC	Wheeling	IL
Melhart Music Center (Jim Melhart Piano and Organ Co.)	McAllen	TX
Metroplex Piano Warehouse	Dallas	TX
Midwest Musical Imports	Minneapolis	MN
Mighty Music Publishing (Mollie Gregory Tower, LLC)	Austin	TX
Moe-Bleichner Music Distribution	Pottsville	PA
Music in Motion	Plano	TX
N Tune Music & Sound, Inc	Odessa	TX
National Educational Music Co.	Mountainside	NJ
Pender‘s Music Company (Betrold Enterprises, Inc.)	Denton	TX
Performance Scoring, LLC.	Farmers Branch	TX
Peripole, Inc	Salem	OR
Plank Road Publishing	Wauwatosa	WI
Pyle Percussion, Inc.	Peoria	AZ
Rhythm Band Instruments	Fort Worth	TX
Romeo Music	Coppell	TX
School Specialty	Greenville	WI
Southeastern Performance Apparel (Southeastern Career Apparel)	Dothan	AL
Stage Accents (Intermedia Inc)	Northvale	NJ
Steinway Hall Dallas / Ft Worth / Plano (The Clavier Group, Inc.)	Dallas	TX
Steinway Piano Gallery (Sea-Chord Group, Inc.)	Austin	TX
Steve Weiss Music	Willow Grove	PA
Sweetwater Sound Inc	Fort Wayne	IN
Tarpley Music Company, Inc	Amarillo	TX
Taylor Music, Inc.	Aberdeen	SD
Technical Laboratory Systems	Houston	TX
Terra Nova Violins (Terra Nova Violins, LLC)	San Antonio	TX
Texas Motion Sports LLC	Rockwall	TX
The Tuba Exchange (Peruchia, LLC)	Durham	TX
Theatre House (Fourth Wall LLC)	Covington	KY
Thorn Music Center (Thorn Music Inc.)	College Station	TX
TJ Reicher Inc	Davenport	IA
Tuxedo Connect (Tuxedo Connect LLC)	Fort Worth	TX
Washington Music Center (Washington Music Sales Center, Inc.)	Wheaton	MD
Wenger Corporation	Owatonna	MN
West Music Company	Coralville	IA
Woodwind & Brasswind	Westlake Village	CA

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person: C. Eppel/G. Barrera**

RE: Job Order Contract Renewal for General Construction Services

==========

Background Information:

Request for Bids, Job Order Contract (JOC) # 19-1139, has been previously opened and evaluated for the purpose of awarding a Job Order Contractor for General Construction Services. We received seven (7) bids for this service. After the evaluation process was completed, the Facilities and Maintenance staff recommended the primary vendor be awarded to HCS, while Mitchell, Mazanec, Pearson, Built Wright, and TRSI be awarded as the additional vendors. This recommendation was awarded at the September 2021 Board Meeting.

The Facilities and Maintenance staff have been pleased with the selection of awarded contractors and wish to exercise their option to renew this contract for an additional one year

This bid will expire August 31, 2023. There are no renewal option remaining on this bid.

Fiscal Implications:

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

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approves the Job Order Contract renewal for General Construction Services with HCS as the primary vendor and Mitchell, Mazanec, Pearson, Built Wright, and TRSI as additional vendors for projects between $5,000 and $500,000, as presented.

JOC # 19-1139
General Construction Services
Bid Tabulation

	Basic IDIQ	Built Wright	HCS	Mazanec	Mitchell	Pearson	TRSI
Hourly Labor Rate	$ 164.58	$ 55.00	$ 37.50	$ 36.04	$ 30.00	$ 35.00	$ 36.00
Helper Hourly Labor Rate	$ 84.11	$ 45.00	$ 20.00	$ 29.75	$ 26.00	$ 27.50	$ 30.00
Other Hourly Labor Rate		$ 65.00	$ 50.00	$ 26.00	$ 50.00	$ 65.00	$ 75.00
Title or Description		Electrician	Supervisor	Skilled	Supervisor	Supervisor	Superintendent
Materials Mark-up	12%	10%	5%	15%	10%	20%	20%
Equipment Rental Mark-up	15%	10%	5%	15%	10%	20%	20%
VENDOR STATUS	**SBE**	**DBE**	**SBE**	**SBE**	**SBE**	**LOC**	**LOC**

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person: C. Eppel/G. Barrera**

RE: Job Order Contract Renewal for Electrical Services

==========

Background Information:

Request for Bids, Job Order Contract (JOC) # 21-1198, has previously been opened and evaluated for the purpose of awarding a Job Order Contract for Electrical Services. We received three (3) bids for this service. After the evaluation process was completed, the Facilities and Maintenance staff recommended that the primary vendor be awarded to Hensel Electric, while Alliance and HCS be awarded as additional vendors. This recommendation was awarded at the September 2021 Board Meeting.

The Facilities and Maintenance Department has been pleased with the selection of awarded vendors and would like to exercise their option to renew this bid for an additional one (1) year period.

This bid will expire August 31, 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 approves the Job Order Contract Renewal for Electrical Services to Hensel Electric as the primary vendor with Alliance and HCS as additional vendors for projects between $5,000 and $500,000, as presented.

JOC # 21-1197

Bid Tabulation

Pricing Description:	Alliance	HCS	Hensel
Hourly Labor Rate	$ 70.00	$ 90.00	$ 75.00
Helper Hourly Labor Rate	$ 50.00	$ 25.00	$ 55.00
Other Hourly Labor Rate	$ 105.00	$ 45.00	$ -
	Overtime/After hours	Journeyman	no Additional
Materials Mark-up	20%	15%	20%
Equipment Rental Mark-up	10%	15%	20%

80 % of pricing points for hourly Rate — 35 points @ 80% = 27.00

20 % of pricing points for mark-up — 35 points @ 20% = 7.00

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person: C. Eppel/G. Barrera**

RE: Job Order Contract Renewal for Roof Repair Services

==========

Background Information:

Request for Bids, Job Order Contract (JOC) # 21-1198, has been previously opened and evaluated for the purpose of awarding a Job Order Contract for Roof Repair Services. We received five (5) bids for this service. After the evaluation process was completed, the Facilities and Maintenance staff recommended that the primary vendor be awarded to JGA, while Guest, Johnson, LMC, and Parsons be awarded as additional vendors. This recommendation was awarded at the September 2021 Board Meeting.

The Facilities and Maintenance Department has been pleased with the selection of awarded vendors and would like to exercise their option to renew this bid for an additional one (1) year period.

This bid will expire August 31, 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 approves the Job Order Contract for Roof Repair Services with JGA as the primary vendor and Guest, Johnson, LMC, and Parsons as additional awarded vendors for projects between $5,000 and $500,000, as presented.

JOC # 21-1198
Roof Repair Services
Bid Tabulaton

Pricing Description:	Guest	JGA	Johnson	LMC	Parsons
Hourly Labor Rate	$ 59.45	$ 20.00	$ 49.90	$ 46.20	$ 50.00
Helper Hourly Labor Rate	$ 45.95	$ 18.00	$ 49.90	$ 34.60	$ 25.00
Other Hourly Labor Rate	$ 40.95	$ 25.00	$ 59.90	$ 31.60	$ 75.00
	Additional Labor	Superintendent	Sheet Metal Worker	Common Laborer	Metal Repair
Materials Mark-up	14.25%	15.00%	19.00%	20.00%	20.00%
Equipment Rental Mark-up	14.75%	15.00%	19.00%	10.00%	20.00%

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person: C. Eppel**

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, purchasing cooperative, or as an allowed professional service. The following purchase requests have been made as of September 29, 2022:

Pre-Existing Bid:

- Renaissance Learning - $98,939.18 - Universal screening tool and supplemental computerized instructional resource system for Transformation Zone campuses - Waco ISD Bid #21-1200 Instructional Material and Classroom Supplies, Equipment and Services
- Accelerate Learning Inc. - $142,539.60 - Two year software subscription for Science K-12 students - WISD Bid #21-1200 Instructional Materials
- Firetrol Protection Systems - $54,195.00 – Fire Alarm System for Tennyson Middle School Portables – Waco ISD Bid #22-1229 Maintenance Supplies, Equipment, and Repairs. Purchase order 85844 was issued to purchase a fire alarm system for the Tennyson middle school portables in the amount of $48,475.00. Change order #1 was issued for $5,720.00, resulting in a total purchase cost of $54,195.00 exceeding the authorized purchase amount of $50,000.00 by $4,195.00. A purchase order change was not requested nor taken to the Board for approval. Therefore, ratification of this purchase is necessary

Purchasing Cooperative:

- Trane - $66,564.00 – Water treatment inspections for the Administration Building, Bell's Hill, Cedar Ridge, Dean Highland, and J. H. Hines Elementary Schools, Lake Waco Montessori, G. L. Wiley Opportunity Center, and University and Waco High Schools – Omnia contract #USC 15-JLP-023 HVAC Products, Installation, Labor Based Solutions, and Related Products and Services.

- Mobile Modular - $156,031.00 – Rental of portable classroom buildings at Cedar Ridge, Hillcrest, and Parkdale Elementary Schools and Cesar Chavez and Tennyson Middle Schools – BuyBoard contract #637-21 Modular Buildings, Classrooms, and Relocation Services
- Mobile Modular - $93,013.00 – Rental and fees of two portable classroom buildings at the construction site of Waco High School – BuyBoard contract #637-21 Modular Buildings, Classrooms, and Relocation Services
- ASCD - $79,380.00 – Districtwide professional development software subscription – CTPA Cooperative through Killeen ISD Bid #21-24-02-161 Professional Development Services and Materials
- Certiport - $53,646.00 – Software for CTE programs at Waco and University High School – CTPA Cooperative through Killeen ISD Bid #18-22-05-231 Software

Allowed Professional Services:

- TAB Technologies - $151,594.00 – Provide testing and balancing services for G.W. Carver Middle School construction (professional engineering services)
- Armko Industries - $84,000.00 – Provide roof and building consulting services for G.W. Carver Middle School and Waco High School (professional engineering services)

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: September 29, 2022 **Contact Person**: **C. Eppel**

RE: Cooperative Fees Paid by Waco ISD

==========

Background Information:

The Education Code requires that school districts disclose the amounts spent on purchasing cooperative fees on an annual basis. Specifically, it states:

§ 44.0331. MANAGEMENT FEES UNDER CERTAIN COOPERATIVE PURCHASING CONTRACTS. (a) A school district that enters into a purchasing contract valued at $25,000 or more under Section 44.031(a)(5), under Subchapter F, Chapter 271, Local Government Code, or under any other cooperative purchasing program authorized for school districts by law shall document any contract-related fee, including any management fee, and the purpose of each fee under the contract. (b) The amount, purpose, and disposition of any fee described by Subsection (a) must be presented in a written report and submitted annually in an open meeting of the board of trustees of the school district. The written report must appear as an agenda item.

Fiscal Implications:

The Buy Board cooperative fees are charged to the individual department budgets purchasing vehicles off of the cooperative. The Buy Board only charges fees for vehicle/bus purchases. The Region 20-13 cooperative fee, the State of Texas Cooperative Purchasing Program fee, Central Texas Purchasing Alliance, and Educational Service Center (ESC Region 18 Cooperative), were charged to the operating budget of the Business Services Department.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees accept this report of purchasing cooperative fees paid by the Waco ISD for the Fiscal Year 2021-2022, as presented.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person: Gloria Barrera**

RE: Approval of Allowance Expenditure Authorization (AEA) #2 for G.W. Carver Middle School

==========

Background Information:

As part of the building permitting process, the City of Waco has reviewed our plan submission and provided comments that increase the scope of work required for this project. The changes required by the City of Waco review result in a cost increase of $164,613. The Guaranteed Maximum Price approved by the Board on June 23, 2022 includes contingency allowance to address unforeseen expenses of this type.

The changes required by the City of Waco were not presented to the design team during preliminary plan reviews. The architect and Waco ISD have reviewed the proposed cost and find it to be in accordance with the contract documents.

Fiscal Implications

The presented work will be charged to the appropriate Bond Fund Program budget established for the construction of the new G.W. Carver Middle School. Board policy requires that expenditures exceeding one-hundred thousand dollars be approved by board action.

Administrative Recommendation(s):

Approve the Allowance Expenditure Authorizations, authorizing the use of established allowance and contingency funds for the execution of work associated with City Comments required for the completion of the new construction of G.W. Carver Middle School

ALLOWANCE EXPENDITURE AUTHORIZATION (AEA)

WACO ISD
Facilities and Construction Department

ALLOWANCE FUND: OWNER CONTINGENCY

Project: **Replacement Carver MS**

Authorization Number: **004**

From: Waco ISD

To: **Core Construction**

Date: 06/15/2022

Waco ISD Purchase Order Number: **XXX**

Re: **PCO-004**

Contract For: **XXX**

You are authorized to perform the following item(s) of work and to adjust the Allowance Sum accordingly:

PCO 004 - PR 03 City Comments

THIS IS NOT A CHANGE ORDER AND DOES NOT INCREASE OR DECREASE THE CONTRACT AMOUNT OR CONTRACT TIME

Allowance Balance	**$787,048.00**
Allowance Expenditures prior to this Authorization	
Allowance Balance after to this Authorization	**$787,048.00**
Allowance will be increased or decreased by this Authorization	**$177,449.00**
New Allowance Balance	**$609,599.00**

O'Connell Robertson	**Core Construction**	
ARCHITECT *(Firm name)*	**CONTRACTOR** *(Firm name)*	**OWNER** *(Firm name)*
	David Gonzalez	
SIGNATURE	**SIGNATURE**	**SIGNATURE**
	David Gonzalez, Project Manager	
PRINTED NAME AND TITLE	**PRINTED NAME AND TITLE**	**PRINTED NAME AND TITLE**
	7/19/2022	
DATE	**DATE**	**DATE**

☐Attachments

Copies: ☐ Owner ☐ Contractor ☐ Consultants ☐_____ ☐_____ ☐_____ ☐ File

ALLOWANCE EXPENDITURE AUTHORIZATION (AEA)

WACO ISD
Facilities and Construction Department

ALLOWANCE FUND: City Comments Allowance

Project: **Replacement Carver MS**
Authorization Number: **004**
From: Waco ISD
To: **Core Construction**
Date: 8/10/22
Waco ISD Purchase Order Number: **XXX**
Re: **COR-004**
Contract For: **XXX**

You are authorized to perform the following item(s) of work and to adjust the Allowance Sum accordingly:

PCO 004 - PR 03 City Comments

THIS IS NOT A CHANGE ORDER AND DOES NOT INCREASE OR DECREASE THE CONTRACT AMOUNT OR CONTRACT TIME

Allowance Balance	**$20,000.00**
Allowance Expenditures prior to this Authorization	
Allowance Balance after to this Authorization	**$20,000.00**
Allowance will be increased or decreased by this Authorization	**$20,000.00**
New Allowance Balance	**$0.00**

O'Connell Robertson	**Core Construction**	
ARCHITECT *(Firm name)*	**CONTRACTOR**	**OWNER** *(Firm name)*
SIGNATURE	**SIGNATURE**	**SIGNATURE**
PRINTED NAME AND TITLE	**David Gonzalez, Project Manager** **PRINTED NAME AND TITLE**	**PRINTED NAME AND TITLE**
DATE	8/10/22 **DATE**	**DATE**

Attachments

Copies: ☐ Owner ☐ Contractor ☐ Consultants ☐_____ ☐_____ ☐_____ ☐ File

Page__of __

CORE Construction
10625 North County Road
Frisco, TX 75033
p. 972-668-9340
f. 972-668-9351

July 6, 2022

Gloria Barrera
Waco ISD

RE: Proposed Change Order # 004
G.W. Carver Middle School

Mr. Lajoie,

We have received/reviewed the costs for PR #003 – City Comments. We recommend this cost be added/ deducted from the below allowance. See attached for additional breakdown and description of the total change as follows:

PCO #004 - PR 003 City Comments **$197,449.00**

If you have any questions regarding this Proposed Change Request call me at your earliest convenience.

Respectfully,
David Gonzalez

David Gonzalez

Architect Review Date

___X_ Owners Contingency
_____CMAR Contractor Contingency
_____Owner Savings (Buyout)
___X__GMP #2 Allowance

Owner Approval Date

PCO 004 - PR #03 City of Waco Comments

To: Gloria Barrera
Waco ISD
501 Franklin Avenue
Waco, TX 76701
PH: 254-755-9473 **Fax:**

From: David Gonzalez
Date: 7/6/2022
Project: 21-01-012 Waco ISD - Replacement Carver MS

Below is the detail for our proposal to complete the following changes in contract work

PR - 3 City Comments

Proposed Scope of Work: Civil revisions per the City of Waco Comments

Prices are valid until:

Vendor Name	Description		Amount
Champion Site Prep, Inc	Earthwork & Paving		$3,879.00
DMAR Concrete Contractors LLC	Site Concrete		$34,300.00
Quality W Contractors, LLC	Site Utilities		$159,270.00
	Allow - GMP #2		$(20,000.00)
	Owner Contingency		$(177,449.00)
		Subtotal	0.00
		Fee	0.00
		Total	$0.00

Due to the nature of this change and its impact on the current schedule, we would request that an additional 0 day(s) be added to the project's final completion date. Contractor reserves the right to request additional time and extended job cost beyond requested amounts when actual schedule impact has been determined.

Approved By:

Gloria Barrera
Waco ISD

Date

CHAMPION SITE PREP
190 PRIVATE ROAD 917
GEORGETOWN, TX 78626
(512) 863-3453 / FAX (512) 863-3463

ADDITIONAL WORK / CHANGE AUTHORIZATION

BRANDON@IDIGDIRT.COM

WACO CARVER/ PR-03

DATE:	06/07/22	**JOB NAME:**	WACOS ISD CARVER MS
TO:	CORE CONSTRUCTION	**ESTIMATOR:**	BT
ATTN:	DAVID GONZALEZ	**LOCATION:**	WACO TX

	DESCRIPTION	QTY	UNIT	RATE	
1.	ADDITIONAL EXCAVATION	101	CY	$4.21	$425.21
2.	ADDITIONAL ONSITE HAUL	101	CY	$5.10	$515.10
3.	ADDITIONAL EMBANKMENT	253	CY	$5.25	$1,328.25
4.	ADDITIONAL SURVEY	1	LS	$680.00	$680.00
5.	ADDITIONAL SUPERVISION	1	LS	$425.00	$425.00
				SUBTOTAL:	$3,373.56
	OH/P	15%			$506.03
				TOTAL:	**$3,879.59**

Description of Work: PRICING ABOVE FOR CHANGES SHOWN ON PR-03 RECIEVED ON 6/2/2022 WITH REVISION DATE OF 5/26/22.

The scope items above include items not part of overhead including: FUEL, OIL, GREASE, MAINTENANCE, INSURANCE, SMALL TOOLS, LIGHT TRUCKS, SURVEY/CAD EQUIPMENT, AND OVERTIME IF APPLICABLE.

NOTE: Pricing per GC REQUEST. Scope not listed above is not included. Price is valid for 30 days.

ACCEPTANCE OF PROPOSAL- The above prices, specifications and conditions are satisfactory and are hereby accepted.

AUTHORIZED SIGNATURE **DATE OF ACCEPTANCE**

BID PROPOSAL 06/30/22

PR 003

DMAR Concrete Contractors LLC
297 Wildbird LN.
Dustin Martinez
Axtell, TX 76624
254-548-1883
dmarconstruction24@yahoo.com

Project: Carver Package #2. 1601 JJ Flewellen Rd. Waco, TX

Concrete Construction:

1. C300 page. ADA ramp adder to cross JJ Flewellen and small sidewalk along ROW for JJ Flewellen. Forms, grading, expansion joints, reinforcing steel, concrete and Labor.
   Turnkey **=$10,800.00**
   A. Material. Lumber, reinforcing material, expansion joints, and concrete **=$5,020.00**
   B. Labor to construct the ADA ramp and sidewalk **=$4,700.00**
   C. **Overhead and Profit 10% =$1,080.00**

2. C3.02. Dumpster pad paving for apron to turn around Dumpster Truck. Forms, reinforcing steel, concrete, saw joints, cure compound and labor.
   Turnkey **=$23,500.00**
   A. Material. Lumber, reinforcing material, expansion joints, and concrete **=$13,950.00**
   B. Labor to construct the apron for the Dumpster Pad **=$7,200.00**
   C. **Overhead and Profit 10% =$2,350.00**

Total PR 003 **=$34,300.00**

Price is good for 30 days then subject to change depending on material increases

Thanks

Dustin Martinez

8575 Gholson Rd.
Waco, TX 76705
V 254-829-0001
F 254-829-3107

June 17, 2022

WISD Carver Middle School CO-1

This bid is to provide all labor, fuel, materials, and equipment to install the water, sewer, and storm improvements as shown on the plans observed in PR 3.

WACO ISD CARVER MIDDLE SCHOOL CO-1					
Estimate From Quality Contractors					
Item #	Description		Qty		Total Price
1.2	72" STORM MANHOLE**	EA	2.0	$25,911.00	$51,822.00
3.0	PUBLIC WATER LINE-8" DR-18 C-900	LF	-260.0	$79.00	$-20,540.00
3.0	8" GATE VALVE	EA	1.0	$4,451.00	$4,451.00
3.0	8" Waterline Change of Scope	LS	1.0	$8,531.00	$8,531.00
3.0	CONNECT TO EXISTING 6" WL Change	LS	1.0	$15,136.00	$15,136.00
3.1	4" DR-18 TO 8 X 4 RED**	LS	1.0	$6,533.00	$6,533.00
3.1	12" DR-18 PIPE**	LS	1.0	$8,759.00	$8,759.00
3.1	12" MJ VALVE**	EA	3.0	$5,662.00	$16,986.00
3.1	12 X 8 MJ TEE**	EA	2.0	$4,307.00	$8,614.00
4.1	GATE VALVE 6"	EA	3.0	$1,862.00	$5,586.00
4.1	6" X 6" TIE IN **	LS	1.0	$4,960.00	$4,960.00
5.0	8" GATE VALVE	EA	13.0	$2,622.00	$34,086.00
5.1	8" MJ 45 DEG ELL	EA	9.0	$1,594.00	$14,346.00
Total Bid Price					$159,270.00

Exclusions:

Relocating existing utility lines or wires
Seeding
Sod
Surveying
Sidewalk repair
Curb & Gutter Repair
Paving
Clearing
Retention Pond
Grading
SWPPP
Erosion Control
Repairing unmarked utility lines
Grease Trap
Permits

Change in Work - Cost Analysis Form

SUBCONTRACTOR

Project No. & Name: 20-01-012009 Replacement Carver Middle School

Sub-Contractor Name: Quality Contractor Change Proposal No. 1

Description of Change: Per PR3

Item #	Description	Quantity	Unit	Unit Cost	Labor	Material & Equipment
	Materials					
1	72" Storm	2	1	$ 10,050.00		$ 20,100.00
2	PWL- 8" DR-18 C-900	1	-260	$ 27.44		$ (7,133.88)
3	8" Gate Valve	1	1	$ 1,235.00		$ 1,235.00
4	8" WL change of scope	1	1	$ 2,973.32		$ 2,973.32
5	6" WL connect to exsisting change	1	1	$ 5,146.24		$ 5,146.24
6	4" DR-18 Pipe	1	1	$ 2,387.81		$ 2,387.81
7	12" DR-18 Pipe	1	1	$ 3,573.19		$ 3,573.19
8	12 MJ Valve	3	1	$ 2,278.00		$ 6,834.00
9	12 X 8 MJ Tee	2	1	$ 1,324.38		$ 2,648.76
10	Gate Valve 6"	3	1	$ 651.00		$ 1,953.00
11	6" X 6" Tie in	1	1	$ 1,686.40		$ 1,686.40
12	8" Gate Valve	13	1	$ 980.62		$ 12,748.06
13	8" MJ 45 Deg Ell	9	1	$ 633.00		$ 5,697.00
	Labor					
1	Crew 1	5	149.65	$ 35.00	$26,188.75	
2	Crew 2	5	-59	$ 35.00	($10,325.00)	
3	Crew 2	5	17.66	$ 35.00	$3,090.50	
4	Crew 2	5	24.44	$ 35.00	$4,277.00	
5	Crew 2	5	44.11	$ 35.00	$7,719.25	
6	Crew 1	5	19	$ 35.00	$3,325.00	
7	Crew 1	5	20.42	$ 35.00	$3,573.50	
8	Crew 1	5	47.07	$ 35.00	$8,237.25	
9	Crew 2	5	22.7	$ 35.00	$3,972.50	
10	Crew 2	5	17	$ 35.00	$2,975.00	
11	Crew 1	5	14.45	$ 35.00	$2,528.75	
12	Crew 1	5	93.5	$ 35.00	$16,362.50	
13	Crew 1	5	38.41	$ 35.00	$6,721.75	
				SUBTOTAL	$78,646.75	$ 59,848.90

	SUBTOTAL	$ 138,495.65
OHP & Bonds		$ 20,774.35
		$ -
		$ -
	SUBTOTAL	$ 159,270.00
	Tax	
	TOTAL FOR THIS CHANGE PROPOSAL	**$ 159,270.00**

Sincerely,

Daniel Salmeri

Daniel Salmeri

Accepted by: _____

_____ _____

Signature *Date*

By signing this proposal, you are stating that you have read and agree with the terms herein. This quote is based on our interpretation of plans and detail provided and does not include anything other than what is expressly stated. Terms are net 30 days. Retainage can be held for no longer than 30 days after the phase performed by Quality Contractors is complete.

AIA® Document G709™ – 2018

Proposal Request

PROJECT: *(name and address)* Replacement Carver Middle School RFP #21-1201 1601 JJ Flewellen Road Waco, Texas 76704	**CONTRACT INFORMATION:** Contract For: General Construction Date:	Architect's Project Number: 2150.00 Proposal Request Number: 003 Proposal Request Date: May 30, 2022
OWNER: *(name and address)* Waco Independent School District 501 Franklin Avenue Waco, TX 76701	**ARCHITECT:** *(name and address)* O'Connell Robertson 811 Barton Springs Road Suite 900 Austin, TX 78704	**CONTRACTOR:** *(name and address)* Core Construction 11801 Domain Blvd. Austin, TX

The Owner requests an itemized proposal for changes to the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. The Contractor shall submit this proposal within ten (10) days or notify the Architect in writing of the anticipated date of submission.
(Insert a detailed description of the proposed modifications to the Contract Documents and, if applicable, attach or reference specific exhibits.)

This document includes but is not limited to the following description of changes:

Civil sheets dated 03/10/2022, revised 05/26/2022

Sheet C3.00:
- Per the City of Waco comments, the drive along the school was modified with some curves on the southwest side to be at least 15 feet from the building. Sidewalk was added in the ROW.
- Per the City of Waco comments, a curb ramp was added to the frontage of the property to cross J.J. Flewellen to existing sidewalk via a crosswalk.
- Per the City of Waco comments, two relocated School Zone signs have been added and called out as keynotes.
- Per the City of Waco comments, relocated school crossing sign assembly has been added and called out as a keynote.
- Per the City of Waco comments, a parking calculation table has been added to the Overall Site Plan.
- Per the City of Waco comments, a table detailing lot area, height, impervious cover and setbacks has been added to the Overall Site Plan.
- Per coordination with the architect, the parking near the west gate and call box has been shifted. Refer to PR002 for additional information.
- Per discussion with the architect, the ADA path for the sidewalk at the front of the site is now shown.

Sheet C3.01:
- Per the City of Waco comments, the drive along the school was modified with some curves on the southwest side to be at least 15 feet from the building.
- Per coordination with the architect, the parking near the west gate and call box has been shifted. Refer to PR002 for additional information.

Sheet C3.02:
- Per the City of Waco comments, the drive along the school was modified with some curves on the southwest side to be at least 15 feet from the building.
- Per the City of Waco comments, the heavy duty concrete proposed in the dumpster area has been modified to include turnaround for dumpster trucks.

Sheet C3.03:
- Per the City of Waco comments, the drive along the school was modified with some curves on the southwest side to be at least 15 feet from the building. A note has been added to indicate a Knox Lock or Knox Key switch for gates on site.
- Per the City of Waco comments, a note has been added for private fire hydrants to be painted red.

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Sheet C4.00:
- Per the City of Waco comments, the work in the Right-of-Way has been modified.
- The path of the 8" water line has changed, and a portion of the City's line in the ROW is now to be upsized to a 12" line. The 8" fire line that connects to the City main has been relocated.

Sheet C4.01:
- Per the City of Waco comments, the 8" fire line that connects to the City main has been relocated.

Sheet C4.04:
- Per the City of Waco comments, the work in the Right-of-Way has been modified.
- The path of the 8" water line has changed, and a portion of the City's line in the ROW is now to be upsized to a 12" line. The 8" fire line that connects to the City main has been relocated. Additional notes per the City comments have been added to this sheet.

Sheet C5.00:
- Per the City of Waco comments, the drive along the school was modified with some curves on the southwest side to be at least 15 feet from the building. The pond grading was modified.

Sheet C5.01:
- Per the City of Waco comments, the drive along the school was modified with some curves on the southwest side to be at least 15 feet from the building.
- Per the City of Waco comments, grading for a curb ramp connecting proposed sidewalk to existing sidewalk across J.J. Flewellen has been added.
- Per coordination with the architect, the parking near the west gate and call box has been shifted. Refer to PR002 for additional information.
- Per discussion with the architect, the surface just north of the southwest parking area has been modified to reflect the moving of parking spots.

Sheet C5.04:
- Per the City of Waco comments, the pond grading was modified.

Sheet C6.03:
- Per the City of Waco comments, storm pipes have been modified.

Sheet C6.05:
- Per coordination with the client, stormdrain has been added to drain the roof of the track building.

Sheet C6.06:
- Per the City of Waco comments, the pond grading was modified and the storm pipes connecting the headwalls in the pond have been modified.

Sheet C6.07:
- Per the City of Waco comments, a sheet has been added with the plan and profile for the storm drain within the ROW.

Sheet C6.10:
- Per the City of Waco comments, the pond grading was modified, the pond structures were modified, and the headwalls were modified. The pond was adjusted to have a proposed grass emergency spillway.
- Per the City of Waco comments, a plan view detail has been added to the Pond Plan for the pond's outfall structure.

THIS IS NOT A CHANGE ORDER, A CONSTRUCTION CHANGE DIRECTIVE, OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.

REQUESTED BY THE ARCHITECT:

Erin Van Doren, Associate

PRINTED NAME AND TITLE

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User Notes: (3B9ADA52)

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ZONING:

ZONING CATEGORY	TOTAL AREA	IMPERVIOUS COVER	% IMPERVIOUS COVER	FRONT YARD	SIDE YARD	REAR YARD
R-1B	615,213 SF	349,702 SF	56.86%	50 LF MIN	25 LF MIN	50 LF MIN

PARKING:

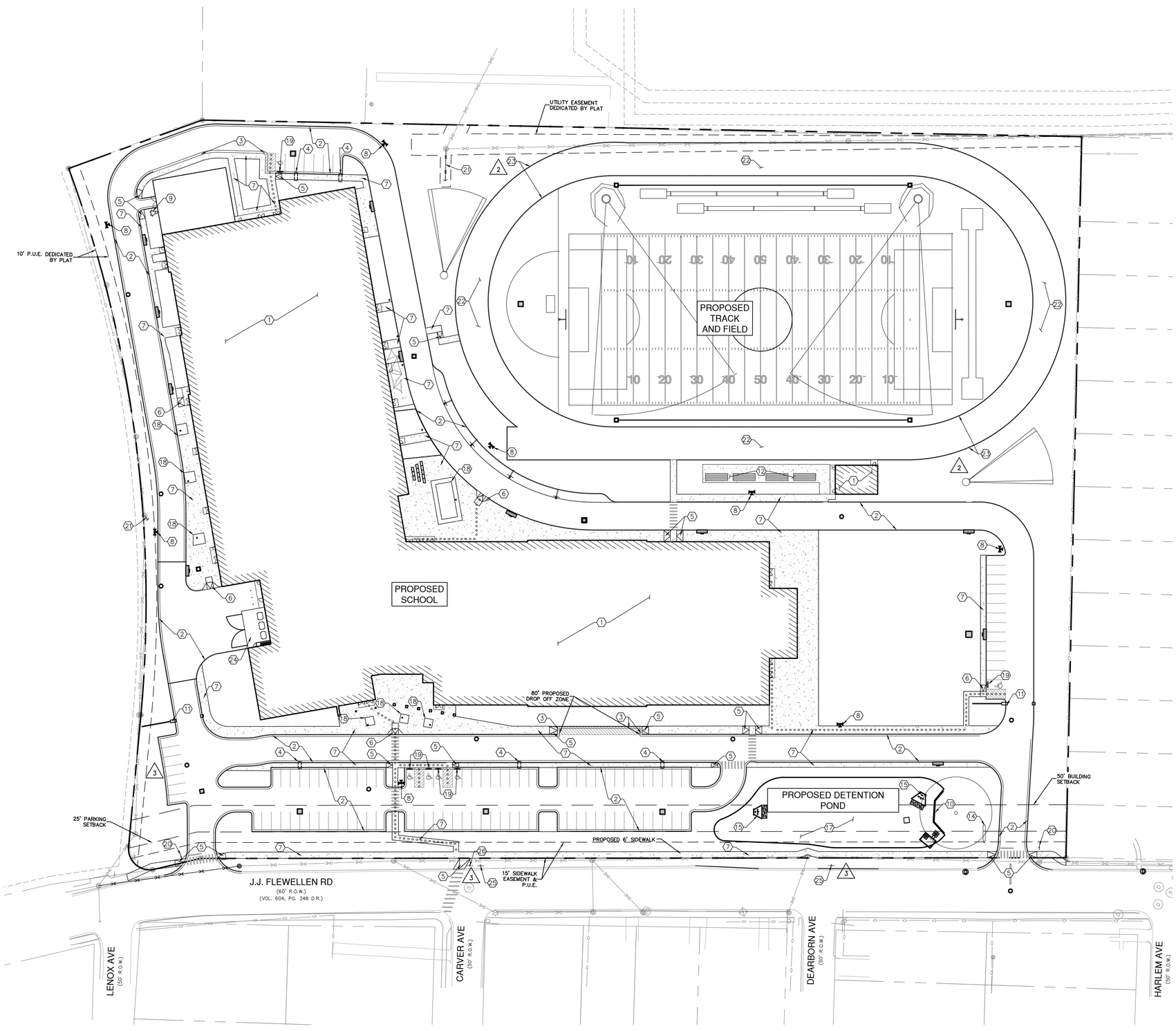
REQUIRED:	
# CLASSROOMS =	54
SPACES/CLASSROOM =	2
TOTAL REQUIRED =	108
PROVIDED:	
STANDARD SPACE =	102
HANDICAP SPACE =	6
TOTAL =	108

PAVEMENT NOTES:

1. CONTRACTOR SHALL PROVIDE BOLLARDS FOR PROTECTION OF ALL ABOVE-GROUND UTILITIES AND APPURTENANCES IN DRIVE AREAS.
2. ALL UTILITIES SHALL BE INSTALLED PRIOR TO PAVEMENT CONSTRUCTION.
3. ALL SUBGRADE PREPARATION SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT.
4. PAVEMENT INSTALLATION SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT.
5. SEE SHEET C3.06 FOR PAVING DETAIL

STRIPING/SIGNAGE NOTES:

1. CURB, GUTTERS AND PAVEMENT DELINEATING THE FIRE LANE SHALL BE PAINTED RED WITH FOUR INCH (4") WHITE LETTERING STATING 'NO PARKING – FIRE LANE', 'FIRE LANE – TOW AWAY ZONE', OR SIMILAR WORDING. WORDING MAY NOT BE SPACED MORE THAN THIRTY (30') FEET APART.
2. FIRE APPARATUS ACCESS ROADS SHALL BE CONTINUOUSLY MARKED BY PAINTED LINES OF RED TRAFFIC PAINT SIX INCHES (6") IN WIDTH TO SHOW THE BOUNDARIES OF THE LANE. THE WORDS "FIRE LANE – NO PARKING" SHALL APPEAR IN FOUR INCH (4") WHITE LETTERS AT 25 FEET (25') INTERVALS ON THE RED BORDER MARKINGS ALONG BOTH SIDES OF THE FIRE LANES. WHERE A CURB IS AVAILABLE, THE STRIPING SHALL BE ON THE VERTICAL FACE OF THE CURB.
3. ALL PAINT SHALL BE 4" WIDE REFLECTIVE PAINT UNLESS NOTED OTHERWISE: WHITE ON ASPHALT PAVING AND YELLOW ON CONCRETE UNLESS OTHERWISE NOTED ON THE DRAWINGS. REFERENCE DETAIL SHEET FOR STRIPED ISLANDS.
4. ALL PAVEMENT MARKINGS SHALL RECEIVE TWO COATS OF PAINT.
5. ALL SIGNS SHALL CONFORM TO MUTCD, LATEST EDITION



SCALE: 1" = 40'

0' 40' 80' 120'

LEGEND

- PROPERTY BOUNDARY
- PROPOSED EASEMENT
- PROPOSED CURB AND GUTTER
- PROPOSED RIBBON CURB
- PROPOSED ADA ROUTE
- PROPOSED RETAINING WALL
- PROPOSED FIRE HYDRANT
- PROPOSED FDC CONNECTION
- PROPOSED CURB INLET
- PROPOSED GRATE INLET
- PROPOSED GRATE INLET
- PROPOSED MECHANICAL SEPARATOR
- PROPOSED HEADWALL
- PROPOSED WASTEWATER MANHOLE
- PROPOSED BUILDING
- PROPOSED SIDEWALK
- PROPOSED ADA CURB RAMP
- PROPOSED WHEEL STOP
- PROPOSED GATE
- PROPOSED CROSSWALK
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- EXISTING STORM DRAIN MANHOLE
- EXISTING WASTEWATER MANHOLE
- EXISTING OVERHEAD ELECTRIC LINE

KEY NOTES

1. PROPOSED BUILDING
2. PROPOSED CURB AND GUTTER (SEE DETAIL SHEET C7.02)
3. PROPOSED RIBBON CURB
4. PROPOSED CURB CUT WITH CHANNEL FLUME
5. PROPOSED ADA CURB RAMP (SEE DETAIL SHEET C7.02)
6. PROPOSED ADA CURB RAMP WITH LANDINGS
7. PROPOSED CONCRETE SIDEWALK (SEE DETAIL SHEET C7.02)
8. PROPOSED FIRE HYDRANT
9. PROPOSED FDC CONNECTION
10. RETAINING WALL
11. PROPOSED GATE (SEE ARCHITECTURAL PLANS)
12. BLEACHERS (SEE ARCHITECTURAL PLANS)
14. PROPOSED SIGN
15. HEADWALL
16. BICYCLE RACKS (SEE DETAILS SHEET C7.01)
17. DETENTION POND
18. TREE PLANTERS (REFERENCE LANDSCAPE SHEETS)
19. VAN ACCESSIBLE PARKING SPACE WITH BUMPER CURB & ACCESSIBLE PARKING SIGN
20. "ACCESSIBLE ENTRANCE" WHEELCHAIR ACCESS SIGN
21. PROPOSED GUY WIRE BY OTHERS
22. PROPOSED ASPHALT BASE (REFER TO GEOTECHNICAL) WITH RUBBER TRACK (REFER TO ARCH. PLANS)
23. 0.5' CONCRETE CURB (TRACK)
24. PROPOSED DUMPSTER LOCATION
25. EXISTING SCHOOL ZONE SIGN TO BE FULLY REPLACED IN SIMILAR LOCATION
26. EXISTING SCHOOL CROSSING SIGN ASSEMBLY TO BE FULLY REPLACED IN SIMILAR LOCATION

GENERAL NOTES:

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THESE PLANS IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE ASSOCIATED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF SLOPED PAVING, EXIT PORCHES, RAMPS, PRECISE BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRY LOCATIONS, DOWNSPOUT LOCATIONS AND TOTAL NUMBER OF DOWNSPOUTS REQUIRED.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ACQUIRING ALL NECESSARY PERMITS/APPROVALS BEFORE BEGINNING CONSTRUCTION. NO WORK SHALL BE PERFORMED IN A PUBLIC RIGHT-OF-WAY WITHOUT A PERMIT.
4. ALL EXISTING MANHOLE COVERS, METER BOXES, VALVE CASTINGS, POST INDICATOR VALVES, FIRE HYDRANTS, ETC. SHALL BE ADJUSTED TO FINISHED GRADE.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED TESTING, APPROVALS AND ACCEPTANCES REQUIRED TO COMPLETE CONSTRUCTION OF THIS PROJECT.
6. ALL MATERIALS AND CONSTRUCTION PROCEDURES WITHIN THIS SCOPE OF WORK SHALL COMPLY WITH THE PROJECT GEOTECH REPORT, THE PROJECT SPECIFICATIONS, THE CURRENT APPLICABLE CITY, COUNTY AND/OR TXDOT "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION" AND WATER AND SEWER PURVEYOR STANDARD SPECIFICATIONS.
7. CONTRACTOR IS RESPONSIBLE FOR RESTORING TO ITS ORIGINAL OR BETTER CONDITION ANY DAMAGE DONE TO EXISTING UTILITIES, FENCES, PAVEMENT, CURBS, DRIVEWAYS, SIDEWALKS, SIGNS OR OTHER ITEMS INTENDED TO REMAIN.
8. CONTRACTOR SHALL SAW CUT EXISTING PAVEMENT, CURBS AND SIDEWALKS AT NEW PAVEMENT, CURB AND SIDEWALK JUNCTURES. NO JAGGED OR IRREGULAR CUTS WILL BE ACCEPTED.
9. CONTRACTOR SHALL MATCH EXISTING CURB AND GUTTER IN SIZE, GRADE, TYPE, AND ALIGNMENT AT ADJACENT ROADWAYS.
10. WHERE PROPOSED CURB TIES TO EXISTING CURB, CONTRACTOR SHALL VERIFY CURB AND PAVEMENT ELEVATIONS PROVIDED.
11. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE REVEGETATED AFTER CONSTRUCTION IS COMPLETE. CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING VEGETATION IN ALL DISTURBED AREAS BY PERIODIC WATERING OR OTHER APPROVED MEANS. REFERENCE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION.
12. CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY QUESTIONS THAT MAY ARISE CONCERNING THE INTENT, PLACEMENT OR LIMITS OF ALL ITEMS COVERED WITHIN THE SCOPE OF WORK OF THESE PLANS.
13. DUE TO FEDERAL REGULATIONS TITLE 49, PART 192.181, ACCESS MUST BE PROVIDED TO GAS VALVES AT ALL TIMES. THE CONTRACTOR MUST PROTECT AND WORK AROUND ANY GAS VALVES THAT ARE IN THE PROJECT AREA.
14. CONTRACTOR SHALL PRESERVE ALL PROPERTY CORNER MONUMENTATION, CONTROL POINTS & BENCHMARKS. IF ANY ARE DESTROYED OR REMOVED BY THE CONTRACTOR OR HIS SUBS OR EMPLOYEES, THEY SHALL BE REPLACED AT THE CONTRACTORS EXPENSE.
15. ALL EASEMENTS OF RECORD FOR THIS PROPERTY ARE SHOWN ON THIS SITE PLAN.
16. THERE SHALL BE A 5' FT LANDING AREA IN FRONT OF ALL ENTRANCES. THE LANDING AREA SHALL SLOPE AT 2% MAXIMUM.
17. DESIGNATED ACCESSIBLE ROUTES SHALL COMPLY WITH TAS. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% IN THE DIRECTION OF TRAVEL; RAMPS SHALL NOT EXCEED 1:12 IN THE DIRECTION OF TRAVEL; NOR SHALL THE ACCESSIBLE ROUTE EXCEED 2% CROSS SLOPE.
18. THIS SITE PLAN HAS BEEN SUBMITTED TO THE TEXAS DEPARTMENT OF LICENSING AND REGULATION FOR REVIEW OF COMPLIANCE WITH THE ARCHITECTURAL BARRIERS ACT. THE REFERENCE #TABS2022014967 IS PROOF OF SUBMITTAL TO TDLR.
19. A TREE SURVEY FOR TREES 19 INCHES AND GREATER WAS PERFORMED ON OR ABOUT OCT, 2021.
20. FOR TRACK SECTION INFORMATION REFER TO THE GEOTECHNICAL SUPPLEMENTAL LETTER #2 BY INTERTEK PSI, DATED MARCH 18, 2022 FOR ALL EARTHWORK RECOMMENDATIONS AND REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING FILL SUPERVISION AND TESTING.

BENCHMARK INFORMATION

BENCHMARK-100
SET CHISELED SQUARE ON CURB INLET LOCATED ON THE WEST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552001.4'
GRID EASTING: 3294017.7'
ELEVATION = 403.90'

BENCHMARK-101
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD. NEAR THE NORTHWEST CORNER OF THE SCHOOL SITE.
GRID NORTHING: 10552765.8'
GRID EASTING: 3293570.3'
ELEVATION = 411.41'

BENCHMARK-102
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552449.5'
GRID EASTING: 3293786.7'
ELEVATION = 409.53'

PAPE-DAWSON ENGINEERS
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WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd, Waco, TX 76704

STATE OF TEXAS
MARK A. RAMSEUR
88748
LICENSED
PROFESSIONAL ENGINEER
05/25/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

OVERALL SITE PLAN

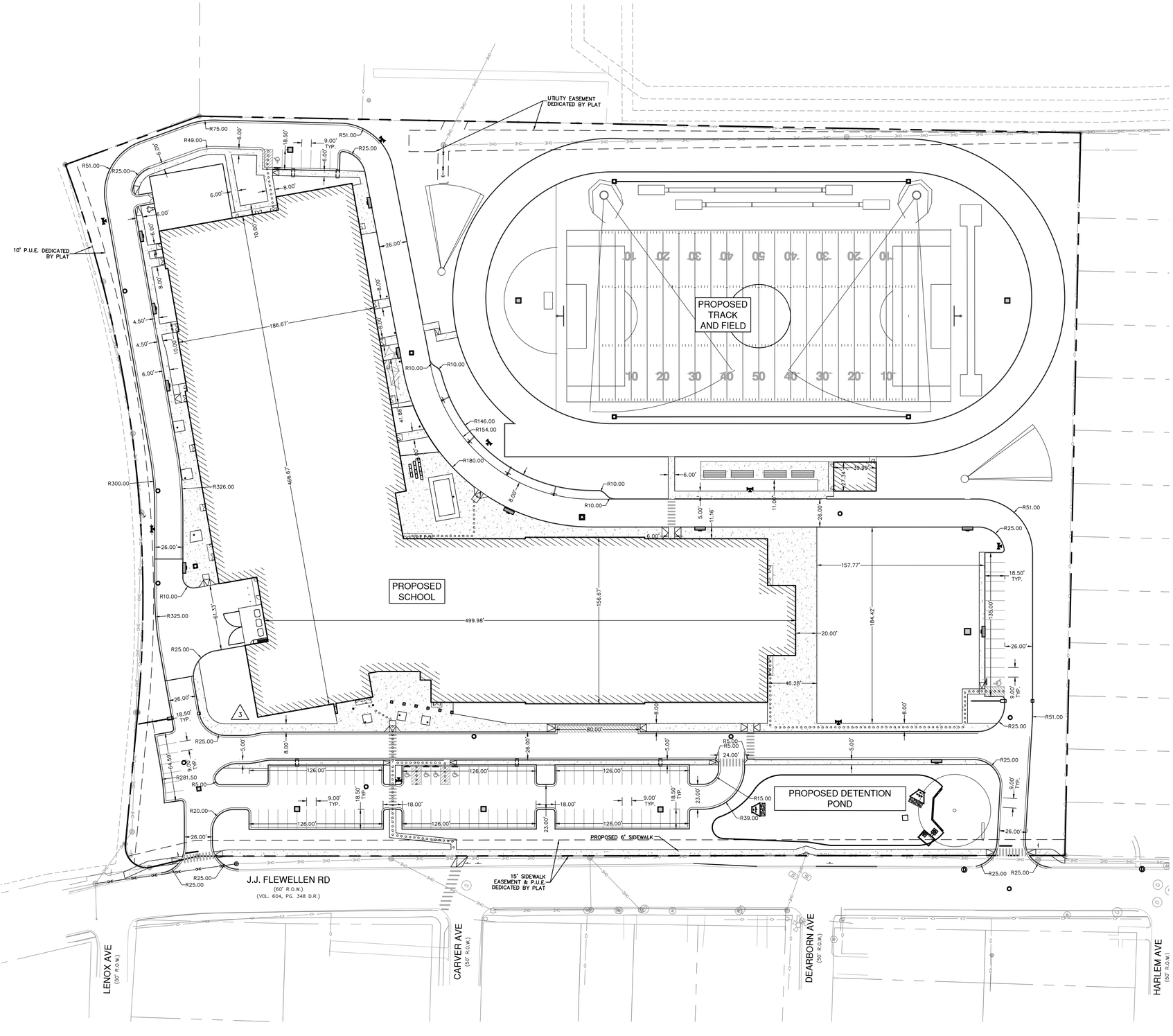
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PACKAGE 2

C3.00

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LEGEND

- PROPERTY BOUNDARY
- EASEMENT LINE
- EXISTING OVERHEAD ELECTRIC LINE
- PROPOSED RETAINING WALL
- EXISTING FENCE
- EXISTING UTILITY POLE
- EXISTING STORM DRAIN MANHOLE
- EXISTING WASTEWATER MANHOLE
- PROPOSED BUMPER CURB
- PROPOSED ADA PARKING
- PROPOSED FIRE HYDRANT
- PROPOSED WASTEWATER MANHOLE
- PROPOSED GRATE INLET
- PROPOSED BUILDING
- PROPOSED SIDEWALK

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15. DESIGNATED ACCESSIBLE ROUTES SHALL COMPLY WITH TAS. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% IN THE DIRECTION OF TRAVEL; RAMPS SHALL NOT EXCEED 1:12 IN THE DIRECTION OF TRAVEL; NOR SHALL THE ACCESSIBLE ROUTE EXCEED 2% CROSS SLOPE.
16. THIS SITE PLAN HAS BEEN SUBMITTED TO THE TEXAS DEPARTMENT OF LICENSING AND REGULATION FOR REVIEW OF COMPLIANCE WITH THE ARCHITECTURAL BARRIERS ACT. THE REFERENCE #TABS20220014967 IS PROOF OF SUBMITTAL TO TDLR.
17. A TREE SURVEY FOR TREES 19 INCHES AND GREATER WAS PERFORMED ON OR ABOUT OCT, 2021.

NOTES:

1. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB, UNLESS OTHERWISE NOTED. ALL COORDINATE POINTS ARE TO BACK OF CURB.
2. CONTRACTOR SHALL COORDINATE WITH APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION, ADJUSTMENT, OR RELOCATION OF EXISTING UTILITIES.
3. CONTRACTOR SHALL PROVIDE BOLLARDS FOR PROTECTION OF ALL ABOVE-GROUND UTILITIES AND APPURTENANCES IN DRIVE AREAS.

DIMENSIONAL CONTROL NOTES:

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO THE START OF CONSTRUCTION AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING ALL HORIZONTAL AND VERTICAL CONTROL PER THE CONSTRUCTION DRAWINGS.
3. UNLESS OTHERWISE NOTED, THE CONTRACTOR SHALL USE THE PROPERTY PINS FOR HORIZONTAL CONTROL POINTS. BENCHMARKS ARE NOT TO BE USED FOR HORIZONTAL CONTROL.
4. DIMENSIONAL CONTROL POINTS ARE TO BACK OF CURB. DIMENSIONS ARE TO THE FACE OF CURB, FACE OF RETAINING WALL, AND CENTER OF PAINT STRIPING. ALL DIMENSIONS ARE PERPENDICULAR TO THE POINT OF REFERENCE.
5. REFER TO THE ARCHITECTURAL AND STRUCTURAL PLANS FOR ADDITIONAL DIMENSION CONTROL INFORMATION.
6. ALL CONCRETE CURB RADII ARE 3' UNLESS OTHERWISE NOTED.
7. COORDINATES FOR HORIZONTAL CONTROL POINTS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD MARKDB DISPLAYED IN SURFACE VALUES USING A SURFACE ADJUSTMENT FACTOR FOR EACH COUNTY. (THE SURFACE ADJUSTMENT FACTOR FOR THIS SITE IS 0.99987.)

PAVEMENT NOTES:

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5. SEE SHEET C3.02 FOR PAVING DETAIL

STRIPING/SIGNAGE NOTES:

1. CURB, GUTTERS AND PAVEMENT DELINEATING THE FIRE LANE SHALL BE PAINTED RED WITH FOUR INCH (4") WHITE LETTERING STATING NO PARKING – FIRE LANE, FIRE LANE – TOW AWAY ZONE, OR SIMILAR WORDING. WORDING MAY NOT BE SPACED MORE THAN THIRTY (30') FEET APART.
2. FIRE APPARATUS ACCESS ROADS SHALL BE CONTINUOUSLY MARKED BY PAINTED LINES OF RED TRAFFIC PAINT SIX INCHES (6") IN WIDTH TO SHOW THE BOUNDARIES OF THE LANE. THE WORDS "FIRE LANE – NO PARKING" SHALL APPEAR IN FOUR INCH (4") WHITE LETTERS AT 25 FEET (25') INTERVALS ON THE RED BORDER MARKINGS ALONG BOTH SIDES OF THE FIRE LANES. WHERE A CURB IS AVAILABLE, THE STRIPING SHALL BE ON THE VERTICAL FACE OF THE CURB.
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5. ALL SIGNS SHALL CONFORM TO MUTCD, LATEST EDITION

BENCHMARK INFORMATION

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San Antonio 4646 Broadway, Suite 6060, San Antonio, Texas 78209 p: 210.224.6606 f: 210.224.6465

WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd, Waco, TX 76704

STATE OF TEXAS
MARK A. RAMSEUR
88748
LICENSED
PROFESSIONAL ENGINEER
05/25/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

DIMENSIONAL CONTROL PLAN

CIVIL
C3.01

PACKAGE 2

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PROVIDE CONTROL JOINTS AT 15'–0" O.C. (25% SLAB THICKNESS)

CONCRETE PAVING WITH #3'S AT 18" O.C. EACH WAY (PLACED AT MID HEIGHT OF SLAB)

COMPACTED SUB GRADE

5"
8"

4 - LIGHT DUTY CONCRETE PAVEMENT

NOT TO SCALE

PROVIDE CONTROL JOINTS AT 15'–0" O.C. (25% SLAB THICKNESS)

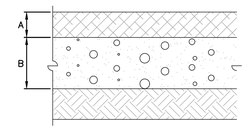
CONCRETE PAVING WITH #3'S AT 18" O.C. EACH WAY (PLACED AT MID HEIGHT OF SLAB)

COMPACTED SUB GRADE

7"
8"

1 - HEAVY DUTY CONCRETE PAVEMENT

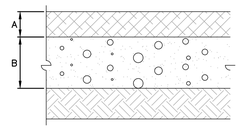
NOT TO SCALE



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NOT TO SCALE

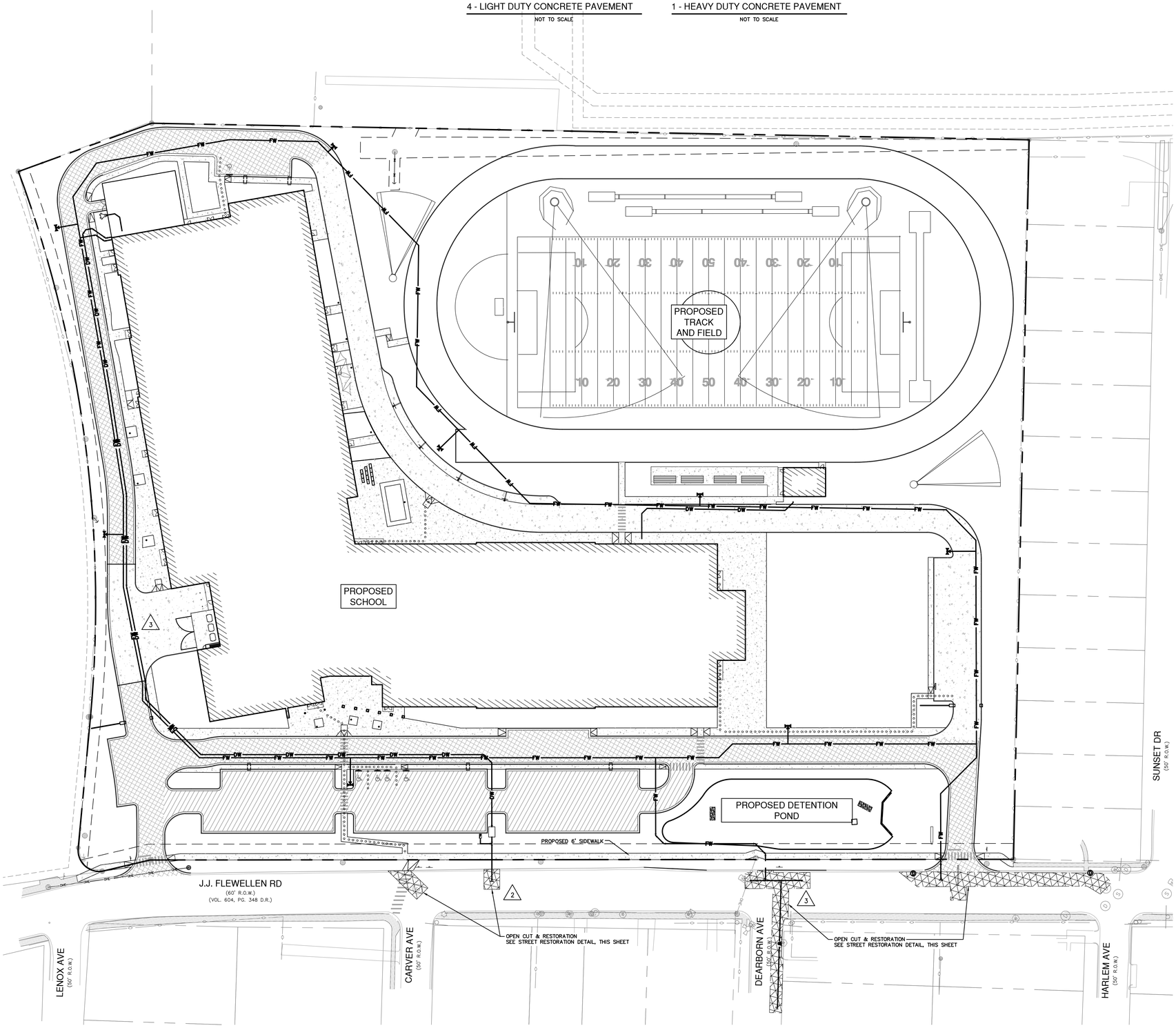
A. 2.5" HMAC SURFACE COURSE
B. 9" CRUSHED LIMESTONE BASE



3 - HEAVY DUTY FLEXIBLE PAVEMENT

NOT TO SCALE

A. 3" HMAC SURFACE COURSE
B. 11" CRUSHED LIMESTONE BASE



SCALE: 1" = 40'

0' 40' 80' 120'

LEGEND

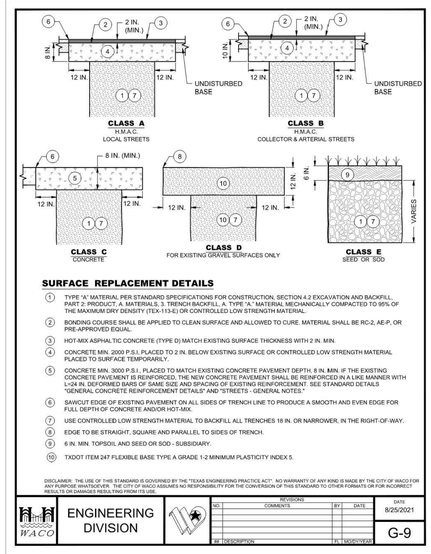
- HEAVY DUTY ASPHALT
- MEDIUM DUTY ASPHALT
- HEAVY DUTY CONCRETE
- LIGHT DUTY CONCRETE
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- STREET CUT & RESTORATION

NOTES:

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE ASSOCIATED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. PAVEMENT SECTIONS SHALL BE CONSTRUCTED IN ACCORDANCE TO THE RECOMMENDATIONS IN THE GEOTECH REPORT COMPLETED BY INTERTECH PS, DATED DEC. 4, 2021, AND SUPPLEMENTAL LETTER DATED DEC. 21, 2021. SHOWN BELOW IS FOR INFORMATIONAL PURPOSES ONLY; DOES NOT SHOW OTHER OPTIONS FROM GEOTECHNICAL REPORT.

PAVEMENT NOTES:

1. CONTRACTOR SHALL PROVIDE BOLLARDS FOR PROTECTION OF ALL ABOVE–GROUND UTILITIES AND APPURTENANCES IN DRIVE AREAS.
2. ALL UTILITIES SHALL BE INSTALLED PRIOR TO PAVEMENT CONSTRUCTION.
3. ALL SUBGRADE PREPARATION SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT.
4. PAVEMENT INSTALLATION SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT.
5. SEE THIS SHEET FOR PAVING DETAIL.
6. TRACK TO BE DESIGNED BY ARCHITECT.



SURFACE REPLACEMENT DETAILS

1. TYPE 'A' MATERIAL PER STANDARD SPECIFICATIONS FOR CONSTRUCTION, SECTION 4.2 EXCAVATION AND BACKFILL, PART 2: PRODUCT, A. MATERIALS, 3. TRENCH BACKFILL, A. TYPE "A." MATERIAL MECHANICALLY COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY (TEX-113-E) OR CONTROLLED LOW STRENGTH MATERIAL.
2. BONDING COURSE SHALL BE APPLIED TO CLEAN SURFACE AND ALLOWED TO CURE. MATERIAL SHALL BE RC-2, AE-P, OR PRE-APPROVED EQUAL.
3. HOT-MIX ASPHALTIC CONCRETE (TYPE D) MATCH EXISTING SURFACE THICKNESS WITH 2 IN. MIN.
4. CONCRETE MIN. 2000 P.S.I. PLACED TO 2 IN. BELOW EXISTING SURFACE OR CONTROLLED LOW STRENGTH MATERIAL PLACED TO SURFACE TEMPORARILY.
5. CONCRETE MIN. 3000 P.S.I., PLACED TO MATCH EXISTING CONCRETE PAVEMENT DEPTH, 8 IN. MIN. IF THE EXISTING CONCRETE PAVEMENT IS REINFORCED, THE NEW CONCRETE PAVEMENT SHALL BE REINFORCED IN A LIKE MANNER WITH L=24 IN. DEFORMED BARS OF SAME SIZE AND SPACING OF EXISTING REINFORCEMENT. SEE STANDARD DETAILS "GENERAL CONCRETE REINFORCEMENT DETAILS" AND "STREETS - GENERAL NOTES."
6. SAWCUT EDGE OF EXISTING PAVEMENT ON ALL SIDES OF TRENCH LINE TO PRODUCE A SMOOTH AND EVEN EDGE FOR FULL DEPTH OF CONCRETE AND/OR HOT-MIX.
7. USE CONTROLLED LOW STRENGTH MATERIAL TO BACKFILL ALL TRENCHES 18 IN. OR NARROWER, IN THE RIGHT-OF-WAY.
8. EDGE TO BE STRAIGHT, SQUARE AND PARALLEL TO SIDES OF TRENCH.
9. 6 IN. MIN. TOPSOIL AND SEED OR SOD - SUBSIDIARY.
10. TXDOT ITEM 247 FLEXIBLE BASE TYPE A GRADE 1-2 MINIMUM PLASTICITY INDEX 5.

DISCLAIMER: THE USE OF THIS STANDARD IS GOVERNED BY THE "TEXAS ENGINEERING PRACTICE ACT". NO WARRANTY OF ANY KIND IS MADE BY THE CITY OF WACO FOR ANY PURPOSE WHATSOEVER. THE CITY OF WACO ASSUMES NO RESPONSIBILITY FOR THE CONVERSION OF THIS STANDARD TO OTHER FORMATS OR FOR INCORRECT RESULTS OR DAMAGES RESULTING FROM ITS USE.

CITY OF WACO | ENGINEERING DIVISION

REVISIONS

NO.	COMMENTS	BY	DATE

DATE: 8/25/2021

DETAIL NO. DESCRIPTION | SHEET NO. MODIFIED

G-9

BENCHMARK INFORMATION

BENCHMARK–100
SET CHISELED SQUARE ON CURB INLET LOCATED ON THE WEST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552001.4'
GRID EASTING: 3294017.7'
ELEVATION = 403.90'

BENCHMARK–101
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD. NEAR THE NORTHWEST CORNER OF THE SCHOOL SITE.
GRID NORTHING: 10552765.8'
GRID EASTING: 3293570.3'
ELEVATION = 411.41'

BENCHMARK–102
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552449.5'
GRID EASTING: 3293786.7'
ELEVATION = 409.53'

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WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd, Waco, TX 76704

STATE OF TEXAS
MARK A. RAMSEUR
88748
LICENSED PROFESSIONAL ENGINEER
05/26/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

PAVING PLAN

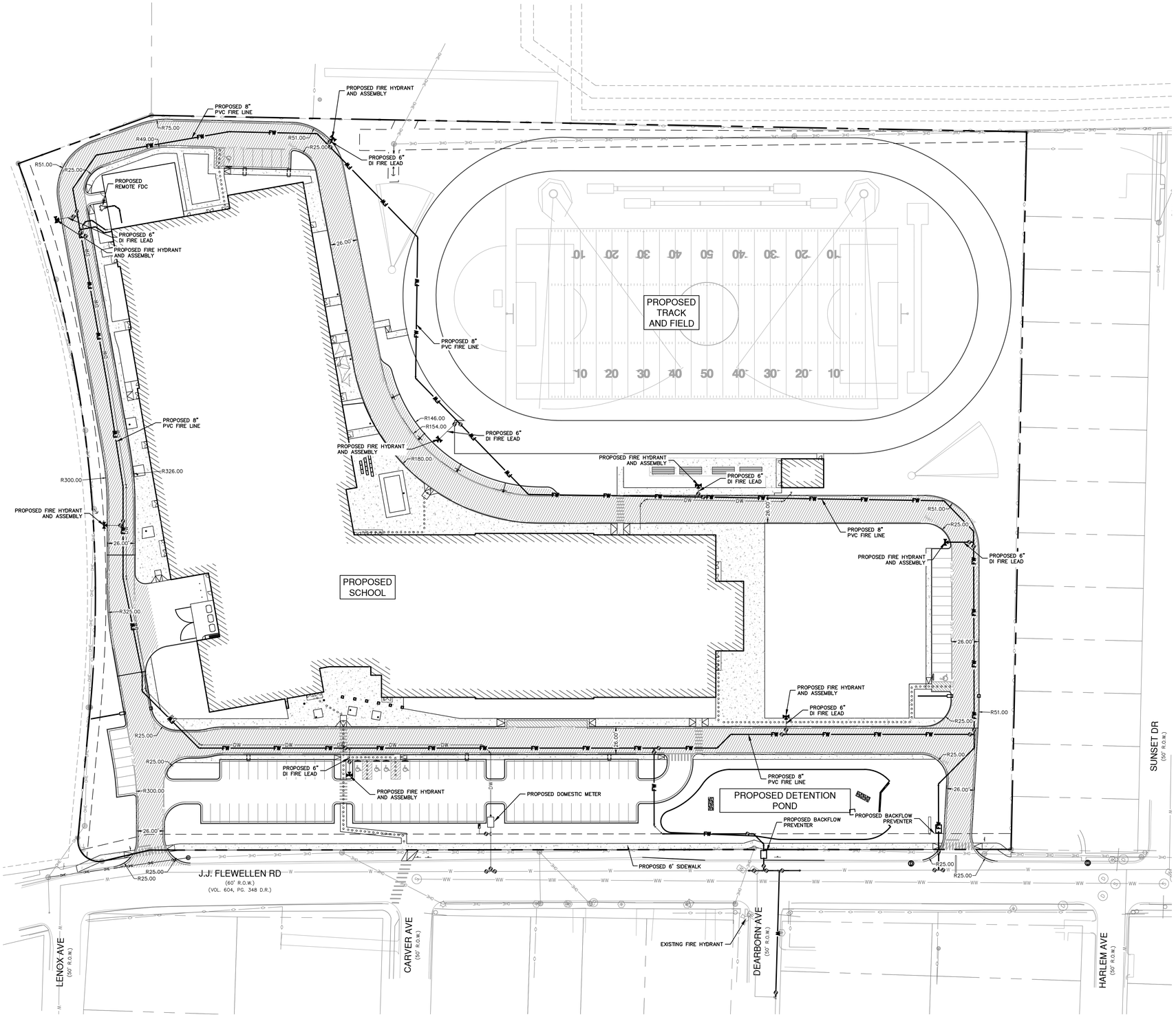
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PACKAGE 2

C3.02

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SCALE: 1" = 40'

0' 40' 80' 120'

LEGEND

- PROPERTY BOUNDARY
- PROPOSED WALL LINE – SEE ARCHITECTURAL PLANS
- FIRE LANE STRIPING, SEE DETAIL ON SHEET C7.02
- FIRE LANE
- PROPOSED BUILDING
- PROPOSED FIRE WATER LINE AND FIRE HYDRANT
- PROPOSED DOMESTIC WATER LINE
- PROPOSED WATER LINE
- EXISTING FENCE
- EXISTING OVERHEAD ELECTRIC
- BENCHMARK
- PROPOSED FDC CONNECTION
- PROPOSED ADA PATH
- EXISTING STORM DRAIN MANHOLE
- EXISTING WASTEWATER MANHOLE
- EXISTING WATERLINE
- EXISTING WASTEWATER LINE

NOTES:

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2. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB, UNLESS OTHERWISE NOTED.
3. CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL PROPERTY CORNERS.
4. CONTRACTOR SHALL COORDINATE WITH APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION, ADJUSTMENT, OR RELOCATION OF EXISTING UTILITIES.
5. CONTRACTOR SHALL PROVIDE BOLLARDS FOR PROTECTION OF ALL ABOVE-GROUND UTILITIES AND APPURTENANCES IN DRIVE AREAS.
6. A KNOX SWITCH WILL BE REQUIRED FOR ANY ELECTRONIC ACCESS CONTROL GATES INSTALLED AT THE FACILITY. A KNOX BOX WILL BE REQUIRED FOR ANY MANUALLY OPERATED ACCESS CONTROL GATES INSTALLED AT THE FACILITY.
7. PRIVATE FIRE HYDRANTS TO BE PAINTED RED.

3

BENCHMARK INFORMATION

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STATE OF TEXAS
MARK A. RAMSEUR
88748
LICENSED
PROFESSIONAL ENGINEER
05/25/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

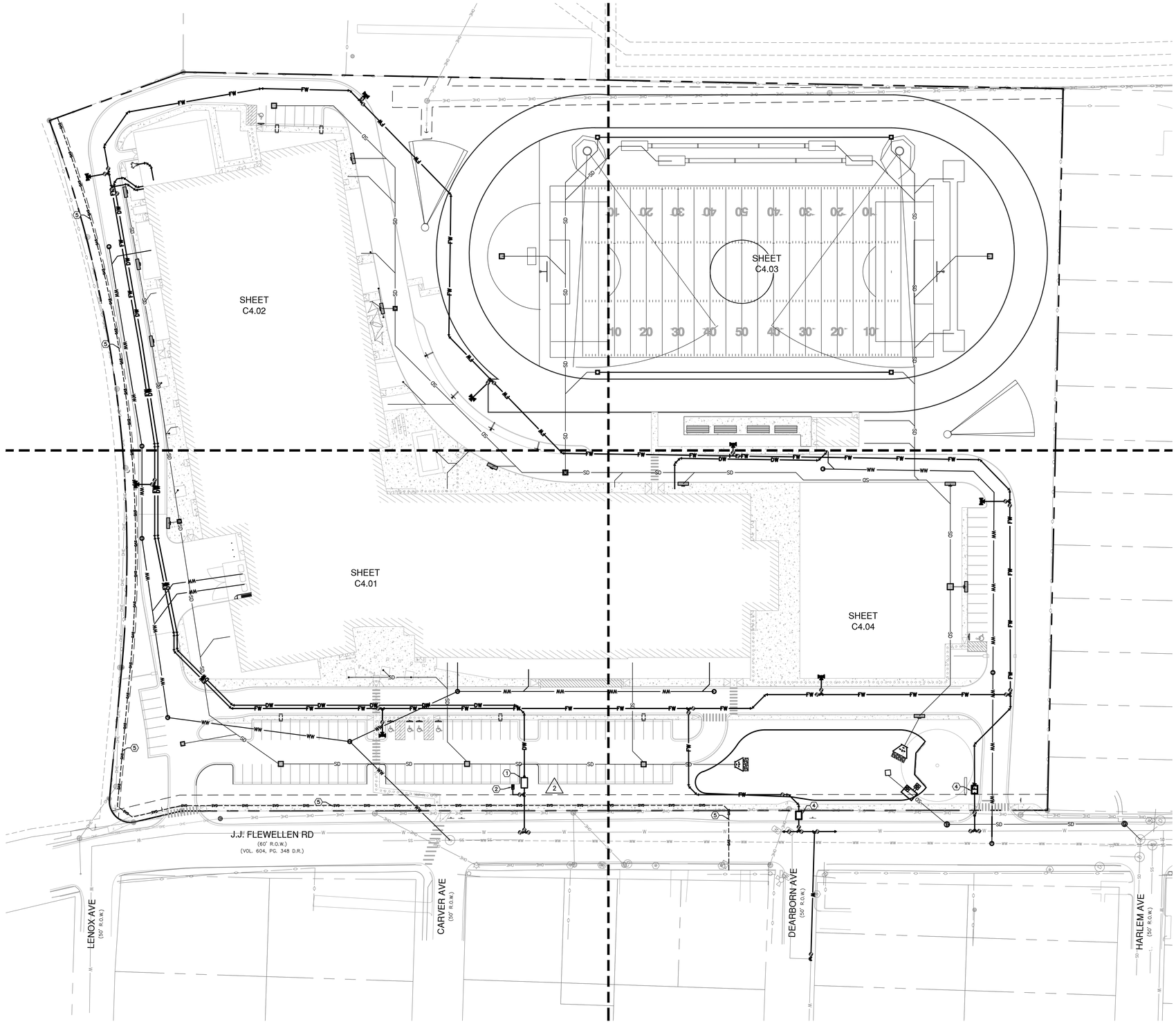
FIRE PROTECTION PLAN

CIVIL
C3.03

PACKAGE 2

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SCALE: 1"= 40'

0' 40' 80' 120'

LEGEND

- PROPERTY BOUNDARY
- EXISTING WASTEWATER LINE
- PROPOSED EASEMENT LINE
- EXISTING WATERLINE
- EXISTING OVERHEAD ELECTRIC LINE
- PROPOSED STORM DRAIN LINE
- EXISTING FENCE
- PROPOSED RETAINING WALL
- PROPOSED WATERLINE
- PROPOSED DOMESTIC WATERLINE
- PROPOSED FIRE WATERLINE
- PROPOSED WASTEWATER LINE
- PROPOSED ELECTRIC LINE
- PROPOSED WATER METER
- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED WASTEWATER MANHOLE
- PROPOSED GRATE INLET
- PROPOSED JUNCTION BOX W/ MANHOLE
- PROPOSED BUILDING
- PROPOSED SIDEWALK
- EXISTING STORM DRAIN MANHOLE
- EXISTING WASTEWATER MANHOLE
- EXISTING GUY ANCHOR
- EXISTING LAMP POST
- EXISTING UTILITY POLE
- EXISTING FIRE HYDRANT
- EXISTING SIGN
- EXISTING SPRINKLER
- EXISTING WATER VALVE
- PROPOSED CURB INLET

KEY NOTES

1. CONTRACTOR TO INSTALL 3" COMPOUND DOMESTIC WATER METER AND A RPZ BACKFLOW PREVENTER AFTER THE METER. MUST HAVE SAFETY COVER INSTALLED.
2. PROPOSED IRRIGATION METER & 2" RPZ
3. PROPOSED FDC SERVICE
4. PROPOSED BACKFLOW PREVENTER
5. GAS LINE; CONTRACTOR TO COORDINATE WITH GAS PROVIDER

NOTES

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE ASSOCIATED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. CONTRACTOR SHALL COORDINATE WITH APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION, ADJUSTMENT, OR RELOCATION OF EXISTING UTILITIES.
3. ALL EXISTING MANHOLE COVERS, METER BOXES, VALVE CASTINGS, POST INDICATOR VALVES, FIRE HYDRANTS, ETC. SHALL BE ADJUSTED TO FINISHED GRADE.
4. CONTRACTOR SHALL PROVIDE BOLLARDS FOR PROTECTION OF ALL ABOVE-GROUND UTILITIES AND APPURTENANCES IN DRIVE AREAS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED TESTING, APPROVALS, AND ACCEPTANCES REQUIRED TO COMPLETE CONSTRUCTION OF THIS PROJECT.
6. ALL MATERIALS AND CONSTRUCTION PROCEDURES WITHIN THIS SCOPE OF WORK SHALL COMPLY WITH THE PROJECT GEOTECH REPORT, THE PROJECT SPECIFICATIONS, THE CURRENT APPLICABLE CITY, COUNTY, AND/OR TXDOT "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION" AND WATER AND SEWER PURVEYOR STANDARD SPECIFICATIONS.
7. DUE TO FEDERAL REGULATIONS TITLE 49, PART 192.181, ACCESS MUST BE PROVIDED TO GAS VALVES AT ALL TIMES. THE CONTRACTOR MUST PROTECT AND WORK AROUND ANY HAS VALVES THAT ARE IN THE PROJECT AREA.
8. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UNDERGROUND UTILITIES AND DRAINAGE SYSTEMS WHETHER OR NOT SHOWN ON PLANS.
9. ALL UTILITIES ARE TO BE INSTALLED PRIOR TO PAVEMENT CONSTRUCTION.
10. ALL UTILITY CONNECTIONS SHALL BE COORDINATED WITH THE MEP PLANS. CONTRACTOR TO NOTIFY ENGINEER OF ANY CONFLICTS PRIOR TO CONSTRUCTION.FOR ALL UTILITIES ENTERING BUILDINGS SEE MEP PLANS FOR CONTINUATION 5 FT FROM BUILDINGS.
11. THE CONTRACTOR SHALL INSTALL ANY BENDS, FITTINGS, ETC. IN THE WATER LINE AS REQUIRED TO AVOID CONFLICTS WITH OTHER UTILITIES. (NO SEPARATE PAY ITEM.)
12. WATERLINES CROSSING COLLECTION SYSTEM PIPES MUST COMPLY WITH TCEQ, CHAPTER 17.
    - WHERE WATERLINES ARE IN PARALLEL SERIES AND IN CLOSE PROXIMITY WITH COLLECTIONS SYSTEM LINES, WATERLINES MUST BE ABOVE COLLECTION SYSTEM LINES AND MUST HAVE A MINIMUM HORIZONTAL SEPARATION OF 9 FEET, EDGE TO EDGE
    - COLLECTION SYSTEM MANHOLES/STRUCTURES AND WATERLINES MUST HAVE A MINIMUM SEPARATION OF 9 FEET, EDGE TO EDGE
    - WHERE WATERLINES CROSS COLLECTION SYSTEM LINES, WATERLINES MUST CROSS ABOVE THE COLLECTION SYSTEM LINES WITH A MINIMUM VERTICAL SEPARATION OF 2 FEET EDGE TO EDGE

    IF EITHER OF THESE CONDITIONS CANNOT BE MET, REFER TO TCEQ FIGURE: 30 TAC, 217.53 (0)(3), TABLE C.1 FOR ALTERNATE DESIGN.
13. CONTRACTOR WILL COORDINATE WITH WACO INDEPENDENT SCHOOL DISTRICT ON TIMING FOR INSTALLATION OF THE WATERLINE AND NEW WATER METERS.

BENCHMARK INFORMATION

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STATE OF TEXAS
MARK A. RAMSEUR
88748
LICENSED
PROFESSIONAL ENGINEER
05/25/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

OVERALL UTILITY PLAN

CIVIL

C4.00

PACKAGE 2

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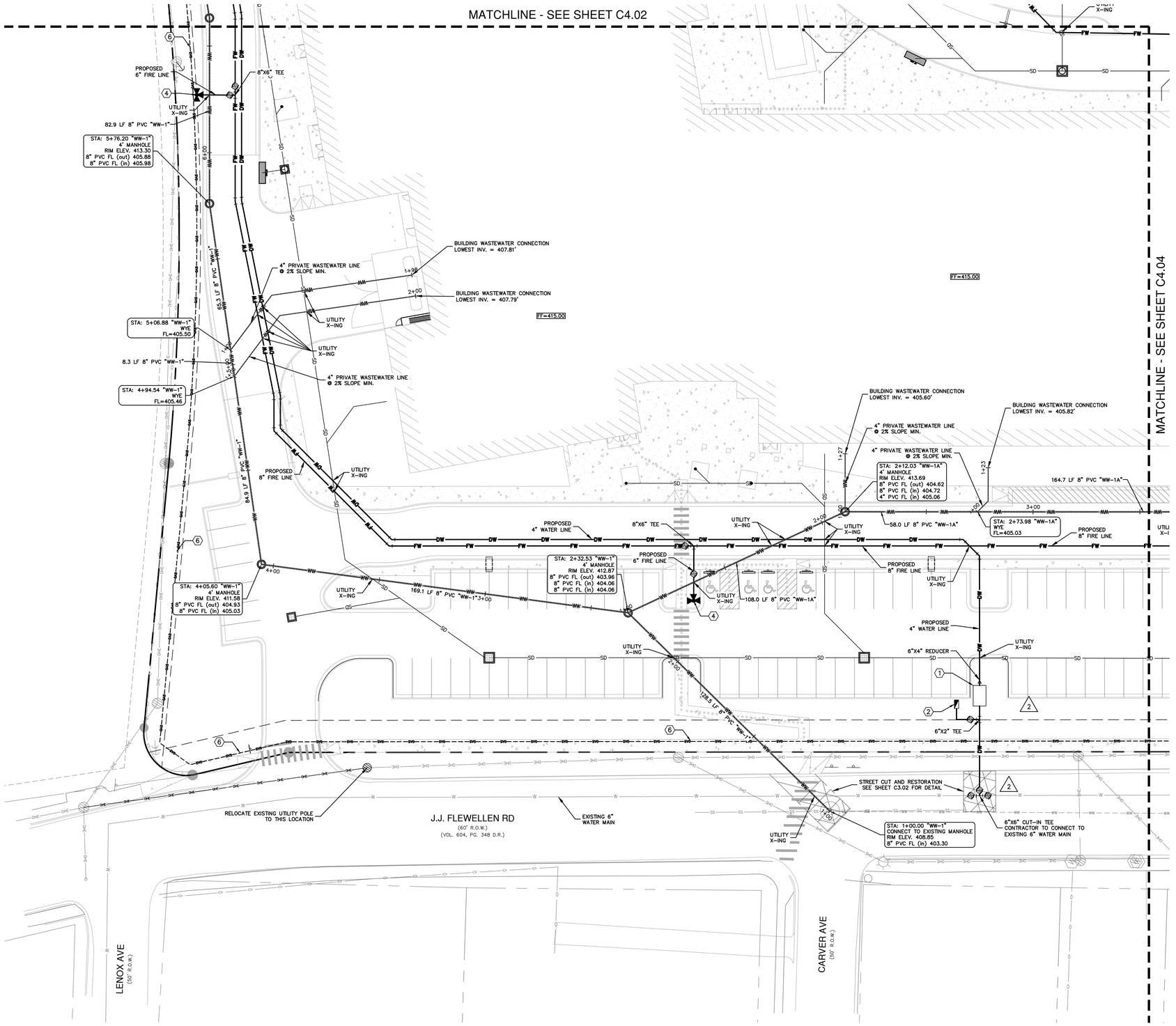
WASTEWATER NOTES:

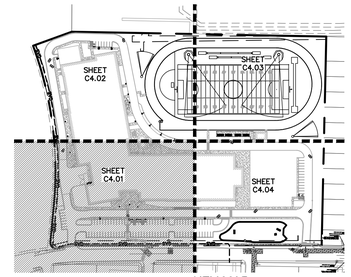
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2. WATER AND WASTEWATER CROSSING WHERE A NEW POTABLE WATERLINE CROSSES A NEW, NON–PRESSURE RATED WASTEWATER LINE, THE POTABLE WATER PIPE SEGMENT SHALL BE CENTERED OVER THE WASTEWATER LINE. THE WASTEWATER LINE SHALL BE LOCATED BELOW THE WATER LINE. AN ABSOLUTE MINIMUM VERTICAL SEPARATION DISTANCE OF TWO (2) FEET SHALL BE PROVIDED. IN ADDITION, WITHIN NINE (9) FEET HORIZONTALLY OF EITHER SIDE OF THE WATERLINE, THE WASTEWATER PIPE AND JOINT SHALL BE CONSTRUCTED WITH PIPE MATERIAL HAVING A MINIMUM PRESSURE RATING OF 150 PSI. ONE SEGMENT OF THE PRESSURE RATED WASTEWATER PIPE SHALL BE CENTERED ON THE WATER CROSSING. APPROPRIATE ADAPTERS SHALL BE USED TO CONNECTION THE PRESSURE RATED WASTEWATER PIPE WITH THE NON–PRESSURE RATED WASTEWATER PIPE.
3. ALL WASTEWATER MANHOLES ARE 4 FT. DIA. CITY OF WACO STANDARD AND COATED TO CITY OF WACO SPECIFICATIONS UNLESS OTHERWISE NOTED.
4. MANDREL TESTING WILL BE REQUIRED ON ALL FLEXIBLE WASTEWATER PIPE PER TCEQ RULES.
5. ALL FORCE MAIN PIPE MATERIAL TO BE DR 18 AWWA C900, WITH TRACER TAPE, SERVICES INCLUDED, UNLESS OTHERWISE NOTED.
6. ALL PIPE MATERIAL TO BE SDR 26, WITH TRACER TAPE, SERVICES INCLUDED, UNLESS OTHERWISE NOTED.
7. ALL FILL AREAS SHALL BE COMPACTED TO 95% PRIOR TO UTILITY INSTALLATION.
8. NO WASTEWATER CLEANOUTS LOCATED IN SIDEWALK OR DRIVEWAY AREAS.

KEY NOTES

2

1. CONTRACTOR TO INSTALL PROPOSED VAULT WITH 3" COMPOUND DOMESTIC METER + RPZ BACKFLOW PREVENTER
2. PROPOSED 2" IRRIGATION LINE, 2" IRRIGATION METER, & 2" RPZ
3. PROPOSED FDC SERVICE
4. PROPOSED FIRE HYDRANT & ASSEMBLY (6" LINE TO BE DUCTILE IRON)
5. PROPOSED BACKFLOW PREVENTER
6. GAS LINE; CONTRACTOR TO COORDINATE WITH GAS PROVIDER





KEY MAP

SCALE: 1" = 20'
0' 20' 40' 60'

LEGEND

- PROPERTY BOUNDARY
- EXISTING WASTEWATER LINE
- PROPOSED EASEMENT LINE
- EXISTING WATERLINE
- EXISTING OVERHEAD ELECTRIC LINE
- PROPOSED STORM DRAIN LINE
- EXISTING FENCE
- PROPOSED RETAINING WALL
- PROPOSED WATERLINE
- PROPOSED DOMESTIC WATERLINE
- PROPOSED FIRE WATERLINE
- PROPOSED WASTEWATER LINE
- PROPOSED ELECTRIC LINE
- PROPOSED WATER METER
- PROPOSED FIRE HYDRANT
- PROPOSED GATE VALVE
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED WASTEWATER MANHOLE
- PROPOSED GRATE INLET
- PROPOSED JUNCTION BOX W/ MANHOLE
- PROPOSED BUILDING
- PROPOSED SIDEWALK
- EXISTING STORM DRAIN MANHOLE
- EXISTING WASTEWATER MANHOLE
- EXISTING GUY ANCHOR
- EXISTING LAMP POST
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- EXISTING FIRE HYDRANT
- EXISTING SIGN
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NOTES

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE ASSOCIATED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. CONTRACTOR SHALL COORDINATE WITH APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION, ADJUSTMENT, OR RELOCATION OF EXISTING UTILITIES.
3. ALL EXISTING MANHOLE COVERS, METER BOXES, VALVE CASTINGS, POST INDICATOR VALVES, FIRE HYDRANTS, ETC. SHALL BE ADJUSTED TO FINISHED GRADE.
4. CONTRACTOR SHALL PROVIDE BOLLARDS FOR PROTECTION OF ALL ABOVE–GROUND UTILITIES AND APPURTENANCES IN DRIVE AREAS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED TESTING, APPROVALS, AND ACCEPTANCES REQUIRED TO COMPLETE CONSTRUCTION OF THIS PROJECT.
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7. DUE TO FEDERAL REGULATIONS TITLE 49, PART 192.181, ACCESS MUST BE PROVIDED TO GAS VALVES AT ALL TIMES. THE CONTRACTOR MUST PROTECT AND WORK AROUND ANY HAS VALVES THAT ARE IN THE PROJECT AREA.
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9. ALL UTILITIES ARE TO BE INSTALLED PRIOR TO PAVEMENT CONSTRUCTION.
10. ALL UTILITY CONNECTIONS SHALL BE COORDINATED WITH THE MEP PLANS. CONTRACTOR TO NOTIFY ENGINEER OF ANY CONFLICTS PRIOR TO CONSTRUCTION. FOR ALL UTILITIES ENTERING BUILDINGS SEE MEP PLANS FOR CONTINUATION 5 FT FROM BUILDINGS.
11. THE CONTRACTOR SHALL INSTALL ANY BENDS, FITTINGS, ETC. IN THE WATER LINE AS REQUIRED TO AVOID CONFLICTS WITH OTHER UTILITIES. (NO SEPARATE PAY ITEM.)
12. WATERLINES CROSSING COLLECTION SYSTEM PIPES MUST COMPLY WITH TCEQ, CHAPTER 17.
    - WHERE WATERLINES ARE IN PARALLEL SERIES AND IN CLOSE PROXIMITY WITH COLLECTIONS SYSTEM LINES, WATERLINES MUST BE ABOVE COLLECTION SYSTEM LINES AND MUST HAVE A MINIMUM HORIZONTAL SEPARATION OF 9 FEET, EDGE TO EDGE
    - COLLECTION SYSTEM MANHOLES/STRUCTURES AND WATERLINES MUST HAVE A MINIMUM SEPARATION OF 9 FEET, EDGE TO EDGE
    - WHERE WATERLINES CROSS COLLECTION SYSTEM LINES, WATERLINES MUST CROSS ABOVE THE COLLECTION SYSTEM LINES WITH A MINIMUM VERTICAL SEPARATION OF 2 FEET EDGE TO EDGE

    IF EITHER OF THESE CONDITIONS CANNOT BE MET, REFER TO TCEQ FIGURE: 30 TAC, 217.53 (D)(3), TABLE C.1 FOR ALTERNATE DESIGN.
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3. WATER LINES SHALL HAVE A MINIMUM FORTY–EIGHT (48) INCHES OF COVER MEASURED FROM EITHER THE TOP OF THE PIPE OR VALVE ACTUATING NUT (WHICHEVER IS APPLICABLE) TO THE FINISHED GROUND SURFACE. WASTEWATER LINES SHALL HAVE A MINIMUM OF 48 INCHES OF COVER BELOW THE ACTUAL SUBGRADE. THE SEPARATION BETWEEN WASTEWATER MAINS AND OTHER UTILITIES SHALL BE IN ACCORDANCE WITH THE RULES ADOPTED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.
4. WHERE A WATER OR WASTEWATER LINE CROSSES BELOW A STORM SEWER STRUCTURE AND THE TOP OF THE PIPE IS WITHIN 18" OF THE BOTTOM OF THE UTILITY STRUCTURE, THE PIPE SHALL BE ENCASED WITH CONCRETE FOR A DISTANCE OF AT LEAST 1' ON EITHER SIDE OF THE DITCH LINE OF THE UTILITY STRUCTURE OR THE STORM SEWER. CONCRETE ENCASEMENT WILL NOT BE REQUIRED FOR DUCTILE IRON PIPE WITH SIZES LARGER THAN 12". CONCRETE ENCASEMENT SHALL CONFORM TO THE CITY OF PFLUGERVILLE STANDARD DETAIL.
5. ALL PIPE BEDDING MATERIAL SHALL CONFORM TO THE CITY OF WACO STANDARD DETAIL.
6. ALL FIRE HYDRANT LEADS SHALL BE DUCTILE IRON PIPE (AWWA C–100, MIN. CLASS 150).
7. ALL IRON PIPE AND FITTINGS SHALL BE WRAPPED WITH A MINIMUM 8–MIL POLYETHYLENE FILM PRIOR TO PLACING CONCRETE.
8. THE CONTRACTOR SHALL CONTACT THE CITY INSPECTOR TO COORDINATE UTILITY TIE–INS AND NOTIFY HIM AT LEAST 48 HOURS PRIOR TO CONNECTION TO EXISTING LINES.
9. THE CONTRACTOR SHALL COORDINATE TESTING WITH THE CITY OF WACO AND PROVIDE NO LESS THAN 24 HOURS NOTICE PRIOR TO PERFORMING STERILIZATION, QUALITY TESTING OR PRESSURE TESTING.
10. THE CONTRACTOR SHALL NOT OPEN OR CLOSE ANY VALVES UNLESS AUTHORIZED BY THE CITY OF WACO.
11. ALL VALVE BOXES AND COVERS SHALL BE CAST IRON.
12. ALL WATER SERVICE, WASTEWATER SERVICE AND VALVE LOCATIONS SHALL BE APPROPRIATELY MARKED AS FOLLOWS:

    WATER SERVICE "W" ON TOP OF CURB

    WASTEWATER SERVICE "S" ON TOP OF CURB

    VALVE "V" ON FACE OF CURB
13. THE CONTRACTOR IS HEREBY NOTIFIED THAT CONNECTING TO, SHUTTING DOWN, OR TERMINATING EXISTING UTILITY LINES MAY HAVE TO OCCUR AT OFF–PEAK HOURS. SUCH HOURS ARE USUALLY OUTSIDE NORMAL WORKING HOURS AND POSSIBLY BETWEEN 12 A.M. AND 6 A.M.
14. ALL MATERIAL TESTS, INCLUDING SOIL DENSITY TESTS AND RELATED SOIL ANALYSIS, SHALL BE ACCOMPLISHED BY AN INDEPENDENT LABORATORY FUNDED BY THE DEVELOPER IN ACCORDANCE WITH THE SPECIFICATIONS.

3

BENCHMARK INFORMATION

BENCHMARK–100
SET CHISELED SQUARE ON CURB INLET LOCATED ON THE WEST SIDE OF J.J. FLEWELLEN RD.
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GRID EASTING: 3294017.7'
ELEVATION = 403.90'

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WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd, Waco, TX 76704

STATE OF TEXAS
MARK A. RAMSEUR
88748
LICENSED
PROFESSIONAL ENGINEER
05/25/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

UTILITY PLAN (1 OF 4)

CIVIL
C4.01

PACKAGE 2

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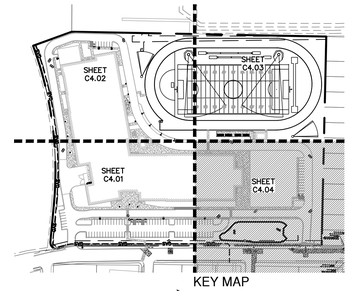
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WASTEWATER NOTES:

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2. WATER AND WASTEWATER CROSSING WHERE A NEW POTABLE WATERLINE CROSSES A NEW, NON-PRESSURE RATED WASTEWATER LINE, THE POTABLE WATER PIPE SEGMENT SHALL BE CENTERED OVER THE WASTEWATER LINE. THE WASTEWATER LINE SHALL BE LOCATED BELOW THE WATER LINE. AN ABSOLUTE MINIMUM VERTICAL SEPARATION DISTANCE OF TWO (2) FEET SHALL BE PROVIDED. IN ADDITION, WITHIN NINE (9) FEET HORIZONTALLY OF EITHER SIDE OF THE WATERLINE, THE WASTEWATER PIPE AND JOINT SHALL BE CONSTRUCTED WITH PIPE MATERIAL HAVING A MINIMUM PRESSURE RATING OF 150 PSI. ONE SEGMENT OF THE PRESSURE RATED WASTEWATER PIPE SHALL BE CENTERED ON THE WATER CROSSING. APPROPRIATE ADAPTERS SHALL BE USED TO CONNECTION THE PRESSURE RATED WASTEWATER PIPE WITH THE NON-PRESSURE RATED WASTEWATER PIPE.
3. ALL WASTEWATER MANHOLES ARE 4 FT. DIA. CITY OF WACO STANDARD AND COATED TO CITY OF WACO SPECIFICATIONS UNLESS OTHERWISE NOTED.
4. MANDREL TESTING WILL BE REQUIRED ON ALL FLEXIBLE WASTEWATER PIPE PER TCEQ RULES.
5. ALL FORCE MAIN PIPE MATERIAL TO BE DR 18 AWWA C900, WITH TRACER TAPE, SERVICES INCLUDED, UNLESS OTHERWISE NOTED.
6. ALL PIPE MATERIAL TO BE SDR 26, WITH TRACER TAPE, SERVICES INCLUDED, UNLESS OTHERWISE NOTED.
7. ALL FILL AREAS SHALL BE COMPACTED TO 95% PRIOR TO UTILITY INSTALLATION.
8. NO WASTEWATER CLEANOUTS LOCATED IN SIDEWALK OR DRIVEWAY AREAS.

KEY NOTES

1. CONTRACTOR TO INSTALL PROPOSED VAULT WITH 3" COMPOUND DOMESTIC METER + RPZ BACKFLOW PREVENTER
2. PROPOSED 2" IRRIGATION LINE, 2" IRRIGATION METER, & 2" RPZ
3. PROPOSED FDC SERVICE
4. PROPOSED FIRE HYDRANT & ASSEMBLY (6" LINE TO BE DUCTILE IRON)
5. PROPOSED BACKFLOW PREVENTER
6. GAS LINE; CONTRACTOR TO COORDINATE WITH GAS PROVIDER



KEY MAP

SCALE: 1"= 20'
0' 20' 40' 60'

LEGEND

- PROPERTY BOUNDARY
- EXISTING WASTEWATER LINE
- PROPOSED EASEMENT LINE
- EXISTING WATERLINE
- EXISTING OVERHEAD ELECTRIC LINE
- PROPOSED STORM DRAIN LINE
- EXISTING FENCE
- PROPOSED RETAINING WALL
- PROPOSED WATERLINE
- PROPOSED DOMESTIC WATERLINE
- PROPOSED FIRE WATERLINE
- PROPOSED WASTEWATER LINE
- PROPOSED ELECTRIC LINE
- PROPOSED WATER METER
- PROPOSED FIRE HYDRANT
- PROPOSED GATE VALVE
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED WASTEWATER MANHOLE
- PROPOSED GRATE INLET
- PROPOSED JUNCTION BOX W/ MANHOLE
- PROPOSED BUILDING
- PROPOSED SIDEWALK
- EXISTING STORM DRAIN MANHOLE
- EXISTING WASTEWATER MANHOLE
- EXISTING GUY ANCHOR
- EXISTING LAMP POST
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- EXISTING FIRE HYDRANT
- EXISTING SIGN
- EXISTING WATER VALVE
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- STREET CUT & RESTORATION

MATCHLINE - SEE SHEET C4.03

MATCHLINE - SEE SHEET C4.01

PROPOSED 8" FIRE LINE
PROPOSED 6" FIRE LINE
PROPOSED 2" WATER LINE
UTILITY X-ING
8"X6" TEE
BUILDING WASTEWATER CONNECTION LOWEST INV. = 407.13'
4" PRIVATE WASTEWATER LINE @ 2% SLOPE MIN.
STA: 6+00.66 "WW-2" 4' MANHOLE RIM ELEV. 412.75 6" PVC FL (out) 406.67
STA: 5+89.89 "WW-2" WYE FL=406.59
127.2 LF 6" PVC "WW-2"
STA: 4+58.71 "WW-2" 45° BEND FL=405.61
23.8 LF 6" PVC "WW-2"
STA: 4+30.94 "WW-2" 45° BEND FL=405.40
8"X6" TEE
PROPOSED 8" FIRE LINE
FF=415.00
165.8 LF 6" PVC "WW-2"
STA: 2+61.10 "WW-2" 4' MANHOLE RIM ELEV. 409.54 8" PVC FL (out) 403.96 6" PVC FL (in) 404.12
BUILDING WASTEWATER CONNECTION LOWEST INV. = 406.81'
STA: 4+42.67 "WW-1A" WYE FL=405.88
7.2 LF 8" PVC "WW-1A"
STA: 4+53.91 "WW-1A" 4' MANHOLE RIM ELEV. 412.32 8" PVC FL (out) 405.93
8"X8" TEE
PROPOSED 8" MAIN EXTENSION
IF SERVICE INTERRUPTIONS TO EXISTING BUILDINGS ARE NECESSARY, CONTRACTOR TO COORDINATE WITH PROPERTY OWNER AND CITY OF WACO. ANY LINES SERVICING EXISTING BUILDINGS ON THE EXISTING 6" LINE SHALL BE CONNECTED TO THE PROPOSED 8" MAIN.
PROPOSED 8" CONNECTION TO EXISTING 8" WATER MAIN REPLACE BEND/TEE WITH 8"X6" TEE
EXISTING 6" LINE TO BE ABANDONED & CAPPED AT EACH END ONCE 8" IS IN SERVICE & ANY SERVICE CONNECTIONS ARE MADE TO THE PROPOSED 8".
EXISTING 8" WATER MAIN
EXISTING 6" WATER MAIN
EXISTING TEE TO BE REMOVED
12"X6" REDUCER
12"X8" TEE
8"X4" REDUCER
PROPOSED 4" FIRE LINE
48" STORM PIPE @ 0.50%
±19 LF STEEL ENCASEMENT CENTERED ON STORM LINE
12"X8" TEE 8" FIRE TAP
12" MAIN UPSIZED
CONTRACTOR TO CONNECT TO EXISTING 6" WATER MAIN W/ 6"X4" CUT-IN TEE 4" FIRE TAP
STA: 1+00.00 "WW-2" 4' DROP MANHOLE CONNECT TO EXISTING 8" WASTEWATER MAIN RIM ELEV. 404.27 8" PVC FL (out) 398.41 8" PVC FL (in) 402.75 8" PVC FL (in) 398.41
CONTRACTOR TO MODIFY EXISTING WATER MAIN TO DIP UNDER PROPOSED WASTEWATER LINE
CONTRACTOR TO MODIFY EXISTING WATER MAIN TO DIP UNDER PROPOSED STORM LINE
STREET CUT AND RESTORATION SEE SHEET C3.02 FOR DETAIL
STREET CUT AND RESTORATION SEE SHEET C3.02 FOR DETAIL
J.J. FLEWELLEN RD (60' R.O.W.) (VOL. 604, PG. 348 D.R.)
DEARBORN AVE (50' R.O.W.)
HARLEM AVE (50' R.O.W.)
STORM DRAIN INLET & MANHOLE TOP: 404.11 INVERT A: 400.05 OUT NORTHWEST 18" RCP
STORM DRAIN MANHOLE TOP: 404.45 INVERT A: 393.42 IN SOUTH 42" RCP INVERT B: 397.14 IN SOUTHEAST 18" RCP INVERT C: 393.41 OUT WEST 42" RCP
STORM DRAIN INLET & MANHOLE TOP: 404.01 INVERT A: 400.21 OUT EAST 18" RCP
STORM DRAIN MANHOLE TOP: 403.96 INVERT A: 397.63 IN NORTH 18" RCP INVERT B: 393.41 IN EAST 42" RCP INVERT C: 393.41 OUT WEST 42" RCP
SANITARY SEWER MANHOLE TOP: 404.33 INVERT A: 395.80 IN SOUTH 8" PVC INVERT B: 397.00 IN NORTH 8" PVC INVERT C: 395.52 OUT WEST 8" PVC
152.7 LF 8" PVC "WW-2"

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GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd, Waco, TX 76704

STATE OF TEXAS — MARK A. RAMSEUR — 88748 — LICENSED PROFESSIONAL ENGINEER — 05/25/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
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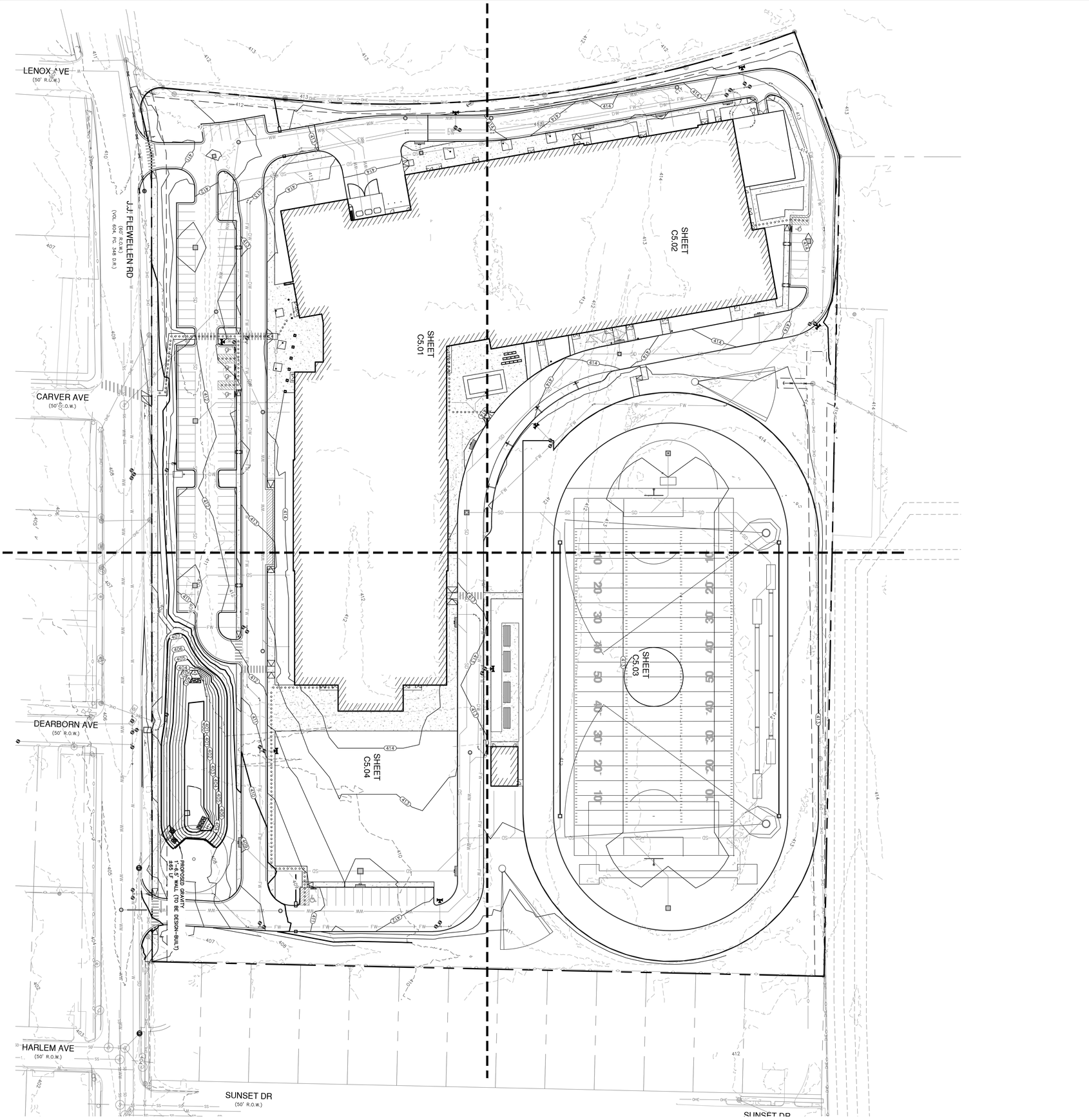
UTILITY PLAN (4 OF 4)

CIVIL
C4.04

PACKAGE 2

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NOTES

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.
2. CONTRACTOR SHALL LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES WITHIN THE SCOPE OF THIS PROJECT. DRAINAGE SHALL BE DIRECTED AWAY FROM ALL BUILDING FOUNDATIONS AND SLABS. ROOF DRAINAGE SHALL BE DIRECTED AWAY FROM BUILDINGS AT A MINIMUM OF 3% AWAY TO CAUSE POSITIVE DRAINAGE. DRAINAGE PATTERNS SHOWN ON PLANS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
3. CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER IF ANY QUESTIONS HAVE ARISEN CONCERNING THE INTENT, PLACEMENT, OR LIMITS OF DIMENSIONS OR GRADES.
4. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UNDERGROUND UTILITIES AND OVERHEAD OBSTRUCTIONS PRIOR TO BEGINNING WORK.
5. ALL BACKFILL SHALL BE COMPACTED TO 95% STANDARD PROCTOR DENSITY.
6. REMAINING WALL ELEVATIONS AND DESIGN SHALL BE DETERMINED BY THE STRUCTURAL ENGINEER AND SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVED BY OTHERS DURING THE PERMITTING PROCESS FOR THE RETAINING WALL DESIGN.
7. SIDEWALK CROSS SLOPES SHALL NOT EXCEED 2% IN THE DIRECTION OF TRAVEL. RAMPS SHALL NOT EXCEED 2% CROSS SLOPE IN THE DIRECTION OF TRAVEL, NOR SHALL THE ACCESSIBLE ROUTE EXCEED 2% SLOPE.
8. A HANDICAP RAMP COMPLYING TO ADA STANDARDS, IS REQUIRED AT ALL POINTS WHERE A SIDEWALK CROSSES A CURB.
9. ALL EXISTING MANHOLE COVERS, METER BOXES, VALVE CASTINGS, POST INDICATOR COVERS, ETC. SHALL BE ADJUSTED TO FINISH GRADE.
10. CONTRACTOR SHALL PROVIDE BOLLARDS FOR PROTECTION OF ALL ABOVE-GROUND UTILITIES AND APPURTENANCES IN DRIVE AREAS.
11. ALL DISTURBED AREAS SHALL BE REVEGETATED BY THE CONTRACTOR IN ACCORDANCE WITH PROJECT SPECIFICATIONS AND/OR LANDSCAPE PLANS.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING TO ORIGINAL OR BETTER CONDITION ANY PAVEMENTS INSPECTED BY EXISTING UTILITIES, FENCES, PAVEMENT, CURBS, ETC.
13. CONTRACTOR TO INSTALL EROSION CONTROL MATTING ON ALL POND BERMS.
14. REFER TO GEOTECHNICAL REPORT BY ALLIANCE GEOTECHNICAL GROUP, DATED MAY 4, 2021 FOR ALL EARTHWORK RECOMMENDATIONS AND REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE FOR PERFORMING SUBGRADE EVALUATION AND TESTING.
15. EXISTING SITE CONTOURS SHOWN HEREON AT 1' INTERVALS. THE CONTOURS ARE COMPUTER GENERATED USING LIDAR DATA COLLECTED ON OR ABOUT OCT. 2021.
16. THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING PAVEMENT, CONCRETE, AND ASPHALT AS NECESSARY TO CONSTRUCT THE PROPOSED IMPROVEMENTS.

LEGEND

(727) EXISTING CONTOUR LINE

727 PROPOSED CONTOUR LINE

SCALE: 1"= 40'
0' 40' 80' 120'

BENCHMARK INFORMATION

BENCHMARK--100
SET COTTON SPINDLE IN CURB INLET LOCATED ON THE WEST SIDE OF J.J. FLEWELLEN
GRID NORTHING: 10552001.4'
GRID EASTING: 3934917.7'
ELEVATION = 403.90'

BENCHMARK--101
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD. NEAR THE SCHOOL SITE.
GRID NORTHING: 10552705.8'
GRID EASTING: 3935570.3'
ELEVATION = 411.41'

BENCHMARK--102
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552449.5'
GRID EASTING: 3935786.7'
ELEVATION = 403.53'

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	05/25/22
3	PR003	05/26/22

STATE OF TEXAS — MARK A. ROBERTSON — 69748 — REGISTERED — PROFESSIONAL ENGINEER — 05/26/22

WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd, Waco, TX 76704

PACKAGE 2

C5.00

CIVIL

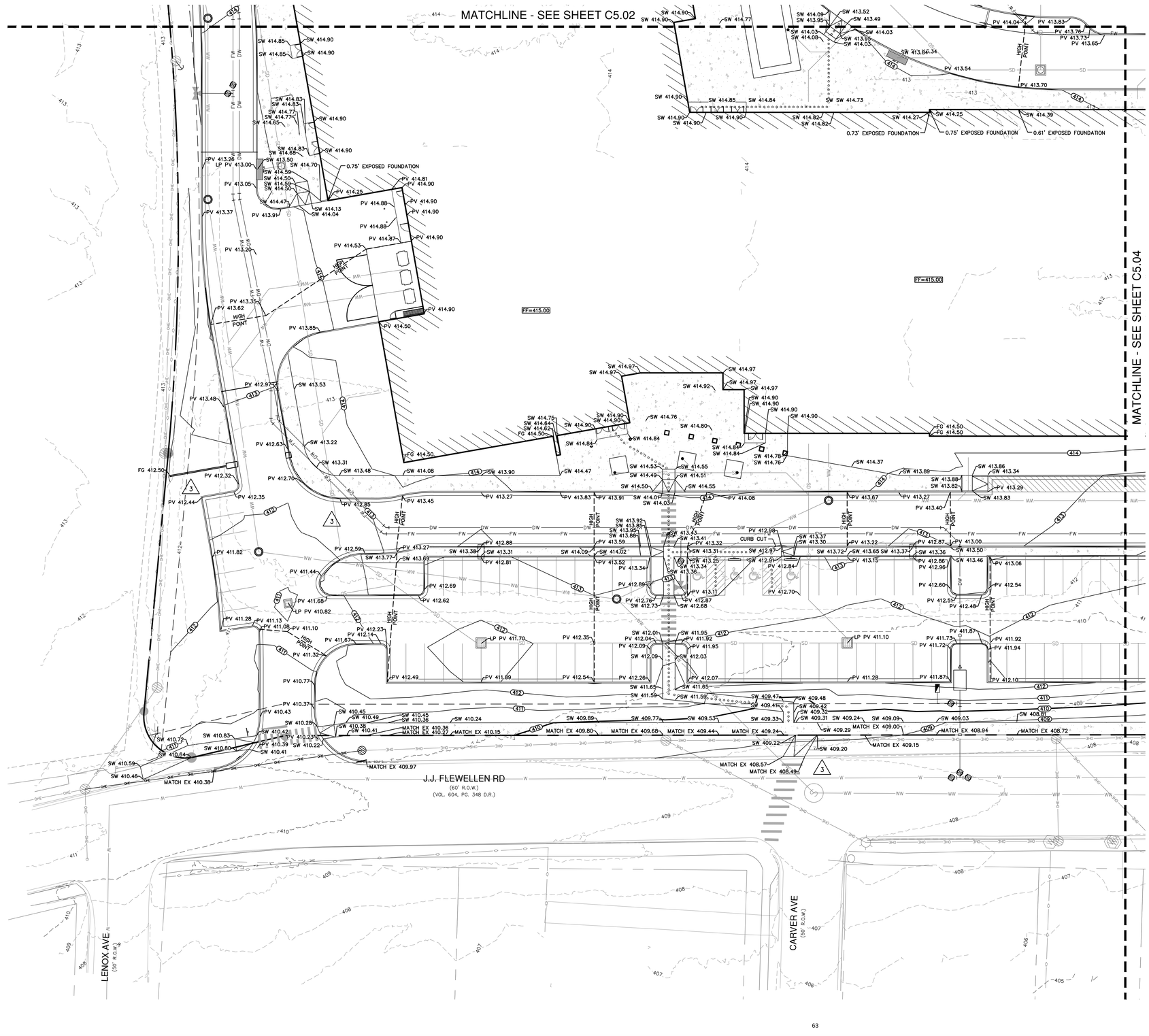
OVERALL GRADING PLAN

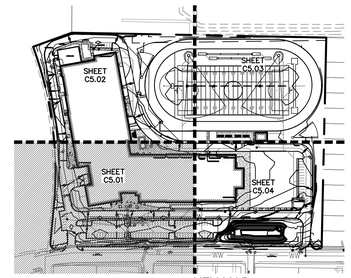
Project No: 513-01-01-0301
02/10/2022
CONTRACT DOCUMENTS

PAPE-DAWSON ENGINEERS
AUSTIN | SAN ANTONIO | HOUSTON | FORT WORTH | DALLAS
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TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028801

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San Antonio 4040 Broadway, Suite 300, San Antonio, Texas 78209 p: 210.224.6032 f: 210.224.6453

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KEY MAP

SCALE: 1" = 20'

0' 20' 40' 60'

LEGEND

- PROPERTY BOUNDARY
- PROPOSED SWALE
- LOC LIMITS OF CONSTRUCTION
- OHE OHE EXISTING OVERHEAD ELECTRIC LINE
- PROPOSED RETAINING WALL
- 950 EXISTING CONTOUR LINE
- 950 PROPOSED CONTOUR LINE
- PROPOSED SIDEWALK
- PROPOSED ADA PATH
- DRAINAGE FLOW ARROW
- EG XXX.XX EXISTING GRADE ELEVATION
- FG XXX.XX FINISHED GROUND ELEVATION
- PV XXX.XX TOP OF PAVEMENT ELEVATION
- SW XXX.XX TOP OF SIDEWALK ELEVATION
- TW XXX.XX TOP OF WALL ELEVATION
- BW XXX.XX BOTTOM OF WALL ELEVATION
- LP XXX.XX LOW POINT ELEVATION
- LP PV XXX.XX LOW POINT IN PAVEMENT ELEVATION
- HIGH POINT
- ADA RAMP
- EXISTING SIGN
- EXISTING UTILITY POLE

NOTES

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE ASSOCIATED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. POSITIVE DRAINAGE SHALL BE MAINTAINED ON ALL SURFACE AREAS WITHIN THE SCOPE OF THIS PROJECT. DRAINAGE SHALL BE DIRECTED AWAY FROM ALL BUILDING FOUNDATIONS. SLOPES OF ALL GRASS AREAS AROUND BUILDING FOUNDATION SHALL BE A MINIMUM OF 3% AWAY TO CAUSE POSITIVE DRAINAGE. DRAINAGE PATTERNS SHOWN ON GRADING SHEETS SHALL NOT BE OBSTRUCTED WITH LANDSCAPE MATERIAL.
3. CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY QUESTIONS THAT MAY ARISE CONCERNING THE INTENT, PLACEMENT, OR LIMITS OF DIMENSIONS OR GRADES NECESSARY FROM CONSTRUCTION OF THIS PROJECT.
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5. ALL BACKFILL SHALL BE COMPACTED TO 95% STANDARD PROCTOR DENSITY.
6. RETAINING WALL ELEVATIONS AND DESIGN SHALL BE DETERMINED BY THE STRUCTURAL ENGINEER OF RECORD. RETAINING WALL CONSTRUCTION DRAWINGS WILL BE PROVIDED BY OTHERS DURING THE PERMITTING PROCESS FOR THE RETAINING WALL DESIGN.
7. DESIGNATED ACCESSIBLE ROUTES SHALL COMPLY WITH TAS. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% IN THE DIRECTION OF TRAVEL. RAMPS SHALL NOT EXCEED 1:12 IN THE DIRECTION OF TRAVEL, NOR SHALL THE ACCESSIBLE ROUTE EXCEED 2% CROSS SLOPE.
8. A HANDICAP RAMP, COMPLYING TO ADA STANDARDS, IS REQUIRED AT ALL POINTS WHERE THE CURB INTERSECTS THE SIDEWALK.
9. ALL EXISTING MANHOLE COVERS, METER BOXES, VALVE CASTINGS, POST INDICATOR VALVES, FIRE HYDRANTS, ETC. SHALL BE ADJUSTED TO FINISHED GRADE.
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16. EXISTING CONTOUR INFORMATION SHOWN IS AT ONE (1) FOOT INTERVALS. THE CONTOURS ARE COMPUTER GENERATED USING LIDAR DATA COLLECTED ON OR ABOUT OCT. 2021.

BENCHMARK INFORMATION

BENCHMARK-100
SET CHISELED SQUARE ON CURB INLET LOCATED ON THE WEST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552001.4'
GRID EASTING: 3294017.7'
ELEVATION = 403.90'

BENCHMARK-101
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD. NEAR THE NORTHWEST CORNER OF THE SCHOOL SITE
GRID NORTHING: 10552765.8'
GRID EASTING: 3293570.3'
ELEVATION = 411.41'

BENCHMARK-102
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552449.5'
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PAPE-DAWSON ENGINEERS
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WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd. Waco, TX 76704

STATE OF TEXAS
MARK A. RAMSEUR
LICENSED
88748
PROFESSIONAL ENGINEER
05/25/22

Revisions

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

DETAILED GRADING PLAN
(1 OF 4)

CIVIL

C5.01

PACKAGE 2

Date: May 25, 2022, 1:55pm User ID: ogrentz
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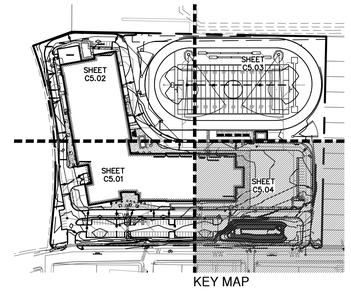
MATCHLINE - SEE SHEET C5.03

MATCHLINE - SEE SHEET C5.01

J.J. FLEWELLEN RD
(66' R.O.W.)
(VOL. 604, PG. 348 D.R.)

DEARBORN AVE
(50' R.O.W.)

HARLEM AVE
(50' R.O.W.)



KEY MAP

SCALE: 1" = 20'
0' 20' 40' 60'

LEGEND

- PROPERTY BOUNDARY
- PROPOSED SWALE
- LIMITS OF CONSTRUCTION (LOC)
- EXISTING OVERHEAD ELECTRIC LINE (OHE)
- PROPOSED RETAINING WALL
- EXISTING CONTOUR LINE (950)
- PROPOSED CONTOUR LINE (950)
- PROPOSED SIDEWALK
- PROPOSED ADA PATH
- DRAINAGE FLOW ARROW
- EG XXX.XX — EXISTING GRADE ELEVATION
- FG XXX.XX — FINISHED GROUND ELEVATION
- PV XXX.XX — TOP OF PAVEMENT ELEVATION
- SW XXX.XX — TOP OF SIDEWALK ELEVATION
- TW XXX.XX — TOP OF WALL ELEVATION
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- LP XXX.XX — LOW POINT ELEVATION
- LP PV XXX.XX — LOW POINT IN PAVEMENT ELEVATION
- HIGH POINT
- ADA RAMP
- EXISTING SIGN
- EXISTING UTILITY POLE

NOTES

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16. EXISTING CONTOUR INFORMATION SHOWN IS AT ONE (1) FOOT INTERVALS. THE CONTOURS ARE COMPUTER GENERATED USING LIDAR DATA COLLECTED ON OR ABOUT OCT. 2021.

3 BENCHMARK INFORMATION

BENCHMARK=100
SET CHISELED SQUARE ON CURB INLET LOCATED ON THE WEST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552001.4'
GRID EASTING: 3294017.7'
ELEVATION = 403.90'

BENCHMARK=101
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD. NEAR THE NORTHWEST CORNER OF THE SCHOOL SITE
GRID NORTHING: 10552765.8'
GRID EASTING: 3293570.3'
ELEVATION = 411.41'

BENCHMARK=102
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD.
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WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd. Waco, TX 76704

STATE OF TEXAS
MARK A. RAMSEUR
86748
LICENSED
PROFESSIONAL ENGINEER
05/25/22

Revisions

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

DETAILED GRADING PLAN
(4 OF 4)
CIVIL

PACKAGE 2

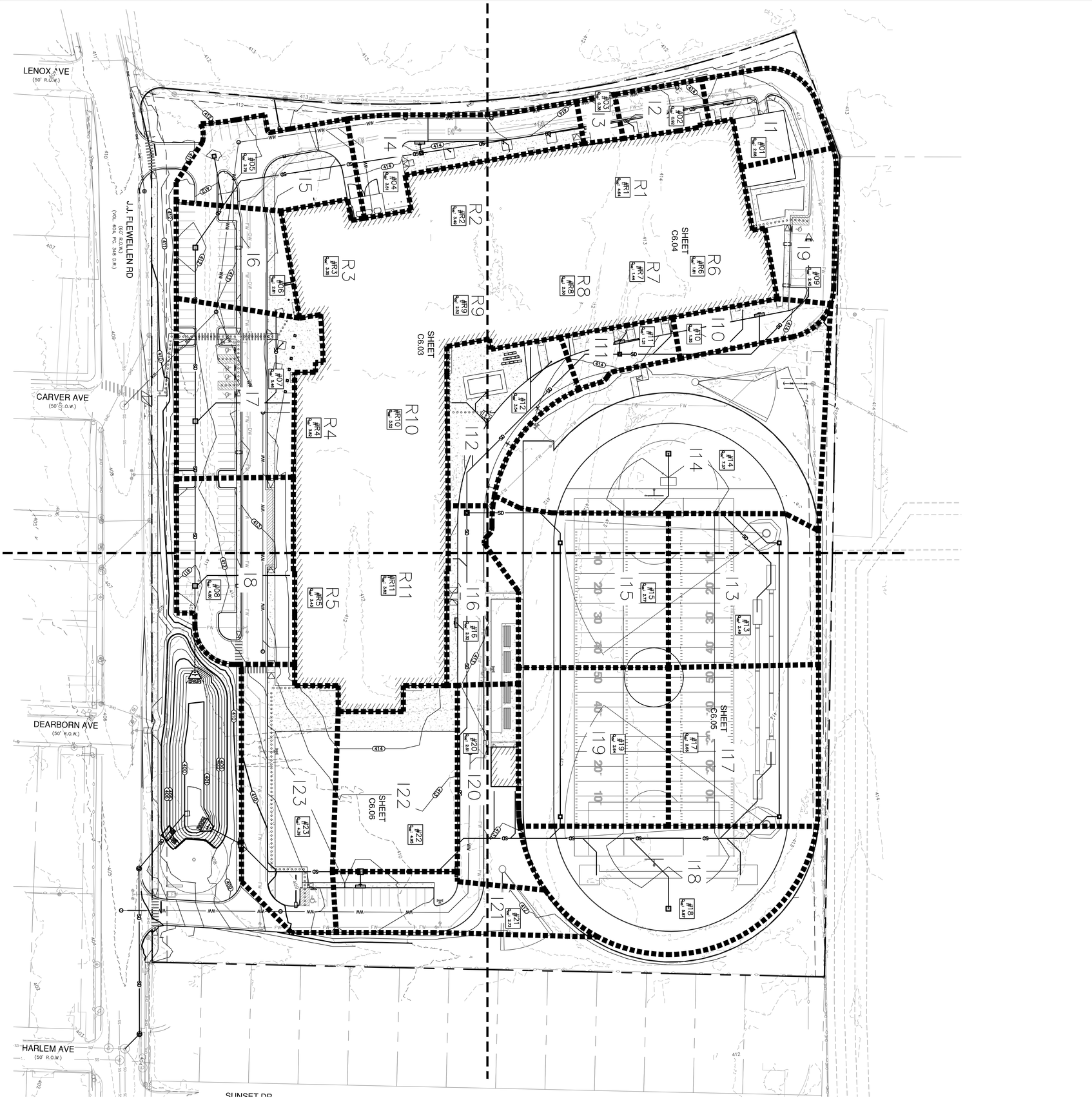
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GENERAL NOTES:

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THESE PLANS IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL COSTS WHICH MIGHT BE ASSOCIATED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY QUESTIONS THAT MAY ARISE CONCERNING THE INTENT, CLARIFICATION OR DISCREPANCIES IN THE PLANS BEFORE PROCEEDING WITH THE WORK.
3. CONTRACTOR SHALL PROTECT ALL PROPERTY CORNER MONUMENTATION, CONTROL POINTS & BENCHMARKS, IF ANY ARE DISTURBED OR REMOVED BY THE CONTRACTOR OR HIS SUBS OR EMPLOYEES, THEY SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
4. EXISTING CONTOUR INFORMATION SHOWN IS AT ONE (1) FOOT INTERVALS. THE CONTOURS ARE COMPUTER GENERATED USING LIDAR DATA COLLECTED ON OR ABOUT OCT. 2021.
5. DUE TO FEDERAL REGULATIONS TITLE 49, PART 192.181, ACCESS MUST BE PROVIDED TO GAS VALVES AT ALL TIMES.

LEGEND

- PROPERTY BOUNDARY
- DOMESTIC WATER LINE
- FIRE LINE
- WASTEWATER LINE & MH
- STORM DRAIN LINE & MH
- CURB INLET
- GRATE INLET
- GATE VALVE
- FIRE HYDRANT
- EXISTING GATE VALVE
- EXISTING FIRE HYDRANT
- EXISTING WATER LINE
- EXISTING WASTEWATER LINE
- EXISTING STORM DRAIN LINE
- EXISTING CONTOUR LINE
- PROPOSED CONTOUR LINE
- PROPOSED RIP RAP
- #XX Qw: X.XX — DRAINAGE AREA WITH PROPOSED 100 YR. FLOW

SCALE: 1"= 40'
0 40' 80' 120'

BENCHMARK INFORMATION

BENCHMARK=100
SET COTTON SPINDLE IN CURB INLET LOCATED ON THE WEST SIDE OF J.J. FLEWELLEN RD. NEAR THE NORTHERN CORNER OF THE SCHOOL SITE.
GRID NORTHING= 10552001.4'
GRID EASTING= 3933907.17'
ELEVATION = 403.90'

BENCHMARK=101
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD. NEAR THE NORTHERN CORNER OF THE SCHOOL SITE.
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NO.	DESCRIPTION	DATE
2	ADDENDUM 1	05/25/22
3	PR003	05/26/22

Registered Professional Engineer
MARK A. RAMSEY
68748
LICENSED
STATE OF TEXAS
05/26/22

WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd, Waco, TX 76704

PAPE-DAWSON ENGINEERS
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San Antonio 4040 Broadway, Suite 300, San Antonio, Texas 78209 p: 210.224.6032 f: 210.224.6453

Project No. 513.01
03/10/2022
CONTRACT DOCUMENTS

OVERALL STORM DRAIN PLAN
CIVIL

C6.02

PACKAGE 2

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MATCHLINE - SEE SHEET C6.04

MATCHLINE - SEE SHEET C6.06

STA: 8+20.82 "SD-1" WYE FL=409.05

24" R.C.P. "SD-1"

6" STORM DRAIN LINE @ 2%

STA: 7+94.73 "SD-1" 3'X3' JUNCTION BOX RIM ELEV. 414.24 24" FL (out) 408.86 24" FL (in) 408.96 18" FL (in) 409.46

STA: 1+10.63 "SD-1B" 10' CURB INLET WINDOW OPENING ELEV. 413 18" FL (out) 409.52

18" R.C.P. "SD-1B"

STA: 1+21.16 "SD-1R3" 45° BEND FL=408.87

12" R.C.P. "SD-1R3"

STA: 1+36.71 "SD-1R3" BUILDING STORM CONNECTION GIVEN INVERT IS LOWEST INVERT FL=409.00

STA: 6+65.09 "SD-1" WYE FL=407.70

STA: 6+09.79 "SD-1" 45° BEND FL=407.20

STA: 5+78.09 "SD-1" WYE FL=406.91

STA: 1+52.00 "SD-1A" 3'X3' GRATE INLETS GRATE ELEV. 410.83 24" FL (out) 407.17

24" R.C.P. "SD-1A"

STA: 5+28.23 "SD-1" 4'X4' GRATE INLET GRATE ELEV. 411.71 24" FL (out) 406.34 24" FL (in) 406.46

STA: 1+29.63 "SD-2R2" 45° BEND FL=405.69

12" R.C.P. "SD-2R2"

STA: 1+46.10 "SD-2R2" WYE FL=406.35

SD-2R2" 45° BEND FL=406.85

STA: 1+73.70 "SD-2R2" BUILDING STORM CONNECTION GIVEN INVERT IS LOWEST INVERT FL=407.45

STA: 1+22.09 "SD-2E" 10' CURB INLET GRATE ELEV. 413.89 12" FL (out) 405.12

12" R.C.P. "SD-2E"

STA: 7+88.39 "SD-2" WYE FL=403.50

STA: 7+67.94 "SD-2" WYE FL=403.24

STA: 7+18.83 "SD-2" 4'X4' JUNCTION BOX GRATE ELEV. 413.70 36" FL (out) 401.62 24" FL (in) 402.62 24" FL (in) 402.62

STA: 7+59.64 "SD-2" 45° BEND FL=403.13

24" R.C.P. "SD-2"

STA: 2+02.52 "SD-1R2" BUILDING STORM CONNECTION GIVEN INVERT IS LOWEST INVERT FL=408.86

6" STORM DRAIN LINE @ 2%

8" STORM DRAIN LINE @ 2%

8" STORM DRAIN LINE @ 2%

STA: 1+77.93 "SD-1R2" WYE FL=407.88

12" R.C.P. "SD-1R2"

STA: 1+27.76 "SD-1R2" 45° BEND FL=405.87

6" HEIGHT SIDEWALK BOX

6" HEIGHT SIDEWALK BOX

STA: 3+52.71 "SD-1" 4'X4' GRATE INLET GRATE ELEV. 411.10 30" FL (out) 403.26 24" FL (in) 403.76 12" FL (in) 404.76

30" R.C.P. "SD-1"

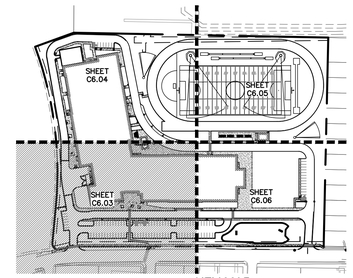
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FF=415.00

J.J. FLEWELLEN RD
(60' R.O.W.)
(VOL. 604, PG. 348 D.R.)

LENOX AVE
(50' R.O.W.)

CARVER AVE
(50' R.O.W.)



KEY MAP

SCALE: 1"= 20'
0' 20' 40' 60'

LEGEND

- PROPERTY BOUNDARY
- DW — DOMESTIC WATER LINE
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- GATE VALVE
- FIRE HYDRANT
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- EXISTING FIRE HYDRANT
- EXISTING STORM DRAIN MANHOLE
- EXISTING WASTEWATER MANHOLE
- W — EXISTING WATER LINE
- WW — EXISTING WASTEWATER LINE
- SD — SD — EXISTING STORM DRAIN LINE
- OHE — OH — EXISTING OVERHEAD ELECTRIC LINE
- 410 — EXISTING CONTOUR LINE
- 410 — PROPOSED CONTOUR LINE
- PROPOSED RIP RAP

GENERAL NOTES:

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THESE PLANS IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE ASSOCIATED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
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3. WORK IN THE STATE R.O.W. AND EASEMENTS SHALL BE IN ACCORDANCE WITH THE TXDOT STANDARD SPECIFICATIONS, LATEST EDITION.
4. ALL WORK ON THIS PLAN SHOULD BE DONE IN STRICT COMPLIANCE WITH SITEWORK SPECIFICATIONS AND CITY OF WACO REGULATIONS.
5. CONTRACTOR SHALL COORDINATE WITH APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION, ADJUSTMENT, OR RELOCATION OF EXISTING UTILITIES.
6. ALL MATERIALS AND CONSTRUCTION PROCEDURES WITHIN THIS SCOPE OF WORK SHALL COMPLY WITH THE PROJECT GEOTECH REPORT, THE PROJECT SPECIFICATIONS, THE CURRENT APPLICABLE CITY, COUNTY AND/OR TXDOT STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND WATER AND SEWER PURVEYOR STANDARD SPECIFICATIONS.
7. CONTRACTOR SHALL MATCH EXISTING CURB AND GUTTER IN SIZE, GRADE, TYPE, AND ALIGNMENT AT ADJACENT ROADWAYS.
8. DUE TO FEDERAL REGULATIONS TITLE 49, PART 192.181, ACCESS MUST BE PROVIDED TO GAS VALVES AT ALL TIMES. THE CONTRACTOR MUST PROTECT AND WORK AROUND ANY GAS VALVES THAT ARE IN THE PROJECT AREA.
9. PUBLIC STORM SEWER WITH MORE THAN 2 FEET OF SEPARATION FROM TOP OF PIPE TO SUBGRADE TO BE CLASS 3 CONCRETE. PUBLIC STORM SEWER WITH LESS THAN OR EQUAL TO 2 FEET OF SEPARATION FROM TOP OF PIPE TO SUBGRADE TO BE CLASS 5 CONCRETE OR EQUIVALENT.
10. PRIVATE STORM SEWER WITH MORE THAN OR EQUAL TO 2 FEET OF SEPARATION FROM TOP OF PIPE TO SUBGRADE CAN BE HDPE PIPE OR EQUIVALENT. PRIVATE STORM SEWER PIPE WITH LESS THAN 2 FEET FROM TOP OF PIPE TO SUBGRADE, OR EQUAL TO OR GREATER THAN 48" PIPE, SHALL BE HP DUAL WALL OR CLASS 5 CONCRETE PIPE.

3

BENCHMARK INFORMATION

BENCHMARK--100
SET CHISELED SQUARE ON CURB INLET LOCATED ON THE WEST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552001.4'
GRID EASTING: 3294017.7'
ELEVATION = 403.90'

BENCHMARK--101
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD. NEAR THE NORTHWEST CORNER OF THE SCHOOL SITE.
GRID NORTHING: 10552765.8'
GRID EASTING: 3293570.3'
ELEVATION = 411.41'

BENCHMARK--102
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552449.5'
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1601 J J Flewellen Rd, Waco, TX 76704

STATE OF TEXAS
MARK A. RAMSEUR
88748
LICENSED
PROFESSIONAL ENGINEER
05/25/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

STORM DRAIN PLAN
(1 OF 4)

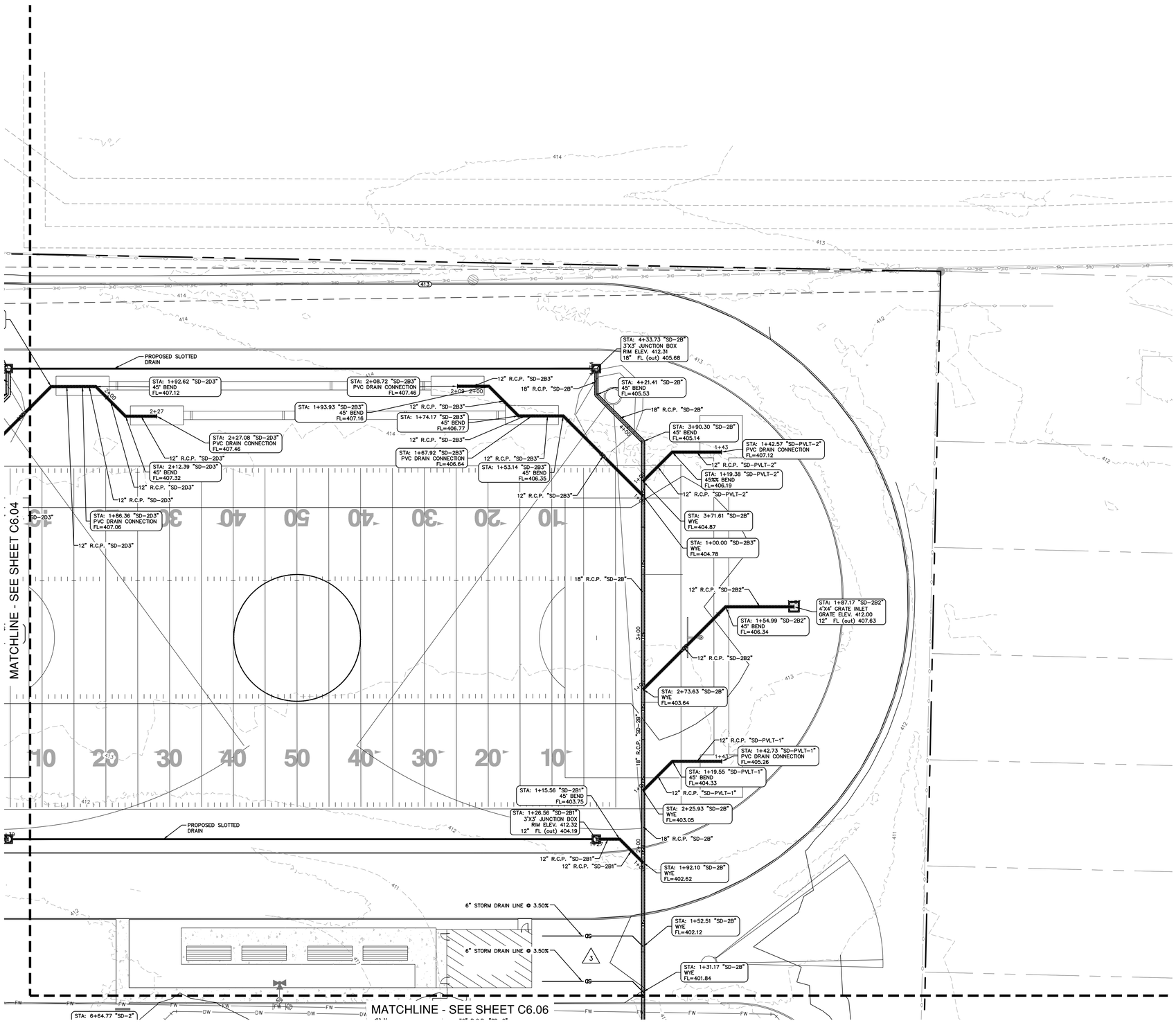
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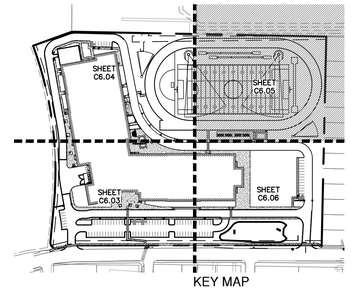
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2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

STORM DRAIN PLAN (3 OF 4)

CIVIL

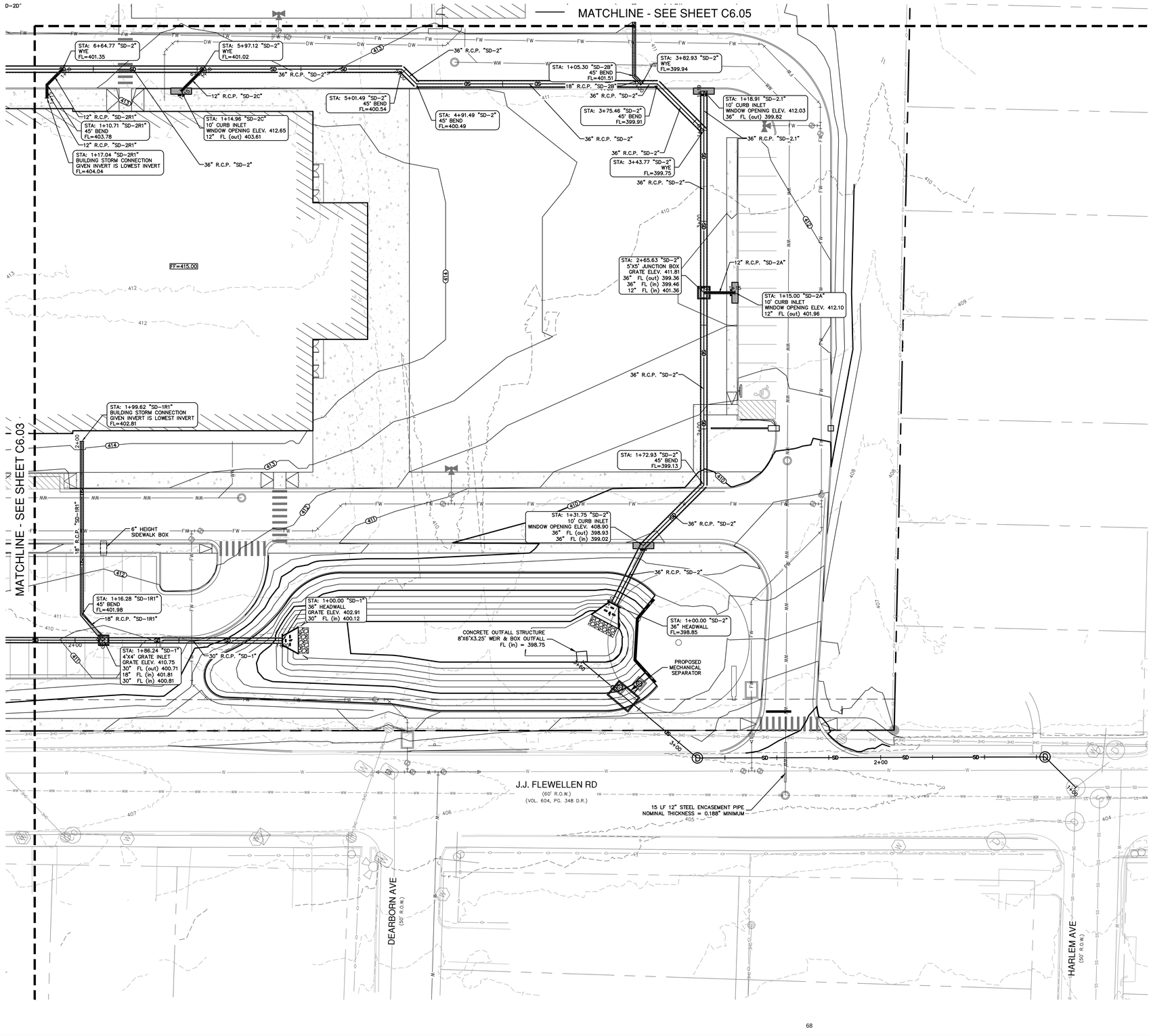
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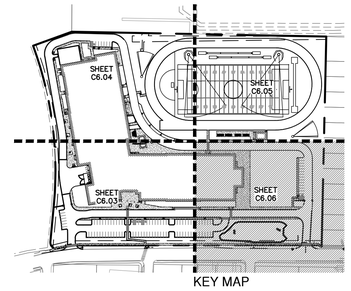
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3	PR003	05/26/22

03/10/2022
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CONTRACT DOCUMENTS

STORM DRAIN PLAN (4 OF 4)

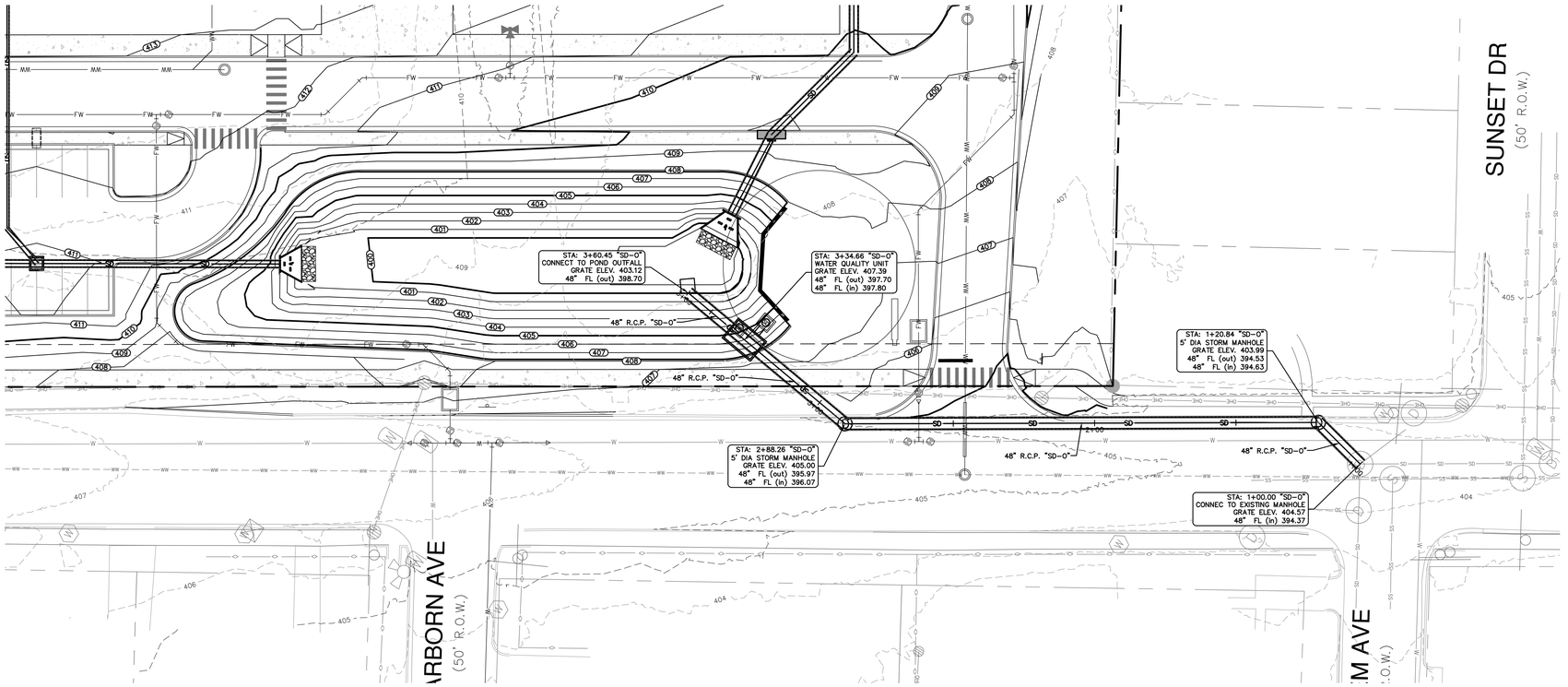
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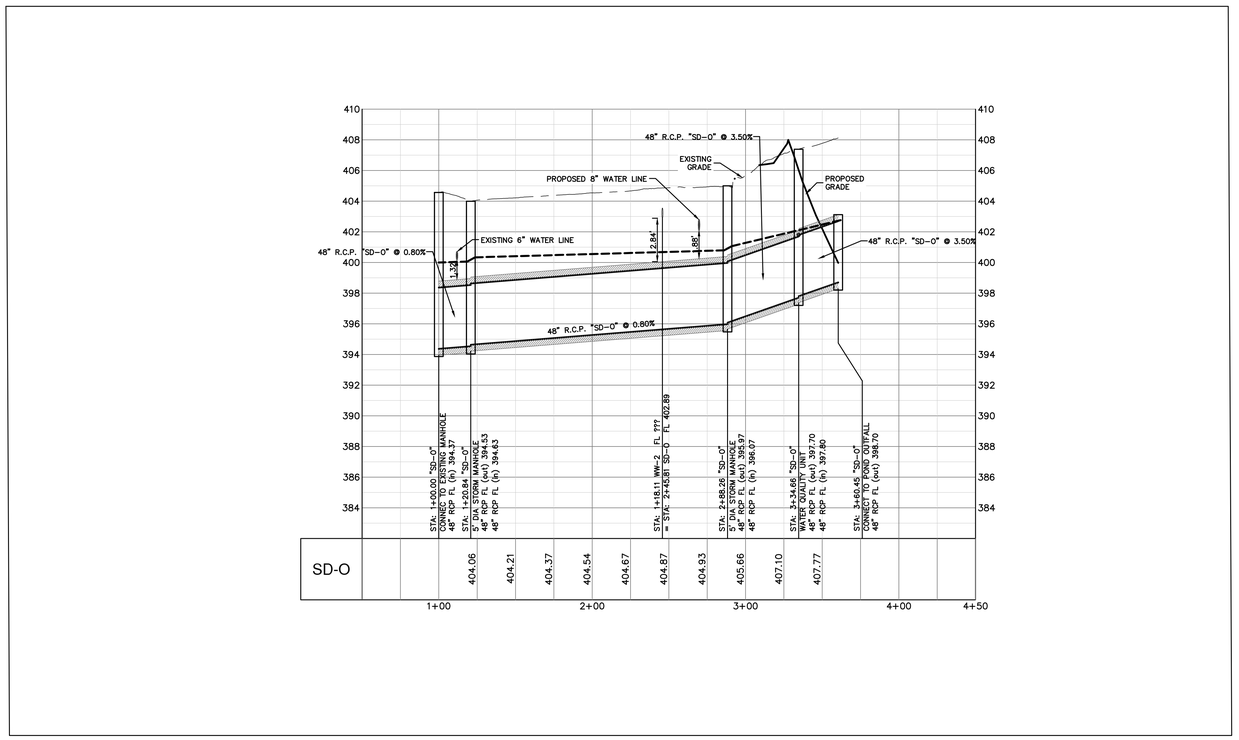
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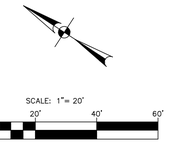
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2. ALL RCP IS CLASS III UNLESS OTHERWISE NOTED.
3. EXISTING CONTOUR INFORMATION SHOWN HERE ON THIS PLAN SHEET ARE SHOWN AT ONE (1) FOOT INTERVALS. THE CONTOURS ARE COMPUTER GENERATED USING LIDAR DATA COLLECTED ON OR ABOUT OCT. 2021.
4. ALL FILL AREAS SHALL BE COMPACTED TO 95% PRIOR TO UTILITY INSTALATION.
5. WORK IN THE STATE R.O.W. AND EASEMENTS SHALL BE IN ACCORDANCE WITH THE TXDOT STANDARD SPECIFICATIONS, LATEST EDITION.

PROFILE SCALES:

1" = 40' HORIZONTAL
1" = 4' VERTICAL

PROFILE LEGEND:

- NATURAL GROUND
- FINISHED GRADE
- PROPOSED STORM DRAIN
- 100-YR HYDRAULIC GRADE LINE

3

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WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd, Waco, TX 76704

STATE OF TEXAS
MARK A. RAMSEUR
88748
LICENSED
PROFESSIONAL ENGINEER
05/25/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

CITY STORMDRAIN PLAN & PROFILE

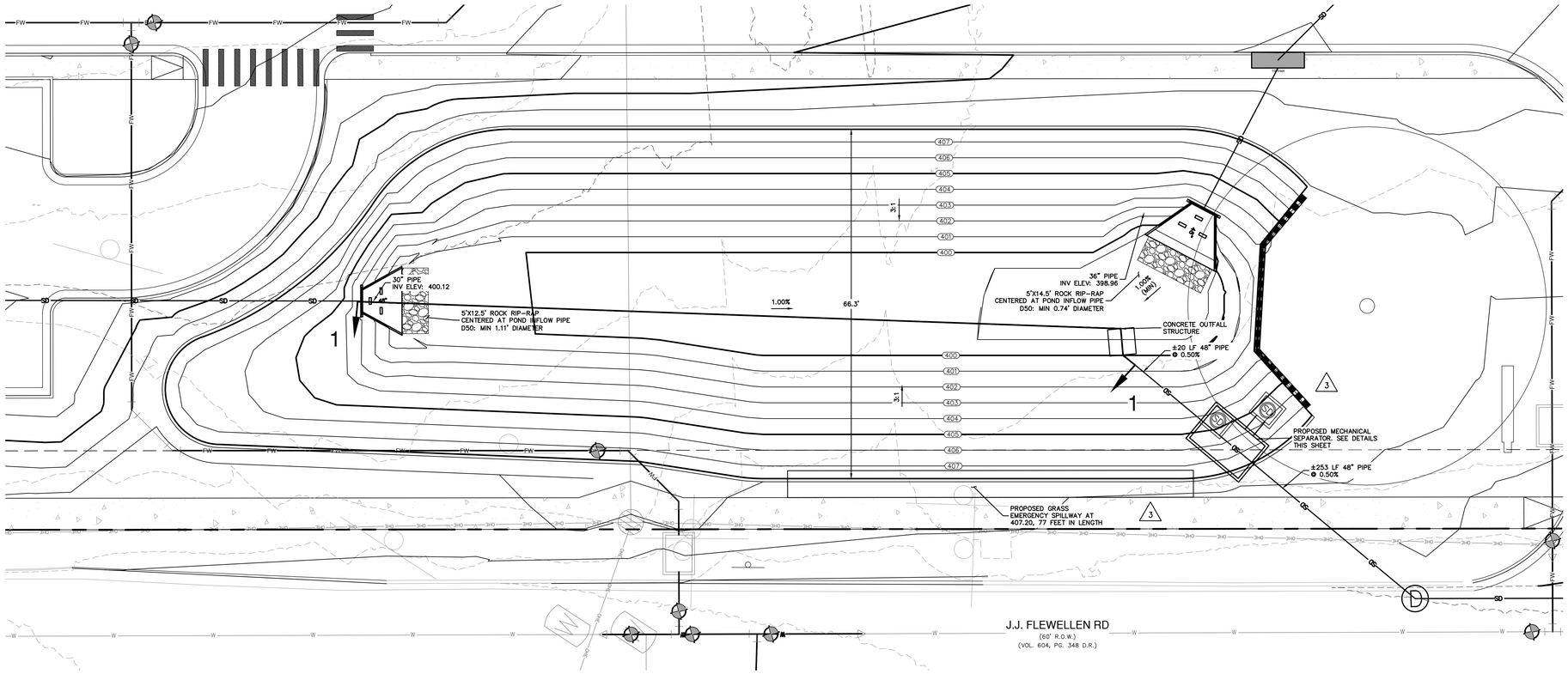
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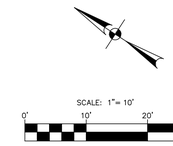
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PACKAGE 2

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LEGEND

- LIMITS OF CONSTRUCTION
- PROPERTY LINE
- EXISTING WASTEWATER LINE W/ MANHOLE
- PROPOSED EASEMENT LINE
- EXISTING WATERLINE
- EXISTING OVERHEAD ELECTRIC LINE
- PROPOSED STORM DRAIN LINE
- EXISTING FENCE
- PROPOSED RETAINING WALL

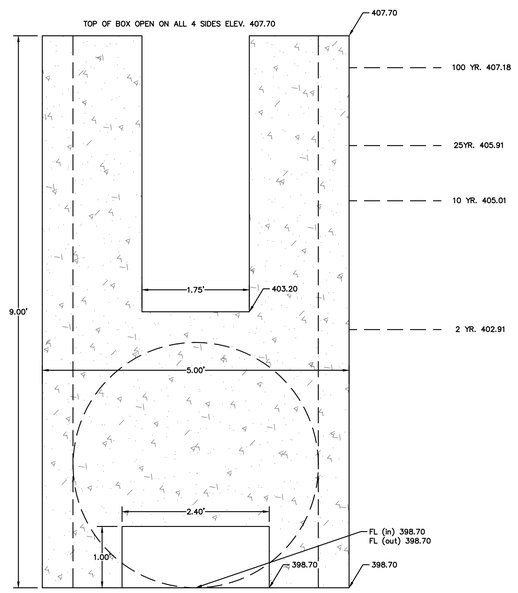
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ANALYSIS POINT 1		
Event	Existing (CFS)	Proposed (CFS)
2-YR	44.37	40.72
10-YR	78.57	72.55
25-YR	101.91	94.77
100-YR	141.82	133.29

DETENTION POND ROUTING				
Return Event	Peak In-Flow (CFS)	Peak Out-Flow (CFS)	Max Water Surface Elevation (ft)	Max Storage (Ac-ft)
2	31.80	22.24	402.91	0.31
10	53.60	40.58	405.01	0.63
25	68.35	53.34	405.91	0.82
100	93.55	74.35	407.18	1.11

CARVER - DETENTION POND					
Elev. (ft)	Depth (ft)	Pr. Area (ft^2)	Area (ac)	Incremental Volume (ft^3)	Cumulative Volume (ft^3)
398.7	0.00	0	0.0000	0	0
399.0	0.30	567	0.0130	57	57
400.0	1.00	2,572	0.0590	1,449	1,506
401.0	1.00	3,565	0.0818	3,055	4,561
402.0	1.00	4,627	0.1062	4,084	8,645
403.0	1.00	5,720	0.1313	5,164	13,809
404.0	1.00	6,874	0.1578	6,288	20,097
405.0	1.00	8,110	0.1862	7,483	27,581
406.0	1.00	9,438	0.2167	8,766	36,346
407.0	1.00	10,891	0.2500	10,156	46,502
407.2	0.20	11,194	0.2570	2,208	48,710
408.0	0.80	12,428	0.2853	9,444	58,155



DETENTION POND OUTFALL STRUCTURE FRONT VIEW
1" = 1'

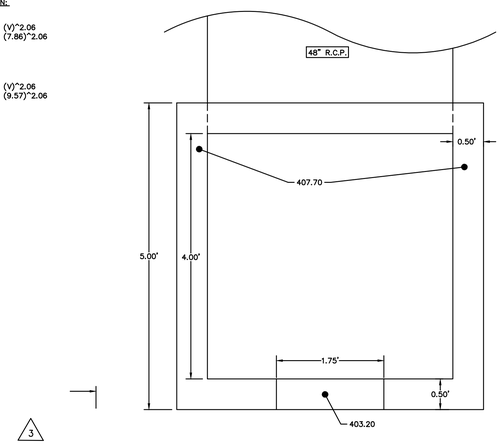
POND:

D50 CALCULATION:
V = 7.86 FPS

D50 = 0.0105 * (V)^2.06
D50 = 0.0105 * (7.86)^2.06
D50 = 0.74 FT

V = 9.57 FPS

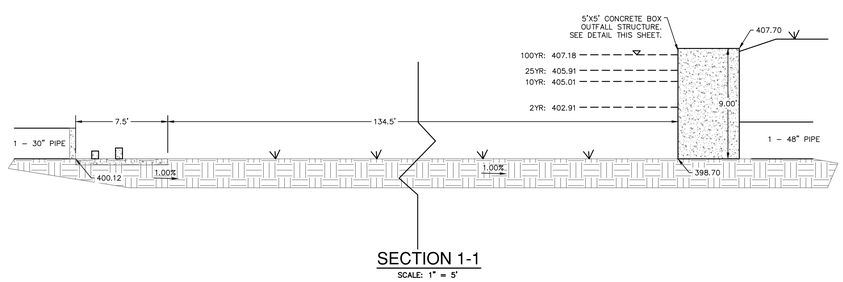
D50 = 0.0105 * (V)^2.06
D50 = 0.0105 * (9.57)^2.06
D50 = 1.11 FT



DETENTION POND OUTFALL STRUCTURE PLAN VIEW
1" = 1'

NOTES

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE ASSOCIATED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. CONTRACTOR SHALL COORDINATE WITH APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION, ADJUSTMENT, OR RELOCATION OF EXISTING UTILITIES.
3. ALL EXISTING MANHOLE COVERS, METER BOXES, VALVE CASTINGS, POST INDICATOR VALVES, FIRE HYDRANTS, ETC. SHALL BE ADJUSTED TO FINISHED GRADE.
4. CONTRACTOR SHALL PROVIDE BOLLARDS FOR PROTECTION OF ALL ABOVE-GROUND UTILITIES AND APPURTENANCES IN DRIVE AREAS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED TESTING, APPROVALS, AND ACCEPTANCES REQUIRED TO COMPLETE CONSTRUCTION OF THIS PROJECT.
6. ALL MATERIALS AND CONSTRUCTION PROCEDURES WITHIN THIS SCOPE OF WORK SHALL COMPLY WITH THE PROJECT GEOTECH REPORT, THE PROJECT SPECIFICATIONS, THE CURRENT APPLICABLE CITY, COUNTY, AND/OR TXDOT "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION" AND WATER AND SEWER PURVEYOR STANDARD SPECIFICATIONS.
7. DUE TO FEDERAL REGULATIONS TITLE 49, PART 192.181, ACCESS MUST BE PROVIDED TO GAS VALVES AT ALL TIMES. THE CONTRACTOR MUST PROTECT AND WORK AROUND ANY HAS VALVES THAT ARE IN THE PROJECT AREA.
8. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UNDERGROUND UTILITIES AND DRAINAGE SYSTEMS WHETHER OR NOT SHOWN ON PLANS.
9. ALL UTILITIES ARE TO BE INSTALLED PRIOR TO PAVEMENT CONSTRUCTION.
10. ALL UTILITY CONNECTIONS SHALL BE COORDINATED WITH THE MEP PLANS. CONTRACTOR TO NOTIFY ENGINEER OF ANY CONFLICTS PRIOR TO CONSTRUCTION.
11. FOR ALL UTILITIES ENTERING BUILDINGS SEE MEP PLANS FOR CONTINUATION 5 FT FROM BUILDINGS.
12. THE CONTRACTOR SHALL INSTALL ANY BENDS, FITTINGS, ETC. IN THE WATER LINE AS REQUIRED TO AVOID CONFLICTS WITH OTHER UTILITIES. (NO SEPARATE PAY ITEM.)
12. WATERLINES CROSSING COLLECTION SYSTEM PIPES MUST COMPLY WITH TCEQ, CHAPTER 17.
    - WHERE WATERLINES ARE IN PARALLEL SERIES AND IN CLOSE PROXIMITY WITH COLLECTIONS SYSTEM LINES, WATERLINES MUST BE ABOVE COLLECTION SYSTEM LINES AND MUST HAVE A MINIMUM HORIZONTAL SEPARATION OF 9 FEET, EDGE TO EDGE
    - COLLECTION SYSTEM MANHOLES/STRUCTURES AND WATERLINES MUST HAVE A MINIMUM SEPARATION OF 9 FEET, EDGE TO EDGE
    - WHERE WATERLINES CROSS COLLECTION SYSTEM LINES, WATERLINES MUST CROSS ABOVE THE COLLECTION SYSTEM LINES WITH A MINIMUM VERTICAL SEPARATION OF 2 FEET EDGE TO EDGE
      IF EITHER OF THESE CONDITIONS CANNOT BE MET, REFER TO TCEQ FIGURE: 30 TAC, 217.53 (0)(3), TABLE C.1 FOR ALTERNATE DESIGN.
13. CONTRACTOR WILL COORDINATE WITH WACO INDEPENDENT SCHOOL DISTRICT ON TIMING FOR INSTALLATION OF THE WATERLINE AND NEW WATER METERS.



SECTION 1-1
SCALE: 1" = 5'

BENCHMARK INFORMATION

BENCHMARK-100
SET CHISELED SQUARE ON CURB INLET LOCATED ON THE WEST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552001.4'
GRID EASTING: 3294017.7'
ELEVATION = 403.90'

BENCHMARK-101
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD. NEAR THE NORTHWEST CORNER OF THE SCHOOL SITE.
GRID NORTHING: 10552765.8'
GRID EASTING: 3293570.3'
ELEVATION = 411.41'

BENCHMARK-102
SET COTTON SPINDLE IN UTILITY POLE LOCATED ON THE EAST SIDE OF J.J. FLEWELLEN RD.
GRID NORTHING: 10552449.5'
GRID EASTING: 3293786.7'
ELEVATION = 409.53'

WACO INDEPENDENT SCHOOL DISTRICT
GW CARVER MIDDLE SCHOOL
1601 J J Flewellen Rd, Waco, TX 76704

STATE OF TEXAS
MARK A. RAMSEUR
88748
LICENSED
PROFESSIONAL ENGINEER
05/25/22

Revisions:

NO.	DESCRIPTION	DATE
2	ADDENDUM 1	03/25/22
3	PR003	05/26/22

03/10/2022
Project No. 2150.00
CONTRACT DOCUMENTS

POND PLAN

CIVIL
C6.10

PACKAGE 2

Date: May 25, 2022, 2:00pm User ID: sgrenier
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Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person**: **Gloria Barrera**

RE: Approval of Utility Easement with OnCor for Electrical Utilities at G.W. Carver Middle School

==========

Background Information:

In the course of the design for the new GW Carver Middle School, ONCOR has requested that a utility easement be established and has submitted an agreement for approval and execution by Waco ISD. The purpose of this easement is to confer rights of access to ONCOR for new utility installations that will service the new facility. Pursuant to this request, ONCOR has submitted the attached Easement Agreement to the CIP.

ONCOR requests that a utility easement be established to provide rights of access for new utility installations that will serve the new GW Carver Elementary School. ONCOR requires execution of this agreement prior to installation of any ONCOR provided service installations on site.

Fiscal Implications:

The cost of these items will be charged to the appropriate Bond Program budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the granting of the utility easement to Oncor, as presented.

PT #:
District: HOT – Waco SVC
WR #: 3579395
ER #_____

EASEMENT AND RIGHT OF WAY

STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF MCLENNAN §

That **Waco Independent School District, a Texas independent school district, and a political Subdivision of the State of Texas**, hereinafter called "Grantor," whether one or more, for and in consideration of Ten Dollars ($10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, hereinafter referred to as "Grantee," has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

SEE EXHIBIT "A" (ATTACHED)

Grantor recognizes that the general course of said lines, or the metes and bounds as described above, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate said facilities in the same relative direction of said facilities; the right to relocate said facilities in the same relative position to any adjacent road if and as such is widened in the future; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement area as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, until all of said electric lines and facilities shall be abandoned, and in that event said easement and right-of-way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's heirs, successors or assigns, and legal representatives; and Grantor hereby binds Grantor and Grantor's heirs, successors, assigns, and legal representatives, to warrant and forever defend the above described easement and right-of-way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Grantor represents and warrants that it does not meet any of the ownership, control, or headquarters criteria listed in Lone Star Infrastructure Protection Act, Chapter 113 of the Texas Business & Commerce Code, as added by Act of June 18, 2021, 87th Leg., R.S., Ch. 975 (S.B. 2116) (relating to China, Iran, North Korea, Russia, and any other country designated by the Texas governor as a threat to critical infrastructure).

EXECUTED this _____ day of _____, 2022.

By: Waco Independent School District, a
Texas independent school district, and
a political Subdivision of the State of Texas

By:

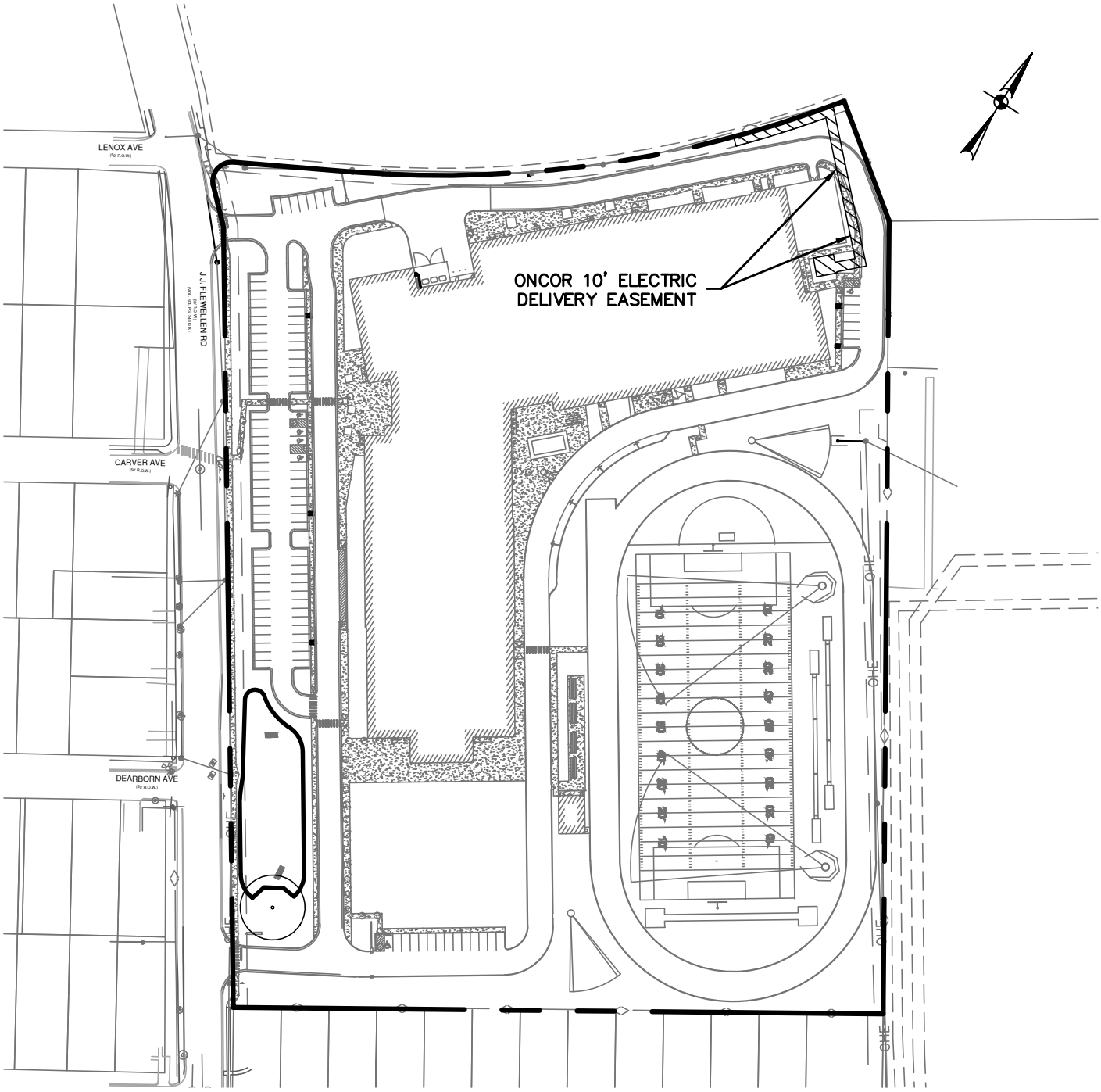
_____
Stephanie Korteweg, President

STATE OF _____ §
§
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared **Stephanie Korteweg** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same as the act and deed of **Waco Independent School District, a Texas independent school district, and a political Subdivision of the State of Texas**, as the **President** thereof, for the purposes and consideration therein expressed, in the capacity therein stated and that he/she is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A.D. 2022.

_____
Notary Public in and for the State of Texas



EASEMENT WIDTH: VARIES

ONCOR ELECTRIC DELIVERY LLC EASEMENT

DENOTES EASEMENT

SCALE: N.T.S.

THE INTENT OF THIS EXHIBIT IS TO PICTORIALLY SHOW THE APPROXIMATE LOCATION OF THE EASEMENT. IT IS NOT INTENDED AS AN ACTUAL SURVEY. CALLS SHOWN ARE REFERENCES ONLY. NO STATEMENT IS MADE TO THE VALIDITY OF THESE CALLS.

WR 3579395

JOB NO. 51301-01
DATE AUGUST 2022
DESIGNER KT
CHECKED TR DRAWN BJ
SHEET 1 of 1

1601 JJ FLEWELLEN RD, WACO, TX 76704

CARVER MS - ONCOR "EXHIBIT A"

PAPE-DAWSON ENGINEERS
AUSTIN I SAN ANTONIO I HOUSTON I FORT WORTH I DALLAS
10801 N MOPAC EXPY, BLDG 3, STE 200 I AUSTIN, TX 78759 I 512.454.8711
TBPE FIRM REGISTRATION #470 I TBPLS FIRM REGISTRATION #10028801

Date: Sep 26, 2022, 8:43am User ID: bjohnson
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Waco Independent School District

Board of Trustee Meeting Agenda

Date: September 29, 2022 **Contact Person(s)**: Josie Gutierrez/Chief David Williams

RE: Resolution Regarding Bullet-Resistant Shield Grant Program

==========

Background Information:

A Bullet-Resistant Shield Grant Program was authorized by a Budget Execution Order proposed by the Legislative Budget Board, which was ratified by Governor Abbott on June 28, 2022.

The Waco ISD Police Department submitted a grant application for bullet-resistant shields by the September 19, 2022, deadline. The proposal request includes the purchase of eight shields at an approximate cost of $6,100 each. In order to receive approval for funding, the Board is required to pass a resolution approving the grant submission.

The grant requires that all officers receiving a bullet-resistant shield have attended ALERRT (Advanced Law Enforcement Rapid Response Training) professional development within the past 24 months or receive the training within 24 months.

Fiscal Implications:

Should the district be awarded funding under this grant program, the district may be asked to provide matching funds, up to $26,000.

Administrative Recommendations:

Approve the Resolution for the Bullet-Resistant Shield Grant Program as presented.

Resolution of the Board
Regarding Bullet-Resistant Shield Grant Program

WHEREAS, the Waco Independent School District Board of Trustees finds it in the best interest of the citizens of Waco, Texas, that the Bullet-Resistant Shield Program be operated for the 2023-2024 School Year; and

WHEREAS, the Waco Independent School District Board of Trustees agrees to provide applicable matching funds for the said project as required by the Public Safety Office grant application; and

WHEREAS, Waco Independent School District Board agrees that in the event of loss or misuse of the Office of the Governor funds, Waco Independent School District Board assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, Waco Independent School District Board designates Mr. David Williams, Chief of Waco Independent School District Police Department, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the Waco Independent School District Board approves submission of the grant application for the Bullet-Resistant Shield Program to the Office of the Governor.

Passed and approved this 29th day of September, 2022, by the Waco ISD Board of Trustees.

APPROVED:

_____
Board President

Grant Number: 4680201

Waco Independent School District

Board of Trustee Meeting Agenda

Date: September 29, 2022 **Contact Person(s)**: Josie Gutierrez, Chief
David Williams

RE: Resolution Regarding ALERRT Travel Assistance for Fiscal Year 2023

==========

Background Information:

An ALERRT Travel Assistance grant for fiscal year 2023 was authorized by a Budget Execution Order proposed by the Legislative Budget Board and ratified by Governor Abbott on June 28, 2022. Funding was made available to offset travel costs that the district may incur for sending peace officers to Advance Law Enforcement Rapid Response Training (ALERRT).

The Waco ISD Police Department plans to submit a grant application requesting funding for eligible activities and costs that may include overtime pay, travel expenditures, and training stipends for ALERRT training. The deadline to submit an application is August 31, 2023.

The ALERRT Travel Assistance Grant Program accompanies the Bullet-Resistant Shield Grant Program.

Fiscal Implications:

None

Administrative Recommendations:

Approve the Resolution Regarding ALERRT Travel Assistance for Fiscal Year 2023.

Resolution of the Board
Regarding ALERRT Travel Assistance for Fiscal Year 2023

WHEREAS, the Waco Independent School District Board of Trustees finds it in the best interest of the citizens of Waco, Texas, that the FY23 ALERRT Travel Assistance Grant Program be operated for the 2022-2023 school year; and

WHEREAS, the Waco Independent School District Board of Trustees agrees to provide applicable matching funds for the said project as required by the Public Safety Office grant application; and

WHEREAS, the Waco Independent School District Board of Trustees agrees that in the event of loss or misuse of the Office of the Governor funds, the Waco Independent School District Board of Trustees assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, the Waco Independent School District Board of Trustees designates the Superintendent as the grantee's official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the Waco Independent School District Board of Trustees approves submission of the grant application for the FY23 ALERRT Travel Assistance Grant Program to the Office of the Governor.

Passed and approved this 29th day of September, 2022, by the Waco ISD Board of Trustees.

APPROVED:

_____
Board President

Grant Number: 4659001

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: <u>September 29, 2022</u> **Contact Person**: Kyle DeBeer

RE: Second Reading and Adoption of Board Policy Update 119

==========

<u>Background Information:</u>
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

A first reading of Update 119 was part of the consent agenda for the Board's meeting on Aug. 25.

<u>Fiscal Implications:</u>
None

<u>Administration Recommendations:</u>
Adopt Board Policy Update 119, as presented.

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

Waco ISD

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

Waco ISD

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

Plurality

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*

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 legal requirements related to energy savings performance contracts, see CL.

For information on procuring school buses, see CNB.

For legal requirements applicable to school nutrition procurement, including produce, with federal funds, see COA.

For information regarding construction of school facilities, see CV series.

Board Authority

The board may adopt rules and procedures for the acquisition of goods and services. *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

A district shall ensure that a capital improvement project subject to section 61.1040 complies with the requirements and standards as follows.

Long-Range Facility Plan

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

For additional legal requirements applicable to purchases with federal funds, see CBB.

For information on procuring goods and services under Education Code Chapter 44, see CH.

For required vendor disclosures and contract provisions, including prohibitions, see CHE.

For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

For legal requirements related to energy savings performance contracts, see CL.

For facility standards, see CS.

Definition

"Public work contract" means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work. *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

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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
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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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Applicability of Criminal Laws

The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

Trespass

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

Refusal of Entry or Ejection of Unauthorized Persons

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and:
    a. The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
    b. The person persists in that behavior.

Identification may be required of any person on property under the district’s control.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district’s property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child’s admission, review, and dismissal committee or in the child’s team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

The term of a person’s refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these provisions, including the appeal process.

The board shall adopt a policy that uses the district’s existing grievance process [see FNG, GF] to permit a person refused entry to or

ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Texas Education Code 7.057.

Education Code 37.105; 19 TAC 103.1207

Vehicles on School Property

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

Disruption of Lawful Assembly

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

Disruption of Classes

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

Education Code 37.124

Disruption of Transportation

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

Tobacco and E-Cigarettes

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

Smoking in Buildings

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7183*

Criminal Penalty

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

Defense

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed $500.

Facilities for Extinguishment

A district shall be equipped with facilities for extinguishment of smoking materials.

Penal Code 48.01(a)–(c)

Alcohol

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

Intoxicants

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

Education Code 37.122 [See also FNCF]

Fireworks

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

Federal Gun-Free School Zones Act

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"School zone" means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

18 U.S.C. 921(a)(25), .922(q)

Possession of Weapons

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: September 29, 2022 **Contact Person**: Kyle DeBeer

RE: Required Annual Evaluation of Campuses Operated by Transformation Waco

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Background Information:
On June 29, 2018, Transformation Waco assumed the performance contract to operate five Waco ISD campuses: Alta Vista Elementary, Brook Avenue Elementary, J.H. Hines Elementary, G.W. Carver Middle and Indian Spring Middle.

Annually, the Board is required by Board Policy ELA (LOCAL) to "evaluate each campus charter against the performance standards established by the Board or law." As part of that process, the Board is required to provide a written report to Transformation Waco and to post the report on the District's website.

The performance standards established by the Board can be found in Addendum 3 of the amended performance contract with Transformation Waco.

Fiscal Implications:
None

Administrative Recommendation(s):
Approve the annual evaluation of the performance of campuses operated by Transformation Waco, as presented.

Annual Evaluation of the Performance of Campuses Operated by Transformation Waco

2021-2022

Background

On June 29, 2018, Transformation Waco assumed the performance contract to operate five Waco ISD campuses: Alta Vista Elementary, Brook Avenue Elementary, J.H. Hines Elementary, G.W. Carver Middle and Indian Spring Middle.

To quote from the contract, "The primary purpose of this Agreement is to improve student outcomes by authorizing [Transformation Waco] to operate the Schools as an autonomous campus subject to transparent accountability requirements." As a result, the contract gives Transformation Waco broad authority to determine the budget, staffing and curriculum for each campus. It also establishes specific performance metrics for each campus that Transformation Waco is expected to meet each year.

Board Policy ELA (LOCAL), which governs in-district charter partnerships (like the one with Transformation Waco) requires the Waco ISD Board of Trustees to conduct an annual evaluation of each campus against the performance measures in the contract and to produce "a written report that summarizes compliance and performance, including areas of strength and improvement," and to make the report available to both Transformation Waco and the public. This document is that report, and it will be available online at wacoisd.org/2022evaluation.

In the spring of 2022, the Waco ISD Board of Trustees and the Transformation Waco Board of Directors amended the performance contract revising the performance metrics to reflect changes in the state accountability system as well as the challenges of the global pandemic. These revised metrics applied to the 2021-2022 academic year and are the basis of this evaluation.

2021-2022 Performance Metrics

Performance Measure #1: Campus Rating

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	Not Rated	C	Met	C
Brook Avenue Elementary	Not Rated	Not Rated	Met	C
J.H. Hines Elementary	Not Rated	Not Rated	Met	C
G.W. Carver Middle	Not Rated	Not Rated	Met	C
Indian Spring Middle	Not Rated	Not Rated	Met	C

For 2022, campuses rated A, B or C under the state's academic accountability system received their corresponding rating. Campuses that would have received either a D or an F were labeled "not rated."

Performance Measure #2: School Progress Rating (Domain II)

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	Not Rated	B	Met	C
Brook Avenue Elementary	Not Rated	C	Met	C
J.H. Hines Elementary	Not Rated	C	Met	C
G.W. Carver Middle	Not Rated	Not Rated	Met	C
Indian Spring Middle	Not Rated	Not Rated	Met	C

Like the overall rating, campuses that would have received either a D or an F in an individual domain were labeled "not rated" instead.

Performance Measure #2, Goal Progress Measure #1: Relative Performance Scaled Score

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	60	53	Did Not Meet	62
Brook Avenue Elementary	50	49	Did Not Meet	52
J.H. Hines Elementary	48	43	Did Not Meet	50
G.W. Carver Middle	52	52	Met	54
Indian Spring Middle	69	57	Did Not Meet	71

Performance Measure #2, Goal Progress Measure #2: Academic Growth Scaled Score

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	53	83	Met	C
Brook Avenue Elementary	53	70	Met	C
J.H. Hines Elementary	51	70	Met	C
G.W. Carver Middle	58	60	Met	C
Indian Spring Middle	54	59	Met	C

Performance Measure #3: Closing Gaps (Domain III)

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	Not Rated	C	Met	C
Brook Avenue Elementary	Not Rated	Not Rated	Met	C
J.H. Hines Elementary	Not Rated	Not Rated	Met	C
G.W. Carver Middle	Not Rated	Not Rated	Met	C
Indian Spring Middle	Not Rated	Not Rated	Met	C

Performance Measure #3, Goal Progress Measure #1: Academic Achievement Status

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	19%	19.8%	Met	21.8%
Brook Avenue Elementary	11%	13.9%	Met	15.9%
J.H. Hines Elementary	16%	14.2%	Did Not Meet	16.2%
G.W. Carver Middle	17%	20.3%	Met	22.3%
Indian Spring Middle	21%	22.8%	Met	24.8%

This goal progress measure is calculated by averaging the percentage of students in each student subgroup at the meets grade-level standard or above, not the percentage of indicators met. It is also the first of several metrics where the target for 2022-2023 is determined by adding two percentage points to the actual performance from 2021-2022.

Performance Measure #3, Goal Progress Measure #2: English Language Proficiency Status

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	32%	27%	Did Not Meet	29%
Brook Avenue Elementary	40%	35%	Did Not Meet	37%
J.H. Hines Elementary	n/a	n/a	n/a	n/a
G.W. Carver Middle	32%	26%	Did Not Meet	28%
Indian Spring Middle	29%	32%	Met	34%

Due to the small number of emergent bilingual learners at J.H. Hines Elementary, this goal progress measure did not apply to that campus for 2021-2022.

Performance Measure #3, Goal Progress Measure #3: STAAR Grade 3-8 Reading and Math Performance

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	19%	18.4%	Did Not Meet	20.4%
Brook Avenue Elementary	13%	13.7%	Met	15.7%
J.H. Hines Elementary	18%	10.5%	Did Not Meet	12.5%
G.W. Carver Middle	17%	17.2%	Met	19.2%
Indian Spring Middle	23%	22.2%	Did Not Meet	24.2%

Performance Measure #4: Students Meeting Growth Target on NWEA MAP Assessment in ELA and Math

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	36%	39%	Met	41%
Brook Avenue Elementary	40%	40%	Met	42%
J.H. Hines Elementary	39%	36%	Did Not Meet	38%
G.W. Carver Middle	47%	43%	Did Not Meet	45%
Indian Spring Middle	44%	48%	Met	50%

Performance Measure #5: Teacher Satisfaction

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	n/a	62%	n/a	65% (or at least third quartile nationally)
Brook Avenue Elementary	n/a	14%	n/a	17% (or at least third quartile nationally)
J.H. Hines Elementary	n/a	24%	n/a	27% (or at least third quartile nationally)
G.W. Carver Middle	n/a	24%	n/a	27% (or at least third quartile nationally)
Indian Spring Middle	n/a	20%	n/a	23% (or at least third quartile nationally)

This performance measure is an average of the percentage of teachers responded favorably to 10 questions on the Panorama School Climate and Culture Survey. The revised metrics in the performance contract set 2021-2022 as a data collection year to establish a baseline. For this and the following performance measure, there are two possible targets for 2022-2023. The first is

determined by adding three percentage points to each campus's actual performance in 2021-2022. Alternatively, a campus could score in at least third quartile nationally.

Performance Measure #6: Parent Satisfaction

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	64%	n/a	n/a	64% (or at least third quartile nationally)
Brook Avenue Elementary	70%	n/a	n/a	70% (or at least third quartile nationally)
J.H. Hines Elementary	65%	n/a	n/a	65% (or at least third quartile nationally)
G.W. Carver Middle	61%	n/a	n/a	61% (or at least third quartile nationally)
Indian Spring Middle	52%	n/a	n/a	52% (or at least third quartile nationally)

Panorama does not consider the results of the Spring 2022 School Climate and Culture Survey to be reliable, because the overall participation rate was below 20%. Transformation Waco has proactively identified strategies to increase the response rate for future surveys, including a longer survey window and asking parents to complete the survey when they are at in-person events in addition to sharing the link via email, text message, phone calls and other methods.

Performance Measure #7: Attendance

Campus	2021-2022 Target	2021-2022 Performance	Met/Did Not Meet Target	2022-2023 Target
Alta Vista Elementary	92%	92.6%	Met	TBD
Brook Avenue Elementary	92%	93.1%	Met	TBD
J.H. Hines Elementary	92%	89.2%	Did Not Meet	TBD
G.W. Carver Middle	89%	83.9%	Did Not Meet	TBD
Indian Spring Middle	89%	87.8%	Did Not Meet	TBD

The amended performance contract states that attendance metrics for 2022-2023 and 2023-2024 will be set after the snapshot count in October 2022.

Performance Measure #8: Financial Indicators

Indicator	2021-2022 Target	2021-2022 Performance	2022-2023 Target
Was the complete annual financial report (AFR) submitted to the WISD within 30 days of January 28 deadline?	Yes	No	Yes
Was there an unmodified opinion in the AFR on the financial statements as a whole?	Yes	Yes	Yes
Did the external independent auditor report that the AFR was free of any instance(s) of material weaknesses in internal controls over financial reporting and compliance for local, state, or federal funds?	Yes	Yes	Yes

Transformation Waco submitted the annual financial report to Waco ISD on March 1, 2022. The auditor did not issue a modified opinion and did not identify any material weaknesses in internal controls. Unlike the other metrics, this performance measure does not apply to each campus.

Summary

Campus	Performance Measures Met	Goal Progress Measures Met
Alta Vista Elementary	5 out of 5	2 out of 5
Brook Avenue Elementary	5 out of 5	3 out of 5
J.H. Hines Elementary	3 out of 5	1 out of 4
G.W. Carver Middle	3 out of 5	4 out of 5
Indian Spring Middle	4 out of 5	3 out of 5

Overall, each campus operated by Transformation Waco met a majority of the performance measures for the 2021-2022 school year. That includes three performance measures with a target of "not rated." While it was not possible for a campus to fail to meet the "not rated" targets, Alta Vista Elementary exceeded that target on all three performances measures, and Brook Avenue and J.H. Hines Elementary also exceeded that target on Performance Measure #2. In addition, a majority of the five campuses met a majority of the applicable goal progress measures.

While not directly connected to a specific metric in the performance contract, "holistic student support" through wraparound services is one focus of Transformation Waco's model. The Transformation Waco 2021-2022 Annual Report provides greater detail on their strategic priorities, the campuses that they operate, and those services. It can be found online at https://transformationwaco.org/news/annualreport2022.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person**: Deena Cornblum

RE: Waiver to Use Alternate Reading Instrument for Seventh Grade
==========

Background Information
TEC, §28.006(c-1) requires each school district to administer at the beginning of the seventh grade a reading instrument adopted by the Commissioner to each student whose performance on the grade 6 STAAR reading assessment did not demonstrate reading proficiency.

The Commissioner has adopted the following:

- Istation's Indicators of Progress, Advanced Reading (ISIP-AR)
- Reading Analysis and Prescription System (RAPS 360)
- Texas Middle School Fluency Assessment (TMFSA)
- Woodcock Johnson III Diagnostic Reading Battery (WJ III DRB)

LEAs are required to use one of these reading diagnostic instruments. However, with board approval, districts may request a waiver in order to use another instrument that best meets the needs of students.

Waco ISD wishes to use Renaissance Star Reading diagnostic instrument for seventh grade reading for the 2022-2023 school year. This diagnostic tool is already implemented as a part of the WISD curriculum; therefore, teachers are trained to administer the assessment and disaggregate data from the student reports. Using Renaissance Star Reading will streamline the testing process and prevent having to administer an additional assessment.

Fiscal Implications
None

Administrative Recommendation(s):
Approve the submission of a waiver to use an alternate reading instrument for seventh grade reading to the Texas Education Agency for the 2022-2023 school year.

Waco Independent School District

Board of Trustee Meeting Agenda

Date: September 29, 2022 **Contact Person**: Suzanne Hamilton
RE: School Health Advisory Council (SHAC) Members
==========

Background Information:
Policy BDF (Legal) states the Board shall appoint at least five members to the School Health Advisory Council. A majority of the members must be parents of students enrolled in the District and must not be employed by the District. In addition, one of those members shall serve as chair or co-chair of the SHAC.

The Board may also appoint one or more public school teachers, public school administrators, District students, health-care professionals, members of the business community, law enforcement representatives, senior citizens, clergy, representatives of nonprofit health organizations, representatives of local domestic violence programs, or representatives of another group. *Education Code 28.004(d)*

The names of potential voting committee members who have agreed to serve on the SHAC for the 2022-2023 school year are:

Parents/Community Members:
1. Co-Chair: Nikki Rhodes- Parent (WHS, Tennyson, HPDS)
2. Anna Futral- Parent (West Ave)
3. Sarah Walden- Parent (LAMM)
4. Adrica Boffman- Parent (Mountainview)
5. Matthew Polk, Parent (HPDS, LAMM)
6. Melissa Vega-Parent (Kendrick)
7. Hilary Yancey- Parent (HPDS)
8. Ilda Sabido -Parent (LAMM)
9. Carmen Merritt- Parent (WHS)
10. Emily Green, Waco-McLennan Health District
11. Emilie Cunningham, Waco Family Medicine
12. Aleigh Ascherl, Advocacy Center for Crime Victims & Children
13. Beth Olson, Director of Adolescent Health Programs, Prosper Waco

Waco ISD Staff:
1. Rhiannon Settles, Director of Health Services
2. Suzanne Hamilton, Executive Director of Student Services
3. Yolanda Williams, Executive Director of Student Support & Campus Counselor Representative

Fiscal Implications:
There is no impact on the current budget.

Administrative Recommendation(s):
Administration recommends the Board of Trustees approve the appointment of the SHAC members as presented.

Waco Independent School District

Board of Trustees Meeting Agenda

Date: September 29, 2022 **Contact Person**: Dr. Daniel Lopez

RE: Report on Class Size Exemptions

==========

Background Information:

Each school district in the State of Texas is required to review its class size enrollment to determine whether class sizes for grades kindergarten through four meet the requirements of the Texas Education Code (TEC) §25.112. As a District of Innovation, Waco is exempt from the requirements of TEC §25.112. District leadership works with campus principals to determine if a class exceeding 22:1 needs to be leveled or is allowed to exceed the TEC limit of 22:1.

Attached are the classes by campus and grade levels, by elementary school, which exceed the 22:1 class size limit.

Fiscal Implications:

None

Administrative Recommendation(s):

For report only. No action is required.

K-4 Classes Exceeding 22:1 Ratio

Campus	K	1	2	3	4	Total K-4
Crestview						
Dean Highland	2					
Kendrick	1					
Parkdale						
Provident Heights			1			
Total	**3**		**1**			**4**

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person**: Deena Cornblum

RE: Staff Development Minutes Waiver

==========

Background Information

Districts that provide operational and instructional minutes may apply for a Staff Development Minutes Waiver that allows for a maximum of 2,100 total waiver minutes to use for professional development. Districts may choose to offer early release, late start, all day staff development, or a combination. The minutes must be used for staff development in place of student instruction and only during the school year. Additionally, districts are required to provide to students 75,600 minutes of instruction each year.

The Waco ISD instructional calendar for 2022-2023 reflects the following dates for staff development:

Dates	Type	Minutes
September 16, 2022	Full-day	450
October 28, 2022	Full-day	450
January 27, 2023	Full-day	450
March 31, 2023	Full-day	450
		Total Minutes: 1,800

The Board is being asked to approve 1,800 minutes for staff development to take the place of student instruction.

Fiscal Implications

None

Administrative Recommendation(s):

Approve the submission of a Staff Development Minutes Waiver request, granting the Superintendent the authority to approve and submit waiver documents to the Texas Education Agency.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person**: Dr. Susan Kincannon

RE: Cooper Foundation Trustee Election

==========

Background Information:
Seven individuals serve the community as unpaid trustees of the Cooper Foundation. Their responsibilities require a significant contribution of time and talent. Dr. Sharon Shields has served as a Cooper Foundation Trustee since 2007. Her experience as Superintendent of the LaVega Independent School District and her leadership in our community have proven beneficial to the Cooper Foundation. The Cooper Foundation has recommended that Dr. Sharon Shields serve another term.

Waco ISD is a beneficiary of the philanthropy of the Cooper Foundation, and by virtue of the Foundation's governing instrument, has a role in the selection process of certain Cooper Foundation board members. Under the Foundation's trust instrument, the vote is to be cast by the governing body and communicated to the Cooper Foundation in Writing.

Fiscal Implications
Not Applicable.

Administrative Recommendation(s):
Approve the Board of Trustee's vote for Dr. Sharon Shields for Trustee of the Cooper Foundation.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person**: Deena Cornblum

RE: 4H Adjunct Professors

==========

Background Information

19 TAC §129.21(j)1permits students who are participating in off-campus activities with a professional member of the school district or an adjunct staff member of the school district to be counted as present for attendance purposes. The school board must approve the agreement for an adjunct staff member to supervise the activity.

Extension agents may be awarded adjunct staff member status. McLennan County requests the agents listed on the enclosed Adjunct Faculty Agreement be awarded adjunct staff member status.

19 TAC §76.1001 defines an extracurricular activity as an activity sponsored by the University Interscholastic League (UIL), the school district board of trustees, or an organization sanctioned by resolution of the board of trustees.

This resolution recognizes 4-H as an extracurricular activity in Waco ISD. By approving this request, WISD allows the same attendance accounting for students who elect to participate in 4-H as in other district-approved extracurricular activities.

Fiscal Implications
None

Administrative Recommendation(s):
Approve the 2022-2023 Resolution of Extracurricular Status of 4-H Organization and the Adjunct Faculty Request to award extension agents adjunct staff member status.

EXTRACURRICULAR STATUS REQUEST

Request for Extracurricular Status for 4-H

MCLENNAN COUNTY EXTENSION SERVICE

TEXAS A&M AGRILIFE EXTENSION

Received on

SEP 08 2022

Waco ISD
Superintendent's Office

July 11, 2022

Dr. Susan Kincannon
Waco ISD
PO BOX 27
Waco, TX 76703

Dear *Dr. Susan Kincannon:*

On behalf of the 4-H members of **McLennan** County, I/we hereby respectfully request that the 4-H organization, by the attached resolution, be sanctioned as an extracurricular activity. We request the enclosed RESOLUTION be presented for consideration at the next scheduled meeting of the Board of Trustees of the ***Waco ISD***. I/we further request that questions regarding this RESOLUTION be directed to me/us in a timely manner so that I/we may prepare and present an appropriate response so as not to delay action on this request.

Finally, I/we request that a signed copy of this RESOLUTION, along with a copy of the minutes of the Board meeting, be forwarded to me/us for my/our files.

Thank you and members of the Board of Trustees for your consideration of this request.

Sincerely,

Madeline Makovy
CEA, 4-H & Youth Development

Dr. Shane McLellan
CEA, Ag & Natural Resources

Jerod Meurer
CEA, Natural Resources

Colleen Foleen
CEA, Family & Community Health

April Strickland
CEA, Better Living for Texans

Ashley Cox
Assistant CEA, Family & Community Health

Attachment: Resolution for Extracurricular Status of 4-H Organization

McLennan County Extension
4224 Cobbs Drive
Waco, Texas 76710
https://mclennan.agrilife.org/ | Tel. 254.757.5180 | Fax. 254.757.5097

EXTRACURRICULAR STATUS REQUEST

Resolution requesting Extracurricular Status for 4-H

RESOLUTION

EXTRACURRICULAR STATUS OF 4-H ORGANIZATION

Be it hereby resolved that upon this date, the duly elected Board of Trustees of the

Waco Independent School District

meeting in public with a quorum present and certified, did adopt this resolution that recognizes the

McLennan County

County Texas 4-H Organization as approved for recognition and eligible for extracurricular status consideration under 19 Texas Administrative Code, Chapter 76.1, pertaining to extracurricular activities.

Participation by 4-H members under provisions of this resolution are subject to all rules and regulations set forth under the 19 Texas Administrative Code as interpreted by this Board and designated officials of this school district.

Texas A&M AgriLife Extension
will request academic eligibility for all 4-H competitive activities, regardless if a school absence is or is not required, and for non-competitive purposes when an absence is required.

Approved this_____day of_____, 20_____.

_____ _____

Board of Trustee Superintendent

ADJUNCT FACULTY REQUEST

Cover Letter requesting Adjunct Faculty Status

MCLENNAN COUNTY EXTENSION SERVICE

TEXAS A&M AGRILIFE EXTENSION

July 11, 2022

Dr. Susan Kincannon
Waco ISD
PO BOX 27
Waco, Tx 76703

Dear *Dr. Susan Kincannon:*

On behalf of the **McLennan** County Extension Staff, I/we hereby respectfully request approval of the attached Adjunct Faculty Agreement with the **Waco** Independent School District.

The State Board of Education passed an amendment to 19 TAC§129.21 (j). Requirements for Student Attendance Accounting for State Funding Purposes allows public school students to be considered "in attendance" when participating in off-campus activities with an adjunct staff member of the school district. Section 3 of the Student Attendance Handbook states:

(1) The student is participating in an activity that is approved by the local board of school trustees and is under the direction of a member of the professional or paraprafessional staff of the school district, or an adjunct staff member who:

(A) has a minimum of a bachelor's degree; and

(B) is eligible for participation in the Teacher Retirement System of Texas.

McLennan County requests the agents listed on the enclosed Adjunct Faculty Agreement be awarded adjunct staff member status for the period of time indicated on the agreement.

I hope **Waco** Independent School District will accept this request. Please let me know if you would like to schedule an appointment to discuss the amendment and request or if you need further information.

Thank you and members of the Board of Trustees for your consideration of this request.

Sincerely,

Madeline Makovy
CEA, 4-H & Youth Development

Dr. Shane McLellan
CEA, Ag & Natural Resources

Jerod Meurer
CEA, Natural Resources

Colleen Foleen
CEA, Family & Community Health

April Strickland
CEA, Better Living for Texans

Ashley Cox
Assistant CEA, Family & Community Health

Attachment: Adjunct Faculty Agreement

ADJUNCT FACULTY REQUEST

Adjunct Faculty Agreement

THE STATE OF TEXAS
COUNTY OF McLennan

On this date, at a regularly scheduled and posted meeting, came the Board of Trustees of the **Waco** Independent School District, hereinafter referred to as "District." A quorum having been established; the Board proceeded to consider the appointment of the herein named individual(s) as an adjunct member of the **Waco** Independent School District.

Upon consideration and vote of_____in favor,_____is hereby named as adjunct faculty member(s) of the _____ Independent School District subject to the following considerations and provisions of such appointment to wit:

1. This appointment shall commence on the_____day of_____, 20____and remain in effect until the _____ day of_____, 20_____.

2. This appointment will include the Texas A&M AgriLife Extension Service employees listed below:

NAME	TITLE	DEGREE	INSTITUTION	DATE
Madeline Makovy	CEA, 4-H & Youth Development	B.S.	Tarleton State University	2022
Dr. Shane McLellan	CEA, Agriculture & Natural Resources	Doctor of Education	Texas A&M University	2014
Jerod Meurer	CEA, Natural Resources	M.S.	Texas A&M University – Kingsville	2015
Colleen Foleen	CEA, Family & Community Health	B.S.	Washington State University	1999
April Strickland	CEA, Better Living for Texans	B.S.	Texas A&M University – San Antonio	2013
Ashley Cox	Assistant CEA, Family & Community Health	M.S.	Tarleton State University	2022

3. Adjunct faculty member(s) will receive no compensation, salary, or remuneration from **Waco** Independent School District.

4. Adjunct faculty member(s) is and shall remain an employee, in good standing, of the Texas A&M AgriLife Extension Service.

5. Adjunct faculty member(s) is and shall remain under the direct supervision of either the District Extension Administrator of District **8** or **Dr. Shane McLellan** County Extension Director.

6. Adjunct faculty member(s) shall receive all group insurance benefits, workman's compensation insurance benefits, unemployment insurance, and any and all other plans for the benefit of Texas A&M AgriLife Extension Service employees. District shall have no responsibility for any of such benefits or plans.

Adjunct faculty member(s) shall direct the activities and participation of students of the school district in sponsored and approved activities as designated from time to time by adjunct faculty members for which notice shall be given to School District administrative personnel. Adjunct faculty members' activities and participation with students of the School District are directed, supervised, and controlled by and through supervisory personnel of Texas A&M AgriLife Extension Service pursuant to the supervisory authority of the District Extension Administrator or County Extension Director. Adjunct faculty member(s) is not the employee of the School District, and School District does not nor shall not supervise, direct or control the activities and/or participation of such **Madeline Makovy, Dr. Shane McLellan, Jerod Meurer, Colleen Foleen, April Strickland and Ashley Cox** County Extension Agent(s) who have/has been herein designated as an adjunct faculty member.

This appointment is made by the Independent School District by and through the Board of Trustees of said district for the benefit of allowing voluntary student participation in programs conducted by the Texas A&M AgriLife Extension Service in recognition of the educational benefits arising from such participation and activities and/or directed by the Texas A&M AgriLife Extension Service. This appointment is made in accordance with the provisions of Section 129.21 (j)(1) of the Texas Administrative Code authorizing the school to deem such participating students in attendance for foundation school program purposes.

This appointment of the herein named **McLennan** County Extension Agent(s), **Madeline Makovy, Dr. Shan McLellan, Jerod Meurer, Colleen Foleen, April Strickland, and Ashley Cox** (Extension employee) is/are not intended nor shall be construed as a waiver of any claim or defense of sovereign or governmental immunity from liability now p o s s e s s e d by **Waco** Independent School District or any of its employees, agents, officers, and/or board members in the performance of governmental functions.

Signed this_____day of_____, 20___.

Waco Independent School District

By: _____

WACO INDEPENDENT SCHOOL DISTRICT
BOARD MEETING MINUTES

Regular Meeting, June 23, 2022 - 6:00 p.m.
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Stephanie Korteweg
Jose Vidana
Jeremy Davis
Keith Guillory
Angelo Ochoa

BOARD MEMBERS ABSENT
Emily Iazzetti
Jonathan Grant

CALL TO ORDER
Stephanie Korteweg, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 6:01 p.m. She stated a quorum of Board Members was present, that the meeting had been duly called, and that the notice of the meeting had been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

PUBLIC COMMENTS ON AGENDA ITEMS
None

CLOSED SESSION (TEXAS GOVERNMENT CODE, SUBCHAPTERS D AND E)
The Board convened in closed session at 6:02 p.m.

RECONVENE IN OPEN SESSION
The Board reconvened in open session at 7:04 p.m.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS
Pledge Leaders
Kloe Shaw and Charlie Show, Parkdale Elementary School students, led the Pledge of Allegiance.

Community Partner Award
The Art Center of Waco was recognized as the Outstanding Community Partner.

SUPERINTENDENT'S REPORT

Preliminary STAAR Results

Dr. Kincannon announced that 13 of 16 campuses improved their overall score from 2019, and 10 of 16 campuses improved their campus ratings by at least one letter grade. Preliminary data show that Waco ISD campuses earned seven B's, six C's, and three D's. This is a significant improvement over 2019 when the district had three D's and four F's, not including campuses operated by Transformation Waco.

Budget Cut Update

Seventeen positions were eliminated (of which 5 were already vacant) at the administration building, along with funds budgeted in contracted services. This will reduce the budget by $1.29 million.

A total of 20 teaching positions have been closed, reducing the budget by $1.24 million. These are the vacant teaching positions that were not filled due to loss of enrollment. Dr. Kincannon stated that closing these positions will not result in increase in class sizes or the elimination of any programs. However, should enrollment be higher than expected, the district may need to add some positions back.

Nearly all first and second grade literacy aides and library aides have been reassigned. This change will reduce the budget by $1.56 million.

Finally, there will be a reduction in administrative staffing at secondary campuses. A dean's position was eliminated at both Cesar Chavez and Tennyson. The number of assistant principals at University was reduced by one, and the number of counselors at Waco High was also reduced by one. These changes reduced the budget by approximately $500,000.

These cuts total $4.59 million. The district is still working to identify additional savings in other non-payroll areas of the budget.

CONSENT AGENDA: CONSIDER AND TAKE APPROPRIATE ACTION

- Amendments to the 2021-2022 Budget
- Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services
- Bid Award for Child Nutrition Miscellaneous Technology Items
- Bid Award for Social Emotional Learning Curriculum
- Bid Award for Special Education Supplies, Equipment and Services
- Bid Renewal for Auctioneer Services

- Bid Renewal for Exclusive Beverage Contract
- Purchases over $50,000 Under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Services
- Resolution to Designate the Individual Authorized to Calculate the No-New-Revenue Tax Rate, the Voter-Approval Tax Rate and Comply with Other Truth-in-Taxation Requirements
- Monthly and Quarterly Financial Reports for the Period Ended May 31, 2022
- Employment of Administrative Employees
- Resolutions for Recall of a Member for McLennan County Appraisal District Board of Directors and To Cast Votes for the Recall
- Resolution to Nominate a Candidate for the McLennan County Appraisal District Board of Directors
- Intent to Apply for Federal Every Student Succeeds Act (ESSA) Funds
- 2022-2023 Student Code of Conduct
- Human Sexuality Curriculum
- Low Attendance Waivers
- School District Teaching Permit for Selected Teacher Candidate to Teach a Non-Core Academic CTE Course
- Release of Retainage to CORE for Demolition Services at G.W. Carver Middle School
- Bid Renewal and Consumer Price Index (CPI) Adjustment to GoldStar Transportation Services Agreement for 2022-2023 School Year
- Accept Gift Over $50,000 and Gifts Report
- First Reading of Board Policy FFAC(LOCAL)
- 2022-2023 Memorandum of Understanding with EOAC Head Start
- Board of Trustee Meeting Minutes
  - Special Meeting - May 17, 2022
  - Regular Meeting - May 19, 2022

Stephanie Korteweg made a motion, seconded by Jose Vidana, to approve the consent agenda as presented. The motion carried unanimously (5-0).

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING GUARANTEED MAXIMUM PRICE (GMP) #3 FOR G. W. CARVER - BUILDING AND SITE IMPROVEMENTS

O'Connell Robertson presented Guaranteed Maximum Price #3 for G.W. Carver.

The GMP #3 is the final approval for G.W. Carver Middle School and the project is within the stipulated budget. GMP #3 totals $47,549,875.

Angelo Ochoa made a motion, seconded by Stephanie Korteweg, to approve GMP #3 for G. W. Carver Middle School and authorize the Superintendent to sign Amendment 3 with CORE Construction. The motion carried unanimously (5-0).

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING AWARD OF CONTRACT FOR TENNYSON PORTABLES ELECTRICAL INFRASTRUCTURE AND BUILDING DEMOLITION PACKAGE TO MAZANEC CONTRACTOR

On May 6, 2022, Waco ISD issued CSP #22-1222 Temporary Electrical Infrastructure for 11 portable buildings and demolition for proposals. The district received two proposals. The Facilities and Maintenance Department and O'Connell Robertson evaluated the proposals and determined that Mazanec Construction offered the best value to the district. The total amount of the contract is $771, 252.

Keith Guillory made a motion, seconded by Jeremy Davis, to approve the award of the project to Mazanec Construction for electrical infrastructure for portable buildings and demolition of existing science wing including the base bid and alternate #1 and authorize the Superintendent to execute the final contract. The motion carried unanimously, (5-0).

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING DESIGNATION OF A DELEGATE AND ALTERNATE FOR THE 2022 TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB) DELEGATE ASSEMBLY

Stephanie Korteweg made a motion, seconded by Keith Guillory, to designate herself as the delegate for TASB Delegate Assembly and Jose Vidana as the alternate. The motion carried unanimously (5-0).

ANNOUNCEMENTS

Kyle DeBeer, Chief of Staff, made the following announcements.

- Online registration is open for the 2022-23 school year.
- Dedicated times will be given for in person registration.

ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

WACO INDEPENDENT SCHOOL DISTRICT
BOARD MEETING MINUTES

Regular Meeting, July 21, 2022 - 6:00 p.m.
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Jose Vidana
Jeremy Davis
Keith Guillory
Emily Iazzetti
Jonathan Grant
Angelo Ochoa

BOARD MEMBERS ABSENT
Stephanie Korteweg

CALL TO ORDER
Jose Vidana, Board Vice President, called the meeting of the Waco Independent School District Board of Trustees to order at 6:00 p.m. He stated that a quorum of Board Members was present, that the meeting had been duly called, and that the notice of the meeting had been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

PUBLIC COMMENTS ON AGENDA ITEMS
None

CLOSED SESSION (TEXAS GOVERNMENT CODE, SUBCHAPTERS D AND E)
The Board Convened in closed session at 6:01 p.m.

RECONVENE IN OPEN SESSION
The Board reconvened in open session at 6:38 p.m.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIENCE

SPECIAL RECOGNITIONS
Pledge Leaders
Brooklyn Hopkins and Mayralynn Perez, from Dean Highland Elementary School, led the Pledge of Allegiance.

International Thespian Excellence Awards
The following students were recognized for excellent ratings at the International Thespian Festival held at Indiana University in Bloomington, Indiana:

- Briana Acevedo - Sound design for *Shrek the Musical*
- Bailee Barton - Solo musical theatre award for her performance of Morning Person in *Shrek the Musical*
- Ciarra Shaw - Solo acting entitled *Viral!*
- Jaiceybelle Hunter - Makeup design for *Shrek the Musical*
- Lily Howell and Lydia Allen - Duet acting for their performance of *Jealousy Jane*
- Lina Denson - Scenic design for *Shrek the Musical*
- Vianey Ramos - Solo musical theatre for her performance of *How 'Bout A Dance from Bonnie and Clyde*

Community Partner Award
Superior Health was recognized as the Outstanding Community Partner.

SUPERINTENDENT'S REPORT
Family Fest
Dr. Kincannon stated that the WISD Family Fest will take place on August 6, from 9 a.m. - 12 p.m. at Waco High School and University High School.

Parents may register their students for the 2022-2023 School Year. Students who are registered for Waco ISD before or during Family Fest will receive a voucher for one free backpack stocked with school supplies.

There will be free food, book giveaways and opportunities for health screenings. Immunizations and COVID-19 vaccinations will also be available.

Licensed Professional Counselor for Employees
Waco ISD employees will have direct access to a dedicated, full-time licensed professional counselor employed by Ascension Medical Group Providence. Dr. Kincannon stated this new mental health benefit will be available at no cost to our employees.

Tyler Tomek has been hired for the new LPC position. He will have an office at the Greater Waco Advanced Health Care Academy.

Back-to-School Employee Huddles
On August 9 & 10, Dr. Kincannon will host all Waco ISD Employees for a back-to-school huddle. She will share the priorities for the year and discuss this year's theme, "Lead from the Heart." Employees will also be given a chance to ask questions.

Behavior Boot Camp for New Teachers
The District hosted a five-day Behavior Boot Camp for new teachers. Teachers were provided professional development to equip them with tools and resources designed to increase safe, responsible and respectful behaviors.

CONSENT AGENDA: CONSIDER AND TAKE APPROPRIATE ACTION

- Retention Bonuses for School Resource Officers
- Amendments to the 2021-2022 Budget
- Bid Award for Educational Consultants, Professional Development, and Other Student-Based Contracted Services
- Renewal of Interlocal Participation Agreement with the Texas Association of School Boards (TASB) Risk Management Fund for Property, Auto Liability and Physical Damage, and School Liability Insurance, and Workers' Compensation Coverage
- Purchases over $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
- Cost Share Agreement between Waco Independent School District and Communities-in-Schools of the Heart of Texas
- Interlocal Cooperation Agreement and Fiscal Agent Contract between the McLennan County Challenge Academy and Participating Districts for the 2022-2023 School Year
- Memorandum of Understanding between the Heart of Texas Behavioral Health Network - Klaras Center for Families and Waco Independent School District for Waco High School
- Memorandum of Understanding between the Waco Independent School District and Partner Independent School Districts and Set the Tuition and Building Fee Rates for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2022-2023 School Year
- Monthly Financial Reports for the Period Ended June 30, 2022
- Second Reading and Adoption of Board Policy FFAC(LOCAL)
- Hiring of an Employee Related to a Current Administrator
- Required Annual Review of College, Career and Military Readiness (CCMR) Board-Adopted Goals
- Required Annual Review of Early Childhood LIteracy and Mathematics Board-Adopted Goals
- Resolution to Cast Votes for Member of the McLennan County Appraisal District Board of Directors
- Additional Services for O'Connell Robertson Related to Furniture Selection, Procurement and Installation Oversight for 2021 Bond Projects

- Easement of City of Waco Water Line Extension at University High School Campus
- Optional Flexible School Day Program

The item “Cost Share Agreement between Waco Independent School District and Communities-in-Schools of the Heart of Texas” was pulled from the Consent agenda.

Jeremy Davis made a motion, seconded by Jonathan Grant, to approve the consent agenda. The motion carried unanimously (6-0).

Emily Iazzetti made a motion, seconded by Keith Guillory, to approve the Cost Share Agreement between Waco Independent School District and Communities-in-Schools of the Heart of Texas. The motion carried unanimously (5-0). Jeremy Davis abstained from voting.

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE DESIGN DEVELOPMENT FOR TENNYSON MIDDLE SCHOOL

Doug Dawson and Jarrod Sterzinger, O’Connell Robertson architects, gave a presentation on the design development for Tennyson Middle School. Specific attention was given to the interior and exterior material selection and colors.

Trustees Davis and Guillory questioned the large interior windows in the classrooms. Mr. Dawson and Mr. Sterzinger described the use of layered security and interior compartmentalization to secure the building against potential threats beginning with a secure entry vestibule. In the event of an active threat, administrators will be able to remotely close cross-corridor doors cutting off access to classroom neighborhoods, and individual classrooms will be able to deploy curtains to block sightlines from common areas. The design includes four layers of security between the entrance and the classroom neighborhoods and numerous security cameras for interior and exterior surveillance.

Jonathan Grant made a motion, seconded by Angelo Ochoa, to approve the design development and interior and exterior materials and color selections for Tennyson Middle School as presented and to authorize O’Connell Robertson to proceed with the construction documents phase. The motion passed (4-2).

REVIEW AND DISCUSS WACO ISD’S LEADERSHIP DEFINITION AND HOLDSWORTH CENTER UPDATE

The Holdsworth Leadership Collaborative is a leadership development program that helps district leaders define what great leadership looks like in their district and learn

how to use their district's leadership framework to build systems and structures to sustain a pipeline of leaders. District leaders work with other stakeholders across the district to design a leadership definition framework and to plan action steps for implementation.

During the 2021-2022 school year, Waco ISD assembled a task force to provide input into the design of its first leadership definition framework. Task force members were selected from various roles across the district.

Waco ISD's Leadership Definition includes:

- Leading from the Heart
- Leading for Results
- Leading with Character

Dr. Josie Gutierrez and Dr. Deena Cornblum, along with representatives of the task force provided an overview of the leadership definition.

REVIEW AND DISCUSS PRELIMINARY 2022 STAAR DATA AND STATE ACCOUNTABILITY PROJECTIONS

Denise Bell provided the Board with an overview of the district's projected 2022 accountability ratings. Official state ratings will be released on August 25.

ANNOUNCEMENTS

Dr. Josie Gutierrez, Deputy Superintendent, made the following announcements:

- Waco ISD Administrators will attend a retreat at the Holdsworth Center July 24-26.
- New Teacher Orientation is August 1-3.
- All teachers return August 4.
- Family Fest will be held at both Waco High School and University High School on August 6.
- August 11 is Meet the Teacher night.
- The August 11 board meeting will start at 7:00 p.m.
- August 13 is Ascension Providence's 4th Medical Mission at Home Tour.
- There will be a Team Building Board Meeting on August 18 at 5:30 p.m. at Cedar Ridge Elementary.
- The Regular School Board meeting will be held on August 25 at 6:00 p.m.
- Student registration is going on right now.
- August 16 is the first day of school.

ADJOURNMENT

The meeting was adjourned at 8:22 p.m.

WACO INDEPENDENT SCHOOL DISTRICT
BOARD MEETING MINUTES
Special Meeting, August 11, 2022 - 7:00 p.m.
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Stephanie Korteweg
Jose Vidana
Jeremy Davis
Emily Iazzetti
Angelo Ochoa
Jonathan Grant

BOARD MEMBERS ABSENT
Keith Guillory

CALL TO ORDER

Stephanie Korteweg, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 7:03 p.m. She stated that a quorum of Board Members was present, that the meeting had been duly called, and that the notice of the meeting had been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

PUBLIC COMMENTS ON AGENDA ITEMS

None

CONSENT AGENDA: CONSIDER AND TAKE APPROPRIATE ACTION

- Resolution Identifying Hazardous Traffic Conditions

Emily Iazzetti made a motion, seconded by Angelo Ochoa, to approve the consent agenda as presented. The motion carried unanimously (6-0).

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE 2022-2023 COMPENSATION PLAN

Dr. Daniel Lopez, Assistant Superintendent of Human Resources, presented the following changes to the 2022-2023 Compensation Plan:

- Changes to temporary/extra duty rate schedule
- Increased daily and long-term rates for non-degreed, degreed, and certified teacher substitutes, and paraprofessional substitutes
- An additional $5 per day for substitutes working on Mondays and Fridays
- Amended stipend schedule with newly created stipends for specialized health science teachers, lead registered nurse, and stipends for Transformation Zone

- Increasing the district contribution for health insurance effective January 1, 2023, by 6.5%, from $428 to $456 per employee, per month, and continuing the $41.677 monthly contribution to a flexible spending account for any employee who waives insurance coverage

Jose Vidana made a motion, seconded by Jeremy Davis, to approve the 2022-2023 employee compensation plan as presented. The motion carried unanimously (6-0).

PRESENTATION AND DISCUSSION OF THE PROPOSED BUDGET AND TAX RATE FOR THE 2022-2023 FISCAL YEAR

Sheryl Davis, Chief Financial Officer, presented information on the proposed budgets for funds included in the budget, as well as, three funds for which the district is the fiscal agent. Information on the proposed tax rate was also presented.

On August 12, 2022, the notices of the public meeting, proposed budget and tax rate will be posted.

There will be a public meeting to discuss the budget and proposed tax rate on August 25, 2022. The budget and tax rate will be adopted after the public meeting.

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION ON ORDER AUTHORIZING THE ISSUANCE FROM TIME TO TIME OF WACO INDEPENDENT SCHOOL DISTRICT UNLIMITED TAX SCHOOL BUILDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $75,000,000; LEVYING A TAX AND PROVIDING FOR THE SECURITY AND PAYMENT THEREOF; PROVIDING FOR THE AWARD OF THE SALE THEREOF IN ACCORDANCE WITH SPECIFIED PARAMETERS; AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE PURCHASE CONTRACTS AND PAYING AGENT/REGISTRAR AGREEMENTS RELATING TO SUCH BONDS; APPROVING THE PREPARATION OF ONE OR MORE OFFICIAL STATEMENTS; AND ENACTING OTHER PROVISIONS RELATED THERETO

Sheryl Davis, Chief Financial Officer, shared an update on the issuance of bonds. The issuance of bonds will be accounted for in capital projects previously approved by the Board of Trustees and identified in promoting the bond election. Ms. Davis stated debt service on this issue is projected at $1,555,000 for principal and $2,940,000 in interest for the 2022-2023 fiscal year.

Jeremy Davis made a motion, seconded by Jonathan Grant, to approve the issuance of bonds. The motion carried unanimously (6-0).

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE FOR THE 2022-2023 FISCAL YEAR, SETTING THE PROPOSED TAX RATE AND THE DATE, TIME, AND PLACE FOR THE PUBLIC MEETING

Sheryl Davis, Chief Financial Officer, requested setting the public meeting to discuss the budget and proposed tax rate for the 2022-2023 fiscal year on Thursday, August 25, 2022, at 6:00 p.m., in the Waco ISD Administration Building.

Jeremy Davis, made a motion, seconded by Angelo Ochoa, to approve the date, time and place for the public meeting. The motion carried unanimously (6-0).

ANNOUNCEMENTS

Kyle DeBeer, Chief of Staff, made the following announcements:

- Ascension Providence Medical Mission is Saturday, August 13.
- State Accounting ratings will be released on Monday, August 15.
- The first day of school is Tuesday, August 16.

ADJOURNMENT

The meeting was adjourned at 8:13 p.m.

WACO INDEPENDENT SCHOOL DISTRICT
BOARD MEETING MINUTES

Special Meeting August 18, 2022 - 5:30 p.m.
Cedar Ridge Elementary

BOARD MEMBERS PRESENT
Stephanie Korteweg
Jose Vidana
Jeremy Davis
Keith Guillory
Emily Iazzetti
Jonathan Grant
Angelo Ochoa

BOARD MEMBERS ABSENT
None

CALL TO ORDER

Stephanie Korteweg, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 5:36 p.m. She stated that a quorum of Board Members was present, that the meeting had been duly called, and that the notice of the meeting had been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

GOVERNANCE TEAM (BOARD AND SUPERINTENDENT) TEAM BUILDING AND SELF-ASSESSMENT

Dr. Ann Farris facilitated a team building session for the Board and the Superintendent's Leadership Team on Gallup's Strengths Finder. Each board member completed the Strengths Finder assessment in advance of the meeting. Data from the assessments were used to discuss individual team member strengths.

Board members were provided with the Texas Association of School Board's governance framework and asked to complete and return the self-assessment.

ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

WACO INDEPENDENT SCHOOL DISTRICT
BOARD MEETING MINUTES

Regular Meeting, August 25, 2022 - 6:30 p.m.
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Stephanie Korteweg
Jose Vidana
Jeremy Davis
Keith Guillory
Emily Iazzetti
Angelo Ochoa
Jonathan Grant

BOARD MEMBERS ABSENT
None

CALL TO ORDER

Stephanie Korteweg, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 6:30 p.m. She stated that a quorum of Board Members was present, that the meeting had been duly called, and that the notice of the meeting had been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

PUBLIC COMMENTS ON AGENDA ITEMS

Public comments were made by:

- Allison Maus
- Norman Manning
- Patricia Miller
- James E. Lee, Jr

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS

Pledge Leaders

Rachel Maxile and Nehemiah Benns, from Mountainview Elementary School, led the Pledge of Allegiance.

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.

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

Waco ISD's Pam Fischer was chosen as a TEA Teacher Vacancy 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. Among the honorees, Waco ISD celebrates:

- 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.
- Adrian Fajardo - Mr. Fajardo has been part of the Waco ISD family since 2017. He currently works at the South Waco Elementary campus.

Community Partner Award

Mighty Wind Worship Center was recognized as the Outstanding Community Partner.

PUBLIC MEETING TO DISCUSS THE 2022-2023 BUDGET AND PROPOSED TAX RATE

The public meeting convened at 7:05 p.m.

Sheryl Davis, Chief Financial Officer, presented the 2022-2023 budgets and proposed tax rate.

No public comments were made.

The public meeting ended at 7:20 p.m.

SUPERINTENDENT'S REPORT

Instructional Staffing

Dr. Kincannon stated Waco ISD only has 4 classrooms without permanent coverage - one at Waco High School, two at University High School and one at Dean Highland Elementary. Substitutes are covering all four classrooms until a suitable replacement can be found. Three of the four vacancies are special education inclusion positions.

Transformation Zone schools currently have 11 vacancies - one at Brook Avenue Elementary, three at G. W. Carver Middle School, three at Indian Spring Middle School and 4 at JH Hines Elementary.

Together, Waco ISD and Transformation Zone have 73 teachers on emergency permits and 18 teachers who are actively in an alternative certification program.

Dr. Kincannon thanked the Human Resources Department for their focused work to ensure all of our classrooms have teachers.

Future Educators Academy Update

Dr. Kincannon explained that there are currently 47 students enrolled in the Future Educators Academy. Students in the academy are spending half a day at South Waco Elementary where they are currently enrolled in Pre-Ap English, Pre-Ap Math, and Advanced Placement Social Studies. They are also taking a project based research course where they will complete a research project on educational careers or educational theories.

Students will also participate in "Seminar Fridays" where they will hear guest lecturers and engage in discussion on educational topics.

A family orientation event will be held on September 7, at 6:00 p.m.

First week of School/Enrollment Counts

Waco ISD had a great start to the school year. Dr. Kincannon stated it may have been one of the smoothest starts she has ever seen and expressed gratitude to all employees for their hard work to implement good systems and processes for taking care of our kids.

On the first day of school, there were 13,050 students in our classrooms. Today there are 13,780 students enrolled. That's about 179 students less than the 8th day of school last year. Dr. Kincannon expects to continue growing over the next several weeks leading up to our official PEIMS snapshot date.

CONSENT AGENDA:CONSIDER AND TAKE APPROPRIATE ACTION

- Amendments to the 2021-2022 Budget
- Resolution Committing Unassigned General Fund Balance as of August 31, 2022
- Bid Award for Courier Services
- Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services
- Bid Award for Maintenance Supplies, Equipment, and Services
- Bid Award for Restaurant & Catering Services
- Bid Award for Security Patrol Services
- Bid Renewal for Financial Advisory Services
- Bid Award for Job Order Contract (JOC) Data Wiring and Installation Services
- Bid Award for Job Order Contract (JOC) Refrigeration Services
- Bid Renewal for Job Order Contract (JOC) Kitchen Equipment Repair Services
- Purchases over $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
- Adult Meal Pricing Increase for the 2022-2023 School Year
- 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
- Monthly Financial Reports for the Period Ended June 30, 2022
- T-TESS Appraisers for the 2022-2023 School Year
- Final Completion of Paul Tyson Stadium and Release of Retainage to Northridge Construction
- 2022-2023 Student Handbook
- School District Teaching Permit for Selected Teacher Candidate to Teach a Non-Core Academic CTE Course
- Ratification of Memorandum of Understanding Regarding Collaboration on Applied Behavior Analysis Supervised Fieldwork Experience
- First Reading of Board Policy Update 119

Jose Vidana made a motion, seconded by Keith Guillory, to approve the consent agenda as presented. The motion carried unanimously (7-0).

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING ADOPTION OF THE BUDGETS FOR THE 2022-2023 FISCAL YEAR

Sheryl Davis, Chief Financial Officer, presented 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.

Keith Guillory made a motion, seconded by Jonathan Grant to approve the adoption of the budgets for the 2022-2023 fiscal year, as presented. The motion carried unanimously (7-0).

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION ADOPTING THE TAX RATE FOR THE 2022 TAX YEAR

Sheryl Davis, Chief Financial Officer, presented 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.

Jonathan Grant made the motion “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 on the tax rate.” The motion was seconded by Jose Vidana, and carried unanimously (7-0).

REVIEW AND DISCUSS 2022 STATE ACCOUNTABILITY RATINGS

Denise Bell, Director of Accountability Systems & Data Analysis, shared the 2022 accountability ratings released by the Texas Education Agency (TEA). Final results show that Waco ISD has eight B, six C, and three Not Rated campuses.

REVIEW AND DISCUSS 2022 SUMMER ENRICHMENT CAMPS

Troy Tinney, Coordinator of Summer Enrichment, discussed the various Summer Enrichment Camps. The program took place from May 31 to August 11 and was attended by 1, 341 students.

ITEMS REQUESTED BY TRUSTEES

Board secretary, Jeremy Davis, and Trustee Keith Guillory submitted the following agenda item request in advance of the meeting:

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

Stephanie Korteweg, Board President, began by asking if there was a specific motion for the Board to take into consideration.

Jeremy Davis made a motion, “I would like to amend the design development of Tennyson Middle School, G.W. Carver Middle School, and Waco High School. I would like to specifically amend the designs in classroom neighborhoods and any other classrooms that our students will learn and grow within. I would like to build walls that separate the interior hallways, the walls that are separate, the interior hallways from the inside classroom that are made with material that deny an attacker shooting through the walls.” The motion was seconded by Keith Guillory.

Jeremy Davis requested that Kyle DeBeer read aloud a letter submitted by Commander Jared Wallace. The letter was dated August 24, 2022.

The Board of Trustees then engaged in a lengthy discussion regarding school safety and the design of Waco High School, G.W. Carver Middle School, and Waco High School. The conversation centered on the use of glass walls in the classroom wings.

Stephanie Korteweg, Board President, called a recess at 9:02 p.m. The board reconvened from recess at 9:12 p.m.

Jeremy Davis made a motion, seconded by Keith Guillory, to table the discussion until the next board meeting. The motion failed (5-2).

Architects from O’Connell Robertson, Chief of Staff Kyle DeBeer, and Legal Counsel Peter Rusek answered questions from board members.

After extensive discussion, a vote was taken on the original motion made by Jeremy Davis. (“I would like to amend the design development of Tennyson Middle School, G.W. Carver Middle School, and Waco High School. I would like to specifically amend the designs in classroom neighborhoods and any other classrooms that our students will learn and grow within. I would like to build walls that separate the interior hallways, the walls that are separate, the interior hallways from the inside classroom that are made with material that deny an attacker shooting through the walls.”) The motion failed (5-2).

ANNOUNCEMENTS

Kyle DeBeer, Chief of Staff, made the following announcements:

- A ceremony celebrating approximately 50 summer graduates is set for 6:00 p.m. on September 1, 1022, at the UHS Performing Arts Center.
- Waco ISD schools and offices will be closed on Monday, September 5, 2022, in observance of Labor Day.

ADJOURNMENT

The meeting adjourned at 10:52 p.m.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person: Sheryl Davis**

RE: Review and Discuss the Sale of Unlimited Tax Building Bonds, Series 2022B

==========

Background Information:

As authorized by the voters on November 2, 2021 and approved by the Board of Trustees on August 11, 2022, the Waco Independent School District has issued $72,885,000 in Unlimited Tax Building Bonds, Series 2022B. The sale of those bonds occurred on Tuesday, August 30, 2022.

The bonds were issued at a par amount of $72,885,000 at a premium of $2,777,315.70. This premium generates the additional $2,115,000 in project funds and covers the underwriter's discount, issuance costs and excess proceeds of $662,315.70. The total amount received for project costs is $75,000,000.

Fiscal Implications:

The Unlimited Tax Building Bonds, Series 2022B, will fund a portion of the projects approved by the voters in the November 2, 2021 election. $80,000,000 remains of authorized but unissued debt.

Administrative Recommendation(s):

The District's Financial Advisor, Robert "Dusty" Traylor, of RBC Capital Markets, will present a summary of the bond sale.

Waco Independent School District

$75,000,000 Project Deposit

$72,885,000 Unlimited Tax School Building Bonds, Series 2022B

Pricing Date:
August 30, 2022

WACO INDEPENDENT SCHOOL DISTRICT

RBC Capital Markets

R. Dustin Traylor
Managing Director

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Transaction Overview

Unlimited Tax School Building Bonds, Series 2022B

Financing Overview

Issuer	Waco Independent School District
Par Amount	$72,885,000.00
Project Deposit	$75,000,000.00
Issue	Unlimited Tax School Building Bonds, Series 2022B
Pricing Date	August 30, 2022
Delivery Date	September 28, 2022
First Coupon	February 15, 2023
Type of Sale	Negotiated
Tax Status	Tax-Exempt
Optional Redemption	August 15, 2031
Ratings	Underlying: Moody's: "Aa2" PSF Enhanced: Moody's "Aaa"
Arbitrage Yield	3.95%
All-In-TIC:	4.04%
Financial Advisor	RBC Capital Markets
Bond Counsel	Bracewell LLP
Underwriters' Co-Counsel	Orrick, Herrington & Sutcliffe LLp
Underwriters' Co-Counsel	Perez Law Firm PLLC
Senior Manager	Oppenheimer & Co.
Co-Manager	Robert W. Baird & Co.
Co-Manager	BOK Financial Securities
Co-Manager	Cabrera Capital Markets, LLC
Paying Agent	UMB Bank, N.A.

NEW ISSUE: BOOK-ENTRY-ONLY

Ratings: Moody's: "Aaa"
PSF Guaranteed
(See "RATINGS" and "THE PERMANENT SCHOOL FUND GUARANTEE PROGRAM")

OFFICIAL STATEMENT
August 30, 2022

In the opinion of Bond Counsel, under existing law, interest on the Bonds is (i) excludable from gross income for federal income tax purposes under section 103 of the Internal Revenue Code of 1986, as amended, and (ii) not an item of tax preference for purposes of the alternative minimum tax on individuals. See "TAX MATTERS" herein.

$72,885,000
WACO INDEPENDENT SCHOOL DISTRICT
(A political subdivision of the State of Texas located in McLennan County, Texas)
UNLIMITED TAX SCHOOL BUILDING BONDS, SERIES 2022B

Dated Date: August 15, 2022 (interest will accrue from the Delivery Date) **Due: August 15, as shown on page ii**

The Waco Independent School District (the "District") is issuing its $72,885,000 Unlimited Tax School Building Bonds, Series 2022B (the "Bonds") in accordance with the Constitution and general laws of the State of Texas, including, particularly, Chapter 45, Texas Education Code, as amended, Chapter 1371, Texas Government Code, as amended, an order (the "Bond Order") adopted by the Board of Trustees of the District (the "Board") on August 11, 2022 authorizing the issuance of the Bonds and delegating authority to certain officers of the District to complete the sale of the Bonds through the execution of a pricing certificate (the "Pricing Certificate"), and an election held within the District on November 2, 2021 (the "Election"). The Bond Order and the Pricing Certificate are collectively referred to herein as the "Order". The Pricing Certificate was executed on August 30, 2022. The Bonds constitute direct obligations of the District and are payable as to principal and interest from the proceeds of an annual ad valorem tax levied, without legal limit as to rate or amount, against all taxable property located within the District, as provided in the Bond Order.

Interest on the Bonds will accrue from the Delivery Date (defined herein), and will be payable on February 15 and August 15 each year, commencing February 15, 2023 until stated maturity or prior redemption. The Bonds will be issued as fully registered obligations in principal denominations of $5,000 or any integral multiple thereof within a stated maturity. Interest accruing on the Bonds will be calculated on the basis of a 360-day year consisting of twelve 30-day months. (See "THE BONDS – General Description.")

The District has submitted an application and received conditional approval from the Texas Education Agency for the payment of principal of and interest on the Bonds to be guaranteed under the Permanent School Fund Guarantee Program which will automatically become effective when the Attorney General of Texas approves the Bonds. (See "THE PERMANENT SCHOOL FUND GUARANTEE PROGRAM").

The District intends to utilize the Book-Entry-Only System of The Depository Trust Company ("DTC"), but reserves the right on its behalf or on behalf of DTC to discontinue such system. The principal of, and interest on the Bonds will be payable to Cede & Co., as nominee for DTC, by UMB Bank, N.A., Austin, Texas, as the initial Paying Agent/Registrar (the "Paying Agent/Registrar") for the Bonds. No physical delivery of the Bonds will be made to the owners thereof. Such Book-Entry-Only System will affect the method and timing of payment and the method of transfer. (See "BOOK-ENTRY-ONLY SYSTEM").

The District reserves the right, at its option, to redeem Bonds having stated maturities on and after August 15, 2032, in whole or in part, in principal amounts of $5,000 or any integral multiple thereof, on August 15, 2031 or any date thereafter, at par value thereof plus accrued interest to the date of redemption. The Term Bonds, hereinafter defined, are subject to mandatory sinking fund redemption as described herein. (See "THE BONDS –Redemption Provisions").

Proceeds from the sale of the Bonds will be used for (i) the purposes of acquiring, constructing, renovating, improving and equipping school buildings of the District, including a new Waco High School, a new G.W. Carver Middle School, a new Tennyson Middle School, a new Kendrick Elementary School, and the purchase of necessary sites for school buildings, and (ii) paying the costs of issuing the Bonds. (See "THE BONDS – Authorization and Purpose").

MATURITY SCHEDULE ON INSIDE COVER, PAGE ii

The Bonds are offered when, as and if issued, and accepted by the initial purchasers thereof named below (the "Underwriters"), subject to the approval of legality by the Attorney General of the State of Texas and the approval of certain legal matters by Bracewell LLP, Dallas Texas, Bond Counsel. Certain legal matters will be passed upon for the Underwriters by their co-counsel, Orrick, Herrington & Sutcliffe LLP, Austin, Texas and the Perez Law Firm PLLC, McAllen, Texas. The Bonds are expected to be available for initial delivery through the services of DTC on or about September 28, 2022 (the "Delivery Date").

610

OPPENHEIMER & CO.
BOK FINANCIAL SECURITIES, INC.

BAIRD
CABRERA CAPITAL MARKETS, LLC

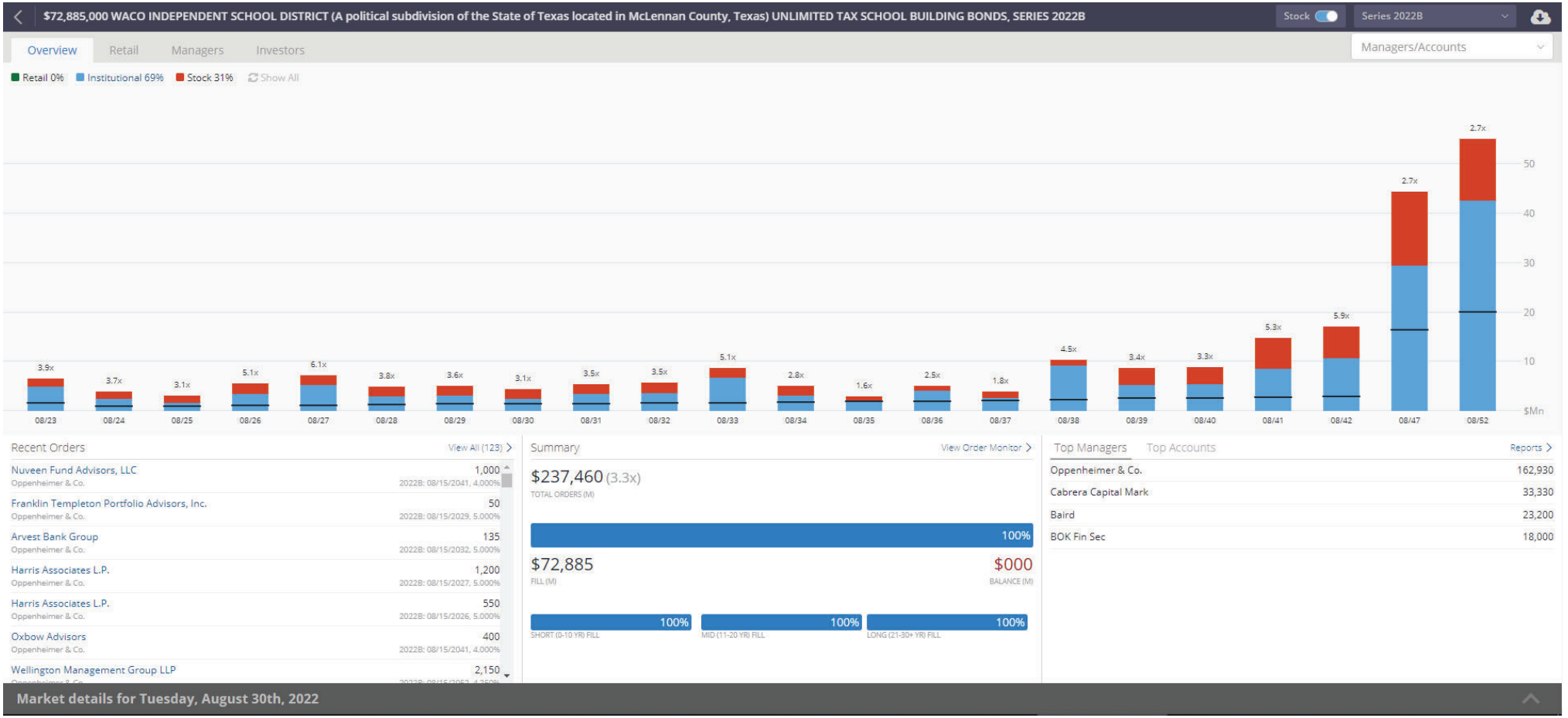
Sources and Uses of Funds - Series 2022B		
Sources		
Principal	$	72,885,000.00
Net Premium		2,777,315.70
Total Sources	$	**75,662,315.70**

Uses		
Project Fund Deposit	$	75,000,000.00
Underwriters' Discount		282,500.00
Costs of Issuance & excess proceeds		379,815.70
Total Uses	$	**75,662,315.70**

Total Waco ISD Debt Service

Fiscal Year Ending	Existing Debt Service	Series 2022B Bonds			Total Debt Service
		Principal	Interest	Total Debt Service	
08/31/2023	$ 20,371,048	$ 1,685,000	$ 2,812,709	$ 4,497,709	$ 24,868,757
08/31/2024	16,973,529	1,065,000	3,109,994	4,174,994	21,148,523
08/31/2025	17,463,529	985,000	3,056,744	4,041,744	21,505,273
08/31/2026	17,863,279	1,095,000	3,007,494	4,102,494	21,965,773
08/31/2027	17,888,679	1,205,000	2,952,744	4,157,744	22,046,423
08/31/2028	17,774,179	1,285,000	2,892,494	4,177,494	21,951,673
08/31/2029	17,693,429	1,405,000	2,828,244	4,233,244	21,926,673
08/31/2030	16,805,279	1,435,000	2,757,994	4,192,994	20,998,273
08/31/2031	17,679,779	1,560,000	2,686,244	4,246,244	21,926,023
08/31/2032	17,435,289	1,640,000	2,608,244	4,248,244	21,683,533
08/31/2033	17,432,314	1,720,000	2,526,244	4,246,244	21,678,558
08/31/2034	17,437,131	1,805,000	2,440,244	4,245,244	21,682,375
08/31/2035	17,429,081	1,905,000	2,349,994	4,254,994	21,684,075
08/31/2036	17,432,934	2,005,000	2,254,744	4,259,744	21,692,678
08/31/2037	17,427,646	2,205,000	2,154,494	4,359,494	21,787,140
08/31/2038	17,184,021	2,340,000	2,066,294	4,406,294	21,590,315
08/31/2039	15,430,863	2,585,000	1,972,694	4,557,694	19,988,556
08/31/2040	15,042,313	2,690,000	1,869,294	4,559,294	19,601,606
08/31/2041	15,041,613	2,795,000	1,761,694	4,556,694	19,598,306
08/31/2042	15,042,413	2,905,000	1,649,894	4,554,894	19,597,306
08/31/2043	15,042,213	3,025,000	1,533,694	4,558,694	19,600,906
08/31/2044	15,040,350	3,150,000	1,408,913	4,558,913	19,599,263
08/31/2045	15,041,750	3,280,000	1,278,975	4,558,975	19,600,725
08/31/2046	15,040,350	3,415,000	1,143,675	4,558,675	19,599,025
08/31/2047	15,040,550	3,555,000	1,002,806	4,557,806	19,598,356
08/31/2048	15,041,550	3,700,000	856,163	4,556,163	19,597,713
08/31/2049	15,042,300	3,860,000	698,913	4,558,913	19,601,213
08/31/2050	15,041,350	4,020,000	534,863	4,554,863	19,596,213
08/31/2051	15,043,400	4,195,000	364,013	4,559,013	19,602,413
08/31/2052	15,038,000	4,370,000	185,725	4,555,725	19,593,725
Total	**$ 493,260,161**	**$ 72,885,000**	**$ 58,766,228**	**$ 131,651,228**	**$ 624,911,389**

Pricing Day Orders



Overview of Credit Ratings

Waco ISD ("Aa2")

Credit Rating Grid

		S&P	Moody's	Fitch
Highest Quality (Lowest default risk)	Credit Rating Levels	AAA	Aaa	AAA
High Grade / High Quality		AA+	Aa1	AA+
		AA	**Aa2**	AA
		AA-	Aa3	AA-
Upper Medium Grade		A+	A1	A+
		A	A2	A
		A-	A3	A-
Minimum Investment Grade		BBB+	Baa1	BBB+
		BBB	Baa2	BBB
		BBB-	Baa3	BBB-
Speculative Grade		BB+	Ba1	BB+
		BB	Ba2	BB
		BB-	Ba3	BB-
		B+	B1	B+
		B	B2	B
		B-	B3	B-
Highly Speculative Grade		CCC (+/-)	Caa1	CCC (+/-)
		CC	Caa2	CC
		C	Caa3	C
Imminent default or in default		SD or D	Ca or C	SD or D

Comment on Waco ISD Ratings

Credit Strengths:

- ▲ **Positive financial operations and strong reserves**
- ▲ **Low fixed costs**
- ▲ **Presence of Baylor University**

Credit Challenges:

- ▼ **Negative enrollment trend**
- ▼ **Weak economic profile (low adjusted resident income)**

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person**: Gloria Barrera

RE: Consider, Discuss and Take Appropriate Action Regarding the Guaranteed Maximum Price (GMP) #2 for Waco High School and Plan Modifications Outlined in the Construction Manager's Proposal Package
==========

Background Information:
On May 19, 2022, the Board approved Guaranteed Maximum Price (GMP) #1 for Waco High School which included demolition, purchase and installation of roofing and insulation, purchase and installation of structural steel and metal decking materials, erosion controls, earthwork, asphalt paving, concrete paving, pavement markings, and wet utilities. GMP #1 was within the budget allocated for this scope of work.

On June 20, 2022, as part of the competitive sealed proposal process, Rogers O'Brien Construction conducted a preproposal conference to answer questions from potential bidders regarding GMP #2. Proposals were received July 14, 2022.

The initial total of the cost of work for GMP #2, which includes the remainder of the project, exceeded the project budget by approximately $15,000,000. Since early August, Rogers O'Brien, O'Connell Robertson and Waco ISD representatives have worked to bring the project into budget while maintaining program, quality and performance requirements.

On August 19, 2022, Roger's O'Brien submitted an initial Path to Budget document that provided strategies and recommendations to bring the project within budget. Over the last several weeks, district representatives have met with Rogers O'Brien and O'Connell Robertson to discuss and refine the strategies for meeting the project budget.

The following plan modifications outlined in the Construction Manager's Proposal bring the Waco High School project within the original budget approved by voters:

1. Revise the construction phasing to achieve a single-phase project;
2. Demolish the existing performing arts center earlier (January 2023) to allow construction to start sooner;
3. Consolidate the academic wing to reduce exterior wall and foundation quantity; and
4. Relocate the central utility plant near the new building.

These modifications have been included in the proposed GMP #2 and will require O'Connell Robertson to revise the construction documents. The schedule requires that the revised documents be issued in December 2022 and February 2023. The new Waco High School building will be complete in April of 2025, and the athletic fields will be complete in December 2025.

Attached for your review is Rogers O'Brien's Proposal Package for GMP #2 totaling $109,241,116 (one hundred nine million, two hundred forty-one thousand, one hundred and sixteen) dollars, O'Connell Robertson's recommendation letter, and Amendment #2.

Fiscal Implications

Funding for Waco High School construction is from the 2021 bond program.

Guaranteed Maximum Price Summary:
GMP #1 - $31,258,884
GMP #2 - $109,241,116
Total All GMPs - $140,500,000

Administrative Recommendation(s):

Approve Guaranteed Maximum Price #2 for Waco High School and plan modifications outlined in the construction manager's proposal package as presented. Authorize the Superintendent to sign contract amendment #2 with Rogers O'Brien Construction.

O'CONNELL ROBERTSON



Waco Independent School District

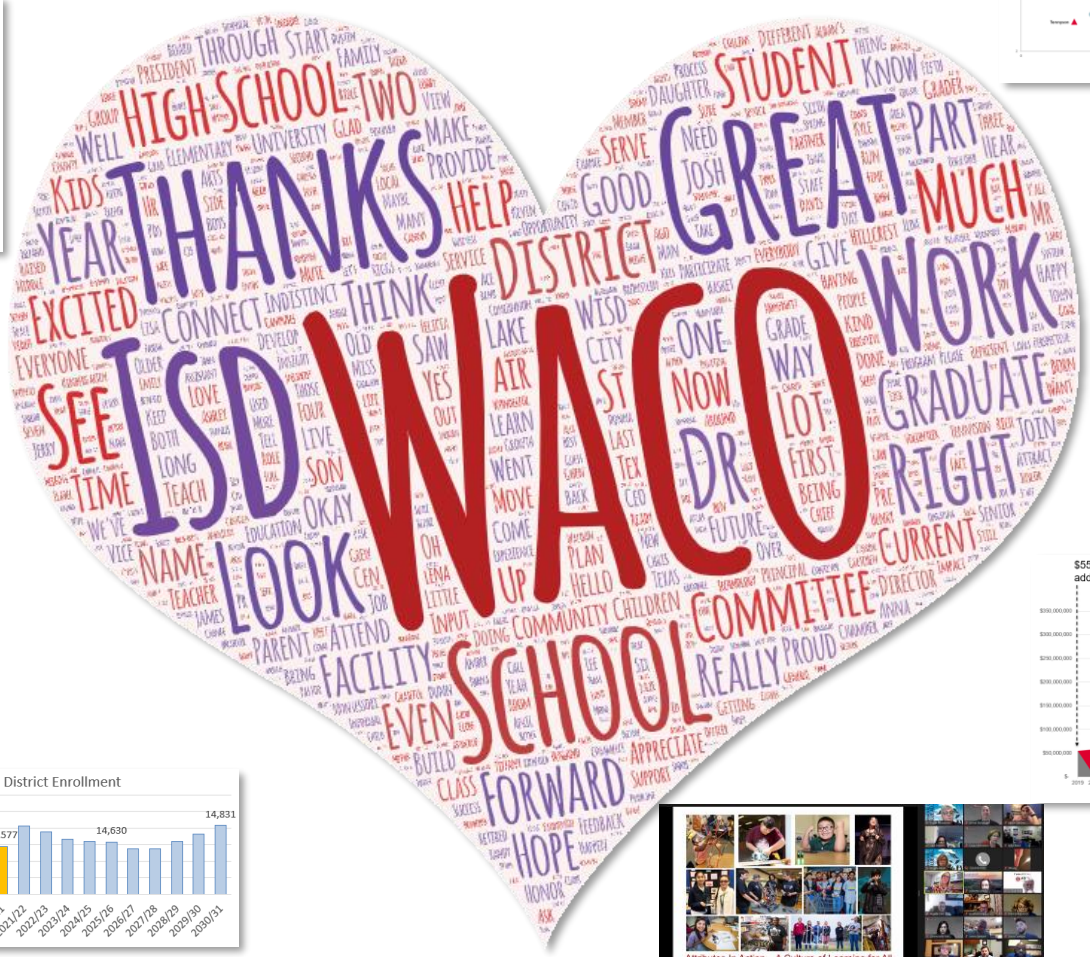
Construction Market Overview + Waco High School GMP

09.29.2022

Waco ISD Facilities Master Plan

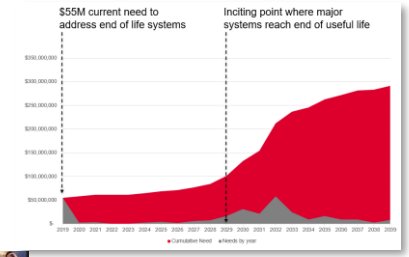


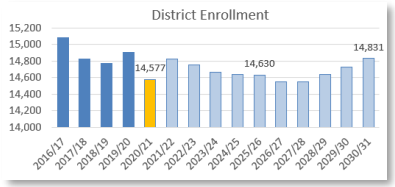




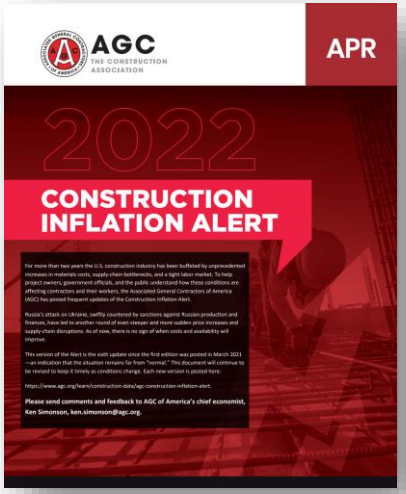


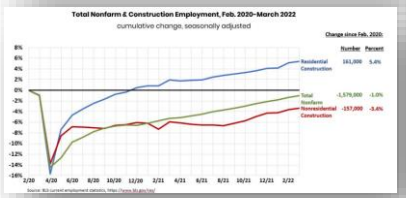


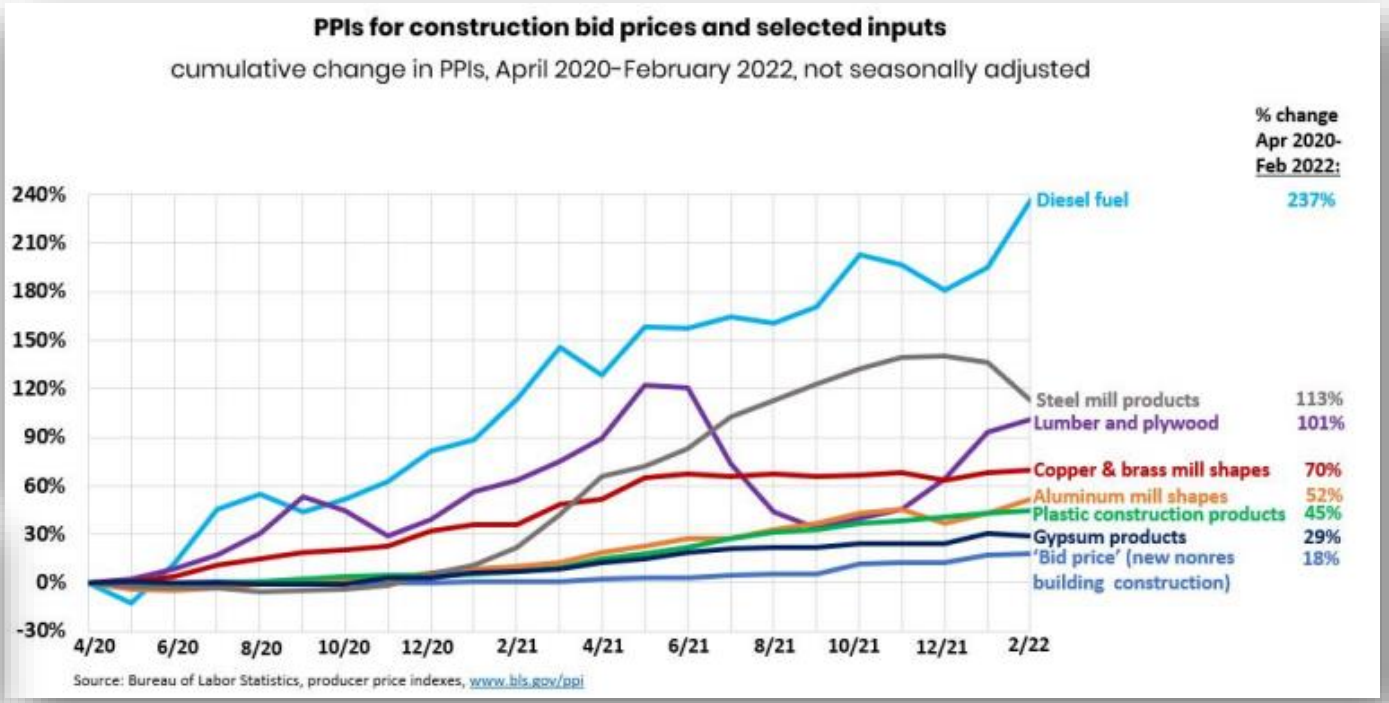




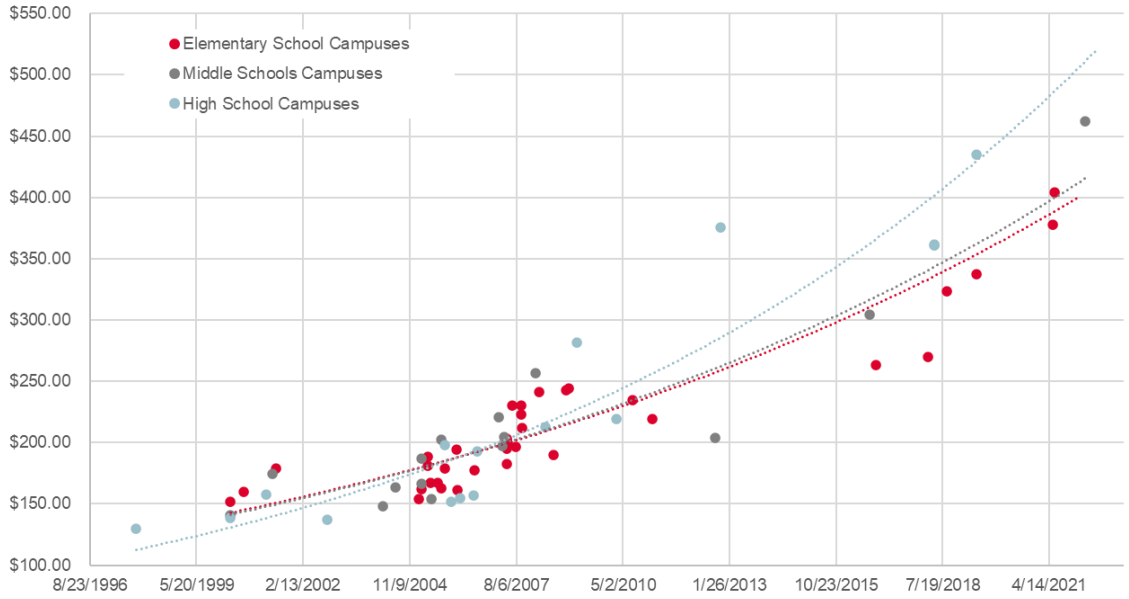








Industry Tracking



Project	Budget	Cost
• Central Texas ES	$32.0M	$41.0M
• Central Texas ES	$35.0M	$42.0M
• Austin Specialty HS	$15.0M	$22.0M
• DFW High School	$180M	$271.5M
• Central Texas Campus Addition	$1.9M	$4.0M
• Central Texas Campus Addition	$2.4M	$5.2M
• Central Texas Campus Reno	$6.9M	$8.0M
• Central Texas Campus Addition	$7.6M	$12.8M
• San Antonio Higher Education	$7.0M	$12.2M
• Texas Valley Higher Education	$5.0M	$8.7M

Texas Educational Construction Market

Carver Middle School GMP Process

- Cost Information
  - $61.95M Budget
  - $61.66M Base Bid
  - $62.95M GMP Total with Alternates
- Cost Control Strategies
  - Multiple GMPs
  - Base Bid + Alternate Bids
  - Structural System Evaluation
  - Budget +Scope Scrubbing
  - 50+ Value Engineering Items >$5M





WISD WACO INDEPENDENT SCHOOL DISTRICT | O'CONNELL ROBERTSON



WISD
WACO INDEPENDENT SCHOOL DISTRICT

O'CONNELL
ROBERTSON

Waco High School

Project Mission

Our intentional focus on the community will deliver the vision for Waco High School. Founded on collaboration and respect, we are accountable for safely constructing the highest quality educational facility.

Project Goals

- Create a sense of ownership and pride for generations of staff, students, and the community.
- Foster a responsive and collaborative culture incorporating diverse perspectives.
- Work as a team to deliver Waco High School on-time and in-budget.
- Through and beyond the construction process, the team shall implement best practices in safety and well-being for Waco High School.
- Deliver a quality project that exceeds expectations and inspires continued investment in the Waco IISD community.





Hard Costs Sub Total		$	141,496,788
Fees / PM / Expenses	8.0%	$	11,319,743
Other Developmental Costs (Survey / Geotech / Etc)	0.50%	$	707,484
Furnishings Fixtures and Equipment	$ 8.0	$	3,482,998
IT Systems (Projectors, Network, Security, Phone)	$ 8.0	$	3,482,998
Offsite Costs / Land Purchase		$	-
Building Move-In Expenses	0.25%	$	353,742
Construction Testing	0.25%	$	353,742
Project Contingency	3.80%	$	5,376,878
Proposed Waco ISD 2022 Bond Program		**$**	**157,145,635**

Project Mission + Goals

WISD WACO INDEPENDENT SCHOOL DISTRICT | O'CONNELL ROBERTSON

Waco High School GMPs

GMP 1	$ 31,258,884
GMP 2	$109,241,116
Total Construction Costs	$140,500,000

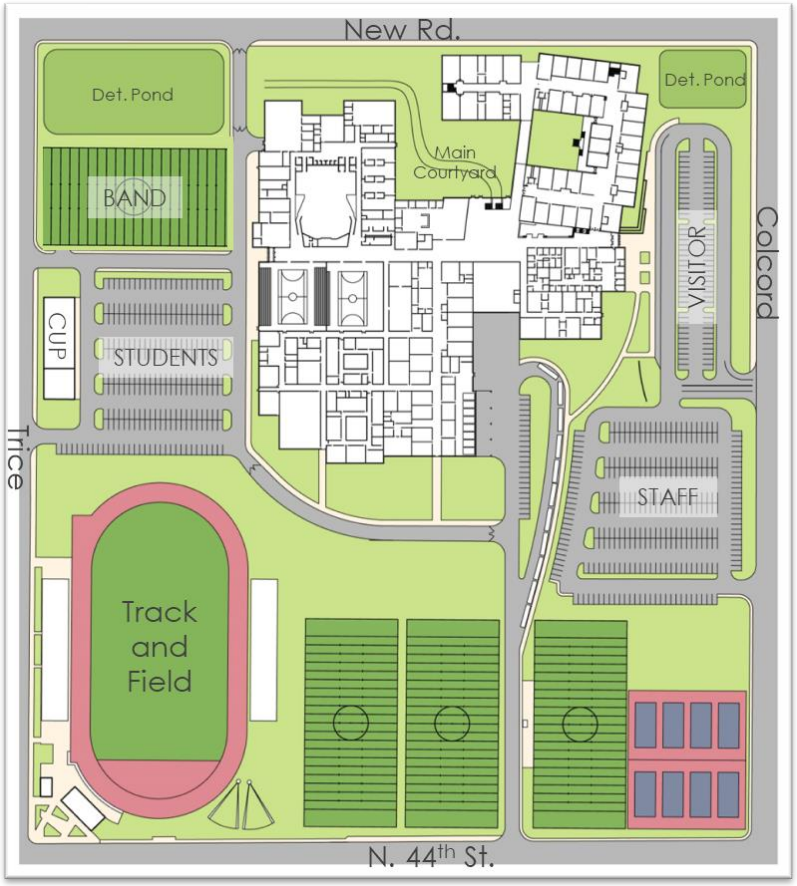
Path to Budget:

Value Management Process
Check point when bids received in July
Team refocus and problem solving to address over budget
Preserve program and quality
Plan modifications to allow for single phase and reduce cost



GMP and Path to Budget

Site + Floor Plan Concepts

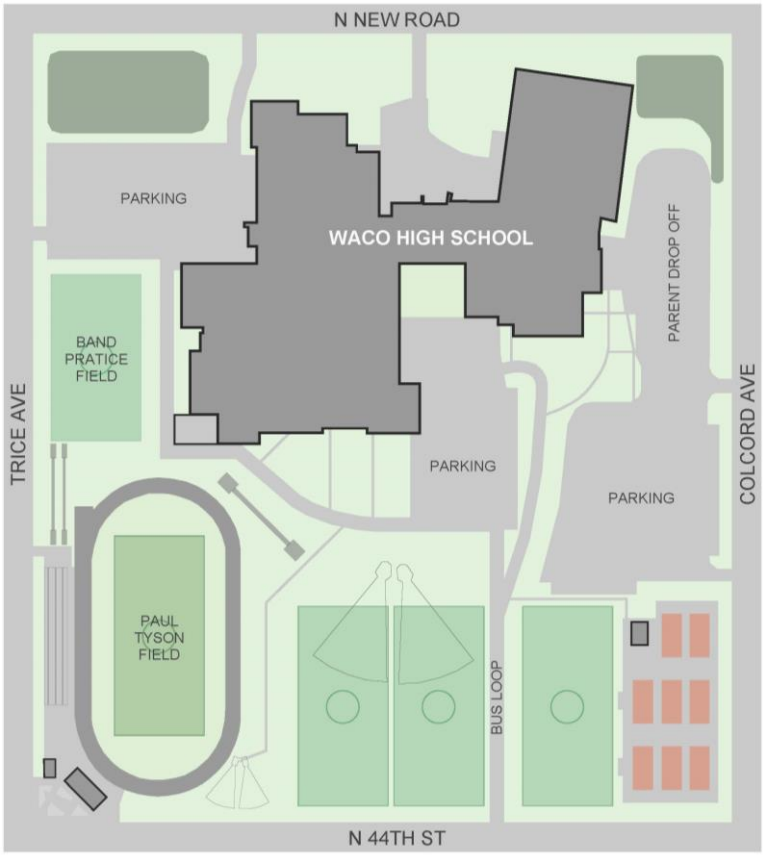




WISD WACO INDEPENDENT SCHOOL DISTRICT

O'CONNELL ROBERTSON

Path to Budget:
Value Management + Plan Modifications

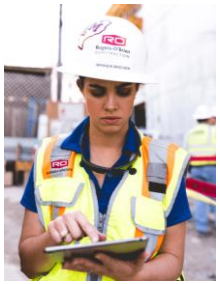




Single Phase Shift – CUP Location – ABC Plan Modifications – VM Integration

WISD WACO INDEPENDENT SCHOOL DISTRICT

O'CONNELL ROBERTSON





Project Schedule

GMP 1 Approval ($31.3M)	May 19, 2022
Package 2 Bids Received	July 14, 2022
Construction	
- Phase 1 Site + Phase 2 Building	August 15, 2022 – April 18, 2025
- Phase 3 Demolition + Site	May 27, 2025 – December 15, 2025
• *Existing Building Demolition*	
• Athletic Fields	
• Parking	
District Move-In Phase 1 + 2	**Summer 2025**
First Day of School	**August 2025**
Project Substantial Completion	**December 15, 2025**



Project Schedule

WISD WACO INDEPENDENT SCHOOL DISTRICT | O'CONNELL ROBERTSON

O'CONNELLROBERTSON
Mission driven.

September 29, 2022

Ms. Gloria Barrera
Chief Officer of Facilities and Operations
Waco Independent School District
501 Franklin Avenue
Waco, Texas 76701

RE: Waco High School Guaranteed Maximum Price 2

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

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

Houston
700 Milam, Suite 1300
Houston, Texas 77002
713.487.1583

oconnellrobertson.com

Dear Gloria:

It has been our pleasure to support Waco Independent School District through the 2021 Bond Program, including the Waco High School Replacement project. The project is now moving into the bidding and negotiation phase addressing early and long-lead construction items. O'Connell Robertson has continued our support reviewing Rogers-O'Brien's Guaranteed Maximum Price 2 amendment.

Efforts by Rogers-O'Brien Construction in the development of GMP 2 have included trade partner events, subcontractor site walks, and bid evaluation / scoping. Their efforts have included evaluating a multitude of bids across several project scopes to provide the best value for Waco High School.

The documentation and pricing efforts have included the development of an in-budget including a Path to Budget. The major elements of this plans includes a single-phase plan ship, CUP location, ABC plan modifications, and value management integration.

Waco Independent School District plans to approve GMP 2 including the Path to Budget for Rogers-O'Brien. O'Connell Robertson's finds the proposed amendment aligns with the project's schedule and is within budget, and we would recommend for approval of GMP 2 amendment as presented.

We appreciate our relationship with Waco Independent School District and look forward to continuing our work with you.

Thank you,

Jarrod Sterzinger, AIA, LEED AP
Principal

AIA® Document A133™ – 2019 Exhibit A

Guaranteed Maximum Price Amendment

This Amendment dated the twenty ninth day of September in the year two thousand twenty-two, is incorporated into the accompanying AIA Document A133™–2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price dated the sixth day of December in the year two thousand twenty-one (the "Agreement")
(In words, indicate day, month, and year.)

for the following **PROJECT:**
(Name and address or location)

Replacement Waco High School
RFP #21-1192
2020 N. 42nd
Waco, TX 76710

THE OWNER:
(Name, legal status, and address)

Waco Independent School District
501 Franklin Avenue
Waco, TX 76701

THE CONSTRUCTION MANAGER:
(Name, legal status, and address)

Rogers O'Brien Construction Company, LLC
3901 S. Lamar Blvd, Suite 200
Austin, TX 78704

TABLE OF ARTICLES

A.1 GUARANTEED MAXIMUM PRICE

A.2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

A.3 INFORMATION UPON WHICH AMENDMENT IS BASED

A.4 CONSTRUCTION MANAGER'S CONSULTANTS, CONTRACTORS, DESIGN PROFESSIONALS, AND SUPPLIERS

ARTICLE A.1 GUARANTEED MAXIMUM PRICE

§ A.1.1 Guaranteed Maximum Price

Pursuant to Section 3.2.6 of the Agreement, the Owner and Construction Manager hereby amend the Agreement to establish a Guaranteed Maximum Price. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not exceed. The Contract Sum consists of the Construction Manager's Fee plus the Cost of the Work, as that term is defined in Article 6 of the Agreement.

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™–2017, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

AIA Document A133™ – 2019 Exhibit A. Copyright © 1991, 2003, 2009, and 2019 by The American Institute of Architects. All rights reserved. The "American Institute of Architects," "AIA," the AIA Logo, and "AIA Contract Documents" are registered trademarks and may not be used without permission. This document was produced by AIA software at 11:40:36 ET on 09/26/2022 under Order No.3104237155 which expires on 06/28/2023, is not for resale, is licensed for one-time use only, and may only be used in accordance with the AIA Contract Documents® Terms of Service. To report copyright violations, e-mail copyright@aia.org.
User Notes: (1332967501)

§ A.1.1.1 The Contract Sum is guaranteed by the Construction Manager not to exceed one hundred and nine million two hundred forty one thousand one hundred and sixteen ($ 109,241,116), subject to additions and deductions by Change Order as provided in the Contract Documents.

§ A.1.1.2 Itemized Statement of the Guaranteed Maximum Price. Provided below is an itemized statement of the Guaranteed Maximum Price organized by trade categories, including allowances; the Construction Manager's contingency; alternates; the Construction Manager's Fee; and other items that comprise the Guaranteed Maximum Price as defined in Section 3.2.1 of the Agreement.
(Provide itemized statement below or reference an attachment.)

Refer to the scope of work shown and identified in Exhibit A.

§ A.1.1.3 The Construction Manager's Fee is set forth in Section 6.1.2 of the Agreement.

§ A.1.1.3.1 The construction Manager's Compensation for all GMPs as identified in the executed A133-2019 Article 6.1.2 shall be revised such that the Construction Manager's Fee will be fixed at $2,773,141 and General Conditions shall be fixed at $5,641,081.

§ A.1.1.4 The method of adjustment of the Construction Manager's Fee for changes in the Work is set forth in Section 6.1.3 of the Agreement.

§ A.1.1.5 Alternates
§ A.1.1.5.1 Alternates, if any, included in the Guaranteed Maximum Price:

(Table deleted)
§ A.1.1.5.2 Subject to the conditions noted below, the following alternates may be accepted by the Owner following execution of this Exhibit A. Upon acceptance, the Owner shall issue a Modification to the Agreement.
(Insert below each alternate and the conditions that must be met for the Owner to accept the alternate.)

Item	Price	Conditions for Acceptance
*Alternate pricing is not being provided with GMP-02. Pricing for specific items will be provided to the owner upon request.		

§ A.1.1.6 Unit prices, if any:
(Identify the item and state the unit price and quantity limitations, if any, to which the unit price will be applicable.)

Item	Units and Limitations	Price per Unit ($0.00)
Added Drilled Pier Depth (18")	Lineal Feet	$35.00
Added Drilled Pier Depth (24")	Lineal Feet	$43.00
Added Drilled Pier Depth (30")	Lineal Feet	$51.00
Reduced Drilled Pier Depth (I8")	Lineal Feet	$5.00
Reduced Drilled Pier Depth (24")	Lineal Feet	$8.00
Reduced Drilled Pier Depth (30")	Lineal Feet	$12.00
Added Pier Casing (18")	Lineal Feet	$48.00
Added Pier Casing (24")	Lineal Feet	$61.00
Added Pier Casing (30")	Lineal Feet	$74.00

ARTICLE A.2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ A.2.1 The date of commencement of the Work shall be:
(Check one of the following boxes.)

[ ] The date of execution of this Amendment.

[X] Established as follows:
(Insert a date or a means to determine the date of commencement of the Work.)

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User Notes: (1819826020)

The date of commencement will be established by the Notice to Proceed.

If a date of commencement of the Work is not selected, then the date of commencement shall be the date of execution of this Amendment.

§ A.2.2 Unless otherwise provided, the Contract Time is the period of time, including authorized adjustments, allotted in the Contract Documents for Substantial Completion of the Work. The Contract Time shall be measured from the date of commencement of the Work.

§ A.2.3 Substantial Completion

§ A.2.3.1 Subject to adjustments of the Contract Time as provided in the Contract Documents, the Construction Manager shall achieve Substantial Completion of the entire Work:
(Check one of the following boxes and complete the necessary information.)

[ ] Not later than ( ) calendar days from the date of commencement of the Work.

[X] By the following date: December 15, 2025

§ A.2.3.2 Subject to adjustments of the Contract Time as provided in the Contract Documents, if portions of the Work are to be completed prior to Substantial Completion of the entire Work, the Construction Manager shall achieve Substantial Completion of such portions by the following dates:

Portion of Work	Substantial Completion Date
Previously identified Substantial Completion dates for portion(s) of the work shall be superseded by the following: Phase 2 (All building areas and site north of the existing school)	April 18, 2025

§ A.2.3.3 If the Construction Manager fails to achieve Substantial Completion per phase as provided in this Section A.2.3, liquidated damages, if any, shall be assessed as set forth in Section 6.1.6 of the Agreement.

ARTICLE A.3 INFORMATION UPON WHICH AMENDMENT IS BASED

§ A.3.1 The Guaranteed Maximum Price and Contract Time set forth in this Amendment are based on the Contract Documents and the following:

§ A.3.1.1 The following Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
Not Applicable			

§ A.3.1.2 The following Specifications:
(Either list the Specifications here, or refer to an exhibit attached to this Amendment.)

The O'Connell Robertson specifications issued on 6/7/2022 Package #2 set of construction documents, 6/16/2022 Addendum #1, 6/22/2022 Addendum #2, 7/14/2022 ASI-01, 7/14/2022 ASI-03, 7/14/2022 PR-04, and referenced in Exhibit A.

Section	Title	Date	Pages

§ A.3.1.3 The following Drawings:

The O'Connell Robertson drawings issued on 6/7/2022 Package #2 set of construction documents, 6/16/2022 Addendum #1, 6/22/2022 Addendum #2, 7/14/2022 ASI-01, 7/14/2022 ASI-03, 7/14/2022 PR-04, and referenced in Exhibit A.
(Table deleted)

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§ A.3.1.4
(Paragraphs deleted)
Allowance Expenditure Authorization: At the Owner's discretion, a minor change in the work or expenditures that do not warrant a change in Contract Sum may be paid from a designated Allowance. In such cases, a written Allowance Expenditure Authorization (AEA) in the form attached hereto as "Exhibit B" is required. An AEA form is a document prepared by the Architect and signed by the Architect, Owner, and Construction Manager. An AEA may be comprised of a single executed Change Proposal, an accumulation of executed Change Proposals. no extensions to the Contract Time sought in any request for allowance expenditure or change proposal request submitted by the Construction Manager shall be considered to be granted unless the Owner and the Architect expressly approve an adjustment to the Contract Time in a duly authorized and executed Change Order. All markups to work funded through an AEA must follow the requirements of the Article 7 of the AIA Document A201-2017, Changes in the Work

§ A.3.1.5 Allowances, if any, included in the Guaranteed Maximum Price:

Item	Price
1. Demolition Allowance	$1,500,000
2. Allowance for salvaging wood floor and reinstalling on wall	$15,000
3. 3Form Wall Panels & Entrance Surrounds allowance	$356,600
4. Design time and installation of custom painted graphics and murals	$100,000
5. Custom Logo Design on wall pads allowance	$7,500
6. Athletic Equipment allowance (keynotes 333,334,337,338,358)	$23,000
7. 3-row pad mounted bleachers allowance	$32,000
8. Supply and Install Residential Appliances allowance	$115,000
9. Visual Arts and Auto-Tech Equipment allowance	$194,793
10. Flow Variance design allowance for fire sprinkler (as specified)	$25,000
11. Football Goal Posts allowance	$160,000
12. Escalation	$1,000,000
13. Owner Contingency	$1,002,236
14. Contractor Contingency	$1,500,000
15. Value Management Allowance	($8,444,536)

§ A.3.1.6 Assumptions and clarifications, if any, upon which the Guaranteed Maximum Price is based:

As identified in Exhibit A.

§ A.3.1.7 The Guaranteed Maximum Price is based upon the following other documents and information:

Other items as identified in Exhibit A.

ARTICLE A.4 CONSTRUCTION MANAGER'S CONSULTANTS, CONTRACTORS, DESIGN PROFESSIONALS, AND SUPPLIERS
§ A.4.1 The Construction Manager shall retain the consultants, contractors, design professionals, and suppliers, identified below:

As identified in Exhibit A

This Amendment to the Agreement entered into as of the day and year first written above.

OWNER *(Signature)*	**CONSTRUCTION MANAGER** *(Signature)*
Susan Kincannon, Ed.D, Superintendent	Cisco Hobbs, President
(Printed name and title)	*(Printed name and title)*

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Additions and Deletions Report for

AIA® Document A133™ – 2019 Exhibit A

This Additions and Deletions Report, as defined on page 1 of the associated document, reproduces below all text the author has added to the standard form AIA document in order to complete it, as well as any text the author may have added to or deleted from the original AIA text. Added text is shown underlined. Deleted text is indicated with a horizontal line through the original AIA text.

Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 11:40:36 ET on 09/26/2022.

PAGE 1

This Amendment dated the twenty ninth day of September in the year ~~,~~ two thousand twenty-two, is incorporated into the accompanying AIA Document A133™–2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price dated the sixth day of December in the year two thousand twenty-one (the "Agreement")

...

Replacement Waco High School
RFP #21-1192
2020 N. 42nd
Waco, TX 76710

...

Waco Independent School District
501 Franklin Avenue
Waco, TX 76701

...

Rogers O'Brien Construction Company, LLC
3901 S. Lamar Blvd, Suite 200
Austin, TX 78704

PAGE 2

§ A.1.1.1 The Contract Sum is guaranteed by the Construction Manager not to exceed one hundred and nine million two hundred forty one thousand one hundred and sixteen ($ 109,241,116), subject to additions and deductions by Change Order as provided in the Contract Documents.

...

Refer to the scope of work shown and identified in Exhibit A.

...

§ A.1.1.3.1 The construction Manager's Compensation as identified in the executed A133-2019 Article 6.1.2 shall be revised such that the Construction Manager's Fee will be fixed at $2,773,141 and and General Conditions shall be fixed at $5,641,081.

...

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User Notes: (1332967501)

~~Item~~	~~Price~~

...

*Alternate pricing is not being provided with GMP-02. Pricing for specific items will be provided to the owner upon request.

...

Added Drilled Pier Depth (18")	Lineal Feet	$35.00
Added Drilled Pier Depth (24")	Lineal Feet	$43.00
Added Drilled Pier Depth (30")	Lineal Feet	$51.00
Reduced Drilled Pier Depth (I8")	Lineal Feet	$5.00
Reduced Drilled Pier Depth (24")	Lineal Feet	$8.00
Reduced Drilled Pier Depth (30")	Lineal Feet	$12.00
Added Pier Casing (18")	Lineal Feet	$48.00
Added Pier Casing (24")	Lineal Feet	$61.00
Added Pier Casing (30")	Lineal Feet	$74.00

...

[X] Established as follows:

PAGE 3

The date of commencement will be established by the Notice to Proceed.

...

[X] By the following date: December 15, 2025

...

Previously identified Substantial Completion dates for portion(s) of the work shall be superseded by the following: Phase 2 (All building areas and site north of the existing school)	April 18, 2025

§ A.2.3.3 If the Construction Manager fails to achieve Substantial Completion per phase as provided in this Section A.2.3, liquidated damages, if any, shall be assessed as set forth in Section 6.1.6 of the Agreement.

...

Not Applicable

...

The O'Connell Robertson specifications issued on 6/7/2022 Package #2 set of construction documents, 6/16/2022 Addendum #1, 6/22/2022 Addendum #2, 7/14/2022 ASI-01, 7/14/2022 ASI-03, 7/14/2022 PR-04, and referenced in Exhibit A.

...

~~*(Either list the Drawings here, or refer to an exhibit attached to this Amendment.)*~~

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The O'Connell Robertson drawings issued on 6/7/2022 Package #2 set of construction documents, 6/16/2022 Addendum #1, 6/22/2022 Addendum #2, 7/14/2022 ASI-01, 7/14/2022 ASI-03, 7/14/2022 PR-04, and referenced in Exhibit A.

~~Number~~ ~~Title~~ ~~Date~~

§ A.3.1.4 ~~The Sustainability Plan, if any:~~

~~*(If the Owner identified a Sustainable Objective in the Owner's Criteria, identify the document or documents that comprise the Sustainability Plan by title, date and number of pages, and include other identifying information. The Sustainability Plan identifies and describes the Sustainable Objective; the targeted Sustainable Measures; implementation strategies selected to achieve the Sustainable Measures; the Owner's and Construction Manager's roles and responsibilities associated with achieving the Sustainable Measures; the specific details about design reviews, testing or metrics to verify achievement of each Sustainable Measure; and the Sustainability Documentation required for the Project, as those terms are defined in Exhibit C to the Agreement.)*~~

~~Title~~ ~~Date~~ ~~Pages~~

~~Other identifying information:~~ Allowance Expenditure Authorization: At the Owner's discretion, a minor change in the work or expenditures that do not warrant a change in Contract Sum may be paid from a designated Allowance. In such cases, a written Allowance Expenditure Authorization (AEA) in the form attached hereto as "Exhibit B" is required. An AEA form is a document prepared by the Architect and signed by the Architect, Owner, and Construction Manager. An AEA may be comprised of a single executed Change Proposal, an accumulation of executed Change Proposals. no extensions to the Contract Time sought in any request for allowance expenditure or change proposal request submitted by the Construction Manager shall be considered to be granted unless the Owner and the Architect expressly approve an adjustment to the Contract Time in a duly authorized and executed Change Order. All markups to work funded through an AEA must follow the requirements of the Article 7 of the AIA Document A201-2017, Changes in the Work

PAGE 4

~~*(Identify each allowance.)*~~

...

1. Demolition Allowance	$1,500,000
2. Allowance for salvaging wood floor and reinstalling on wall	$15,000
3. 3Form Wall Panels & Entrance Surrounds allowance	$356,600
4. Design time and installation of custom painted graphics and murals	$100,000
5. Custom Logo Design on wall pads allowance	$7,500
6. Athletic Equipment allowance (keynotes 333,334,337,338,358)	$23,000
7. 3-row pad mounted bleachers allowance	$32,000
8. Supply and Install Residential Appliances allowance	$115,000
9. Visual Arts and Auto-Tech Equipment allowance	$194,793
10. Flow Variance design allowance for fire sprinkler (as specified)	$25,000
11. Football Goal Posts allowance	$160,000
12. Escalation	$1,000,000
13. Owner Contingency	$1,002,236
14. Contractor Contingency	$1,500,000
15. Value Management Allowance	($8,475,969)

...

~~(Identify each assumption and clarification.)~~

As identified in Exhibit A.

...

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~~(List any other documents or information here, or refer to an exhibit attached to this Amendment.)~~
Other items as identified in Exhibit A.

...

~~(List name, discipline, address, and other information.)~~
As identified in Exhibit A

...

Susan Kincannon, Ed.D, Superintendent	Cisco Hobbs, President

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Certification of Document's Authenticity

AIA® Document D401™ – 2003

I, , hereby certify, to the best of my knowledge, information and belief, that I created the attached final document simultaneously with its associated Additions and Deletions Report and this certification at 11:40:36 ET on 09/26/2022 under Order No. 3104237155 from AIA Contract Documents software and that in preparing the attached final document I made no changes to the original text of AIA® Document A133™ – 2019 Exhibit A, Guaranteed Maximum Price Amendment, as published by the AIA in its software, other than those additions and deletions shown in the associated Additions and Deletions Report.



(Signed)

Principal

(Title)

9.26.2022

(Dated)

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Rogers-O'Brien CONSTRUCTION

WISD WACO INDEPENDENT SCHOOL DISTRICT

O'CONNELL ROBERTSON

GMP-02 Proposal Package

WACO ISD - WACO HIGH SCHOOL

August 29, 2022



638

Exhibit A

Waco High School

TABLE OF CONTENTS

01 Project Summary

02 GMP Cost Summary

03 Allowances & Contingencies

04 Alternates

05 Value Management

06 Clarifications & Assumptions

07 Subcontractor Participation Summary

08 Additional General Conditions

09 Graphic Site Plan

10 Project Schedule

11 Document Log



ITEM 01 – COVER LETTER

August 29, 2022

Dr. Susan Kincannon
Waco Independent School District
501 Franklin Avenue
Waco, Texas 76701

RE: Waco High School GMP 02 Proposal

Dr. Kincannon,

Thank you for the opportunity to submit our GMP-02 proposal package for Waco High School.

This proposal includes budgeting for all remaining scopes of work for the project outside of previously approved GMP-01.

The attached documents provide for a GMP-02 amount of $109,241,116 that aligns with the GMP-02 budget previously established.

Following this letter, you will find all the pertinent information needed to review for approval of GMP 02 by the Board of Trustees for this work.

We are grateful to be part of the WISD team in building this monumental project for the community. Our team is, and will continue to be, fully engaged with the WISD team and design team to ensure that we deliver a project that meets the needs of the campus and community. Again, thank you for the tremendous opportunity to work alongside your group.

Sincerely,

Cisco Hobbs
President – Austin/San Antonio

Rogers-O'Brien CONSTRUCTION

ITEM 02 – GMP-02 COST SUMMARY

DIVISON	Description	Price
01	Temporary Signage	$ 5,000
02	Existing Conditions	$ 1,500,000
03	Concrete	$ 7,897,745
04	Masonry	$ 4,058,300
05	Architectural Steel	$ 1,213,358
06	Woods, Plastics, & Composites	$ 2,500,000
07	Thermal & Moisture Protection	$ 5,216,294
08	Openings	$ 4,285,802
09	Finishes	$ 13,273,415
10	Specialties	$ 2,021,741
11	Equipment	$ 5,925,533
12	Furnishings	$ 657,327
14	Conveying Equipment	$ 247,904
21	Fire Suppression	$ 1,262,773
22	Plumbing	$ 8,100,000
23	Heating, Ventilating, & Air Conditioning	$ 20,565,000
26	Electrical	$ 18,600,000
27	Communications	$ 3,684,937
28	Electronic Safety & Security	$ 1,115,013
31	Earthwork	$ 142,040
32	Exterior Improvements	$ 3,802,861
	Value Management Savings	$ (8,444,536)
	Contingencies & Allowances	$ 5,126,786
	Cost-of-Work SUBTOTAL	**$ 102,757,293**
	Fee	$ 2,158,490
	General Conditions	$ 4,325,333
	SUBTOTAL	**$ 6,483,823**
	TOTAL	**$ 109,241,116**

ITEM 03 - ALLOWANCES AND CONTINGENCIES

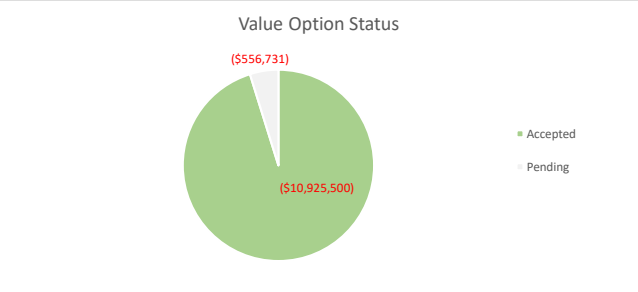
1.	Demolition Allowance	$1,500,000
2.	Allowance for salvaging wood floor and reinstalling on wall	$15,000
3.	3Form Wall Panels & Entrance Surrounds allowance	$356,600
4.	Allowance Design time & install of custom painted graphics & murals	$100,000
5.	Custom Logo Design on wall pads allowance	$7,500
6.	Athletic Equipment allowance (keynotes 333,334,337,338,358)	$23,000
7.	3-row pad mounted bleachers allowance	$32,000
8.	Supply and Install Residential Appliances allowance	$115,000
9.	Visual Arts and Auto-Tech Equipment allowance	$194,793
10.	Flow Variance design allowance for fire sprinkler (as specified)	$25,000
11.	Football Goal Posts allowance	$160,000
12.	Escalation allowance	$1,000,000
13.	Owner Contingency	$1,002,236
14.	Contractor Contingency	$1,500,000
15.	Value Management Allowance	($8,444,536)

ITEM 04 – ALTERNATES

1. Weight Room Addition
2. Dance Suite Addition
3. Practice Fields **NOT USED
4. Academic Courtyard Balcony/Stair Addition **NOT USED
5. CTE Classroom/s Addition
6. CTE Auto Tech Addition.
7. Courtyard Shade Structure
8. Skybridge **NOT USED
9. Outdoor Learning Space

Note:
No pricing information is being provided at this time for any alternates.

ITEM 05 - VALUE MANAGEMENT LOG



Rogers-O'Brien CONSTRUCTION

Waco High School
Value Management Log

Drawing Stage: 100%CD
Review Date: 2022-08-26

Current Budget*	$ 150,250,450
Accepted Value Options	($10,925,500)
Revised Budget*	**$ 139,324,950**
Target GMP	$140,500,000
Pending Value Options	($556,731)

*Budget includes both GMP-01 + GMP-02

Item #	Item Description	Target Value (VE/ADD)	Alternate	Status	Further Action By	Response Due	Accepted	Pending	Notes
Sitework									
C32.6	Change 4" 100-gal trees (16-ea Monterey Oaks, 8-ea Cedar Elms) to 3" 65-gal	($10,374)		Pending	OCR			($10,374)	
C32.7	Remove Quarry Blocks	($15,900)		Pending	OCR			($15,900)	
C32.11	Provide Gravity Retaining Walls ilo Concrete at Courtyard	($750,000)		Accepted	OCR		($750,000)		
C32.12	Place and spread imported topsoil to 4" depth at sodded areas and 2" depth at hydromulched areas	($68,857)		Pending	OCR			($68,857)	
C32.13	Reduce Landscaping - Hardscape Target	($150,000)		Accepted	OCR		($150,000)		
	Subtotals	($845,131)	($85,000)				($900,000)	($95,131)	
Structural									
	Subtotals	$0	$0				$0	$0	
Architectural									
A0.16	Reduce Escalation value carried from $3M to $1M	**$0**		Accepted			$0		
A0.17	Use SDI Insurance through RO in-lieu-of Sub-Bonds	**$0**		Accepted			$0		
A0.18	Area A,B,&C Reduction/Redesign Target	($2,500,000)		Accepted			($2,500,000)		
A0.19	Relocation of CUP Target	($1,700,000)		Accepted			($1,700,000)		
A0.20	Single Phase Building Construction	($1,250,000)		Accepted			($1,250,000)		
A0.21	Reduce GC contingency	$0		Accepted			$0		
A4.3	Use grey unpigmented mortar at brick in lieu of pigmented mortar	($21,000)		Accepted			($21,000)		
A4.8	**Unsawn back and chop ends** of Limestone in lieu of sawn edges on 4 sides and back	($244,000)		Accepted			($244,000)		
A4.8A	**Unsawn FRONT** of Limestone in lieu of sawn edges on 4 sides and back	$0		Pending	RO			$0	
A6.1	Reduce the amount of built-in cabinets/millwork/countertops and provide as furniture	($119,600)		Pending	OCR			($119,600)	
A6.3	Provide Plastic laminate paneling ilo Wood Veneer paneling (WD-1) and floating shelves	($65,500)		Accepted	OCR		($65,500)		
A6.4	Prefab millwork ilo built Gen Reduction			Pending	RO			$0	

Item #	Item Description	Target Value (VE/ADD)	Alternate	Status	Further Action By	Response Due	Accepted	Pending	Notes
A6.5	Plam everywhere w/o sink			Accepted			$0		
A6.6	Provide manufacturer standard glass sliding doors ilo Blumcraft display case doors (E2A4, E207.1)	($31,000)		Pending	RO			($31,000)	
A6.7	Change WV1 - Auditorium Wood paneling acoustical wall panels to different material / spec			Pending				$0	
A6.8	Change Formica solid surface color to a more solid color, such as, Corian "Glacier White" or similar	($8,500)		Accepted			($8,500)		
A6.9	Use a more standard 1x straight trim for the horizontal wall cap/light cove finishes			Pending	RO			$0	
A6.10a	MDF ILO Medex Sheet Goods		($93,000)	Pending	RO			$0	
A6.10b	Particle Board/MDF ILO Medex Sheet Goods	($144,000)		Pending	RO			($144,000)	
A6.11	Use a 96mm hole-hole brushed aluminum wire pull in-lieu-of specified stainless	($20,000)		Pending	OCR			($20,000)	
A6.12	Use standard plastic laminate color offerings in-lieu-of Color Core.	($7,000)		Accepted			($7,000)		
A6.13	Change to 120 degree hinges ILO specified 170 degree hinges	($25,000)		Accepted			($25,000)		
A6.14	Change specified Formica Luna Pewter to Corian Group 1 color	($8,500)		Accepted			($8,500)		
A7.8	Use 2" Mineral Wool in-lieu-of Polyiso Insulation	($39,000)		Accepted	RO		($39,000)		
A7.9	Omit ABAA Quality Assurance and **Certified Installer** from Fluid Applied Membrane specification 072726/1.6/A/1	($52,000)		Pending	RO			($52,000)	
A7.13	Remove Roof Overhang at AutoTech & Replace w/ Avadek (or Other?)	$0		Accepted			$0		
A8.12	Reduce the number of STC-50 Openings?			Accepted			$0		
A8.14	Change 800-series Olympus locks to a standard CompX National or CompX Timberline			Pending	RO			$0	
A8.15	Remove powder coating of the overhead doors at the vehicle shop.			Pending	RO			$0	
A8.17	Reduce Glazing per OCR-Exhibit	($150,000)		Accepted			($150,000)		
A8.18	Glazing Reduction Target	($165,000)		Accepted			($165,000)		
A8.19									
A9.13	Use Carpet Tile Allowance of $38/sy for CPT1 & CPT3 and $28/sy for CPT2 (installed) ilo Specified	($52,000)		Accepted			($52,000)		
A9.15	Removal of all Wallcoverings (WC-1 thru WC-4)?	($63,000)		Accepted			($63,000)		
A9.17	Remove Entrance Surrounds 6/A11.8 (6-ea)	($244,000)		Accepted			($244,000)		
A9.19	Remove Light Acoustic Rings & Baffles?			Pending	RO			$0	
A9.20	Change T1 Esmer Fawn Porto II to Daltile Volume 1.9	($44,000)		Accepted			($44,000)		
A9.22	Revise specified ACT-1 to Rockfon ceiling tile	($110,000)		Accepted	OCR		($110,000)		
A9.23	Install G60 coated exterior metal stud in lieu of G90			Pending	RO			$0	
A9.24	Change TS-5 Schluter Quadec trim piece to antoher Schluter trim	($32,000)		Accepted	RO		($32,000)		
A9.25	Use 1/8" Ceramic Carpet 400 (Sherwin Williams) ilo specified EF-1 Epoxy flooring.	($36,000)		Pending	RO			($36,000)	
A9.26	Use two-coat broadcast system ilo specified on epoxy floors	($20,000)		Pending	RO			($20,000)	

Item #	Item Description	Target Value (VE/ADD)	Alternate	Status	Further Action By	Response Due	Accepted	Pending	Notes
A9.28a	Finishes Reduction Target	($150,000)		Accepted			($150,000)		
A9.28b	3 Form profile panel change to dim wall covering	($50,000)		Accepted			($50,000)		
A9.29									
A10.5	Provide Aluminum Brackets/Hardware at Toilet Partitions ilo Stainless Steel			Pending	RO			$0	
A10.7	Change wall covering on operable partition type A to Vinyl ILO fabric	($3,600)		Accepted			($3,600)		
A10.9	Change all of the glass operable partitions type-1 to match type-2 single panel with 48" trimless dry-erase boards with vinyl above and below	($39,000)		Pending	OCR			($39,000)	
A10.10	Use heavy duty knockdown lockers ilo all-welded. Door frame will be welded, body assembled with rivets, using same gauge steel.	($10,000)		Accepted	RO		($10,000)		
A10.11	Provide black or grey powder coat finish ilo galvanized at the wire mesh partitions	($25,000)		Accepted			($25,000)		
A10.12									
A11.9	Remove Athletic equipment allowance called out in keynotes (333-whirlpool, 334-hydrocollator, 337-exam table, 358-taping station) and provide with owner FFE	($23,900)		Accepted			($23,900)		
A14.3	Decrease elevator speed on both elevators to 100-fpm	($17,000)		Accepted			($17,000)		
	Subtotals	($7,891,900)	($93,000)				($7,008,000)	($461,600)	
Mechanical									
M9	Reduce pump sizes for CW, CHW, and HW	($27,000)		Accepted			($27,000)		
M14a	Reduce mass-loaded vinyl duct sound lagging at select locations	($200,000)		Accepted			($200,000)		
M15	Delete Flex-Right elbows at flex duct (qty=1845)	($9,000)		Accepted			($9,000)		
M17	Delete external duct insulation where liner is installed on drops from rooftop equipment	($21,000)		Accepted			($21,000)		
M18	Provide all duct wrap as 2.2-3/4" sealed with tape	($63,000)		Accepted	WISD		($63,000)		
M20	Remove epoxy coating on York chiller evaporator coils	($20,000)		Accepted	RO		($20,000)		
M21	Remove epoxy coating on York chiller condenser coils	($14,000)		Accepted	RO		($14,000)		
M22	Provide single VFD per fan array with bypass in lieu of (1) VFD/fan	($94,000)		Accepted			($94,000)		
M24	Provide (4) 3,500 MBH Boilers in lieu of (3) 5,000 MBH Boilers	($74,000)		Accepted			($74,000)		
M25	Remove primary pumps from boilers and provide by manuf	Included with M24		Accepted			Included with M24		
M26	Reduce CW to 20" in Central Utility Plant	Included with M32		Accepted			Included with M32		
M27	Reduce CHW to 16" in Central Utility Plant	Included with M32		Accepted			Included with M32		
M28	Reduce Cooling Towers by 2' in each dimension and reduce fans from 50HP to 40HP per cell	($29,000)		Accepted			($29,000)		
M31	Delete underground hydronic piping by moving Central Utility Plant to building	Included with M32		Accepted			Included with M32		
M32	Reduce and Relocate Central Utility Plant to building	($380,000)		Accepted			($380,000)		
M33	Gearbox-driven CT in lieu of direct-drive	($95,000)		Accepted			($95,000)		
	Subtotals	($1,644,000)	$0				($1,026,000)	$0	
Plumbing									
P2	Use PVC ilo No Hub CI w/ HD couplings	($377,000)		Accepted			($377,000)		
P4	Reduce number of Roof Drains/Overflow Roof Drains from 167/87 to 100/52			Pending	RO			$0	

Item #	Item Description	Target Value (VE/ADD)	Alternate	Status	Further Action By	Response Due	Accepted	Pending	Notes
P6	Alt. plumbing fixture package?			Pending	RO			$0	
P7	Pressed fittings on roof only (Gas)			Pending	RO			$0	
P8	CUP Stand Alone Fire Riser Deleted	($7,500)		Accepted			($7,500)		
P9	Delete domestic cold water Insulation/wrap (Except where subject to freezing)	($111,000)		Accepted			($111,000)		
P10	Provide concealed roof drains w/wrap, exposed to be left as specified	($35,000)		Accepted			($35,000)		
	Subtotals	($566,000)	$0				($530,500)	$0	
Electrical									
E5	Use a more economical light fixture & control package - **TARGET**	($630,000)		Accepted	RO		($630,000)		
E8	Open specification and installation to NEC code			Pending	RO				
E11	Remove capacitor banks on each MSB x 3	($31,000)		Accepted			($31,000)		
E12	Remove **network** lighting controls - keep stand alone			Pending	RO				
E13	CUP Stand Alone Oncor Pad & Gear Deleted			Accepted			$0		
E14	Remove **network** lighting controls - keep stand alone - corridors and common areas			Pending	RO				
	Subtotals	($661,000)	$0				($661,000)	$0	
Low Voltage									
LV27.2	Wall drops as Cat6 and cabling to the cameras and ceiling devices. AP's to stay Cat6A.			Pending	WISD				
LV27.3	Drop fiber between the closets from 24-strand single to 12-strand single mode			Pending	WISD				
LV27.4	Eliminate Video Production Systems			Pending	WISD				
LV27.5	Reduce A/V and Performance A/V scope Target	($700,000)		Accepted			($700,000)		
LV27.6	Clock/PA Reduction Target	($100,000)		Accepted			($100,000)		
LV28.2	Use Axis server ilo Milestone licensing for Access Control			Pending	WISD				
	Subtotals	($800,000)					($800,000)	$0	
	Totals	($12,558,031)	($178,000)				($10,925,500)	($556,731)	

****These proposals are cost savings proposals from the Contractor, solely in its position as a contractor. The Owner must rely solely on its architect, or other design consultants, for the design of the project and the suitability of any changes to the design as a result of the Owner's acceptance of any value engineering proposals. Contractor does not assume any responsibility or liability for the suitability of the design of the project in the providing of any value engineering proposals or services.*

ITEM 06 – CLARIFICATIONS & ASSUMPTIONS

The following is a list of bid clarifications and assumptions to be included with our proposal.

Division 1 – General Requirements

1. Our proposal is based on Contract Documents by O'Connell Robertson dated June 7, 2022.
    a. Addendum-01 dated June 16, 2022
    b. Addendum-02 dated June 22, 2022
    c. ASI-01 dated July 6, 2022
    d. ASI-03 dated July 14, 2022
    e. PR-04 dated July 14, 2022
2. We have included a deduct allowance in GMP-02 for the amount of ($8,444,536) for Value Management items accepted by WISD and OCR with the agreement that updated design document modifications stamped and sealed documents to be issued no later than following dates; ABC classroom with Civil and Landscape revisions by 12/22/2022, CUP integration with single phase option for CTE wing by 2/17/2022. This includes but not limited to 3 narratives issued by OCR; Single phase plan option & scope revision dated 8/8/2022 including option 3a dated 8/16/2022, CUP revision dated 8/05/2022, ABC classroom revision dated 8/16/2022.
3. All site development permits are to be executed prior to construction start.
4. Architect to provide coordinates at two (2) column or grid lines to allow us to set-up and turn a true 90-degree angle 2-weeks prior to starting foundations.
5. Any cost break outs provided in our proposal are for accounting purposes only and cannot be used as true deducts if related scopes of work are removed.
6. GMP-02 pricing will be held until September 30, 2022. If award of contract is not received for project release for GMP-02 specific scopes prior to this deadline, we reserve the right to reprice at current market prices.
7. We have included a Value Management Log that consists of Potential cost savings more than the Value Management Allowance deduct of ($8,444,536) which we are carrying in our GMP-02. The Value Management items that make up the potential cost savings are a blend of firm value management items for specific changes as well as budget amounts for design document modification work that will be completed by the design team and issued in the form of a PR in December 2022. In the event that there is actual cost savings above the ($8,444,536) value management deduct allowance that is recognized during the buyout and repricing of the redesigned documentation, Rogers-O'Brien will return that cost to the owner (WISD) in the form of Buyout Savings that will be tracked just like all other Buyout Savings in the Buyout Log and with deductive change orders.
8. We have included $1,000,000 allowance for price escalation due to current market conditions.

9. The proposed schedule is dependent upon the issuance of required permits before commencement of work, the execution of a signed contract between Rogers-O'Brien Construction and the Owner, and September 2022 Board Approval.
10. Building Permit paid for and provided by Owner.
11. This proposal is based on a Sales Tax Exempt certificate being provided by the owner.
12. We assume the Bid Documents satisfy all applicable code requirements; therefore, we exclude all costs associated with modifications arising from Bid Documents conflicting with code requirements.
13. Price excludes all costs for impact fees; inspection fees; city maintenance bond fees; pro-rata charges; utility connection and/or meter fees, usage fees, etc.; and all other such costs customarily paid for by the Owner.
14. Price excludes architectural and engineering design fees, unless required to be delegated design as defined in the drawings and/or specifications.
15. Testing laboratory services are excluded, but we will coordinate as required during construction.

Division 2 – Existing Conditions

1. We assume that all salvage activities will be conducted by the owner prior to any Notice to Proceed and or commencement of work, except for as noted in the drawings and/or specifications. This includes, but is not limited to, any sports equipment, lighting, structures, etc.
2. We will divert/recycle waste to the extents possible based on material and availability, but do not guarantee a percentage of waste generated will be met.
3. Price excludes cost impacts relative to damage, repairs, modification, or relocation of any existing underground infrastructure and/or other concealed conditions not specifically shown on the project documents.
4. Price excludes the removal, remediation, or transportation of any unknown contaminates on the job site, including environmental/asbestos surveys.
5. If any item is not specifically called out to be demolished/removed, we do not have it included with our price.
6. Building and Structure Abatement is not included.
7. We exclude removal and/or relocation of any franchise or city owned utilities.
8. Removal of overhead lines, utility poles, lighting is excluded. We will coordinate with the utility provider.
9. We exclude any and all costs for temporarily relocating existing programming or infrastructure for students and staff such as portables, way finding, signage, temporary entrances and any costs associated with this.
10. We exclude removal and/or relocation of any existing furniture or equipment.

11. We exclude any temporary / interim fire lane access to and around the existing campus adjacent to new infrastructure during the construction phases.

Division 3 – Concrete

1. Pier depths are bid at 20'-0" from working grade plus penetration depth as shown in the structural plans.
2. Pier Casing is excluded.
3. Measurement for pier depth shall be from working grade elevation to the bottom of the pier. If the depth required to meet minimum bearing strata exceeds the assumed depth of 20'-0" the difference in that depth shall be calculated for use in pier overage cost/payment.
    a. Added Pier Depth
        i. 18" = $35/lf
        ii. 24" = $43/lf
        iii. 30" = $51/lf
    b. Reduced Pier Depth
        i. 18" = ($5/lf)
        ii. 24" = ($8/lf)
        iii. 30" = ($12/lf)
    c. Add Pier Casing
        i. 18" = $48/lf
        ii. 24" = $61/lf
        iii. 30" = $74/lf

Division 4 – Masonry/Stone

1. The specified brick in specific colors is not being manufactured at this time; we have included a Norman Brick in the same range.
2. We exclude any special brick coursing unless specifically detailed on the plans.
3. We exclude cast stone special shapes.
4. Standard fire rated CMU is included where specified. UL-Certified CMU is excluded.

Division 5 – Metals

1. Includes costs for Glass Railings, Architectural steel and metal stairs as shown on plans.
2. All Building steel costs that were included in GMP-01 and are excluded in GMP-02.

Division 6 – Wood/Plastics

1. All dry countertops priced as PL2, and all wet countertops priced as either SS1 or EC1 as shown on plans.
2. All millwork/casework priced as PL1 as shown on plans.

Division 7 – Thermal/Moisture Protection

1. Spray Insulation (K-13) provided at 1.5" thick.
2. Fry Reglet would not release any pricing for this project. We have included similar framing, a Fusion Rainscreen system, and interior wall panels to match the exterior in a standard 3-coat ACM color (color range in the PVDF-3), provided by Alucobond.
3. The specified EIFS drainage mat is excluded. The drainage mat is not required per specified manufacturers requirements if STO system is installed.
4. Intumescent paint is excluded; none shown.

Division 8 – Doors and Windows

1. Door mark F2B.1 is provided as an 8'x7' pair, the scheduled exit device cannot accommodate door leaf's wider than 4'.
2. Frame type HSTL is not shown and is included as a standard 3-sided hollow metal frame.
3. Doors and frames marked P200.1, P200.2, P205.1, and P205.2 don't include a STC label or rating.
4. Temporary construction door hardware cores to be returned to door supplier.
5. Door Mark N200A shown in the hardware set 212N does not exist and is not included.
6. Due to engineering limitations, Doors F203.2-F203.4 can only be provided with 10,000-cycles.
7. Permanent door hardware coring and keys to be provided and installed by owner.

Division 9 – Finishes

1. Tile base Q2 material callout is not provided. We have provided this to match type Q1.
2. Concrete cast-in-place and panfill stair finish provided as polished concrete treads to match light polished grind (class-B) in school, and sealed risers. Precast treads are excluded.
3. Salvaging existing wood floor and reinstalling on wall allowance of $15,000 included.
4. Wallcovering type WC-3 is not included; none shown.
5. No trim or trays are included with the Wallcoverings (WC-1, WC-2, WC-4).
6. We have included an allowance for the 3Form wall panels and Entrance Surrounds of $356,600.
    a. 3Form panels are included as follows with standard (non-custom) finishes
        i. Freestanding Partition: 3Form Varia with aluminum hardware

ii. Frameless Partition: 3Form pressed glass with aluminum hardware
iii. Angled signage wing walls: 3Form specialty varia sheet, Avalanche D01, with image to be determined
iv. Framed ceiling insets: 3Form Varia, Avalanche D01
v. Ceiling Lens: 3Form Varia, Avalanche D01
vi. Burst panel profile: included as a turnkey allowance of $48/sf

b. Entrance Surrounds are included as follows with standard (non-custom) finishes
i. Back painted glass: included as a turnkey allowance of $100,000
ii. Fry Reglet Graph System and Metal Panels: Framing provided as Fusion Rainscreen system, and metal panels provided as standard (3-coat) ACM color (color range in the PVDF-3), provided by Alucobond.

7. We have included an allowance of $100,000 for design time and installation of custom painted graphics and murals as shown.

Division 10 – Specialties

1. We include the wire mesh partitions as delegated design, fabricated, and installed. We exclude engineered stamping of the wire mesh partitions.
2. Operable partition type-1 (keynote 372) is being provided as an STC-44 rating. This partition is not available in a higher rating.

Division 11 – Equipment

1. We are including an allowance for custom logo design on wall pads of $7,500.
2. We are including an allowance for athletic equipment (keynotes 333-Whirlpool, 334-Hydrocollator unit, 337-Exam table, 338-7x4 Mirror, 358-Athletic taping station) of $23,000.
3. All volleyball equipment will be delivered to owner for owner installation.
4. 3-row pad mounted bleachers at the tennis courts are not specified. We are carrying an allowance of $32,000. The allowance includes a GT Grandstands non-elevated aluminum GS-series with double foot board and chain-link guardrail.
5. Food Service item#20 model specified does not have a roast/hold option. Food Service item#20 is provided, however the roast/hold option is not available or included.
6. We are including an allowance to supply and install the residential appliances for $115,000; these appliances are not currently specified.
7. No specification is provided for Industrial Washers and Dryers. Washers are provided as Unilinc Touch/400 G, and Dryers are provided as Unilinc Touch Optidry.
8. We are providing an allowance for supplying and installing the visual arts equipment (kilns and spray booth) and auto-tech equipment of $194,793; this equipment is not currently specified.

a. Low Fire Kiln: Dragon DR240/1 PAR
b. Spray booth: The Ceramic Shop Pro X Aluminum (LPROXAssEX)
c. Air Compressor: Snap-On BRARS8180H
d. 4-Post Lift: Hunter L451T-IS
e. Alignment Rack: Hunter WA684
f. 2-Post Lift: John Bean EELR537A

Division 12 – Furnishings

1. All artwork is assumed to be furnished and installed by the owner except as shown in the plans.
2. All furniture is assumed to be furnished and installed by the owner.
3. Window shade transoms above doors at all locations are excluded.
4. All window shades provided surface mounted with fascia covers. No shade pockets shown.

Division 13 – Special Construction

1. No Scope included.

Division 14 – Elevators

1. Travel speed included for elevators is 150 feet per minute.
2. Standard manufacturers finishes included for elevator cab and vertical lift.
3. Vertical lift platform provided as hydraulic drive.

Division 21 – Fire Protection

1. We have provided a design allowance of $25,000 for flow variance as specified.
2. Fire Sprinkler coverage to building canopies is excluded.
3. Fire Sprinkler coverage to the tennis building is excluded.
4. We exclude maintenance of the pump, driver, and controller for 5-years from substantial completion per specification 213000/1.13/B. The maintenance agreement to be provided by owner.

Division 22 – Plumbing

1. We exclude any temporary gas lines and utilities for existing infrastructure and items not shown on plans.
2. Commissioning of systems provided and paid for by Owner. We have included assistance and coordination.
3. Video of plumbing system piping is excluded.

4. Smoke testing of plumbing systems is excluded.

Division 23 – HVAC

1. Test and Balance of systems provided and paid for by Owner. We have included assistance and coordination.
2. Commissioning of systems provided and paid for by Owner. We have included assistance and coordination.
3. We exclude any temporary utilities for existing infrastructure and items not shown on plans.
4. Packaged Rooftop Air Conditioning Units as scheduled (including specified equals) are provided with Microchannel Assemblies.
5. We exclude the chemical treatment service contract.
6. Cooling tower cleaning system excluded; none shown on plans.
7. The 3rd party duct cleaning per specification 233100/3.07 is excluded as long as reasonable guidelines are followed to protect ducts and units from dust.
8. Temporary Containment and offsite disposal of water from existing systems or used for flushing purposes from existing systems (including but not limited to lead oakman).
9. Existing Waste & Equipment Removal / Hazard waste removal or handling is excluded.

Division 26 – Electrical

1. Demolition and removal of all overhead electrical service and poles excluded. This work to be provided by electric service provider and paid for by Owner.
2. Commissioning of systems provided and paid for by Owner. We have included assistance and coordination.
3. We exclude ERRC DAS system.
4. We exclude any temporary utilities for existing infrastructure and items not shown on plans.

Division 27 – Data & Communications

1. Wireless Access Points provided by Owner.

Division 28 – Safety and Security

1. All security servers, workstations, video stations, and other peripheral computers to be provided and installed by owner.

Division 31 – Earthwork

1. Site stripping's are to be stockpiled onsite for entire duration of project and re-used for general fill and if approved to be used for topsoil. Stripping's not used at conclusion of project will be hauled away.
2. Termite pre-treatment is excluded.
3. Lime stabilization is excluded, option #2 included per Geotech report table 4.2 and table 4.3.

Division 32 – Exterior Improvements

1. We exclude any stop signs and directional signage.
2. We exclude any public street markings and traffic buttons/reflectors.
3. Maintenance of landscaping and irrigation is excluded.
4. We exclude maintenance, pruning, and any guarantee that existing trees survive during construction.
5. We exclude any fences/guardrail at gravity retaining walls; none shown on plans.
6. Striping at practice fields is excluded.
7. Football goalposts are not specified. We are carrying an allowance of $160,000 for standard practice UIL-type 8' offset goalposts.
8. All gates are provided with Liftmaster commercial gate operators.
9. We exclude intercom systems for gates and fencing.
10. Relocation of the memorial trees, memorial stones, and time capsules are by owner.

Division 33 – Utilities

1. No scope included with GMP-02.

Rogers-O'Brien CONSTRUCTION

ITEM 07 – GMP-02 SUBCONTRACTOR PARTICIPATION

Scope	Total Invitations Sent	Total Sub Proposals Received	Local Sub Proposals Received	Local Sub anticipated in GMP Cost-of-Work %
Existing Conditions	77	4	0	
Concrete	125	2	1	8.00%
Masonry	105	3	1	4.11%
Architectural Steel	302	9	2	0.96%
Woods, Plastics, & Composites	278	9	0	
Thermal & Moisture Protection	377	34	3	1.19%
Openings	343	21	2	2.20%
Finishes	821	50	1	1.77%
Specialties	467	23	0	
Equipment	252	22	0	
Furnishings	275	20	0	
Conveying Equipment	31	3	0	
Fire Suppression	119	4	1	
Plumbing	309	1	1	8.21%
Heating, Ventilating, & Air Conditioning	396	4	2	20.77%
Electrical	302	2	1	18.84%
Communications	265	10	2	1.66%
Electronic Safety & Security	243	11	1	0.71%
Exterior Improvements	415	23	2	0.65%
Totals	5,502	255	20	69.08%

Rogers-O'Brien
CONSTRUCTION
www.R-O.com

September 20, 2022

Dr. Susan Kincannon
Waco Independent School District
501 Franklin Avenue
Waco, Texas 76701

RE: **ITEM 08 – GENERAL CONDITIONS**

Dr. Kincannon,

To maintain the same program and stay within our budget, our team has developed this path to budget that reduces the phasing of the project and minimizes disruption to the campus. This approach differs from the original multiphase approach in our proposal. We respectfully request consideration of the following:

- **General Liability and Umbrella Liability Insurance –** The cost of the General Liability and Umbrella Liability Insurance are a direct function of the cost of work.
    - This results in a cost increase of $185,003.

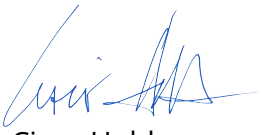
- **Payment and Performance Bond –** The cost of the Payment and Performance Bond is also a direct function of the cost of work.
    - This results in a cost increase of $223,850.

- **Project Supervision and Management -** Our original General Conditions were based on the project plan outlined in the RFP consisting of (4) phases. The revised single-phase plan has the new main building being constructed within close proximity to the existing occupied school campus. The single-phase approach has increased the active construction area by over a 100,000 SF. This condensed schedule requires additional supervision and management.
    - We have extended the involvement of the Senior Project Manager through the completion of the main building.
    - We have also added additional Assistant Project Manager, Superintendent and Assistant Superintendent to oversee the CTE wing construction due to the overlap of the main building construction.
    - This results in a cost increase of $321,709.

We are committed to the successful completion of the new Waco High School Campus and our continued partnership with Waco Independent School District.

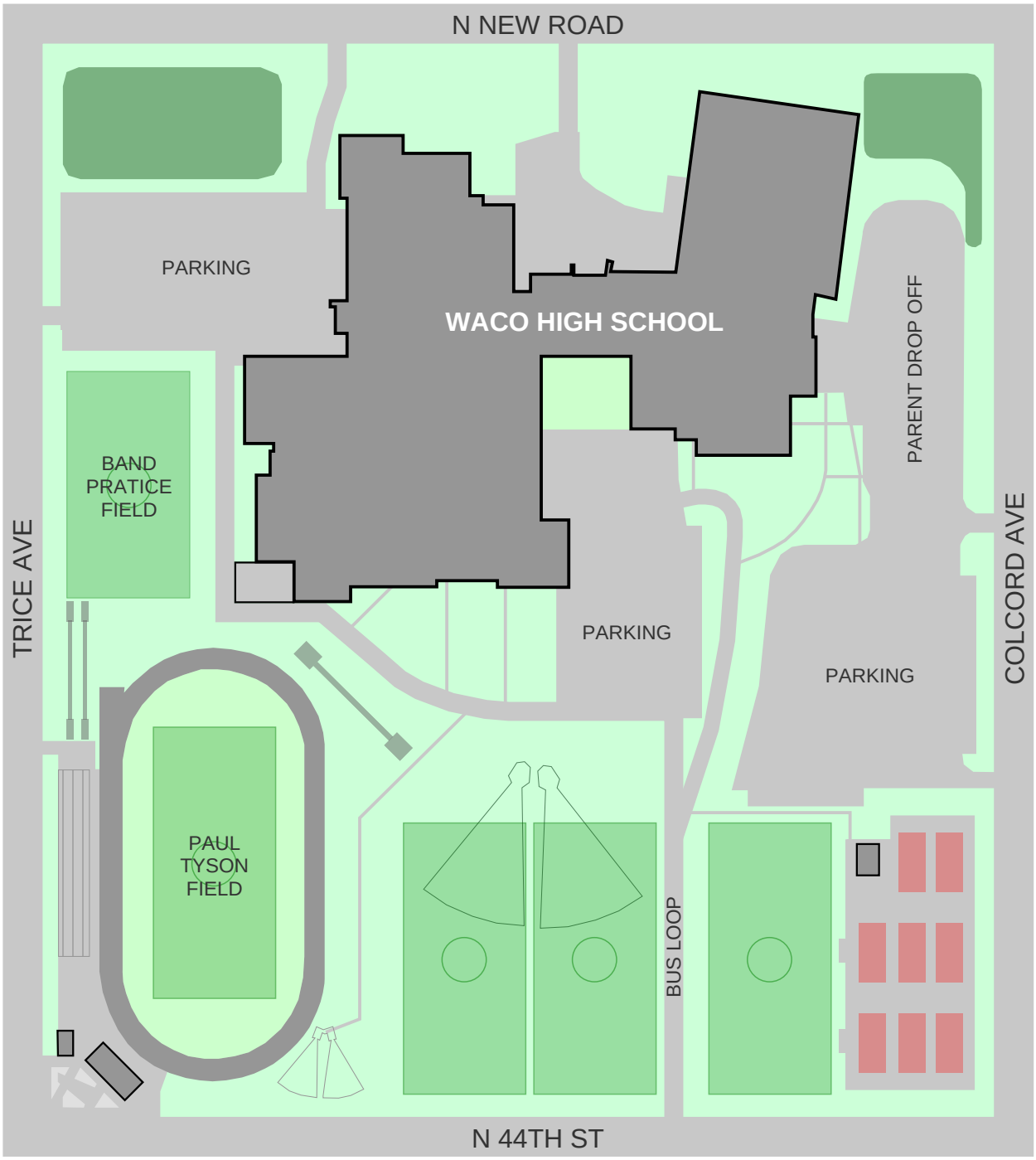
Thank you for your consideration.

Sincerely,



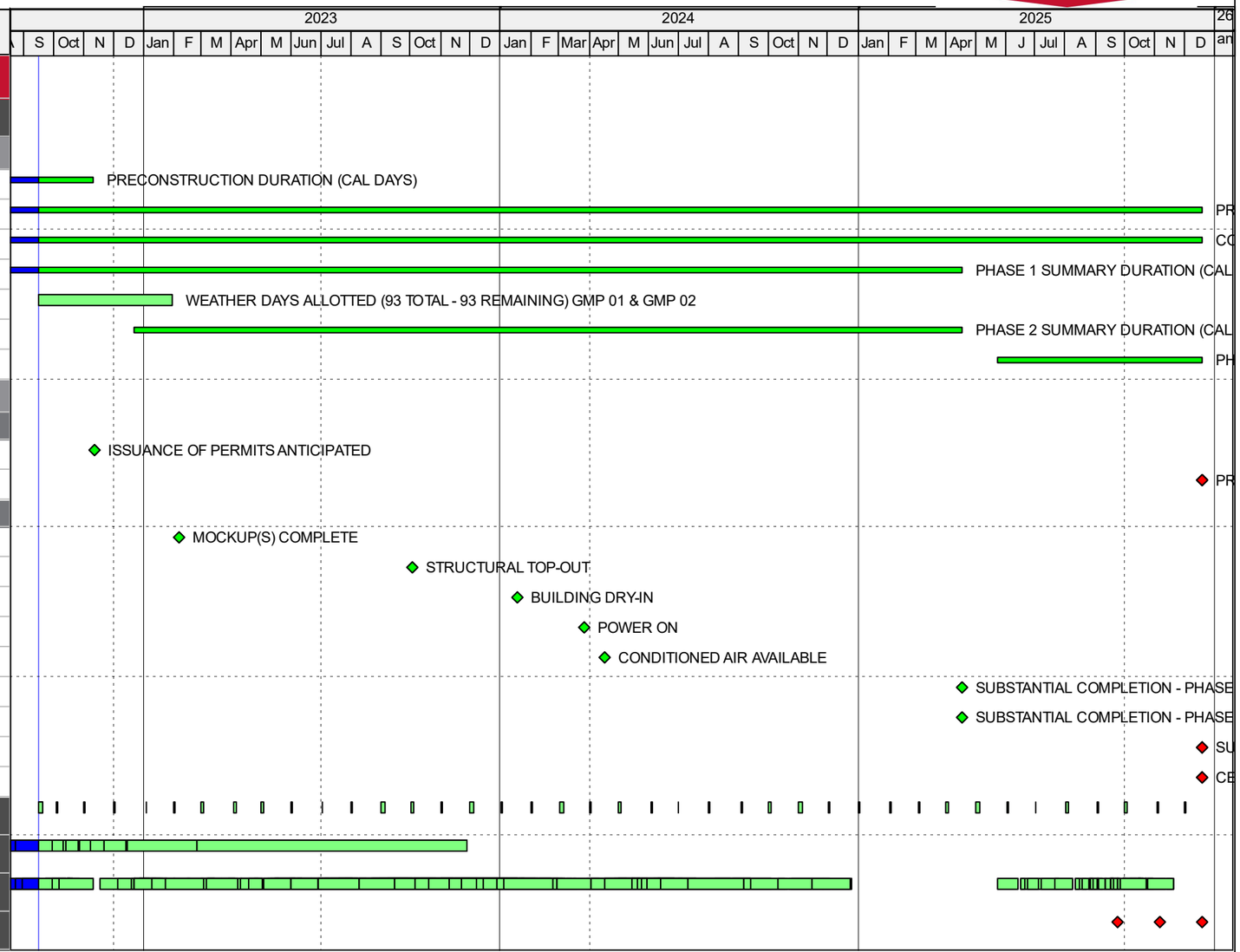
Cisco Hobbs
President – Austin/San Antonio

ITEM 09 - WHS GRAPHIC SITE PLAN



WACO HIGH SCHOOL SCHEDULE - GMP 02 REPHASED
REMAINING ACTIVITIES
as of 16-Sep-22

Act ID	Activity Name	Orig Dur	Rem Dur	Start	Finish
WACO HIGH SCHOOL SCHEDULE - GMP 02 REPHASED					
EXECUTIVE SUMMARY					
SUMMARY					
S1000	PRECONSTRUCTION DURATION (CAL DAYS)	329	56	12-Aug-21 A	10-Nov-22
S1010	PROJECT DURATION (CAL DAYS)	1601	1190	12-Aug-21 A	18-Dec-25
S1030	CONSTRUCTION DURATION (CAL DAYS)	1289	1190	05-Jul-22 A	18-Dec-25
S01	PHASE 1 SUMMARY DURATION (CAL DAYS)	963	945	05-Jul-22 A	17-Apr-25
S1020	WEATHER DAYS ALLOTTED (93 TOTAL - 93 REMAINING) GMP	93	93	16-Sep-22	30-Jan-23
S02	PHASE 2 SUMMARY DURATION (CAL DAYS)	848	848	22-Dec-22	17-Apr-25
S03	PHASE 3 SUMMARY DURATION (CAL DAYS)	210	210	23-May-25	18-Dec-25
MILESTONES					
CONTRACT MILESTONES					
CM02	ISSUANCE OF PERMITS ANTICIPATED	0	0	11-Nov-22	
CM03	PROJECT COMPLETION (1,316 CAL DAYS)	0	0		19-Dec-25*
INTERIM MILESTONES					
IMS.1060	MOCKUP(S) COMPLETE	0	0		06-Feb-23
IMS.1030	STRUCTURAL TOP-OUT	0	0		03-Oct-23
IMS.1020	BUILDING DRY-IN	0	0		18-Jan-24
IMS.1010	POWER ON	0	0	27-Mar-24	
IMS.1040	CONDITIONED AIR AVAILABLE	0	0	17-Apr-24	
IM01	SUBSTANTIAL COMPLETION - PHASE 1 - PAC - TURNOVER AI	0	0		18-Apr-25*
IM02	SUBSTANTIAL COMPLETION - PHASE 2 - AREAS A/B/C/D/K/J/H	0	0		18-Apr-25*
IM03	SUBSTANTIAL COMPLETION - PHASE 3	0	0		19-Dec-25*
CMS.1050	CERTIFICATE OF OCCUPANCY	0	0		19-Dec-25*
WEATHER TRACKING					
PRECONSTRUCTION / DESIGN					
CONSTRUCTION					
CLOSEOUT					



Rem LOE · Comp LOE · Crit LOE · Comp Task · Rem Task · Crit Task · Comp Mile · Rem Mile · Crit Mile

ITEM 11 - DOCUMENT LOG

Rogers-O'Brien CONSTRUCTION

Discipline	Drawing N	Drawing Title	Current Drawings	PR #4 (07/14/22)	ASI 003 (07/14/22)	ASI 001 (07/06/22)	Addendum 1.2.1 (06/22/22)	PR #3 (06/22/22)	Addendum 1.2 (06/16/22)	PR #2 (06/07/22)	100% CD (06/07/22)	PR #1 (05/06/22)	Addendum 1 (04/07/22)	GMP 01 (03/23/22)	
Architectural	A0.1	ARCHITECTURAL NOTES, SYMBOLS AND ABBREVIATIONS	0								0				
Architectural	A0.2	TYPICAL SPACE LAYOUTS WITH ACCESSORIES AND EQUIPMENT	1						1		0				
Architectural	A1.1	ARCHITECTURAL SITE PLAN	0								0				
Architectural	A1.2	ENLARGED SITE PLANS	0								0				
Architectural	A1.3	ENLARGED SITE PLANS	0								0				
Architectural	A1.4	ENLARGED SITE PLANS	0								0				
Architectural	A1.5	ENLARGED SITE PLANS	0								0				
Architectural	A1.6	ENLARGED SITE PLANS	0								0				
Architectural	A1.7	ATHLETICS - DETAILS	0								0				
Architectural	A1.8	ARCHITECTURAL SITE DETAILS	0								0				
Architectural	A1.9	ARCHITECTURAL SITE DETAILS	1						1		0				
Architectural	A1.10	ARCHITECTURAL SITE DETAILS	0								0				
Architectural	A1.11	ARCHITECTURAL SITE DETAILS	1						1		0				
Architectural	A1.15	ARCHITECTURAL SITE DETAILS - ALT #7	0								0				
Architectural	A2.1	DEMOLITION PLAN	1						1		0				
Architectural	A3.0	COMPOSITE FLOOR PLAN	0								0				
Architectural	A3.1A	LOWER FLOOR PLAN - AREA A	0								0				
Architectural	A3.1B	LOWER FLOOR PLAN - AREA B	0								0				
Architectural	A3.2A	UPPER FLOOR PLAN - AREA A	0								0				
Architectural	A3.2Aa	FLOOR PLANS - AREA A -ALT #8	0								0				
Architectural	A3.2B	UPPER FLOOR PLAN - AREA B	1						1		0				
Architectural	A3.2C	UPPER FLOOR PLAN - AREA C	0								0				
Architectural	A3.2Ca	UPPER FLOOR PLAN - AREA C - ALT #4	0								0				
Architectural	A3.2D	UPPER FLOOR PLAN - AREA D	1						1		0				
Architectural	A3.2E	UPPER FLOOR PLAN - AREA E	1						1		0				
Architectural	A3.2F	UPPER FLOOR PLAN - AREA F	1						1		0				
Architectural	A3.2G	UPPER FLOOR PLAN - AREA G	1						1		0				
Architectural	A3.2Ga	UPPER FLOOR PLAN - AREA G - ALT #5 &#6	1						1		0				
Architectural	A3.2H	UPPER FLOOR PLAN - AREA H	1						1		0				
Architectural	A3.2Ha	UPPER FLOOR PLAN - AREA H - ALT #1	0								0				
Architectural	A3.2J	UPPER FLOOR PLAN - AREA J	0								0				
Architectural	A3.2K	UPPER FLOOR PLAN - AREA K	0								0				
Architectural	A3.2L	UPPER FLOOR PLAN - AREA L	0								0				
Architectural	A3.2M	UPPER FLOOR PLAN - AREA M	1						1		0				
Architectural	A3.2N	UPPER FLOOR PLAN - AREA N	0								0				
Architectural	A3.2P	UPPER FLOOR PLAN - AREA P	1						1		0				
Architectural	A3.2Pa	UPPER FLOOR PLAN - AREA P - ALT #2	0								0				
Architectural	A3.2QR	UPPER FLOOR PLAN - AREAS Q & R	0								0				
Architectural	A3.3	CLERESTORY PLANS	0								0				
Architectural	A3.3KL	GYM BLEACHER PLAN - AREAS K & L	0								0				
Architectural	A3.3M	PFA SUPPORT FLOOR PLAN - AREA M	1						1		0				
Architectural	A3.3Ma	PFA SUPPORT FLOOR PLAN - AREA M	0								0				
Architectural	A3.4	ENLARGED FLOOR PLANS	0								0				
Architectural	A3.5	ENLARGED FLOOR PLANS	0								0				
Architectural	A3.6	ENLARGED FLOOR PLANS	0								0				
Architectural	A3.7	ENLARGED FLOOR PLANS	1						1		0				
Architectural	A3.8	ENLARGED FLOOR PLANS	1						1		0				
Architectural	A3.9	ENLARGED FLOOR PLANS	0								0				
Architectural	A3.10	COMPOSITE ROOF PLAN	3							3	2		1	0	
Architectural	A3.11	ROOF PLAN - AREAS A, B, C, E	2							2		1	0		
Architectural	A3.12	ROOF PLAN - AREAS D, F, G	1							1			0		
Architectural	A3.12a	ROOF PLAN - AREA G - ALT #5 & #6	1							1			0		
Architectural	A3.13	ROOF PLAN - AREAS H, J, K, L	1							1			0		
Architectural	A3.13a	ROOF PLAN - AREA H - ALT #1	0										0		
Architectural	A3.14	ROOF PLAN - AREAS M, N, P, Q & R	1							1			0		
Architectural	A3.14a	ROOF PLAN - AREA P - ALT #2	0										0		
Architectural	A4.1	EXTERIOR ELEVATIONS	0								0				
Architectural	A4.2	EXTERIOR ELEVATIONS	0								0				
Architectural	A4.3	EXTERIOR ELEVATIONS	0								0				
Architectural	A4.4	EXTERIOR ELEVATIONS	0								0				
Architectural	A4.4a	EXTERIOR ELEVATIONS - ALT #1	0								0				
Architectural	A4.4b	EXTERIOR ELEVATIONS - ALT #5&#6	0								0				
Architectural	A4.5	EXTERIOR ELEVATIONS	0								0				
Architectural	A4.6	EXTERIOR ELEVATIONS	0								0				
Architectural	A4.6a	EXTERIOR ELEVATIONS - ALT #2	0								0				
Architectural	A4.7	EXTERIOR ELEVATIONS	1						1		0				
Architectural	A4.8	EXTERIOR ELEVATIONS	0								0				
Architectural	A4.8a	EXTERIOR ELEVATIONS - ALT #4	0								0				
Architectural	A4.9	EXTERIOR ELEVATIONS	0								0				
Architectural	A4.10	EXTERIOR ELEVATIONS	1						1		0				
Architectural	A4.11	BUILDING SECTIONS	0								0				
Architectural	A4.12	BUILDING SECTIONS	0								0				
Architectural	A4.13	BUILDING SECTIONS	0								0				
Architectural	A4.14	BUILDING SECTIONS	0								0				
Architectural	A4.15	BUILDING SECTIONS	0								0				
Architectural	A4.16	BUILDING SECTIONS	0								0				
Architectural	A4.17	BUILDING SECTIONS	0								0				
Architectural	A4.18	BUILDING SECTIONS	0								0				
Architectural	A4.19	BUILDING SECTIONS	0								0				
Architectural	A5.1	EXTERIOR WALL SECTIONS	2						1		0				
Architectural	A5.2	EXTERIOR WALL SECTIONS	2						1		0				
Architectural	A5.3	EXTERIOR WALL SECTIONS	2						1		0				
Architectural	A5.4	EXTERIOR WALL SECTIONS	2						1		0				
Architectural	A5.5	EXTERIOR WALL SECTIONS	2						1		0				
Architectural	A5.6	EXTERIOR WALL SECTIONS	2						1		0				
Architectural	A5.7	EXTERIOR WALL SECTIONS	2						1		0				
Architectural	A6.1	EXTERIOR DETAILS	0								0				
Architectural	A6.2	EXTERIOR DETAILS	0								0				
Architectural	A6.3	EXTERIOR DETAILS	0								0				
Architectural	A6.4	EXTERIOR DETAILS	0								0				
Architectural	A6.5	EXTERIOR DETAILS	0								0				
Architectural	A6.6	EXTERIOR DETAILS	1						1		0				
Architectural	A6.7	EXTERIOR DETAILS	0						0						
Architectural	A6.8	EXTERIOR DETAILS	0						0						
Architectural	A6.9	EXTERIOR DETAILS	0								0				
Architectural	A6.10	EXTERIOR DETAILS	0								0				

Architectural	A6.11	EXTERIOR DETAILS	1						1		0				
Architectural	A6.12	EXTERIOR DETAILS	0						0						
Architectural	A6.13	EXTERIOR DETAILS	0						0						
Architectural	A6.14	EXTERIOR DETAILS	0								0				
Architectural	A6.15	EXTERIOR DETAILS	1						1		0				
Architectural	A6.16	EXTERIOR DETAILS	1						1		0				
Architectural	A6.17	EXTERIOR DETAILS	1						1		0				
Architectural	A6.18	EXTERIOR DETAILS	0								0				
Architectural	A6.19	EXTERIOR DETAILS	0						0						
Architectural	A6.20	EXTERIOR DETAILS	0						0						
Architectural	A7.1	PARTITION TYPES	1						1		0				
Architectural	A7.2	PARTITION TYPES - ACOUSTICAL	0								0				
Architectural	A7.3	PARTITION DETAILS	0								0				
Architectural	A7.4	PARTITION DETAILS	0								0				
Architectural	A7.6	DOOR SCHEDULE	1						1		0				
Architectural	A7.7	DOOR SCHEDULE	0								0				
Architectural	A7.8	DOOR SCHEDULE	0								0				
Architectural	A7.9	DOOR SCHEDULE - ALTERNATES	0								0				
Architectural	A7.10	DOOR AND FRAME TYPES	1						1		0				
Architectural	A7.11	INTERIOR FRAME DETAILS	0								0				
Architectural	A7.12	INTERIOR FRAME TYPE	1						1		0				
Architectural	A7.12a	INTERIOR FRAME TYPE	1						1		0				
Architectural	A7.13	EXTERIOR FRAME TYPES	1						1		0				
Architectural	A7.13a	EXTERIOR FRAME TYPES	0								0				
Architectural	A7.13b	EXTERIOR FRAME TYPES	0								0				
Architectural	A7.14	INTERIOR DETAILS	1						1		0				
Architectural	A7.15	CATWALK COORDINATION	0								0				
Architectural	A7.16	INTERIOR DETAILS - PERFORMING ARTS	1						1		0				
Architectural	A7.17	INTERIOR DETAILS - PERFORMING ARTS	0						0						
Architectural	A8.1	TYPICAL STAIR DETAILS	0								0				
Architectural	A8.2	STAIR AND RAMP PLAN AND SECTION DETAILS	0								0				
Architectural	A8.3	STAIR AND RAMP PLAN AND SECTION DETAILS	0								0				
Architectural	A8.4	RAILING TYPES	0								0				
Architectural	A8.5	VERTICAL CIRCULATION - ELEVATORS	0								0				
Architectural	A8.6	VERTICAL CIRCULATION - STAIRS	0								0				
Architectural	A8.7	VERTICAL CIRCULATION - STAIRS	0								0				
Architectural	A8.8	VERTICAL CIRCULATION - STAIRS	0								0				
Architectural	A8.9	VERTICAL CIRCULATION - STAIRS	0								0				
Architectural	A8.10	VERTICAL CIRCULATION - STAIRS AND RAMPS	1						1		0				
Architectural	A8.11	VERTICAL CIRCULATION - STAIRS AND RAMPS	0								0				
Architectural	A8.12	VERTICAL CIRULATION - ALTERNATE #4 STAIR	0								0				
Architectural	A9.1A	REFLECTED CEILING PLAN - AREA A	0								0				
Architectural	A9.1B	REFLECTED CEILING PLAN - AREA B	0								0				
Architectural	A9.1C	REFLECTED CEILING PLAN - AREA C	0								0				
Architectural	A9.2A	REFLECTED CEILING PLAN - AREA A	0								0				
Architectural	A9.2B	REFLECTED CEILING PLAN - AREA B	0								0				
Architectural	A9.2C	REFLECTED CEILING PLAN - AREA C	0								0				
Architectural	A9.2Ca	REFLECTED CEILING PLAN - AREA C - ALT #4	0								0				
Architectural	A9.2D	REFLECTED CEILING PLAN - AREA D	0								0				
Architectural	A9.2E	REFLECTED CEILING PLAN - AREA E	1						1		0				
Architectural	A9.2F	REFLECTED CEILING PLAN - AREA F	1						1		0				
Architectural	A9.2G	REFLECTED CEILING PLAN - AREA G	1						1		0				
Architectural	A9.2Ga	REFLECTED CEILING PLAN - AREA G - ALT #5&6	1						1		0				
Architectural	A9.2H	REFLECTED CEILING PLAN - AREA H	1						1		0				
Architectural	A9.2Ha	REFLECTED CEILING PLAN - AREA H - ALT#1	1						1		0				
Architectural	A9.2J	REFLECTED CEILING PLAN - AREA J	0								0				
Architectural	A9.2K	REFLECTED CEILING PLAN - AREA K	1						1		0				
Architectural	A9.2L	REFLECTED CEILING PLAN - AREA L	1						1		0				
Architectural	A9.2M	REFLECTED CEILING PLAN - AREA M	1						1		0				
Architectural	A9.2MM	REFLECTED CEILING PLAN - AUDITORIUM	1						1		0				
Architectural	A9.2N	REFLECTED CEILING PLAN - AREA N	1						1		0				
Architectural	A9.2P	REFLECTED CEILING PLAN - AREA P	1						1		0				
Architectural	A9.2Pa	REFLECTED CEILING PLAN - AREA P -ALT #2	0								0				
Architectural	A9.2QR	REFLECTED CEILING PLAN - AREAS Q, R	0								0				
Architectural	A9.3	ENLARGED RCP	0								0				
Architectural	A9.4	RCP DETAILS	0								0				
Architectural	A9.5	RCP DETAILS	0								0				
Architectural	A9.6	RCP DETAILS	0								0				
Architectural	A9.7	RCP DETAILS	0								0				
Architectural	A9.8	RCP DETAILS	0								0				
Architectural	A9.9	RCP DETAILS	0								0				
Architectural	A9.10	RCP DETAILS	0								0				
Architectural	A9.11	RCP DETAILS	0						0						
Architectural	A10.0	FINISHES, TRANSITIONS & PATTERNS	1						1		0				
Architectural	A10.1A	ROOM FINISH PLAN - AREA A	0								0				
Architectural	A10.1B	ROOM FINISH PLAN - AREA B	1						1		0				
Architectural	A10.1C	ROOM FINISH PLAN - AREA C	1						1		0				
Architectural	A10.2A	ROOM FINISH PLAN - AREA A	0								0				
Architectural	A10.2B	ROOM FINISH PLAN - AREA B	1						1		0				
Architectural	A10.2C	ROOM FINISH PLAN - AREA C	1						1		0				
Architectural	A10.2D	ROOM FINISH PLAN - AREA D	1						1		0				
Architectural	A10.2E	ROOM FINISH PLAN - AREA E	1						1		0				
Architectural	A10.2F	ROOM FINISH PLAN - AREA F	1						1		0				
Architectural	A10.2G	ROOM FINISH PLAN - AREA G	1						1		0				
Architectural	A10.2Ga	ROOM FINISH PLAN - AREA G - ALT #5&6	0								0				
Architectural	A10.2H	ROOM FINISH PLAN - AREA H	1						1		0				
Architectural	A10.2Ha	ROOM FINISH PLAN - AREA H -ALT #1	1						1		0				
Architectural	A10.2J	ROOM FINISH PLAN - AREA J	1						1		0				
Architectural	A10.2K	ROOM FINISH PLAN - AREA K	1						1		0				
Architectural	A10.2L	ROOM FINISH PLAN - AREA L	1						1		0				
Architectural	A10.2M	ROOM FINISH PLAN - AREA M	1						1		0				
Architectural	A10.2MM	ROOM FINISH PLAN - PFA SUPPORT	1						1		0				
Architectural	A10.2N	ROOM FINISH PLAN - AREA N	1						1		0				
Architectural	A10.2P	ROOM FINISH PLAN - AREA P	1						1		0				
Architectural	A10.2Pa	ROOM FINISH PLAN - AREA P -ALT #2	0								0				
Architectural	A10.2QR	ROOM FINISH PLAN - AREAS QR	0								0				
Architectural	A10.3	WINDOW COVERINGS	0								0				

Architectural	A10.4	WINDOW COVERINGS	0								0					
Architectural	A11.1	INTERIOR ELEVATIONS	0								0					
Architectural	A11.2	INTERIOR ELEVATIONS	0								0					
Architectural	A11.3	INTERIOR ELEVATIONS	0								0					
Architectural	A11.4	INTERIOR ELEVATIONS	0								0					
Architectural	A11.5	INTERIOR ELEVATIONS	0								0					
Architectural	A11.6	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.7	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.8	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.9	INTERIOR ELEVATIONS	0								0					
Architectural	A11.10	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.11	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.11a	INTERIOR ELEVATIONS - ALT #2	1						1		0					
Architectural	A11.12	INTERIOR ELEVATIONS - PERFORMING ARTS	0								0					
Architectural	A11.13	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.14	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.15	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.16	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.17	INTERIOR ELEVATIONS	1						1		0					
Architectural	A11.18	INTERIOR ELEVATIONS	1						1		0					
Architectural	A12.1	CASEWORK SECTIONS	0								0					
Architectural	A12.2	CASEWORK SECTIONS	0								0					
Architectural	A12.3	CASEWORK SECTIONS	0								0					
Audio Visual	AV0.1	AUDIOVISUAL COORDINATION	0								0					
Audio Visual	AV0.2	AUDIOVISUAL DEVICE LEGEND	0								0					
Audio Visual	AV0.3	Project No. 2124.00 CONTRACT DOCUMENTS	0								0					
Audio Visual	AV0.4	Project No. 2124.00 CONTRACT DOCUMENTS	0								0					
Audio Visual	AV0.5	AUDIOVISUAL DETAILS	0								0					
Audio Visual	AV0.6	AUDIOVISUAL DETAILS	0								0					
Audio Visual	AV0.7	AUDIOVISUAL DETAILS	0								0					
Audio Visual	AV0.8	AUDIOVISUAL DETAILS	0								0					
Audio Visual	AV0.9	AUDIOVISUAL DETAILS	0								0					
Audio Visual	AV0.10	AUDIOVISUAL DETAILS	0								0					
Audio Visual	AV0.11	AUDIOVISUAL DETAILS	0								0					
Audio Visual	AV1.2H	AUDIOVISUAL UPPER FLOOR PLAN - AREA H	0								0					
Audio Visual	AV1.2Ha	AUDIOVISUAL UPPER FLOOR PLAN - AREA H ALT #1	0								0					
Audio Visual	AV1.2K	AUDIOVISUAL UPPER FLOOR PLAN - AREA K	0								0					
Audio Visual	AV1.2L	AUDIOVISUAL UPPER FLOOR PLAN - AREA L	0								0					
Audio Visual	AV1.2M	AUDIOVISUAL UPPER FLOOR PLAN - AREA M	0								0					
Audio Visual	AV1.2P	AUDIOVISUAL UPPER FLOOR PLAN - AREA P	0								0					
Audio Visual	AV1.2Pa	AUDIOVISUAL UPPER FLOOR PLAN - AREA P ALT #2	0								0					
Audio Visual	AV1.3M	AND BLACK BOX CATWALK - AREA M	0								0					
Audio Visual	AV1.4M	AUDIOVISUAL CATWALK AND GALLERY PLANS - AREA M	0								0					
Audio Visual	AV2.2K	FLOOR REFLECTED CEILING PLAN - AREA K	0								0					
Audio Visual	AV2.2L	FLOOR REFLECTED CEILING PLAN - AREA L	0								0					
Audio Visual	AV2.2M	AUDIOVISUAL REFLECTED CEILING	0								0					
Audio Visual	AV2.2P	AUDIOVISUAL REFLECTED CEILING	0								0					
Audio Visual	AV3.1	AUDIOVISUAL BUILDING SECTIONS	0								0					
Audio Visual	AV3.2	AUDIOVISUAL BUILDING SECTIONS	0								0					
Audio Visual	AV3.3	AUDIOVISUAL ENLARGED PLANS	0								0					
Audio Visual	AV4.1	AUDIOVISUAL SYSTEM NOTES	0								0					
Audio Visual	AV4.2	AUDIOVISUAL PLATE DETAILS	0								0					
Audio Visual	AV4.3	AUDIOVISUAL PLATE DETAILS	0								0					
Audio Visual	AV4.4	AUDIOVISUAL PLATE DETAILS	0								0					
Audio Visual	AV4.5	AUDIOVISUAL PLATE DETAILS	0								0					
Audio Visual	AV4.6	AUDIOVISUAL PLATE DETAILS	0								0					
Audio Visual	AV5.1	AUDIOVISUAL RACK ELEVATIONS	0								0					
Audio Visual	AV6.1	AUDIOVISUAL ONELINE DIAGRAM	0								0					
Audio Visual	AV6.2	AUDIOVISUAL ONELINE DIAGRAM	0								0					
Audio Visual	AV6.3	AUDIOVISUAL ONELINE DIAGRAM	0								0					
Audio Visual	AV6.4	AUDIOVISUAL ONELINE DIAGRAM	0								0					
Audio Visual	AV6.5	AUDIOVISUAL ONELINE DIAGRAM	0								0					
Audio Visual	AV6.6	AUDIOVISUAL ONELINE DIAGRAM	0								0					
Audio Visual	AV6.7	AUDIOVISUAL ONELINE DIAGRAM	0								0					
Audio Visual	AV6.8	AUDIOVISUAL ONELINE DIAGRAM	0								0					
Audio Visual	AV6.9	AUDIOVISUAL ONELINE DIAGRAM	0								0					
Civil	C1.01	CONSTRUCTION NOTES	0												0	
Civil	C1.02	FINAL PLAT (1 OF 3)	0												0	
Civil	C1.03	FINAL PLAT (2 OF 3)	0												0	
Civil	C1.04	FINAL PLAT (3 OF 3)	0												0	
Civil	C2.01	EXISTING CONDITIONS & DEMOLITION (1 OF 4)	0												0	
Civil	C2.02	EXISTING CONDITIONS & DEMOLITION (2 OF 4)	0												0	
Civil	C2.03	EXISTING CONDITIONS & DEMOLITION (3 OF 4)	0												0	
Civil	C2.04	EXISTING CONDITIONS & DEMOLITION (4 OF 4)	0												0	
Civil	C2.05	EROSION & SEDIMENTATION CONTROL PLAN	1												0	
Civil	C3.00	OVERALL SITE & DIMENSIONAL CONTROL PLAN	2								2			1	0	
Civil	C3.01	OVERALL SITE PHASING PLAN	1								1				0	
Civil	C3.02	SITE & DIMENSIONAL CONTROL PLAN 1 OF 4	4					4			3		2	1	0	
Civil	C3.03	SITE & DIMENSIONAL CONTROL PLAN 2 OF 4	4					4			3		2	1	0	
Civil	C3.04	SITE & DIMENSIONAL CONTROL PLAN 3 OF 4	0												0	
Civil	C3.05	SITE & DIMENSIONAL CONTROL PLAN 4 OF 4	4					4			3		2	1	0	
Civil	C3.06	PAVING PLAN	3								2			1	0	
Civil	C3.07	FIRE PROTECTION PLAN	0												0	
Civil	C4.00	OVERALL UTILITY PLAN	1								1				0	
Civil	C4.01	OVERALL UTILITY PHASING PLAN	0												0	
Civil	C4.02	UTILITY PLAN 1 OF 4	2								1				0	
Civil	C4.03	UTILITY PLAN 2 OF 4	2								1				0	
Civil	C4.04	UTILITY PLAN 3 OF 4	1												0	
Civil	C4.05	UTILITY PLAN 4 OF 4	0												0	
Civil	C4.06	PUBLIC WASTEWATER PLAN & PROFILE 1 OF 3	2								1				0	
Civil	C4.07	PUBLIC WASTEWATER PLAN & PROFILE 2 OF 3	0												0	
Civil	C4.08	PUBLIC WASTEWATER PLAN & PROFILE 3 OF 3	0												0	
Civil	C5.00	OVERALL GRADING PLAN	4								3		2	1	0	
Civil	C5.01	OVERALL GRADING PHASING PLAN	1												0	
Civil	C5.02	DETAILED GRADING PLAN (1 OF 8)	4								3		2	1	0	
Civil	C5.03	DETAILED GRADING PLAN 2 OF 8	1												0	
Civil	C5.04	DETAILED GRADING PLAN 3 OF 8	2								1				0	

Civil	C5.05	DETAILED GRADING PLAN (4 OF 8)	4					3				2		1	0		
Civil	C5.06	DETAILED GRADING PLAN 5 OF 8	3							2		1			0		
Civil	C5.07	DETAILED GRADING PLAN (6 OF 8)	4					3		2				1	0		
Civil	C5.08	DETAILED GRADING PLAN 7 OF 8	0												0		
Civil	C5.09	DETAILED GRADING PLAN 8 OF 8	1							1					0		
Civil	C6.00	OVERALL EXISTING DRAINAGE PLAN	0												0		
Civil	C6.01	OVERALL PROPOSED DRAINAGE PLAN	0												0		
Civil	C6.02	OVERALL STORMDRAIN PLAN	2											1	0		
Civil	C6.03	STORMDRAIN PLAN (1 OF 4)	2											1	0		
Civil	C6.04	STORMDRAIN PLAN 2 OF 4	2							1					0		
Civil	C6.05	STORMDRAIN PLAN 3 OF 4	0												0		
Civil	C6.06	STORMDRAIN PLAN 4 OF 4	0												0		
Civil	C6.07	CITY STORM DRAIN PLAN & PROFILE	0												0		
Civil	C6.10	POND A & B PLAN	0												0		
Civil	C6.20	POND A WQ DETAILS	0												0		
Civil	C6.21	POND B WQ DETAILS	0												0		
Civil	C7.00	EROSION & SEDIMENTATION CONTROL DETAILS	1							1					0		
Civil	C7.01	SITE DETAILS 1 OF 3	1							1					0		
Civil	C7.02	SITE DETAILS 2 OF 3	1							1					0		
Civil	C7.03	SITE DETAILS 3 OF 3	1							1					0		
Civil	C7.04	WATER DETAILS 1 OF 3	1							1					0		
Civil	C7.05	WATER DETAILS 2 OF 3	1							1					0		
Civil	C7.06	WATER DETAILS 3 OF 3	1							1					0		
Civil	C7.07	WASTEWATER DETAILS 1 OF 3	1							1					0		
Civil	C7.08	WASTEWATER DETAILS 2 OF 3	1							1					0		
Civil	C7.09	WASTEWATER DETAILS 3 OF 3	1							1					0		
Civil	C7.10	STORM DETAILS 1 OF 2	1							1					0		
Civil	C7.11	STORM DETAILS 2 OF 2	1							1					0		
Civil	C7.12	STORM DETAILS (2 OF 2)	0							0							
Electrical	E1.1	ELECTRICAL NOTES, SYMBOLS AND ABBREVIATIONS	0								0						
Electrical	E2.0	ELECTRICAL REFERENCE SITE PLAN	0								0						
Electrical	E2.1	ELECTRICAL SITE PLAN - QUADRANT 1	2	2					1		0						
Electrical	E2.2	ELECTRICAL SITE PLAN - QUADRANT 2	2	2					1		0						
Electrical	E2.3	ELECTRICAL SITE PLAN - QUADRANT 3	2						1		0						
Electrical	E2.4	ELECTRICAL SITE PLAN - QUADRANT 4	1								0						
Electrical	E2.5	ELECTRICAL SITE PLAN - COURTYARD	0								0						
Electrical	E3.0	ELECTRICAL REFERENCE FLOOR PLANS	1						1		0						
Electrical	E3.1A	ELECTRICAL LOWER FLOOR PLAN - AREA A	2						1		0						
Electrical	E3.1B	ELECTRICAL LOWER FLOOR PLAN - AREA B	1						1		0						
Electrical	E3.1C	ELECTRICAL LOWER FLOOR PLAN - AREA C	1						1		0						
Electrical	E3.2A	ELECTRICAL UPPER FLOOR PLAN - AREA A	1						1		0						
Electrical	E3.2Aa	ELECTRICAL UPPER FLOOR PLAN - AREA A - ALT	0						0								
Electrical	E3.2B	ELECTRICAL UPPER FLOOR PLAN - AREA B	1						1		0						
Electrical	E3.2Ba	ELECTRICAL UPPER FLOOR PLAN - AREA Ba	1						1		0						
Electrical	E3.2C	ELECTRICAL UPPER FLOOR PLAN - AREA C	1						1		0						
Electrical	E3.2D	ELECTRICAL UPPER FLOOR PLAN - AREA D	2						1		0						
Electrical	E3.2E	ELECTRICAL UPPER FLOOR PLAN - AREA E	1						1		0						
Electrical	E3.2F	ELECTRICAL UPPER FLOOR PLAN - AREA F	2						1		0						
Electrical	E3.2G	ELECTRICAL UPPER FLOOR PLAN - AREA G	2						1		0						
Electrical	E3.2Ga	ELECTRICAL UPPER FLOOR PLAN - AREA G - ALTS 5 & 6	1						1		0						
Electrical	E3.2H	ELECTRICAL UPPER FLOOR PLAN - AREA H	2						1		0						
Electrical	E3.2Ha	ELECTRICAL UPPER FLOOR PLAN - AREA H - ALT 1	1						1		0						
Electrical	E3.2J	ELECTRICAL UPPER FLOOR PLAN - AREA J	1						1		0						
Electrical	E3.2K	ELECTRICAL UPPER FLOOR PLAN - AREA K	2						1		0						
Electrical	E3.2L	ELECTRICAL UPPER FLOOR PLAN - AREA L	1						1		0						
Electrical	E3.2M	ELECTRICAL UPPER FLOOR PLAN - AREA M	1						1		0						
Electrical	E3.2MT	ELECTRICAL PLANS - THEATER	1						1		0						
Electrical	E3.2MTT	ELECTRICAL PLANS - THEATER	1						1		0						
Electrical	E3.2N	ELECTRICAL UPPER FLOOR PLAN - AREA N	1						1		0						
Electrical	E3.2P	ELECTRICAL UPPER FLOOR PLAN - AREA P & R	2						1		0						
Electrical	E3.2Pa	ELECTRICAL UPPER FLOOR PLAN - AREA P - ALT 2	1						1		0						
Electrical	E3.2Q	ELECTRICAL FLOOR PLAN - AREA Q	3		2				1		0						
Electrical	E3.7	ELECTRICAL COMPOSITE ROOF PLAN	0								0						
Electrical	E3.8	ELECTRICAL ROOF PLAN - AREAS A, B, C, E	2						1		0						
Electrical	E3.9	ELECTRICAL ROOF PLAN - AREAS D, F, G	0								0						
Electrical	E3.10	ELECTRICAL ROOF PLAN - AREAS H, J, K, L	0								0						
Electrical	E3.11	ELECTRICAL ROOF PLAN - AREAS M, N, P	1						1		0						
Electrical	E3.11a	ELECTRICAL ROOF PLAN - AREA M, N, P - ALT	1						1		0						
Electrical	E4.1A	LOWER LIGHTING PLAN - AREA A	1						1		0						
Electrical	E4.1B	LOWER LIGHTING PLAN - AREA B	1						1		0						
Electrical	E4.1Ba	LOWER LIGHTING PLAN - AREA B - ALT 4	0								0						
Electrical	E4.1C	LOWER LIGHTING PLAN - AREA C	1						1		0						
Electrical	E4.2A	UPPER LIGHTING PLAN - AREA A	1						1		0						
Electrical	E4.2Aa	UPPER LIGHTING PLAN - AREA A - ALT	0				0										
Electrical	E4.2B	UPPER LIGHTING PLAN - AREA B	1						1		0						
Electrical	E4.2C	UPPER LIGHTING PLAN - AREA C	1						1		0						
Electrical	E4.2D	UPPER LIGHTING PLAN - AREA D	1						1		0						
Electrical	E4.2E	UPPER LIGHTING PLAN - AREA E	2						1		0						
Electrical	E4.2F	UPPER LIGHTING PLAN - AREA F	2						1		0						
Electrical	E4.2G	UPPER LIGHTING PLAN - AREA G	2						1		0						
Electrical	E4.2Ga	UPPER LIGHTING PLAN - AREA G - ALTS 5 & 6	0								0						
Electrical	E4.2H	UPPER LIGHTING PLAN - AREA H	1						1		0						
Electrical	E4.2Ha	UPPER LIGHTING PLAN - AREA H - ALT 1	0								0						
Electrical	E4.2J	UPPER LIGHTING PLAN - AREA J	2						1		0						
Electrical	E4.2K	UPPER LIGHTING PLAN - AREA K	1						1		0						
Electrical	E4.2L	UPPER LIGHTING PLAN - AREA L	2						1		0						
Electrical	E4.2M	UPPER LIGHTNG PLAN - AREA M	1						1		0						
Electrical	E4.2N	UPPER LIGHTING PLAN - AREA N	1						1		0						
Electrical	E4.2P	UPPER LIGHTING PLAN - AREA P	1						1		0						
Electrical	E4.2Pa	UPPER LIGHTING PLAN - AREA P - ALT 2	0								0						
Electrical	E4.2Q	UPPER LIGHTING PLAN - AREA Q	1						1		0						
Electrical	E4.3A	LIGHTING PLAN - THEATER	0								0						
Electrical	E4.3B	LIGHTING PLAN - THEATER CATWALK	0								0						
Electrical	E4.4	ENLARGED LIGHTING PLANS	0						0								
Electrical	E4.301	LIGHTING PLAN - THEATRE ORCHESTRA LEVEL	0						0								
Electrical	E4.302	LIGHTING PLAN - THEATRE STAGE LEVEL	0						0								
Electrical	E4.303	LIGHTING PLAN - THEATRE CONTROL	0						0								

Electrical	E4.304	LIGHTING PLAN - THEATRE BOOM POSITION LEVEL	0						0							
Electrical	E4.305	LIGHTING PLAN - THEATRE LOCKING	0						0							
Electrical	E4.306	LIGHTING PLAN - THEATRE CATWALK LEVEL	0						0							
Electrical	E4.307	LIGHTING PLAN - LOCKING AND LOADING GALLERY LEVEL	0						0							
Electrical	E4.308	LIGHTING PLAN - BLACK BOX STAGE LEVEL	0						0							
Electrical	E4.309	LIGHTING PLAN - BLACK BOX CATWALK LEVEL	0						0							
Electrical	E4.310	LIGHTING PLAN - WALL GRAZERS PLANS	0						0							
Electrical	E4.311	LIGHTING PLAN - WALL GRAZERS PLANS	0						0							
Electrical	E4.312	LIGHTING PLAN - THEATRE HOUSE LIGHTING LEVEL	0						0							
Electrical	E4.313	LIGHTING PLAN - SLATED WALL GRAZERS PLANS	0						0							
Electrical	E4.314	THEATRE LIGHTING SCHEDULE	0						0							
Electrical	E5.1A	LOWER FLOOR SPECIAL SYSTEM PLAN - AREA A	1						1		0					
Electrical	E5.1B	LOWER FLOOR SPECIAL SYSTEM PLAN - AREA B	1						1		0					
Electrical	E5.1C	LOWER FLOOR SPECIAL SYSTEM PLAN - AREA C	1						1		0					
Electrical	E5.2A	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA A	1						1		0					
Electrical	E5.2Aa	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA A	0						0							
Electrical	E5.2B	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA B	1						1		0					
Electrical	E5.2C	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA C	1						1		0					
Electrical	E5.2D	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA D	1						1		0					
Electrical	E5.2E	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA E	1						1		0					
Electrical	E5.2F	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA F	1						1		0					
Electrical	E5.2G	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA G	1						1		0					
Electrical	E5.2Ga	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA G - ALTS 5 & 6	1						1		0					
Electrical	E5.2H	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA H	1						1		0					
Electrical	E5.2Ha	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA H - ALT 1	1						1		0					
Electrical	E5.2J	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA J	1						1		0					
Electrical	E5.2K	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA K	0								0					
Electrical	E5.2L	UPPER FLOOR SPECIAL SYSTEMS PLAN - AREA L	0								0					
Electrical	E5.2M	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA M	1						1		0					
Electrical	E5.2N	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA N	1						1		0					
Electrical	E5.2P	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA P & R	1						1		0					
Electrical	E5.2Pa	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA P - ALT 2	1						1		0					
Electrical	E5.2Q	UPPER FLOOR SPECIAL SYSTEM PLAN - AREA Q	1						1		0					
Electrical	E6.1	ELECTRICAL ENLARGED PLANS - ELEVATOR, ELEC, & MDF/IDF	2		2				1		0					
Electrical	E6.2	ELECTRICAL ENLARGED PLANS - FOOD SERVICE	1						1		0					
Electrical	E6.3	ELECTRICAL ENLARGED PLANS - KITCHEN	1						1		0					
Electrical	E7.1	ELECTRICAL ONE-LINE DIAGRAM - CUP	2						1		0					
Electrical	E7.2	ELECTRICAL ONE-LINE DIAGRAM - PHASE 1	2						1		0					
Electrical	E7.3	ELECTRICAL ONE-LINE DIAGRAM - PHASE 2	2						1		0					
Electrical	E8.1	LIGHTING SCHEDULES	2						1		0					
Electrical	E8.2	ELECTRICAL EQUIPMENT CONNECTION	2						1		0					
Electrical	E8.3	ELECTRICAL SCHEDULES	1						1		0					
Electrical	E8.4	ELECTRICAL SCHEDULES	2						1		0					
Electrical	E8.5	ELECTRICAL SCHEDULES	0								0					
Electrical	E8.6	ELECTRICAL SCHEDULES	2						1		0					
Electrical	E8.7	ELECTRICAL SCHEDULES	2						1		0					
Electrical	E8.8	ELECTRICAL SCHEDULES	1						1		0					
Electrical	E8.9	ELECTRICAL SCHEDULES	1						1		0					
Electrical	E8.10	ELECTRICAL SCHEDULES	2						1		0					
Electrical	E8.11	ELECTRICAL SCHEDULES	2						1		0					
Electrical	E8.12	ELECTRICAL SCHEDULES	2						1		0					
Electrical	E8.13	ELECTRICAL SCHEDULES	1						1		0					
Electrical	E8.14	LIGHTING SCHEDULES	0													
Electrical	E9.1	ELECTRICAL DETAILS	0								0					
Electrical	E9.2	ELECTRICAL DETAILS	2		2				1		0					
Fire Protection	FP1.1	FIRE PROTECTION NOTES, SYMBOLS AND ABBREVIATIONS	0								0					
Fire Protection	FP1.2	FIRE PROTECTION OVERALL LOWER LEVEL PLAN	0								0					
Fire Protection	FP1.3	FIRE PROTECTION OVERALL UPPER LEVEL PLAN	0								0					
Fire Protection	FP2.1	FIRE PROTECTION SITE PLAN	1								0					
Fire Protection	FP3.1	FIRE PROTECTION LOWER FLOOR PLAN - AREAS A, B, C	0								0					
Fire Protection	FP3.1a	FIRE PROTECTION LOWER FLOOR PLAN - AREAS A, B, C - ALT 4	0								0					
Fire Protection	FP3.2	FIRE PROTECTION UPPER FLOOR PLAN - AREAS A, B, C	0								0					
Fire Protection	FP3.2a	FIRE PROTECTION UPPER FLOOR PLAN - AREAS A, B, C - ALT 4	0								0					
Fire Protection	FP3.3	FIRE PROTECTION UPPER FLOOR PLAN - AREAS E, F, D	0								0					
Fire Protection	FP3.4	FIRE PROTECTION UPPER FLOOR PLAN - AREAS G, H, J	0								0					
Fire Protection	FP3.4a	FIRE PROTECTION UPPER FLOOR PLAN - AREAS G, H, J - ALTS 1, 5, 6	0								0					
Fire Protection	FP3.5	FIRE PROTECTION UPPER FLOOR PLAN - AREAS K, L, M, N, P	0								0					
Fire Protection	FP3.5a	FIRE PROTECTION UPPER FLOOR PLAN - AREAS K, L, M, N, P - ALT 2	0								0					
Fire Protection	FP3.6	FIRE PROTECTION UPPER FLOOR PLAN - AREA Q	0								0					
Food Service	FS1.00	MAIN KITCHEN AND SERVERY EQUIPMENT LAYOUT	1						1		0					
Food Service	FS1.01	MAIN KITCHEN AND SERVERY EQUIPMENT SCHEDULE	1						1		0					
Food Service	FS1.02	CULINARY LAB AND CAFE EQUIPMENT LAYOUT AND SCHEDULE	0								0					
Food Service	FS1.03	DISTRIBUTED SERVING 1 EQUIPMENT LAYOUT AND SCHEDULE	1						1		0					
Food Service	FS1.04	DISTRIBUTED SERVING 2 EQUIPMENT LAYOUT AND SCHEDULE	1						1		0					
Food Service	FS1.05	COFFEE KIOSK EQUIPMENT LAYOUT AND SCHEDULE	1						1		0					
Food Service	FS1.06	MAIN KITCHEN AND SERVERY EQUIPMENT PLUMBING ROUGH-INS FS1.06	0								0					
Food Service	FS1.07	MAIN KITCHEN AND SERVERY EQUIPMENT PLUMBING SCHEDULE	0								0					
Food Service	FS 1.08	CULINARY LAB AND CAFE EQUIPMENT PLUMBING ROUGH-INS AND SCHEI	0								0					
Food Service	FS 1.09	DISTRIBUTED SERVING 1 EQUIPMENT PLUMBING ROUGH-INS AND SCHEDU	0								0					
Food Service	FS1.10	DISTRIBUTED SERVING 2 EQUIPMENT PLUMBING ROUGH-INS AND SCHEDU	0								0					
Food Service	FS1.11	COFFEE KIOSK EQUIPMENT PLUMBING ROUGH-INS AND SCHEDULE	0								0					
Food Service	FS1.12	MAIN KITCHEN AND SERVERY EQUIPMENT ELECTRICAL ROUGH-INS	1						1		0					
Food Service	FS1.13	MAIN KITCHEN AND SERVER/ EQUIPMENT ELECTRICAL SCHEDULE	1						1		0					
Food Service	FS1.14	CULINARY LAB AND CAFE EQUIPMENT ELECTRICAL ROUGH-INS AND SCH	0								0					
Food Service	FS1.15	DISTRIBUTED SERVING 1 EQUIPMENT ELECTRICAL ROUGH-INS AND SCHE	1						1		0					
Food Service	FS1.16	DISTRIBUTED SERVING 2 EQUIPMENT ELECTRICAL ROUGH-INS AND SCHE	1						1		0					
Food Service	FS1.17	COFFEE KIOSK EQUIPMENT ELECTRICAL ROUGH-INS AND SCHEDULE	1						1		0					
Food Service	FS1.18	MAIN KITCHEN AND SERVERY EQUIPMENT GAS ROUGH-INS, SCHEDULE, A	1						1		0					
Food Service	FS1.19	CULINARY LAB AND CAFE EQUIPMENT GAS ROUGH-INS, SCHEDULE, AND	0								0					
Food Service	FS 1.20	DISTRIBUTED SERVING 1 EQUIPMENT GAS ROUGH-INS, SCHEDULE, AND W	0								0					
Food Service	FS1.21	DISTRIBUTED SERVING 2 EQUIPMENT GAS ROUGH-INS, SCHEDULE, AND W	0								0					
Food Service	FS2.00	MAIN KITCHEN WALK-IN COOLER/FREEZER DETAILED DRAWING 1	0								0					
Food Service	FS2.01	MAIN KITCHEN WALK-IN COOLER/FREEZER DETAILED DRAWINGS 2 AND 3	0								0					
Food Service	FS2.02	MAIN KITCHEN WALK-IN COOLER/FREEZER DETAILED DRAWINGS 4 AND 5	0								0					
Food Service	FS2.03	CULINARY LAB WALK-IN COOLER/FREEZER DETAILED DRAWINGS 1 AND 2	0								0					
Food Service	FS2.04	CULINARY LAB WALK-IN COOLER/FREEZER DETAILED DRAWINGS 3 AND 4	0								0					
Food Service	FS3.00	COUNTER/UTILITY WALL SCHEDULES & FINISHES	0								0					

Food Service	FS3.01	COUNTER/UTILITY WALL DETAILED DRAWING 1	0								0					
Food Service	FS3.02	COUNTER/UTILITY WALL DETAILED DRAWING 2	0								0					
Food Service	FS3.03	COUNTER/UTILITY WALL DETAILED DRAWING 3	0								0					
Food Service	FS3.04	COUNTER/UTILITY WALL DETAILED DRAWING 4	0								0					
Food Service	FS3.05	COUNTER/UTILITY WALL DETAILED DRAWING 5	0								0					
Food Service	FS3.06	COUNTER/UTILITY WALL DETAILED DRAWING 6	0								0					
Food Service	FS3.07	COUNTER/UTILITY WALL DETAILED DRAWING 7	0								0					
Food Service	FS3.08	COUNTER/UTILITY WALL DETAILED DRAWING 8	0								0					
Food Service	FS3.09	COUNTER/UTILITY WALL DETAILED DRAWING 9	0								0					
Food Service	FS3.10	COUNTER/UTILITY WALL DETAILED DRAWING 10	0								0					
Food Service	FS3.11	COUNTER/UTILITY WALL DETAILED DRAWING 11	0								0					
Food Service	FS3.12	COUNTER/UTILITY WALL DETAILED DRAWING 12	0								0					
Food Service	FS3.13	COUNTER/UTILITY WALL DETAILED DRAWING 13	0								0					
Food Service	FS3.14	COUNTER/UTILITY WALL DETAILED DRAWING 14	0								0					
Food Service	FS3.15	COUNTER/UTILITY WALL DETAILED DRAWING 15	0								0					
Food Service	FS3.16	COUNTER/UTILITY WALL DETAILED DRAWING 16	0								0					
Food Service	FS3.17	COUNTER/UTILITY WALL DETAILED DRAWING 17	0								0					
Food Service	FS3.18	COUNTER/UTILITY WALL DETAILED DRAWING 18	0								0					
Food Service	FS3.19	COUNTER/UTILITY WALL DETAILED DRAWING 19	0								0					
Food Service	FS3.20	COUNTER/UTILITY WALL DETAILED DRAWING 20	0								0					
Food Service	FS3.21	COUNTER/UTILITY WALL DETAILED DRAWING 21	0								0					
Food Service	FS3.22	COUNTER/UTIUTY WALL DETAILED DRAWING 22	0								0					
Food Service	FS3.23	COUNTER/UTILITY WALL DETAILED DRAWING 23	0								0					
Food Service	FS3.24	COUNTER/UTILITY WALL DETAILED DRAWING 24	0								0					
Food Service	FS3.25	COUNTER/UTILITY WALL DETAILED DRAWING 25	0								0					
Food Service	FS3.26	COUNTER/UTILITY WALL DETAILED DRAWING 26	0								0					
Food Service	FS3.27	COUNTER/UTILITY WALL DETAILED DRAWING 27	0								0					
Food Service	FS3.28	COUNTER/UTILITY WALL DETAILED DRAWING 28	0								0					
Food Service	FS3.29	COUNTER/UTILITY WALL DETAILED DRAWING 29	0								0					
Food Service	FS3.30	COUNTER/UTILITY WALL DETAILED DRAWING 30	0								0					
Food Service	FS3.31	COUNTER/UTILITY WALL DETAILED DRAWING 31	0								0					
Food Service	FS3.32	COUNTER/UTILITY WALL DETAILED DRAWING 32	0								0					
Food Service	FS3.33	COUNTER/UTILITY WALL DETAILED DRAWING 33	0								0					
Food Service	FS3.34	COUNTER/UTILITY WALL DETAILED DRAWING 34	0								0					
Food Service	FS3.35	COUNTER/UTILITY WALL DETAILED DRAWING 35	0								0					
Food Service	FS3.36	COUNTER/UTILITY WALL DETAILED DRAWING 36	0								0					
Food Service	FS3.37	COUNTER/UTILITY WALL DETAILED DRAWING 37	0								0					
Food Service	FS3.38	COUNTER/UTILITY WALL DETAILED DRAWING 38	0								0					
Food Service	FS3.39	COUNTER/UTILITY WALL DETAILED DRAWING 39	0								0					
Food Service	FS3.40	COUNTER/UTILITY WALL DETAILED DRAWING 40	0								0					
Food Service	FS3.41	COUNTER/UTILITY WALL DETAILED DRAWING 41	0								0					
Food Service	FS3.42	COUNTER/UTILITY WALL DETAILED DRAWING 42	0								0					
Food Service	FS3.43	COUNTER/UTILITY WALL DETAILED DRAWING 43	0								0					
General	G1.0	COVER SHEET	0								0					
General	G1.01	COVER SHEET	0												0	
General	G1.1	DRAWING INDEX AND NOTES	0												0	
General	G1.01a	DRAWING INDEX	0											0		
General	G1.1a	DRAWING INDEX	2						1		0					
General	G1.1b	NOTES	0								0					
General	G1.2	PHASE 1 & 2	0								0					
General	G1.3	PHASE 3 & 4	0								0					
General	G1.4	PHASE 5 & 6	0								0					
General	G1.5	EXTERIOR ISOMETRICS	0								0					
General	G1.6	EXTERIOR ISOMETRICS	0								0					
General	G2.1	ADULT TAS ACCESSIBILITY	0								0					
General	LS1.4	FIREPROOFING PLANS	0								0					
Landscape	HS1.01	COURTYARD HARDSCAPE PLAN	0								0					
Landscape	HS1.02	COURTYARD DIMENSION PLAN	0								0					
Landscape	HS1.03	COURTYARD GRADING AND DRAINAGE PLAN	0								0					
Landscape	HS5.01	COURTYARD SECTIONS	0								0					
Landscape	IR0.00	IRRIGATION NOTES AND SCHEDULE	1						1		0					
Landscape	IR1.00	OVERALL IRRIGATION PLAN	0								0					
Landscape	IR1.01	IRRIGATION PLAN	0								0					
Landscape	IR1.02	IRRIGATION PLAN	0								0					
Landscape	IR1.03	IRRIGATION PLAN	1						1		0					
Landscape	IR1.04	IRRIGATION PLAN	1						1		0					
Landscape	IR1.05	IRRIGATION PLAN	0								0					
Landscape	IR1.06	IRRIGATION PLAN	1						1		0					
Landscape	IR5.01	IRRIGATION DETAILS	0								0					
Landscape	IR5.02	IRRIGATION DETAILS	0								0					
Landscape	LA0.00	LANDSCAPE NOTES AND SCHEDULE	1						1		0					
Landscape	LA1.00	OVERALL LANDSCAPE PLAN	1						1		0					
Landscape	LA1.01	LANDSCAPE PLAN	0								0					
Landscape	LA1.02	LANDSCAPE PLAN	0								0					
Landscape	LA1.03	LANDSCAPE PLAN	1						1		0					
Landscape	LA1.04	LANDSCAPE PLAN	1						1		0					
Landscape	LA1.05	LANDSCAPE PLAN	0								0					
Landscape	LA1.06	LANDSCAPE PLAN	1						1		0					
Landscape	LA1.07	LANDSCAPE PLAN ALTERNATE BID	0								0					
Landscape	LA5.01	LANDSCAPE DETAIL SHEET	0								0					
Life Safety	LS1.1	CODE INFORMATION	0								0					
Life Safety	LS1.2	LOWER FLOOR - LIFE SAFETY INFORMATION	0								0					
Life Safety	LS1.3	UPPER FLOOR - LIFE SAFETY INFORMATION	0								0					
Mechanical	M1.1	MECHANICAL NOTES, SYMBOLS AND ABBREVIATIONS	0								0					
Mechanical	M2.1	MECHANICAL DEMOLITION PLAN	0								0					
Mechanical	M3.0A	LOWER FLOOR COMPOSITE DUCTWORK PLAN	0								0					
Mechanical	M3.0B	UPPER FLOOR COMPOSITE DUCTWORK PLAN	0								0					
Mechanical	M3.1A	LOWER FLOOR DUCTWORK PLAN - AREA A	0								0					
Mechanical	M3.1B	LOWER FLOOR DUCTWORK PLAN - AREA B	1						1		0					
Mechanical	M3.1C	LOWER FLOOR DUCTWORK PLAN - AREA C	1						1		0					
Mechanical	M3.2A	UPPER FLOOR DUCTWORK PLAN - AREA A	1						1		0					
Mechanical	M3.2B	UPPER FLOOR DUCTWORK PLAN - AREA B	1						1		0					
Mechanical	M3.2Ba	UPPER FLOOR DUCTWORK PLAN - AREA B-ALT 8	1						1		0					
Mechanical	M3.2C	UPPER FLOOR DUCTWORK PLAN - AREA C	1						1		0					
Mechanical	M3.2Ca	UPPER FLOOR DUCTWORK PLAN - AREA C - ALT 8	1						1		0					
Mechanical	M3.2D	UPPER FLOOR DUCTWORK PLAN - AREA D	1						1		0					
Mechanical	M3.2E	UPPER FLOOR DUCTWORK PLAN - AREA E	1						1		0					

Mechanical	M3.2F	UPPER FLOOR DUCTWORK PLAN - AREA F	1						1		0				
Mechanical	M3.2G	UPPER FLOOR DUCTWORK PLAN - AREA G	1						1		0				
Mechanical	M3.2Ga	UPPER FLOOR DUCTWORK PLAN - AREA G - ALT 5 & 6	1						1		0				
Mechanical	M3.2H	UPPER FLOOR DUCTWORK PLAN - AREA H	1						1		0				
Mechanical	M3.2Ha	UPPER FLOOR DUCTWORK PLAN - AREA H - ALT 1	1						1		0				
Mechanical	M3.2J	UPPER FLOOR DUCTWORK PLAN - AREA J	1						1		0				
Mechanical	M3.2K	UPPER FLOOR DUCTWORK PLAN - AREA K	1						1		0				
Mechanical	M3.2L	UPPER FLOOR DUCTWORK PLAN - AREA L	1						1		0				
Mechanical	M3.2M	UPPER FLOOR DUCTWORK PLAN - AREA M	1						1		0				
Mechanical	M3.2N	UPPER FLOOR DUCTWORK PLAN - AREA N	1						1		0				
Mechanical	M3.2P	UPPER FLOOR DUCTWORK PLAN - AREA P	1						1		0				
Mechanical	M3.2Pa	UPPER FLOOR DUCTWORK PLAN - AREA P - ALT 2	1						1		0				
Mechanical	M3.2Q	UPPER FLOOR DUCTWORK PLAN - AREA Q	0								0				
Mechanical	M3.2R	UPPER FLOOR DUCTWORK PLAN - AREA R	0								0				
Mechanical	M3.7	MECHANICAL COMPOSITE ROOF PLAN	1						1		0				
Mechanical	M3.8	MECHANICAL ROOF PLAN - AREAS A, B, C, E	2						1		0				
Mechanical	M3.9	MECHANICAL ROOF PLAN - AREAS D, F, G	2						1		0				
Mechanical	M3.10	MECHANICAL ROOF PLAN - AREAS H, J, K, L	1						1		0				
Mechanical	M3.11	MECHANICAL ROOF PLAN - AREAS M, N, P	1						1		0				
Mechanical	M4.0A	LOWER FLOOR COMPOSITE PIPING PLAN	0								0				
Mechanical	M4.0B	UPPER FLOOR COMPOSITE PIPING PLAN	0								0				
Mechanical	M4.1A	LOWER FLOOR PIPING PLAN - AREA A	0								0				
Mechanical	M4.1B	LOWER FLOOR PIPING PLAN - AREA B	0								0				
Mechanical	M4.1C	LOWER FLOOR PIPING PLAN - AREA C	0								0				
Mechanical	M4.2A	UPPER FLOOR PIPING PLAN - AREA A	0								0				
Mechanical	M4.2B	UPPER FLOOR PIPING PLAN - AREA B	0								0				
Mechanical	M4.2C	UPPER FLOOR PIPING PLAN - AREA C	0								0				
Mechanical	M4.2D	UPPER FLOOR PIPING PLAN - AREA D	0								0				
Mechanical	M4.2E	UPPER FLOOR PIPING PLAN - AREA E	0								0				
Mechanical	M4.2F	UPPER FLOOR PIPING PLAN - AREA F	0								0				
Mechanical	M4.2G	UPPER FLOOR PIPING PLAN - AREA G	0								0				
Mechanical	M4.2Ga	UPPER FLOOR PIPING PLAN - AREA G - ALTS 5 & 6	0								0				
Mechanical	M4.2H	UPPER FLOOR PIPING PLAN - AREA H	0								0				
Mechanical	M4.2Ha	UPPER FLOOR PIPING PLAN - AREA H - ALT 1	0								0				
Mechanical	M4.2J	UPPER FLOOR PIPING PLAN - AREA J	0								0				
Mechanical	M4.2K	UPPER FLOOR PIPING PLAN - AREA K	0								0				
Mechanical	M4.2L	UPPER FLOOR PIPING PLAN - AREA L	0								0				
Mechanical	M4.2M	UPPER FLOOR PIPING PLAN - AREA M	0								0				
Mechanical	M4.2N	UPPER FLOOR PIPING PLAN - AREA N	0								0				
Mechanical	M4.2P	UPPER FLOOR PIPING PLAN - AREA P	0								0				
Mechanical	M4.2Pa	UPPER FLOOR PIPING PLAN - AREA P - ALT 2	1				1				0				
Mechanical	M4.2Q	UPPER FLOOR PIPING PLAN - AREA Q	1				1				0				
Mechanical	M5.1	MECHANICAL ENLARGED PLANS	0								0				
Mechanical	M5.2	MECHANICAL ENLARGED PLANS	0								0				
Mechanical	M5.3	MECHANICAL ENLARGED PLANS	0								0				
Mechanical	M6.1	MECHANICAL RISER DIAGRAM	0								0				
Mechanical	M6.2	MECHANICAL RISER DIAGRAM	0								0				
Mechanical	M7.1	MECHANICAL CONTROLS	1						1		0				
Mechanical	M7.2	MECHANICAL CONTROLS	0								0				
Mechanical	M7.3	MECHANICAL CONTROLS	0								0				
Mechanical	M7.4	MECHANICAL CONTROLS	0								0				
Mechanical	M7.5	MECHANICAL CONTROLS	1						1		0				
Mechanical	M7.6	MECHANICAL CONTROLS	1						1		0				
Mechanical	M7.7	MECHANICAL CONTROLS	0								0				
Mechanical	M7.8	MECHANICAL CONTROLS	0								0				
Mechanical	M7.9	MECHANICAL CONTROLS	1						1		0				
Mechanical	M8.1	MECHANICAL SCHEDULES	2			1					0				
Mechanical	M8.2	MECHANICAL SCHEDULES	1						1		0				
Mechanical	M8.3	MECHANICAL SCHEDULES	1						1		0				
Mechanical	M8.4	MECHANICAL SCHEDULES	0								0				
Mechanical	M8.5	MECHANICAL SCHEDULES	0								0				
Mechanical	M8.6	MECHANICAL SCHEDULES	0								0				
Mechanical	M9.1	MECHANICAL DETAILS	0								0				
Mechanical	M9.2	MECHANICAL DETAILS	0								0				
Mechanical	M9.3	MECHANICAL DETAILS	0								0				
Mechanical	M9.4	MECHANICAL DETAILS	0								0				
Mechanical	M9.5	MECHANICAL DETAILS	0								0				
Plumbing	P1.1	PLUMBING NOTES, SYMBOLS AND ABBREVIATIONS	0								0				
Plumbing	P2.1	PLUMBING SITE PLAN	1						1		0				
Plumbing	P2.2	PLUMBING SITE PLAN	1						1		0				
Plumbing	P2.3	PLUMBING SITE PLAN	0								0				
Plumbing	P3.0A	PLUMBING LOWER LEVEL UNDERFLOOR	1						1		0				
Plumbing	P3.0B	PLUMBING LOWER LEVEL UNDERFLOOR PLAN - AREA B	1						1		0				
Plumbing	P3.0C	PLUMBING LOWER LEVEL UNDERFLOOR PLAN - AREA C	1						1		0				
Plumbing	P3.0D	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREAD	1						1		0				
Plumbing	P3.0E	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREAE	1						1		0				
Plumbing	P3.0F	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREAF	1						1		0				
Plumbing	P3.0G	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREAG	1						1		0				
Plumbing	P3.0Ga	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA G - ALTS 5 & 6	0								0				
Plumbing	P3.0H	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREAH	1						1		0				
Plumbing	P3.0Ha	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA H - ALT 1	0								0				
Plumbing	P3.0J	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA J	1						1		0				
Plumbing	P3.0K	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA K	1						1		0				
Plumbing	P3.0L	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA L	1						1		0				
Plumbing	P3.0M	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA M	1						1		0				
Plumbing	P3.0N	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA N	1						1		0				
Plumbing	P3.0P	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA P	1						1		0				
Plumbing	P3.0Pa	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA P - ALT 2	0								0				
Plumbing	P3.0Q	PLUMBING UPPER LEVEL UNDERFLOOR PLAN - AREA Q	1						1		0				
Plumbing	P3.1A	PLUMBING LOWER FLOOR PLAN - AREA A	1						1		0				
Plumbing	P3.1B	PLUMBING LOWER FLOOR PLAN - AREA B	1						1		0				
Plumbing	P3.1C	PLUMBING LOWER FLOOR PLAN - AREA C	1						1		0				
Plumbing	P3.2A	PLUMBING UPPER FLOOR PLAN - AREA A	1						1		0				
Plumbing	P3.2B	PLUMBING UPPER FLOOR PLAN - AREA B	1						1		0				
Plumbing	P3.2C	PLUMBING UPPER FLOOR PLAN - AREA C	1						1		0				
Plumbing	P3.2D	PLUMBING UPPER FLOOR PLAN - AREA D	1						1		0				
Plumbing	P3.2E	PLUMBING UPPER FLOOR PLAN - AREA E	0								0				

Plumbing	P3.2F	PLUMBING UPPER FLOOR PLAN - AREA F	1						1		0				
Plumbing	P3.2G	PLUMBING UPPER FLOOR PLAN - AREA G	1						1		0				
Plumbing	P3.2Ga	PLUMBING UPPER FLOOR PLAN - AREA G - ALTS 5 & 6	0								0				
Plumbing	P3.2H	PLUMBING UPPER FLOOR PLAN - AREA H	1						1		0				
Plumbing	P3.2Ha	PLUMBING UPPER FLOOR PLAN - AREA H - ALT 1	0								0				
Plumbing	P3.2J	PLUMBING UPPER FLOOR PLAN - AREA J	1						1		0				
Plumbing	P3.2K	PLUMBING UPPER FLOOR PLAN - AREA K	1						1		0				
Plumbing	P3.2L	PLUMBING UPPER FLOOR PLAN - AREA L	1						1		0				
Plumbing	P3.2M	PLUMBING UPPER FLOOR PLAN - AREA M	1						1		0				
Plumbing	P3.2N	PLUMBING UPPER FLOOR PLAN - AREA N	1						1		0				
Plumbing	P3.2P	PLUMBING UPPER FLOOR PLAN - AREA P	1						1		0				
Plumbing	P3.2Pa	PLUMBING UPPER FLOOR PLAN - AREA P - ALT 2	0								0				
Plumbing	P3.2Q	PLUMBING UPPER FLOOR PLAN - AREA Q	1						1		0				
Plumbing	P3.3	PLUMBING ROOF PLAN	1						1		0				
Plumbing	P3.4	PLUMBING ROOF PLAN	1						1		0				
Plumbing	P3.5	PLUMBING ROOF PLAN	1						1		0				
Plumbing	P3.6	PLUMBING ROOF PLAN	1						1		0				
Plumbing	P3.7	PLUMBING ROOF PLAN	1						1		0				
Plumbing	P4.1	PLUMBING ENLARGED PLANS	1						1		0				
Plumbing	P4.2	PLUMBING ENLARGED PLANS	1						1		0				
Plumbing	P4.3	PLUMBING ENLARGED PLANS	1						1		0				
Plumbing	P5.1	PLUMBING RISER DIAGRAMS	0								0				
Plumbing	P5.2	PLUMBING RISER DIAGRAMS	1						1		0				
Plumbing	P5.3	PLUMBING RISER DIAGRAMS	1						1		0				
Plumbing	P6.1	PLUMBING DETAILS	0								0				
Plumbing	P6.2	PLUMBING DETAILS	0								0				
Plumbing	P6.3	PLUMBING DETAILS	0								0				
Plumbing	P6.4	PLUMBING DETAILS	0								0				
Plumbing	P7.1	PLUMBING SCHEDULES	0								0				
Plumbing	P7.2	PLUMBING SCHEDULES	1						1		0				
Structural	S0.00	STRUCTURAL NOTES	2								2			1	0
Structural	S0.01	STRUCTURAL NOTES	3						3		2			1	0
Structural	S0.02	SPECIAL INSPECTIONS	2								2			1	0
Structural	S0.04	NET UPLIFT AND ROOF DECK FASTENING PLAN	1						1		0				
Structural	S0.05	NET UPLIFT AND ROOF DECK FASTENING PLAN	1						1		0				
Structural	S1.0	COMPOSITE LOWER LEVEL FOUNDATION PLAN	2								2			1	0
Structural	S1.0A	LOWER LEVEL FOUNDATION PLAN – AREA A	2								2			1	0
Structural	S1.0Ad	LOWER LEVEL DIMENSION PLAN - AREA A	3						3		2			1	0
Structural	S1.0B	LOWER LEVEL FOUNDATION PLAN – AREA B	2								2			1	0
Structural	S1.0Bd	LOWER LEVEL DIMENSION PLAN – AREA B	3						3		2			1	0
Structural	S1.0C	LOWER LEVEL FOUNDATION PLAN – AREA C	3						3		2			1	0
Structural	S1.0Cd	LOWER LEVEL DIMENSION PLAN – AREA C	3						3		2			1	0
Structural	S1.1	COMPOSITE UPPER LEVEL FOUNDATION & FRAMING PLAN	3						3		2			1	0
Structural	S1.1A	UPPER LEVEL FRAMING PLAN - AREA A	3						3		2			1	0
Structural	S1.1A-a	AREA A ALTERNATE PLANS	1						1						
Structural	S1.1Ad	UPPER LEVEL DIMENSION PLAN - AREA A	3						3		2			1	0
Structural	S1.1B	UPPER LEVEL FRAMING PLAN - AREA B	3						3		2			1	0
Structural	S1.1Bd	UPPER LEVEL DIMENSION PLAN - AREA B	3						3		2			1	0
Structural	S1.1C	UPPER LEVEL FRAMING PLAN - AREA C	3						3		2			1	0
Structural	S1.1C-a	AREA C ALTERNATE PLANS	2								2			1	0
Structural	S1.1Cd	UPPER LEVEL DIMENSION PLAN - AREA C	3						3		2			1	0
Structural	S1.1D	UPPER LEVEL FOUNDATION PLAN - AREA D	3						3		2			1	0
Structural	S1.1Dd	UPPER LEVEL DIMENSION PLAN - AREA D	3						3		2			1	0
Structural	S1.1E	UPPER LEVEL FOUNDATION PLAN - AREA E	4						4	3	2			1	0
Structural	S1.1Ed	UPPER LEVEL DIMENSION PLAN - AREA E	3						3		2			1	0
Structural	S1.1F	UPPER LEVEL FOUNDATION PLAN - AREA F	3						3		2			1	0
Structural	S1.1Fd	UPPER LEVEL DIMENSION PLAN - AREA F	2								2			1	0
Structural	S1.1G	UPPER LEVEL FOUNDATION PLAN - AREA G	3						3		2			1	0
Structural	S1.1Gd	UPPER LEVEL DIMENSION PLAN - AREA G	2								2			1	0
Structural	S1.1H	UPPER LEVEL FOUNDATION PLAN - AREA H	2								2			1	0
Structural	S1.1Hd	UPPER LEVEL DIMENSION PLAN - AREA H	2								2			1	0
Structural	S1.1J	UPPER LEVEL FOUNDATION PLAN - AREA J	2								2			1	0
Structural	S1.1Jd	UPPER LEVEL DIMENSION PLAN - AREA J	2								2			1	0
Structural	S1.1K	UPPER LEVEL FOUNDATION PLAN - AREA K	3						3		2			1	0
Structural	S1.1Kd	UPPER LEVEL DIMENSION PLAN - AREA K	2								2			1	0
Structural	S1.1L	UPPER LEVEL FOUNDATION PLAN - AREA L	3						3		2			1	0
Structural	S1.1Ld	UPPER LEVEL DIMENSION PLAN - AREA L	2								2			1	0
Structural	S1.1M	UPPER LEVEL FOUNDATION PLAN - AREA M	3						3		2			1	0
Structural	S1.1Md	UPPER LEVEL DIMENSION PLAN - AREA M	3						3		2			1	0
Structural	S1.1N	UPPER LEVEL FOUNDATION PLAN - AREA N	2								2			1	0
Structural	S1.1Nd	UPPER LEVEL DIMENSION PLAN - AREA N	3						3		2			1	0
Structural	S1.1P	UPPER LEVEL FOUNDATION PLAN - AREA P	3						3		2			1	0
Structural	S1.1Pd	UPPER LEVEL DIMENSION PLAN - AREA P	3						3		2			1	0
Structural	S1.1QR	UPPER LEVEL FOUNDATION PLAN - AREA Q & R	3						3		2			1	0
Structural	S1.1QRd	UPPER LEVEL DIMENSION PLAN - AREA Q	2								2			1	0
Structural	S1.2	COMPOSITE ROOF FRAMING PLAN	2								2			1	0
Structural	S1.2A	ROOF FRAMING PLAN - AREA A	3						3		2			1	0
Structural	S1.2Ad	ROOF DIMENSION PLAN - AREA A	3						3		2			1	0
Structural	S1.2B	ROOF FRAMING PLAN - AREA B	2								2			1	0
Structural	S1.2Bd	ROOF DIMENSION PLAN - AREA B	3						3		2			1	0
Structural	S1.2C	ROOF FRAMING PLAN - AREA C	3						3		2			1	0
Structural	S1.2Cd	ROOF DIMENSION PLAN - AREA C	3						3		2			1	0
Structural	S1.2D	LOW ROOF FRAMING PLAN - AREA D	3						3		2			1	0
Structural	S1.2Dd	LOW ROOF DIMENSION PLAN - AREA D	3						3		2			1	0
Structural	S1.2E	LOW ROOF FRAMING PLAN - AREA E	2								2			1	0
Structural	S1.2Ed	LOW ROOF DIMENSION PLAN - AREA E	2								2			1	0
Structural	S1.2F	ROOF FRAMING PLAN - AREA F	3						3		2			1	0
Structural	S1.2Fd	ROOF DIMENSION PLAN - AREA F	2								2			1	0
Structural	S1.2G	ROOF FRAMING PLAN - AREA G	3						3		2			1	0
Structural	S1.2G-a	AREA G ALTERNATE PLANS	3						3		2			1	0
Structural	S1.2Gd	ROOF DIMENSION PLAN - AREA G	2								2			1	0
Structural	S1.2H	ROOF FRAMING PLAN - AREA H	2								2			1	0
Structural	S1.2H-a	AREA H ALTERNATE PLANS	2								2			1	0
Structural	S1.2Hd	ROOF DIMENSION PLAN - AREA H	2								2			1	0
Structural	S1.2J	ROOF FRAMING PLAN - AREA J	2								2			1	0
Structural	S1.2Jd	ROOF DIMENSION PLAN - AREA J	2								2			1	0
Structural	S1.2K	ROOF FRAMING PLAN - AREA K	3						3		2			1	0

Structural	S1.2Kd	ROOF DIMENSION PLAN - AREA K	2								2		1	0	
Structural	S1.2L	ROOF FRAMING PLAN - AREA L	3						3		2		1	0	
Structural	S1.2Ld	ROOF DIMENSION PLAN - AREA L	2								2		1	0	
Structural	S1.2M	ROOF FRAMING PLAN - AREA M	3						3		2		1	0	
Structural	S1.2Md	ROOF DIMENSION PLAN - AREA M	3						3		2		1	0	
Structural	S1.2N	ROOF FRAMING PLAN - AREA N	3						3		2		1	0	
Structural	S1.2Nd	ROOF DIMENSION PLAN - AREA N	3						3		2		1	0	
Structural	S1.2P	ROOF FRAMING PLAN - AREA P	3						3		2		1	0	
Structural	S1.2P-a	AREA P ALTERNATE PLANS	2								2		1	0	
Structural	S1.2Pd	ROOF DIMENSION PLAN - AREA P	3						3		2		1	0	
Structural	S1.2QR	ROOF FRAMING PLAN - AREAS Q & R	2								2		1	0	
Structural	S1.2QRd	ROOF DIMENSION PLAN - AREA Q & R	2								2		1	0	
Structural	S1.3D	HIGH ROOF FRAMING PLAN - AREA D	0								0				
Structural	S1.3Dd	HIGH ROOF DIMENSION PLAN - AREA D	2						2		1		0		
Structural	S1.3Ed	HIGH ROOF DIMENSION PLAN - AREA E	0								0				
Structural	S1.40	ENLARGED PLANS - THEATER	2								2		1	0	
Structural	S1.41	ENLARGED PLANS - THEATER	3						3		2		1	0	
Structural	S1.42	ENLARGED PLANS - THEATER	3						3		2		1	0	
Structural	S1.43	ENLARGED PLANS - AREA E	3						3		2		1	0	
Structural	S1.50F	STRUCTURAL CMU PLAN - AREA F	1						1		0				
Structural	S1.50G	STRUCTURAL CMU PLAN - AREA G	1						1		0				
Structural	S1.50H	STRUCTURAL CMU PLAN - AREA H	1						1		0				
Structural	S1.50J	STRUCTURAL CMU PLAN - AREA J	1						1		0				
Structural	S1.50K	STRUCTURAL CMU PLAN - AREA K	0						0						
Structural	S1.50L	STRUCTURAL CMU PLAN - AREA L	1						1		0				
Structural	S1.50M	STRUCTURAL CMU PLAN - AREA M	0						0						
Structural	S1.50P	STRUCTURAL CMU PLAN - AREA P	1						1		0				
Structural	S1.50QR	STRUCTURAL CMU PLAN - AREA Q & R	1						1		0				
Structural	S1.70	BAND TOWER FOUNDATION PLAN & DETAILS	2								2		1	0	
Structural	S1.90	COURTYARD FOUNDATION PLAN	2								2		1	0	
Structural	S1.91	SITE RETAINING WALL ENLARGED PLANS	2								2		1	0	
Structural	S1.92	COURTYARD FOUNDATION DETAILS	1										1	0	
Structural	S3.00	TYPICAL CONCRETE DETAILS	2								2		1	0	
Structural	S3.01	TYPICAL SLAB-ON-GRADE DETAILS	2								2		1	0	
Structural	S3.10	TYPICAL PIER DETAILS	2								2		1	0	
Structural	S3.11	TYPICAL CONCRETE DETAILS	3						3		2		1	0	
Structural	S3.12	SLAB ON GRADE FOUNDATION SECTIONS	3						3		2		1	0	
Structural	S3.13	SLAB ON GRADE FOUNDATION SECTIONS	3						3		2		1	0	
Structural	S3.14	SLAB ON FRADE FOUNDATION SECTIONS	0						0				1	0	
Structural	S3.20	BUILDING RETAINING WALL SECTIONS	2								2		1	0	
Structural	S3.21	BUILDING RETAINING WALL SECTIONS	0								0				
Structural	S3.22	CONCRETE STAIR SECTIONS	0								0				
Structural	S3.23	BUILDING RETAINING WALL SECTIONS	1						1		0				
Structural	S3.24	BUILDING RETAINING WALL SECTIONS	0								0				
Structural	S3.25	CONCRETE STAIR SECTIONS	0								0				
Structural	S3.26	LIBRARY PLATFORM DETAILS	0								0				
Structural	S3.27	CMU SCREEN WALL SECTIONS	0								0				
Structural	S3.30	FOUNDATION DETAILS - THEATER	2								2		1	0	
Structural	S3.31	FOUNDATION DETAILS - THEATER	0								0				
Structural	S3.40	TYPICAL SITE RETAINING WALL DETAILS	0								0				
Structural	S3.41	SITE FOUNDATION DETAILS	1						1		0				
Structural	S3.42	SITE FOUNDATION DETAILS	0								0				
Structural	S4.00	TYPICAL CMU DETAILS	3						3		2		1	0	
Structural	S4.01	TYPICAL CMU DETAILS	2								2		1	0	
Structural	S4.02	TYPICAL CMU DETAILS	0								0				
Structural	S5.00	BASE PLATE AND EMBED PLATE DETAILS	2								2		1	0	
Structural	S5.01	TYPICAL STEEL CONNECTIONS	2								2		1	0	
Structural	S5.02	TYPICAL STEEL CONNECTIONS	2								2		1	0	
Structural	S5.20	TYPICAL COMPOSITE STEEL FLOOR DETAILS	2								2		1	0	
Structural	S5.21	TYPICAL COMPOSITE STEEL FLOOR DETAILS	2								2		1	0	
Structural	S5.22	COMPOSITE STEEL FLOOR DETAILS	2								2		1	0	
Structural	S5.23	COMPOSITE STEEL FLOOR DETAILS	0								0				
Structural	S5.30	TYPICAL STEEL ROOF DETAILS	2								2		1	0	
Structural	S5.31	TYPICAL STEEL ROOF DETAILS	2								2		1	0	
Structural	S5.32	TYPICAL STEEL ROOF DETAILS	2								2		1	0	
Structural	S5.33	STEEL ROOF DETAILS	3						3		2		1	0	
Structural	S5.34	STEEL ROOF DETAILS	3						3		2		1	0	
Structural	S5.35	STEEL ROOF DETAILS	3						3		2		1	0	
Structural	S5.36	STEEL ROOF DETAILS	4						4		3		2, 1	0	
Structural	S5.37	STEEL ROOF DETAILS	2								2		1	0	
Structural	S5.38	STEEL ROOF DETAILS	2								2		1	0	
Structural	S5.39	STEEL FRAMING DETAILS	3						3		2		1	0	
Structural	S5.40	STEEL FRAMING DETAILS - COMMONS CURTAIN WALL	3						3		2		1	0	
Structural	S5.41	STEEL FRAMING DETAILS - BRIDGE	3						3		2		1	0	
Structural	S5.42	STEEL FRAMING DETAILS - GYM	3						3		2		1	0	
Structural	S5.43	STEEL FRAMING DETAILS	2								2		1	0	
Structural	S5.44	STEEL FRAMING DETAILS	2								2		1	0	
Structural	S5.45	STEEL FRAMING DETAILS	3						3		2		1	0	
Structural	S5.46	BUILDING SECTION	0								0				
Structural	S5.47	BUILDING SECTION	0								0				
Structural	S5.48	STEEL FRAMING DETAILS	2								2		1	0	
Structural	S5.49	STEEL FRAMING DETAILS	0								0				
Structural	S5.50	STEEL FRAMING DETAILS - TENNIS RESTROOM	0								0				
Structural	S5.51	CMU ATTACHMENT TO STEEL FRAMING	0						0						
Structural	S5.60	STEEL FRAMING DETAILS - THEATER	3						3		2		1	0	
Structural	S5.61	STEEL FRAMING DETAILS - THEATER	2								2		1	0	
Structural	S5.62	STEEL FRAMING DETAILS - THEATER	2								2		1	0	
Structural	S5.63	STEEL FRAMING DETAILS - THEATER	2								2		1	0	
Structural	S5.65	STEEL FRAMING DETAILS - THEATER	2								2		1	0	
Structural	S5.70	STEEL CUSTOM TRUSS DETAILS - THEATER	2								2		1	0	
Structural	S5.71	STEEL CUSTOM TRUSS DETAILS - THEATER	1								1		0		
Structural	S6.00	TYPICAL BRACED FRAME DETAILS	2								2		1	0	
Structural	S6.01	BRACED FRAME ELEVATIONS - AREA A	2								2		1	0	
Structural	S6.02	BRACED FRAME ELEVATIONS - AREA B	2								2		1	0	
Structural	S6.03	BRACED FRAME ELEVATIONS - AREA C	2								2		1	0	
Structural	S6.04	BRACED FRAME ELEVATIONS - AREA D	3								3		2, 1		
Structural	S6.05	BRACED FRAME ELEVATIONS - AREA E	2								2		1	0	

Structural	S6.06	BRACED FRAME ELEVATIONS - AREA F	2							2		1	0		
Structural	S6.07	BRACED FRAME ELEVATIONS - AREA G	2							2		1	0		
Structural	S6.08	BRACED FRAME ELEVATIONS - AREA H	2							2		1	0		
Structural	S6.09	BRACED FRAME ELEVATIONS - AREA J	3							3, 2		1	0		
Structural	S6.10	BRACED FRAME ELEVATIONS - AREA M	2							2		1	0		
Structural	S6.11	BRACED FRAME ELEVATIONS - AREA M	2							2		1	0		
Structural	S6.12	BRACED FRAME ELEVATIONS - AREA M	3							3, 2		1	0		
Structural	S6.13	BRACED FRAME ELEVATIONS - AREA N	0							0					
Structural	S7.00	ELEVATOR PIT DETAILS	2							2		1	0		
Structural	S7.10	ELEVATOR DETAILS	2							2		1	0		
Tech	T0.0	TECHNOLOGY - INDEX SHEET	1						1	0					
Tech	T1.1	TECHNOLOGY - SITE PLAN	1						1	0					
Tech	T3.0	TECHNOLOGY - COMPOSITE FLOOR PLAN	0							0					
Tech	T3.1A	TECHNOLOGY - LOWER FLOOR PLAN - AREA A	1						1	0					
Tech	T3.1B	TECHNOLOGY - LOWER FLOOR PLAN - AREA B	1						1	0					
Tech	T3.1C	TECHNOLOGY - LOWER FLOOR PLAN - AREA C	1						1	0					
Tech	T3.2A	TECHNOLOGY - UPPER FLOOR PLAN - AREA A	1						1	0					
Tech	T3.2B	TECHNOLOGY - UPPER FLOOR PLAN - AREA B	1						1	0					
Tech	T3.2C	TECHNOLOGY - UPPER FLOOR PLAN - AREA C	1						1	0					
Tech	T3.2Ca	TECHNOLOGY - UPPER FLOOR PLAN - AREA C - ALT #4	0							0					
Tech	T3.2D	TECHNOLOGY - UPPER FLOOR PLAN - AREA D	1						1	0					
Tech	T3.2E	TECHNOLOGY - UPPER FLOOR PLAN - AREA E	0							0					
Tech	T3.2F	TECHNOLOGY - UPPER FLOOR PLAN - AREA F	1						1	0					
Tech	T3.2G	TECHNOLOGY - UPPER FLOOR PLAN - AREA G	1						1	0					
Tech	T3.2Ga	TECHNOLOGY - UPPER FLOOR PLAN - AREA G - ALT #5 & #6	1						1	0					
Tech	T3.2H	TECHNOLOGY - UPPER FLOOR PLAN - AREA H	1						1	0					
Tech	T3.2Ha	TECHNOLOGY - UPPER FLOOR PLAN - AREA H - ALT #1	0							0					
Tech	T3.2J	TECHNOLOGY - UPPER FLOOR PLAN - AREA J	1						1	0					
Tech	T3.2K	TECHNOLOGY - UPPER FLOOR PLAN - AREA K	0							0					
Tech	T3.2L	TECHNOLOGY - UPPER FLOOR PLAN - AREA L	0							0					
Tech	T3.2M	TECHNOLOGY - UPPER FLOOR PLAN - AREA M	1						1	0					
Tech	T3.2N	TECHNOLOGY - UPPER FLOOR PLAN - AREA N	1						1	0					
Tech	T3.2P	TECHNOLOGY - UPPER FLOOR PLAN - AREA P	0							0					
Tech	T3.2Pa	TECHNOLOGY - UPPER FLOOR PLAN - AREA P - ALT #2	0							0					
Tech	T3.2QR	TECHNOLOGY - UPPER FLOOR PLAN - AREAS Q & R	0							0					
Tech	T3.3M	TECHNOLOGY - PFA SUPPORT FLOOR PLAN - AREA M	1						1	0					
Tech	T4.0	TECHNOLOGY - ENLARGEMENTS	1						1	0					
Tech	T4.1	TECHNOLOGY - ENLARGEMENTS	1						1	0					
Tech	T4.2	TECHNOLOGY - ENLARGEMENTS	0							0					
Tech	T5.0	TECHNOLOGY - DETAILS	1						1	0					
Tech	T5.1	TECHNOLOGY - DETAILS	0							0					
Tech	T5.2	TECHNOLOGY - DETAILS	0							0					
Tech	T6.0	TECHNOLOGY - SECURITY DETAILS	0							0					
Tech	T6.1	TECHNOLOGY - SECURITY DETAILS	0							0					
Tech	T6.2	TECHNOLOGY - SECURITY DETAILS	0							0					
Tech	T7.0	TECHNOLOGY - AV DETAILS	0							0					
Tech	T7.1	TECHNOLOGY - AV DETAILS	0							0					
Tech	T7.2	TECHNOLOGY - AV DETAILS	0							0					
Tech	T7.3	TECHNOLOGY - AV DETAILS	0							0					
Tech	T7.4	TECHNOLOGY - AV DETAILS	1						1	0					
Tech	T7.5	TECHNOLOGY - AV DETAILS	0							0					
Tech	T7.6	TECHNOLOGY - AV DETAILS	0							0					
Theater	TC 101	THEATRE SEATING LAYOUT PLAN	0							0					
Theater	TE 010	THEATRE ELECTRICAL LEGEND AND NOTES	0						0						
Theater	TE 011	THEATRE ELECTRICAL DETAILS	0						0						
Theater	TE 100	THEATRE ELECTRICAL PLAN, ORCHESTRA LEVEL	0						0						
Theater	TE 101	THEATRE ELECTRICAL PLAN STAGE LEVEL	0						0						
Theater	TE 102	THEATRE. ELEC. PLAN, ANTE-PRO, CONTROL, STAGE HOUSE	0						0						
Theater	TE 103	THEATRE ELECTRICAL PLAN, LOCKING GALLERY, AND CATWALK LEVEL	0						0						
Theater	TE 104	THEATRE ELECTRICAL, PLAN, LOADING GALLERY AND GRIDIRON LEVEL	0						0						
Theater	TE 110	THEATRE ELECTRICAL PLAN, BLACK BOX, STAGE LEVEL	0						0						
Theater	TE 111	THEATRE ELECTRICAL PLAN, BLACK BOX, CATWALK LEVEL	0						0						
Theater	TE 131	THEATRE ELECTRICAL PLAN, STAGE EDGE SAFETY LIGHTING	0						0						
Theater	TL 001	THEATRE LIGHTING TYPICAL DETAILS	1						1	0					
Theater	TL 002	THEATRE LIGHTING, THEATRE, CONTROL RISER	1						1	0					
Theater	TL 003	THEATRE LIGHTING,BLACK BOX, CONTROL RISER	1						1	0					
Theater	TL 004	THEATRE LIGHTING, SCHEDULES	1						1	0					
Theater	TL 005	THEATRE LIGHTING, SCHEDULES	1						1	0					
Theater	TL 006	THEATRE LIGHTING, SCHEDULES	1						1	0					
Theater	TL 007	THEATRE LIGHTING, SCHEDULES	1						1	0					
Theater	TL 011	THEATRE LIGHTING, DETAILS	0							0					
Theater	TL 012	THEATRE LIGHTING, DETAILS	1						1	0					
Theater	TL 013	THEATRE LIGHTING, DETAILS	1						1	0					
Theater	TL 014	THEATRE LIGHTING, DETAILS	1						1	0					
Theater	TL 015	THEATRE LIGHTING, DETAILS	0							0					
Theater	TL 016	THEATRE LIGHTING, DETAILS	0							0					
Theater	TL 017	THEATRE LIGHTING, DETAILS	0							0					
Theater	TL 018	THEATRE, LIGHTING DETAILS	0							0					
Theater	TL 101	THEATRE ELECTRICAL EDGE SAFETY LIGHTING	0							0					
Theater	TO 101	THEATRE ORCHESTRA - SHELL ENCLOSURE	1						1	0					
Theater	TO 201	THEATRE ORCHESTRA - SHELL ENCLOSURE SECTION	1						1	0					
Theater	TO 401	THEATRE ORCHESTRA ENCLOSURE DETAILS	1						1	0					
Theater	TP 101	THEATRE ORCHESTRA PIT FILLER PLAN AND SECTION	0							0					
Theater	TR 101	THEATER MASKING LAYOUT - STAGE LEVEL	1						1	0					
Theater	TR 102	THEATER RIGGING LAYOUT - LOCKING	1						1	0					
Theater	TR 103	THEATRE RIGGING - GRIDIRON LEVEL	0							0					
Theater	TR 104	THEATRE RIGGING RCP - GRIDIRON LEVEL	1						1	0					
Theater	TR 105	THEATRE RIGGING BLACK BOX MASKING LAYOUT - STAGE LEVEL	0							0					
Theater	TR 201	THEATRE RIGGING SECTION	1						1	0					
Theater	TR 301	THEATER RIGGING FIRE CURTAIN ELEVATION	1						1	0					
Theater	TR 302	ELEVATION	0							0					
Theater	TR 303	THEATRE RIGGING GRAND VALANCE ELEVATION	0							0					
Theater	TR 304	THEATRE RIGGING STAGE ELECTRIC ELEVATION	0							0					
Theater	TR 305	THEATRE RIGGING ORCHESTRA SHELL ELEVATION	0							0					
Theater	TR 306	THEATRE RIGGING BORDER ELEVATION	0							0					
Theater	TR 307	THEATRE RIGGING LEGS ELEVATION	0							0					
Theater	TR 308	THEATRE RIGGING UTILITY BATTEN ELEVATION	0							0					

Theater	TR 309	THEATRE RIGGING SIDE TABS ELEVATION	0							0					
Theater	TR 310	THEATRE RIGGING DROP BOX RIGGING	1						1		0				
Theater	TR 401	THEATRE RIGGING DETAILS	1						1		0				
Theater	TR 402	THEATRE RIGGING DETAILS	0								0				
Theater	TR 403	THEATRE RIGGING DETAILS	1						1		0				

Division	Number	Description	Current	Spec Book	GMP 2 AD 2	Addendum 1.2	GMP 2 AD 1	Spec Book	100% CD	70%CD	GMP 01 Spec book	50% DD
00 - Procurement and Contracting Requirements	0	General	0						0			
00 - Procurement and Contracting Requirements	00 00 00	General	7	1| 0				1| 0	7	6| 5	2	4| 3
00 - Procurement and Contracting Requirements	00 01 10	Table of Contents	0				0					
00 - Procurement and Contracting Requirements	00 31 32	Geotechnical Data	1								0	1
00 - Procurement and Contracting Requirements	107	Seals Page	5	1| 0				1| 0	5| 4| 3		2	
01 - General Requirements	01 10 00	Summary	5	0				0	5| 4	3	1	2
01 - General Requirements	01 26 00	Contract Modification Procedures	1								0	1
01 - General Requirements	01 29 00	Payment Procedures	1								0	1
01 - General Requirements	01 31 00	Project Management and Coordination	1								0	1
01 - General Requirements	01 32 00	Construction Progress Documentation	1								0	1
01 - General Requirements	01 32 33	Photographic Documentation	1								0	1
01 - General Requirements	01 33 00	Submittal Procedures	1								0	1
01 - General Requirements	01 40 00	Quality Requirements	1								0	1
01 - General Requirements	01 43 39	Mockups	4	0				0	4| 3	2		1
01 - General Requirements	01 50 00	Temporary Facilities and Controls	1								0	1
01 - General Requirements	01 51 00	Temporary Utilities	1								0	1
01 - General Requirements	01 57 13	Temporary Erosion and Sediment Control	1								0	1
01 - General Requirements	01 58 13	Temporary Project Signage	1								0	1
01 - General Requirements	01 60 00	Product Requirements	1								0	1
01 - General Requirements	01 73 00	Execution	1								0	1
01 - General Requirements	01 74 19	Construction Waste Management and Disposal	1								0	1
01 - General Requirements	01 77 00	Closeout Procedures	1								0	1
01 - General Requirements	01 78 23	Operation and Maintenance Data	1								0	1
01 - General Requirements	01 78 39	Project Record Documents	1								0	1
01 - General Requirements	01 79 00	Demonstration and Training	1								0	1
01 - General Requirements	01 91 00	Commissioning	4	0				0	4| 3	2		1
01 - General Requirements	12500	Substitution Procedures	4	0				0	4| 3		1	2
02 - Existing Conditions	02 30 00	Subsurface Investigation	1								0	1
02 - Existing Conditions	02 41 00	Demolition	1								0	1
03 - Concrete	03 30 00	Cast-in-Place Concrete - Structural	4	0				0	4| 3		1	2
03 - Concrete	03 35 43	Polished Concrete Finishing	4	0				0	4| 3	2		1
03 - Concrete	03 40 00	Precast Concrete	3	0				0	3| 2	1		
03 - Concrete	03 1000	Concrete Forming and Accessories	0									0
03 - Concrete	03 2000	Concrete Reinforcing-Site	0									0
03 - Concrete	03 4100	Precast Structural Concrete	0									0
04 - Masonry	04 20 00	Unit Masonry	4	0				0	4| 3	2		1
04 - Masonry	04 43 13	Stone Masonry Veneer	4	0				0	4| 3	2		1
04 - Masonry	04 72 00	Cast Stone Masonry	4	0				0	4| 3	2		1
04 - Masonry	04 0511	Mortar and Masonry Grout-Civil	0									0
05 - Metals	05 31 00	Steel Decking	4	0				0	4| 3		1	2
05 - Metals	05 40 00	Cold-Formed Metal Framing	4	0				0	4| 3	2		1
05 - Metals	05 50 00	Metal Fabrications	4	0				0	4| 3	2		1
05 - Metals	05 51 13	Metal Pan Stairs	4	0				0	4| 3	2		1
05 - Metals	05 51 16	Metal Floor Plate Elevated Walkways	3	0				0	3| 2	1		
05 - Metals	05 52 13	Pipe and Tube Railings	4	0				0	4| 3	2		1
05 - Metals	05 73 00	Decorative Metal Railings	4	0				0	4| 3	2		1
05 - Metals	05 73 13	Glazed Decorative Metal Railings	3	0				0	3| 2	1		
05 - Metals	51200	Structural Steel Framing	4	0				0	4| 3		1	2
05 - Metals	52100	Steel Joist Framing	4	0				0	4| 3		1	2
06 - Wood, Plastics, and Composites	06 10 00	Rough Carpentry	4	0				0	4| 3	2		1
06 - Wood, Plastics, and Composites	06 41 13	Wood -Veneer-Faced Architectural Cabinets	4	0				0	4| 3	2		1
06 - Wood, Plastics, and Composites	06 41 16	Plastic-Laminate-Clad Architectural Cabinets	4	0				0	4| 3	2		1
06 - Wood, Plastics, and Composites	06 42 16	Flush Wood Paneling	2	0				0	2| 1			
06 - Wood, Plastics, and Composites	61600	Sheathing	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 13 26	Self-Adhering Sheet Waterproofing	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 14 13	Hot Fluid- Applied Rubberized Asphalt Waterproofing	3	0				0	3| 2	1		
07 - Thermal and Moisture Protection	07 14 16	Cold Fluid-applied Waterproofing	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 21 00	Thermal Insulation	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 24 19	Water-Drainage Exterior Insulation and Finish System (EIFS)	2	0				0	2| 1			
07 - Thermal and Moisture Protection	07 26 00	Under Slab Vapor Barrier	3	0				0	3| 2	1		
07 - Thermal and Moisture Protection	07 27 26	Fluid-Applied Membrane Air Barriers	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 42 13	Metal Wall Panels	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 52 16	Styrene-butadiene-styrene (SBS) Modified Bituminous Membrane Roofing	1								0	1
07 - Thermal and Moisture Protection	07 54 23	Thermoplastic-Polyolefin Roofing	0	0				0				
07 - Thermal and Moisture Protection	07 62 00	Sheet Metal Flashing and Trim	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 71 00	Roof Specialties	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 72 00	Roof Accessories	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 81 00	Applied Fire Protection	4	0				0	4| 3	2		1
07 - Thermal and Moisture Protection	07 84 13	Penetration Firestopping	3	0				0	3| 2	1		
07 - Thermal and Moisture Protection	07 92 00	Joint Sealants	3	0				0	3| 2	1		
07 - Thermal and Moisture Protection	07 92 19	Acoustical Joint Sealant	2	0				0	2| 1			
07 - Thermal and Moisture Protection	07 95 13	Expansion Joint Cover Assemblies	3	0				0	3| 2	1		
08 - Openings	08 11 13	Hollow Metal Doors and Frames	4	0				0	4| 3	2		1
08 - Openings	08 14 16	Flush Wood Doors	4	0				0	4| 3	2		1
08 - Openings	08 31 13	Access Doors and Frames	3	0				0	3| 2	1		
08 - Openings	08 33 23	Overhead Coiling Doors	3	0				0	3| 2	1		
08 - Openings	08 33 26	Overhead Coiling Grilles	3	0				0	3| 2	1		
08 - Openings	08 34 73	Sound Control Door Assemblies	3	0				0	3| 2	1		

08 - Openings	08 36 13	Sectional Doors	4	0				0	4	3	2		1
08 - Openings	08 41 13	Aluminum-Framed Entrances and Storefronts	4	0				0	4	3	2		1
08 - Openings	08 41 26	All- Glass Entrances and Storefronts	3	0				0	3	2	1		
08 - Openings	08 44 13	Glazed Aluminum Curtain Walls	4	0				0	4	3	2		1
08 - Openings	08 56 53	Security Windows	3	0				0	3	2	1		
08 - Openings	08 62 00	Unit Skylights	4	0				0	4	3	2		1
08 - Openings	08 71 00	Door Hardware	4	0			4	0	3	2	1		
08 - Openings	08 71 13	Power Door Operators	3	0				0	3	2	1		
08 - Openings	08 80 00	Glazing	4	0				0	4	3	2		1
08 - Openings	08 83 00	Mirrors	3	0				0	3	2	1		
08 - Openings	08 88 13	Fire-Rated Glazing and Framing Systems	3	0				0	3	2	1		
08 - Openings	08 91 19	Fixed Louvers	4	0				0	4	3	2		1
09 - Finishes	09 21 16	Gypsum Board Assemblies	3	0				0	3	2	1		
09 - Finishes	09 22 16	Non-structural Metal Framing	3	0				0	3	2	1		
09 - Finishes	09 29 00	Gypsum Board	3	0				0	3	2	1		
09 - Finishes	09 30 00	Tiling	2	0				0	2	1			
09 - Finishes	09 30 13	Ceramic Tiling	0								0		
09 - Finishes	09 51 13	Acoustical Panel Ceilings	3	0				0	3	2	1		
09 - Finishes	09 54 23	Suspended Wood Ceilings	3	0				0	3	2	1		
09 - Finishes	09 54 26	Suspended Wood Ceilings	2	0				0	2	1			
09 - Finishes	09 64 00	Wood Stage Flooring	3	0				0	3	2	1		
09 - Finishes	09 64 66	Wood Athletic Flooring	3	0				0	3	2	1		
09 - Finishes	09 65 66	Resilient Athletic Flooring	3	0				0	3	2	1		
09 - Finishes	09 67 23	Resinous Flooring	2	0				0	2	1			
09 - Finishes	09 68 13	Tile Carpeting	2	0				0	2	1			
09 - Finishes	09 84 33	Sound-Absorbing Wall Units	3	0				0	3	2	1		
09 - Finishes	09 84 36	Sound-Absorbing Ceiling Units	3	0				0	3	2	1		
09 - Finishes	09 91 13	Exterior Painting	3	0				0	3	2	1		
09 - Finishes	09 91 23	Interior Painting	3	0				0	3	2	1		
09 - Finishes	09 96 00	High Performance Coatings	3	0				0	3	2	1		
10 - Specialties	10 11 00	Visual Display Surfaces	2	0				0	2	1			
10 - Specialties	10 12 00	Display Cases	2	0				0	2	1			
10 - Specialties	10 14 19	Dimensional Letter Signage	3	0			3	0	2	1			
10 - Specialties	10 14 23	Panel Signage	4	0			4	0	3	2	1		
10 - Specialties	10 21 13	Toilet Compartments	3	0				0	3	2	1		
10 - Specialties	10 21 23	Cubicle Curtains and Tracks	2	0				0	2	1			
10 - Specialties	10 22 13	Wire Mesh Partitions	3	0				0	3	2	1		
10 - Specialties	10 22 39	Folding Panel Partitions	3	0				0	3	2	1		
10 - Specialties	10 26 00	Wall and Door Protection	2	0				0	2	1			
10 - Specialties	10 28 00	Toilet and Bath Accessories	3	0				0	3	2	1		
10 - Specialties	10 44 13	Fire Protection Cabinets	3	0				0	3	2	1		
10 - Specialties	10 44 16	Fire Extinguishers	3	0				0	3	2	1		
10 - Specialties	10 45 00	Defibrillator Cabinets	3	0				0	3	2	1		
10 - Specialties	10 51 13	Metal Lockers	2	0				0	2	1			
10 - Specialties	10 56 13	Metal Storage Shelving	0				0						
10 - Specialties	10 73 43	Manufactured Metal Canopies	2	0				0	2	1			
10 - Specialties	10 75 16	Ground-Set Flagpoles	2	0				0	2	1			
10 - Specialties	10 82 00	Louvered Equipment Screens	0								0		
10 - Specialties	10 90 00	High Security Entry Systems	2	0				0	2	1			
11 - Equipment	11 00 00	Equipment	1									0	1
11 - Equipment	11 40 00	Food Services Equipment	4	0			4	0	3	2	1		
11 - Equipment	11 53 13	Laboratory Equipment	3	0				0	3	2	1		
11 - Equipment	11 54 00	Kilns	2	0				0	2	1			
11 - Equipment	11 61 23	Orchestra Pit Filler	3	0				0	3	2	1		
11 - Equipment	11 61 24	Portable Platforms	0								0		
11 - Equipment	11 61 33	Rigging	3	0				0	3	2	1		
11 - Equipment	11 61 63	Dimming	3	0				0	3	2	1		
11 - Equipment	11 61 64	Port Dimming	0								0		
11 - Equipment	11 66 23	Gymnasium Equipment	3	0				0	3	2	1		
11 - Equipment	116113	Concert Enclosure	2	0				0	2	1			
11 - Equipment	116153	Portable Fixtures	3	0				0	3	2	1		
12 - Furnishings	12 24 13	Roller Window Shades	3	0				0	3	2	1		
12 - Furnishings	12 36 61	Simulated Stone Countertops	3	0				0	3	2	1		
12 - Furnishings	12 60 10	Fixed Auditorium Seating	3	0				0	3	2	1		
12 - Furnishings	12 66 00	Telescoping Stands	5	0	5	1		0	4	3	2		
14 - Conveying Equipment	14 21 23	Electric Traction Passenger Elevators	4	0				0	4	3		1	2
14 - Conveying Equipment	14 42 00	Vertical Platform Lifts	3	0				0	3	2		1	
21 - Fire Suppression	21 00 01	Basic Fire Protection Requirements	3	0				0		3	2		1
21 - Fire Suppression	21 05 00	Common Work Results for Fire Suppression	3	0				0		3	2		1
21 - Fire Suppression	21 05 53	Identification for Fire Protection Piping and Equipment	3	0				0		3	2		1
21 - Fire Suppression	21 13 13	Wet-Pipe Sprinkler Systems	3	0				0		3	2		1
21 - Fire Suppression	21 13 16	Dry-Pipe Sprinkler Systems	3	0				0		3	2		1
21 - Fire Suppression	21 30 00	Fire Pumps	3	0				0		3	2		1
21 - Fire Suppression	21 1100	Facility Fire-Suppression Water-Service Piping	0										0
22 - Plumbing	22 00 01	Basic Plumbing Requirements	3	0				0		3	2		1
22 - Plumbing	22 05 29	Hangers and Supports for Plumbing Piping and Equipment	3	0				0		3	2		1
22 - Plumbing	22 05 53	Identification for Plumbing Piping and Equipment	3	0				0		3	2		1
22 - Plumbing	22 07 00	Plumbing Insulation	3	0				0		3	2		1
22 - Plumbing	22 08 00	Commissioning of Plumbing	3	0				0		3	2		1

22 - Plumbing	22 11 00	Facility Water Distribution	3	0				0	3	2		1
22 - Plumbing	22 13 00	Facility Sanitary Sewerage	3	0				0	3	2		1
22 - Plumbing	22 14 00	Facility Storm Drainage	3	0				0	3	2		1
22 - Plumbing	22 14 29	Sump Pumps	3	0				0	3	2		1
22 - Plumbing	22 15 00	General Service Compressed Air Systems	3	0				0	3	2		1
22 - Plumbing	22 17 00	Facility Natural-Gas Piping	3	0				0	3	2		1
22 - Plumbing	22 31 00	Domestic Water Softeners	3	0				0	3	2		1
22 - Plumbing	22 34 00	Fuel-Fired Domestic Water Heaters	3	0				0	3	2		1
22 - Plumbing	22 40 00	Plumbing Fixtures	3	0				0	3	2		1
22 - Plumbing	22 45 00	Emergency Shower and Eye Wash Equipment	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 00 01	Basic HVAC Requirements	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 05 13	Common Motor Requirements for HVAC Equipment	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 05 29	Hangers and Supports for HVAC Piping and Equipment	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 05 48	Vibration Controls for HVAC Piping and Equipment	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 05 53	Identification for HVAC Piping and Equipment	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 05 93	Testing, Adjusting and Balancing for HVAC	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 07 00	HVAC Insulation	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 08 00	Commissioning of HVAC	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 09 23	Energy Management Control	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 21 13	Hydronic Piping and Valves	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 21 16	Hydronic Piping Specialties	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 21 23	Hydronic Pumps	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 23 00	Refrigerant Piping	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 25 00	HVAC Water Treatment	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 31 00	HVAC Ducts and Casings	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 31 16	Fabric Ducts	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 33 00	Air Duct Accessories	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 34 00	HVAC Fans	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 34 39	High Volume Low Speed Ceiling Fans	0									0
23 - Heating, Ventilating, and Air Conditioning (H	23 35 13	Dust Collection System	0									0
23 - Heating, Ventilating, and Air Conditioning (H	23 36 00	Air Terminal Units	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 37 00	Air Outlets and Inlets	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 38 13	Commercial Kitchen Exhaust Hood Systems	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 40 00	HVAC Air Cleaning Devices	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 52 16	Gas-fired Condensing Hydronic Heating Boilers	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 64 12	Package Water Chillers - Centrifugal	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 65 00	Cooling Towers	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 72 23	Packaged Air-to-Air Energy Recovery Units	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 74 23	Packaged, Outdoor, Heating-Only Makeup-Air Units	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 74 33	Outdoor Central Station Energy Recovery Air Handling	0							0		
23 - Heating, Ventilating, and Air Conditioning (H	23 81 00	Packaged Rooftop Make-up Air Units	1	0				0	1			
23 - Heating, Ventilating, and Air Conditioning (H	23 81 03	Packaged Rooftop Air Conditioning Units Up to Tons	3	0				0	3	2		1
23 - Heating, Ventilating, and Air Conditioning (H	23 81 26	Split-System Air Conditioners and Heat Pumps	2	0				0	2	1		
23 - Heating, Ventilating, and Air Conditioning (H	23 82 19	Terminal Heat Transfer Units	3	0				0	3	2		1
25 - Integrated Automation	250 600	Schedules for Integrated Automation	3	0				0	3	2		1
26 - Electrical	26 00 01	Basic Electrical Requirements	3	0				0	3	2		1
26 - Electrical	26 05 03	Equipment Wiring Connections	3	0				0	3	2		1
26 - Electrical	26 05 05	Electrical Demolition	3	0				0	3	2		1
26 - Electrical	26 05 19	Low-Voltage Electrical Power Conductors and Cables	2	0				0	2	1		
26 - Electrical	26 05 26	Grounding and Bonding for Electrical Systems	3	0				0	3	2		1
26 - Electrical	26 05 27	Wiring Devices	3	0				0	3	2		1
26 - Electrical	26 05 29	Hangers and Supports for Electrical Systems	3	0				0	3	2		1
26 - Electrical	26 05 33	Raceway Systems	3	0				0	3	2		1
26 - Electrical	26 05 43	Underground Ducts	3	0				0	3	2		1
26 - Electrical	26 05 53	Identification for Electrical Systems	3	0				0	3	2		1
26 - Electrical	26 05 73	Short Circuit/Coordination Study and Arc Flash Hazard Study	3	0				0	3	2		1
26 - Electrical	26 08 00	Electrical Commissioning	3	0				0	3	2		1
26 - Electrical	26 09 23	Digital Lighting Control System	3	0				0	3	2		1
26 - Electrical	26 22 13	Low-Voltage Transformers	3	0				0	3	2		1
26 - Electrical	26 24 13	Switchboards	3	0				0	3	2		1
26 - Electrical	26 24 16	Panelboards	3	0				0	3	2		1
26 - Electrical	26 28 16	Enclosed Switches and Circuit Breakers	3	0				0	3	2		1
26 - Electrical	26 28 26	Enclosed Transfer Switches	0									0
26 - Electrical	26 29 13	Motor Controllers	3	0				0	3	2		1
26 - Electrical	26 29 16	Enclosed Contactors	3	0				0	3	2		1
26 - Electrical	26 29 23	Variable Frequency Motor Controllers	3	0				0	3	2		1
26 - Electrical	26 32 13	Packaged Engine Generator Systems	3	0				0	3	2		1
26 - Electrical	26 43 13	Surge Protective Devices	3	0				0	3	2		1
26 - Electrical	26 51 16	Interior Lighting	3	0				0	3	2		1
26 - Electrical	26 56 16	Exterior Lighting	3	0				0	3	2		1
27 - Communications	27 00 00	General Technology Requirements	2	0				0	2			1
27 - Communications	27 05 00	Communications General Requirement	2	0				0	2			1
27 - Communications	27 05 23	Pathways for Technology Systems	2	0				0	2			1
27 - Communications	27 05 26	Grounding and Bonding for Technology Systems	2	0				0	2			1
27 - Communications	27 05 34	Pathways and Infrastructure for AV Systems	4	0			4	0	3	2		1
27 - Communications	27 11 00	Communications Equipment Rooms	2	0				0	2			1
27 - Communications	27 13 00	Communications Backbone Cabling	2	0				0	2			1
27 - Communications	27 15 00	Communications Horizontal Cabling	2	0				0	2			1
27 - Communications	27 16 00	Communications Connecting Cords	2	0				0	2			1

27 - Communications	27 18 00	Communications Labeling and Identification	2	0				0	2			1
27 - Communications	27 40 00	AV Multimedia General Requirements	2	0				0	2			1
27 - Communications	27 41 00	Audio Visual Systems	2	0				0	2			1
27 - Communications	27 41 15	Performance Audio-Visual Systems and Equipment	4	0			4	0	3	2		1
27 - Communications	27 41 22	Video Production Systems	1	0				0	1			
27 - Communications	27 51 00	Campus Communications Systems	2	0				0	2			1
27 - Communications	27 60 00	Physical Security General Requirements	2	0				0	2			1
27 - Communications	27 62 00	Electronic Access Control System	2	0				0	2			1
27 - Communications	27 64 00	Video Surveillance System	2	0				0	2			1
28 - Electronic Safety and Security	28 31 00	Fire Detection and Alarm (NEW)	3	0				0	3	2		1
31 - Earthwork	31 10 00	Site Clearing	1								0	1
31 - Earthwork	31 22 00	Grading	1								0	1
31 - Earthwork	31 23 16	Excavation	1								0	1
31 - Earthwork	31 23 23	Fill	1								0	1
31 - Earthwork	31 32 13	Soil Mixing Stabilization	1								0	1
31 - Earthwork	31 37 00	Riprap	1								0	1
31 - Earthwork	316329	Drilled Concrete Piers and Shafts	2	0				0	2			1
32 - Exterior Improvements	32 01 16	Flexible Paving Rehabilitation	1								0	1
32 - Exterior Improvements	32 01 20	Preparation for Resurfacing Concrete Pavements	1								0	1
32 - Exterior Improvements	32 11 23	Aggregate Base Courses	1								0	1
32 - Exterior Improvements	32 12 50	Site Pavement	1								0	1
32 - Exterior Improvements	32 13 13	Concrete Paving	1								0	1
32 - Exterior Improvements	32 14 13	Precast Concrete Unit Paving	1								0	1
32 - Exterior Improvements	32 17 13	Parking Bumpers	1								0	1
32 - Exterior Improvements	32 17 23	Pavement Markings	1								0	1
32 - Exterior Improvements	32 18 16	Synthetic Resilient Surfacing	2	0				0	2	1		
32 - Exterior Improvements	32 31 13	Chain Link Fences and Gates	2	0				0	2	1		
32 - Exterior Improvements	32 31 19	Decorative Metal Fences and Gates	2	0				0	2	1		
32 - Exterior Improvements	32 32 23	Segmental Retaining Walls	1								0	1
32 - Exterior Improvements	32 92 19	Seeding	1								0	1
32 - Exterior Improvements	32 92 23	Sodding	1								0	1
32 - Exterior Improvements	32 1125	Turf Surfaced Roadways	0									0
32 - Exterior Improvements	32 1416	Brick Unit Paving	0									0
32 - Exterior Improvements	32 1423	Asphalt Unit Paving	0									0
32 - Exterior Improvements	32 1440	Stone Paving	0									0
33 - Site Utilities	33 00 00	Site Utilities	0	0				0				
33 - Site Utilities	33 01 10	Operation and Maintenance of Water Utilities	1								0	1
33 - Site Utilities	33 02 30	Jacking, Boring or Tunneling Pipe	1								0	1
33 - Site Utilities	33 02 73	Site Concrete Encasement, Cradles, Saddles and Collars	1								0	1
33 - Site Utilities	33 05 13	Manholes and Structures	1								0	1
33 - Site Utilities	33 05 61	Concrete Manholes	1								0	1
33 - Site Utilities	33 14 16	Site Water Utility Distribution Piping	1								0	1
33 - Site Utilities	33 31 13	Site Sanitary Sewerage Gravity Piping	1								0	1
33 - Site Utilities	33 41 00	Subdrainage	1								0	1
33 - Site Utilities	33 42 11	Stormwater Gravity Piping	1								0	1
33 - Site Utilities	33 42 13	Stormwater Culverts	1								0	1
33 - Site Utilities	33 71 19	Electrical Underground Ducts, Ductbanks, and Manholes	1								0	1

Waco Independent School District

Board of Trustee Meeting Agenda

Date: September 29, 2022 **Contact Person**: Susan Kincannon

RE: Consider, Discuss and Take Appropriate Action Regarding the 2022-2023 District and Campus Improvement Plans

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Background Information:

In accordance with state and local policy as outlined in Policy BQ, the Board shall ensure that a District Improvement Plan is developed, evaluated, and revised annually for the purpose of improving the performance of all students. In addition, Policy BQ outlines that a campus-level committee shall also develop, review, and revise its campus improvement plan annually for the purpose of improving student performance for all student populations.

The Waco ISD District Improvement Plan was developed after an extensive needs assessment was conducted and in collaboration with district leaders and their teams across all programs and departments. The Superintendent and district level leaders also partnered with campus principals to ensure that campus improvement plans are aligned to the District Improvement Plan and meet policy requirements. Both district and campus plans have been designed to serve as a guide for the work that will be done to improve student achievement for all student populations in Waco ISD.

Campus improvement plans can be accessed through the "extras" link on the BoardBook or at wacoisd.org/CIP2022.

Fiscal Implications:

Goals, objectives and activities drive the annual budgeting process.

Administrative Recommendations:

Approve the District Improvement Plan and campus improvement plans as presented.

Waco Independent School District

District Improvement Plan

Mission Statement

The mission of Waco ISD is to provide an educational foundation that empowers and values all.

Vision

The vision of Waco ISD is to grow students and staff to create a better future for all.

Core Beliefs

We believe that all students shall reach their full potential.

We believe that race, ethnicity, gender, or socio-economic status should not result in achievement gaps.

We believe that all students should graduate ready for college, workforce, or the military.

We believe that parent and community involvement is fundamental to student success.

We believe a high quality teacher in every classroom is critical to student success.

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Goals

Revised/Approved: August 25, 2022

Goal 1: Engage families and the community to support student achievement and enhance district goals.

Performance Objective 1: Engage with parents, community members, staff, students, and business partners.

Evaluation Data Sources: Records of Engagement Activities, Community Newsletters, Social Media Engagement

Strategy 1 Details	Formative Reviews		
Strategy 1: Invite parents, community members, business partners, staff and students to engage with the district by attending and/or participating in the strategic planning process for the development of a strategic communications plan.	Formative		
Strategy's Expected Result/Impact: Build relationships and trust with all key stakeholders **Staff Responsible for Monitoring:** Exec. Director Communications	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Communicate the district's key priorities for 2022-2023 including but not limited to the expansion of academic interventions, ongoing focus on literacy, and social-emotional learning activities.	Formative		
Strategy's Expected Result/Impact: Increased knowledge of district focus areas **Staff Responsible for Monitoring:** Exec. Director of Communications	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Identify and implement strategies to incorporate student voice at the campus and district level including the launch of the Superintendent's Student Advisory Committee.	Formative		
Strategy's Expected Result/Impact: Provides students a chance to share their experiences and voice their opinions, staff gain insights into best ways to engage with students **Staff Responsible for Monitoring:** Executive Director of Communications	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Engage students, parents, community organizations, and governmental entities in the implementation of the long-range facilities plan.	Formative		
Strategy's Expected Result/Impact: Understanding of bond project progress **Staff Responsible for Monitoring:** Supt., Exec. Director of Communications	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Communicate unique program opportunities for students.	Formative		
Strategy's Expected Result/Impact: Increased knowledge of district programs promotes student engagement and increased enrollment **Staff Responsible for Monitoring:** Exec. Director of Communications	Jan	May	May

Strategy 6 Details	Formative Reviews		
Strategy 6: Continue monthly newsletter to share district information with key community members and post on district website for parents and others to view.	Formative		
Strategy's Expected Result/Impact: Newsletter provides timely information to parents and community stakeholders **Staff Responsible for Monitoring:** Supt., Exec. Director Communications	Jan	May	May

0% No Progress 100% Accomplished Continue/Modify Discontinue

Goal 1: Engage families and the community to support student achievement and enhance district goals.

Performance Objective 2: Recognize community partners who share and support the district's values to promote diversity and race equity.

Evaluation Data Sources: Number of partners recognized in various formats including board meeting recognition, special ceremonies, and social media posts

Strategy 1 Details	Formative Reviews		
Strategy 1: Participate in Race Equity Key Stakeholders Group to build relationships and coordinate community efforts.	Formative		
Strategy's Expected Result/Impact: Enhanced efforts to promote race equity work in schools and the community. **Staff Responsible for Monitoring:** Supt., Deputy Supt., Asst. Supt. Student Services and Support	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Provide recognition at monthly board meetings.	Formative		
Strategy's Expected Result/Impact: School partners/community organizations recognized **Staff Responsible for Monitoring:** Exec. Director of Communications	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Use all communication outlets to promote community partners working to support diversity and race equity.	Formative		
Strategy's Expected Result/Impact: Partners recognized **Staff Responsible for Monitoring:** Exec. Director of Communications	Jan	May	May

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 1: Engage families and the community to support student achievement and enhance district goals.

Performance Objective 3: Increase opportunities for family engagement at the campus level.

Evaluation Data Sources: Sign-In Sheets, Parent Involvement Survey Data

Strategy 1 Details	Formative Reviews		
Strategy 1: Continue to produce the "Classroom Close-Ups" video series to highlight instruction and campus/district programs with an emphasis on leading from the heart.	Formative		
Strategy's Expected Result/Impact: Quality classroom instruction and district programs promoted, increased parent confidence **Staff Responsible for Monitoring:** Exec. Director Communications	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Continue the Parents as Teachers Program to support parental involvement in the development of early childhood students.	Formative		
Strategy's Expected Result/Impact: Higher achievement for students **Staff Responsible for Monitoring:** Director of Early Childhood Education **Funding Sources:** Parents as Educators - Title I Parent Involvement	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Expand district-wide family engagement activities to cultivate authentic relationships and produce positive academic, social and emotional results for students.	Formative		
Strategy's Expected Result/Impact: Increased family engagement in support of students and making connections between families and community resources **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Exec. Director Student Support, Director of Intervention/State and Federal Programs **Funding Sources:** Family Fest - Title I Parent Involvement, PREK round up - Title 1	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Provide a Saturday Diversion Educational Program for parents and students as a part of the district's comprehensive plan for supporting students. Parents and students will learn about the importance of attendance and ways to self-regulate behaviors.	Formative		
Strategy's Expected Result/Impact: Lower disciplinary referral rates and dropout rates long with increased attendance rates	Jan	May	May

Staff Responsible for Monitoring: Asst. Supt. Student Services and Support, Exec. Director Student Services

Funding Sources: Diversion Program - State Compensatory Education, Saturday Program - American Rescue Plan (ARP/ESSER III), Saturday Program - ESSER II

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 2: Recruit, develop, and retain highly qualified teachers and staff to increase the percentage of teachers with more than five years of experience and decrease the turnover rate.

Performance Objective 1: Analyze human resources systems and processes to support teacher recruitment, induction, and retention.

Evaluation Data Sources: Teacher Turnover Rate, Empathy Exit Interviews, Staff Satisfaction Surveys, On boarding Survey

Strategy 1 Details	Formative Reviews		
	Formative		
Strategy 1: Continue to implement recommendations from the 2020 TASB Staffing Study including the continued addition of school counselors and librarians with ESSER funding. **Strategy's Expected Result/Impact:** Ensure consistent and equitable staffing, increased efficiencies **Staff Responsible for Monitoring:** Asst. Supt. Human Resources **Funding Sources:** Funding for salaries - American Rescue Plan (ARP/ESSER III), Funding for salaries - ESSER II	Jan	May	May

Strategy 2 Details	Formative Reviews		
	Formative		
Strategy 2: Strengthen current hiring processes to onboard more high quality candidates through efficient pre-screening/screening structures, interviewing protocols and final review checks. **Strategy's Expected Result/Impact:** Hiring processes ensure that hiring managers can efficiently screen viable candidates, use rigorous interviewing tools, and recommend quality candidates in a timely manner **Staff Responsible for Monitoring:** Asst. Supt. Human Resources	Jan	May	May

Strategy 3 Details	Formative Reviews		
	Formative		
Strategy 3: Identify district and campus trends using the Panorama Climate Survey, stay interviews, and empathy exit interviews to determine the next steps for improvement with district and school leaders. **Strategy's Expected Result/Impact:** Improved teacher retention **Staff Responsible for Monitoring:** Asst. Supt. Human Resources	Jan	May	May

0% No Progress 100% Accomplished Continue/Modify Discontinue

Goal 2: Recruit, develop, and retain highly qualified teachers and staff to increase the percentage of teachers with more than five years of experience and decrease the turnover rate.

Performance Objective 2: Implement innovative solutions and strategies for teacher recruitment, induction and retention.

Evaluation Data Sources: Teacher Turnover Rate, Number of Teachers Recruited, Teacher Satisfaction Surveys

Strategy 1 Details	Formative Reviews		
Strategy 1: Expand the Opportunity Culture teacher residency model in partnership with Texas Tech University, Tarleton State University and Public Impact.	Formative		
Strategy's Expected Result/Impact: Increase student achievement, develop a pipeline of teachers **Staff Responsible for Monitoring:** Director of Opportunity Culture, Asst. Supt. Human Resources, Exec. Director Professional Development **Funding Sources:** Teacher residents/Reach Associate/ MCL stipends - Title 1, PDS mentors - Title II, Part A (TPTR)	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Using ESSER funds, partner with Ascension Providence to provide a Licensed Professional Counselor (LPC) to address staff mental health and well-being.	Formative		
Strategy's Expected Result/Impact: Decreased staff absenteeism, increased staff morale as reported on surveys **Staff Responsible for Monitoring:** Asst. Superintendent Student Services and Support, Exec. Director Student Support **Funding Sources:** Salary for LPC - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Use ESSER funds to implement a multi-year retention bonus for teachers and other hard to fill positions.	Formative		
Strategy's Expected Result/Impact: Bonuses improve teacher retention rates and reduce turnover in other hard to fill positions **Staff Responsible for Monitoring:** Asst. Supt. Human Resources **Funding Sources:** Teacher retention incentives - ESSER II	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Implement year 3 of the Teacher Incentive Allotment (TIA) project tasks to support the effective implementation of T-TESS.	Formative		
Strategy's Expected Result/Impact: Strong inter-rater reliability for evaluating teachers across all schools and congruence between student growth and teacher performance **Staff Responsible for Monitoring:** Deputy Supt., Asst. Supt. Human Resources, Director of Strategic Evaluation Systems	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Research, design and implement innovative recruitment strategies using social media and website.	Formative		
Strategy's Expected Result/Impact: Improve recruitment of hard-to-fill positions including classroom teachers, bilingual educators, substitutes, and support staff **Staff Responsible for Monitoring:** Asst. Supt. Human Resources, Exec. Director Human Resources, Director of Human Resources	Jan	May	May

Strategy 6 Details	Formative Reviews		
Strategy 6: Research, design and implement strategies for recruiting a more diverse teaching workforce including continuing to review and refine the Grow Your Own program for district paraprofessionals.	Formative		
Strategy's Expected Result/Impact: Increase the number of diverse professional educators and leaders **Staff Responsible for Monitoring:** Asst. Supt. Human Resources, Exec. Director HR, Director of HR Recruitment **Funding Sources:** Grow your own para - ESSER II	Jan	May	May

Strategy 7 Details	Formative Reviews		
Strategy 7: Recruit high school students who receive the paraprofessional certification and help them transition into college and university education programs for teaching.	Formative		
Strategy's Expected Result/Impact: Develop pipeline of paraprofessionals to become classroom teachers **Staff Responsible for Monitoring:** Director of Opportunity Culture, Director of CTE, Asst. Supt. Human Resources, Director Human Resources	Jan	May	May

Strategy 8 Details	Formative Reviews		
Strategy 8: Evaluate the New Teacher Induction Model and implementation of campus on-boarding processes to determine opportunities for improvement.	Formative		
Strategy's Expected Result/Impact: Improved processes for inducting new teachers that results in increased retention of new teachers **Staff Responsible for Monitoring:** Coordinator of New Teacher Mentoring Program, Asst. Supt. Human Resources, Executive Director Human Resources	Jan	May	May

0% No Progress 100% Accomplished Continue/Modify Discontinue

Goal 2: Recruit, develop, and retain highly qualified teachers and staff to increase the percentage of teachers with more than five years of experience and decrease the turnover rate.

Performance Objective 3: Develop and implement a professional development plan to support increased student achievement.

Evaluation Data Sources: Professional Development Plan, Sign-In Sheets, Session Survey Results, Increased Knowledge and Skills of Effective Instructional Strategies, T-TESS Results

Strategy 1 Details	Formative Reviews		
Strategy 1: Implement year three of the district's elementary literacy plan to deepen teacher knowledge and skills in effective literacy instruction.	Formative		
Strategy's Expected Result/Impact: STAAR Results, Professional Development Records **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development **Funding Sources:** Warren Instructional Network training - Title II, Part A (TPTR), Warren Instruction Network, Reading Plus PD, - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Promote teacher leadership through the implementation of a Teacher Leadership Academy.	Formative		
Strategy's Expected Result/Impact: Opportunities for results-oriented teachers to work collaboratively with new or struggling teachers **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Institute cohort three of Data-Driven Instruction and ensure district curriculum coordinators, instructional coaches, and instructional specialists are available to assist with data-driven instructional planning, in-class instructional support, and professional development for teachers.	Formative		
Strategy's Expected Result/Impact: Schedule to ensure all campuses have access to instructional coaches as needed and schedule for DDI training and campus implementation plans **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development **Funding Sources:** Instructional Coaches and Instructional Specialist - Title 1, Region 12 TEXguide - Title 1	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Institute cohort three of Action Coaching professional development to onboard new leaders to increase the effectiveness of observation and feedback and focus on strengthening knowledge and skills of principals, assistant principals, instructional specialists, and district leaders.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Observation and feedback schedules and coaching scripts using the See It, Name It, Do It coaching protocols to increase effectiveness of feedback given to teachers **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development			

Strategy 5 Details	Formative Reviews		
Strategy 5: Provide initial professional development for new staff and leaders around lesson planning, processes, and protocols.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Creation of aligned lesson plans that include effective objectives, aligned formative checks, and reteach plans to support effective Tier I instruction **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development			

Strategy 6 Details	Formative Reviews		
Strategy 6: Provide job-embedded, practice-based professional development based on campus needs to support the district's initiatives. Using the WISD coaching framework, train campus leaders on how to identify ways to support teachers through high leverage action steps.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Real-time learning and application of new skills to support implementation in high-leverage action steps to support teacher growth and increased student achievement **Staff Responsible for Monitoring:** Exec. Director Professional Development **Funding Sources:** Curriculum Coop with Region 12 - Title II, Part A (TPTR), Discovery Education - Title II, Part A (TPTR)			

Strategy 7 Details	Formative Reviews		
Strategy 7: Use student achievement data to develop a 2023 summer professional development plan. The plan will provide differentiated opportunities for teachers based on experience level and need.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Digital and/or print document outlining summer professional development offerings **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development **Funding Sources:** Professional Learning Activities - Title II, Part A (TPTR), ASCD - American Rescue Plan (ARP/ESSER III)			

Strategy 8 Details	Formative Reviews		
Strategy 8: Ensure 100% of all new K-3 teachers and principals to the district complete the Reading Academies, as outlined in HB 3 by the 86th Texas Legislature.	Formative		
Strategy's Expected Result/Impact: Teachers and principals have increased knowledge and skills in the science of reading instruction **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director of Elementary Education	Jan	May	May

Strategy 9 Details	Formative Reviews		
Strategy 9: Provide training to academic intervention teachers to support the implementation of small group instruction in literacy and mathematics.	Formative		
Strategy's Expected Result/Impact: Systemized interventions implemented for small group remediation **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction **Funding Sources:** LLI, DTM, Reading Plus, Neuhaus Training - American Rescue Plan (ARP/ESSER III), Iready - State Compensatory Education	Jan	May	May

Strategy 10 Details	Formative Reviews		
Strategy 10: Provide professional development and support for campus paraprofessionals to improve effectiveness of academic and behavioral strategies.	Formative		
Strategy's Expected Result/Impact: Increased knowledge and skills of campus paraprofessionals, resulting in system effectiveness **Staff Responsible for Monitoring:** Exec. Director Professional Development, Asst. Supt. Student Services and Support **Funding Sources:** Safe and Civil schools PD - Title IV	Jan	May	May

Strategy 11 Details	Formative Reviews		
Strategy 11: Develop web-based, flexible professional development offerings to respond to problems of practice.	Formative		
Strategy's Expected Result/Impact: Flexible, real-time professional development provided to address teacher needs **Staff Responsible for Monitoring:** Exec. Dir. of Curriculum and Professional Development, Executive Dir. of Secondary Curriculum and Instruction **Funding Sources:** ASCD - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 12 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 12: Support campuses in developing differentiated professional development plans for 2023 using vetted professional development resources and based on student achievement data and teacher evaluation data. **Strategy's Expected Result/Impact:** Differentiated professional development for teachers based on identified needs that results in increased teacher capacity and student achievement. **Staff Responsible for Monitoring:** Exec. Dir. of Curriculum and Professional Development, Executive Dir. of Secondary Curriculum and Instruction **Funding Sources:** Curriculum Coop Region 12 - Title II, Part A (TPTR), Discovery Education - Title II, Part A (TPTR), ASCD - American Rescue Plan (ARP/ESSER III)			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 3: Ensure a guaranteed and viable curriculum, customized to the needs of the district.

Performance Objective 1: Continue to refine the district's scope and sequence curriculum documents.

Evaluation Data Sources: Curriculum Documents for Core Content Areas, STAAR Data, SAT/ACT Results

Strategy 1 Details	Formative Reviews		
	Formative		
Strategy 1: Implement new scope and sequence curriculum documents and unit assessments for world languages, aquatic science, astronomy, government, economics, IPC, strategic learning for math, algebraic reasoning, pre-calculus, college prep math, and pre-AP grade 6 math.	Jan	May	May
Strategy's Expected Result/Impact: New documents implemented in classrooms beginning August 2022 **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Secondary Education, Core Content Coordinators **Funding Sources:** Pay staff for curriculum development - Title 1, TEKS resource system, Lead4forward - Title II, Part A (TPTR)			

Strategy 2 Details	Formative Reviews		
	Formative		
Strategy 2: Develop scope and sequence curriculum documents for additional course areas in 2023-2024 including integrated elementary RLA/social studies, Pre-Advanced world languages levels 2 and 3, Pre-AP math grade 7, and world languages for native speakers.	Jan	May	May
Strategy's Expected Result/Impact: Equitable instruction across district, differentiated instruction for advanced learners **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Directors Elementary and Secondary Education, Core Content Coordinators **Funding Sources:** Extra duty pay - Title 1			

Strategy 3 Details	Formative Reviews		
	Formative		
Strategy 3: Convene groups of content and grade level teachers to provide feedback and revise curriculum documents.	Jan	May	May
Strategy's Expected Result/Impact: Teachers provide feedback to refine scope and sequence document based on experiences during the first year of implementation **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Directors Elementary and Secondary Education, Core Content Coordinators **Funding Sources:** Planning time during summer months - Title 1			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 3: Ensure a guaranteed and viable curriculum, customized to the needs of the district.

Performance Objective 2: Evaluate and revise the district's assessment program to measure the effectiveness of curriculum and instructional delivery.

Evaluation Data Sources: Local Assessment Data, STAAR Assessments

Strategy 1 Details	Formative Reviews		
Strategy 1: Continue to develop and refine common unit assessments for use in the DDI process to ensure equity across campuses and to evaluate learning and guide instructional adjustments.	Formative		
Strategy's Expected Result/Impact: Schedule of common assessments to include the number of assessments, timeline for administration of each assessment, and leverage areas for each assessment **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Directors Elementary and Secondary Education **Funding Sources:** Eduphoria Suite - State Compensatory Education, Eduphoria Test Maker Bank - State Compensatory Education	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Continue to use TEA interim assessments to identify areas of instructional focus and interventions at each school.	Formative		
Strategy's Expected Result/Impact: Greater alignment to the state testing system and achievement predictability **Staff Responsible for Monitoring:** Director of Accountability Systems and Data Analysis	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Provide support to campus leadership teams to use data to determine instructional adjustments and targeted interventions for students in need of additional support.	Formative		
Strategy's Expected Result/Impact: Student achievement data drives campus and/or student-specific interventions **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Director of Accountability Systems and Data Analysis **Funding Sources:** Renaissance Learning, Lead4ward - Title 1, Eduphoria Suite - State Compensatory Education	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Evaluate the effectiveness of beginning of year and end of year assessments for all content areas and grade levels.	Formative		
Strategy's Expected Result/Impact: Assessments effectively project student achievement and growth **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Directors of Elementary and Secondary	Jan	May	May

Education **Funding Sources:** Renaissance - Title 1				

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 3: Ensure a guaranteed and viable curriculum, customized to the needs of the district.

Performance Objective 3: Review, refine, and clearly communicate the district's literacy program including resources, data collection techniques, and interventions.

Evaluation Data Sources: Student Achievement on Literacy Assessments, STAAR Achievement Data, Board-Adopted Plans and Goals for Early Childhood Literacy and Math Proficiency

Strategy 1 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 1: Use Reading Recovery Lead Teachers to launch a district-wide Reading Recovery program to improve literacy for at-risk first grade students, using one SIT teacher per campus as Reading Recovery teacher leaders to provide support for intensive reading intervention. **Strategy's Expected Result/Impact:** Increased teacher capacity to support intensive reading instruction for struggling students, increased student achievement **Staff Responsible for Monitoring:** Director of Interventions/State and Federal Programs **Funding Sources:** TWU tuition/materials/RR teacher salaries - American Rescue Plan (ARP/ESSER III), RR Teachers salaries - American Rescue Plan (ARP/ESSER III)			

Strategy 2 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 2: Launch year one of professional development plan for effective literacy instruction for high school using Warren Instructional Network and ESC 12 for implementation support. Year one will focus on critical reading strategies and response to reading through writing. **Strategy's Expected Result/Impact:** Increased teacher knowledge and skills of effective literacy instruction for high school RLA **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development **Funding Sources:** Warren Instructional Network PD - Title II, Part A (TPTR), Classroom libraries for high school teachers - ESSER II			

Strategy 3 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 3: Implement year two of the professional development plan for effective literacy instruction for middle school teachers. Year two will focus on increasing student interest and engagement in reading, increasing student time reading and discussing literature. Teachers will also learn strategies for small group instruction time during the reading block. **Strategy's Expected Result/Impact:** Increased teacher knowledge and skills of effective literacy instruction for middle school RLA **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development **Funding Sources:** Warren Instruction Network - Title II, Part A (TPTR)			

Strategy 4 Details	Formative Reviews		
	Formative		
Strategy 4: Implement year three of the district's elementary professional development plan for literacy and make adjustments based on determined gaps. Year three will focus on building knowledge of the TEKS and application of strategies to support word study, the reading/writing connection and ongoing practice of student tasks to support increased achievement on the revised STAAR. **Strategy's Expected Result/Impact:** Increased teacher knowledge and skills of effective literacy instruction **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development, Exec. Director Elementary Education **Funding Sources:** Warren Instructional Network - Title II, Part A (TPTR)	Jan	May	May

Strategy 5 Details	Formative Reviews		
	Formative		
Strategy 5: Use established model literacy classrooms at every campus, K-8, as a lab site for teaching literacy strategies for campus teachers. **Strategy's Expected Result/Impact:** Increased teacher and knowledge and skills of effective literacy instruction **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Elementary Education	Jan	May	May

Strategy 6 Details	Formative Reviews		
	Formative		
Strategy 6: Provide training to classroom teachers on the effective use of ESSER funded classroom libraries to support learning and reading fluency. **Strategy's Expected Result/Impact:** Increased student achievement **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Coordinator of Library Services	Jan	May	May

0% No Progress 100% Accomplished Continue/Modify Discontinue

Goal 3: Ensure a guaranteed and viable curriculum, customized to the needs of the district.

Performance Objective 4: Develop, implement, and clearly communicate the district's program for math instruction.

High Priority

HB3 Goal

Evaluation Data Sources: Professional development plans, improved tier 1 planning and instruction for math, math assessment data

Strategy 1 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 1: Collaborate with ESC Region 12 and math consultants to develop a comprehensive framework for elementary math instruction and teacher training. **Strategy's Expected Result/Impact:** Increased proficiency in lesson planning for tier 1 instruction, response to data, and increased student performance in math **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development, and Exec. Director for Elementary Education			

Strategy 2 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 2: Develop and implement a professional development plan for secondary math teachers focused on explicit instruction. **Strategy's Expected Result/Impact:** Increased proficiency in lesson planning for tier 1 instruction, response to data, and increased student performance in math **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development, and Exec. Director for Secondary Education			

0% No Progress 100% Accomplished Continue/Modify Discontinue

Goal 3: Ensure a guaranteed and viable curriculum, customized to the needs of the district.

Performance Objective 5: Review and refine district and campus processes for course selections, scheduling, and sequencing to ensure fidelity with attendance accounting, consistency, and clear communication to students and families.

Evaluation Data Sources: Audit of Transcripts, PEIMS Attendance Accounting Data, Master Schedules

Strategy 1 Details	Formative Reviews		
Strategy 1: Monitor student attendance in dual credit courses to ensure compliance with state attendance accounting guidelines.	Formative		
Strategy's Expected Result/Impact: Report outlining all students currently taking dual credit courses, the number of minutes in attendance overall, and the number of minutes on campus each day of week **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, PEIMS Director, Exec. Director of Secondary Education	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Continue training for secondary counselors including academic advising, transcript process for incoming students, and separation of class rank calculations from academic advising.	Formative		
Strategy's Expected Result/Impact: Accurate transcripts and 4 year graduation plans in place for each student **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Secondary Education, Director of Accountability Systems and Data Analysis	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Review and continue to refine and revise course planning guide, ensuring alignment to EIC (LOCAL).	Formative		
Strategy's Expected Result/Impact: Updated course planning guide **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Secondary Education	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Align middle and high school core courses, including middle school courses offered for high school credit, and elective courses to provide consistency among campuses.	Formative		
Strategy's Expected Result/Impact: Equity and alignment of courses at the secondary level **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Secondary Curriculum	Jan	May	May

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 3: Ensure a guaranteed and viable curriculum, customized to the needs of the district.

Performance Objective 6: Review the World Languages program.

Evaluation Data Sources: Course Alignment in Secondary Planning Guide, Student Achievement Data

Strategy 1 Details	Formative Reviews		
	Formative		
Strategy 1: Implement scope and sequence curriculum documents for World Languages I and II. **Strategy's Expected Result/Impact:** Increased program consistency, student achievement **Staff Responsible for Monitoring:** Exec. Director Secondary Curriculum	Jan	May	May

Strategy 2 Details	Formative Reviews		
	Formative		
Strategy 2: Identify middle school students for appropriate placement in high school World Languages courses, providing opportunities for Spanish speakers to advance. **Strategy's Expected Result/Impact:** Training for secondary counselors to identify students eligible for year 1 and year 2 World Languages credit by exam, Spanish speakers are advanced through curriculum to higher level courses to match skill level **Staff Responsible for Monitoring:** Exec. Director Secondary Curriculum	Jan	May	May

Strategy 3 Details	Formative Reviews		
	Formative		
Strategy 3: Develop and implement a professional development plan for World Languages teachers. **Strategy's Expected Result/Impact:** Increased student achievement and participation in upper level World Languages courses **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director of Secondary Education	Jan	May	May

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 3: Ensure a guaranteed and viable curriculum, customized to the needs of the district.

Performance Objective 7: Coordinate district instructional improvement efforts with Transformation Zone campuses.

Evaluation Data Sources: STAAR Achievement Data, Grant Evaluation

Strategy 1 Details	Formative Reviews		
Strategy 1: Include Transformation Zone leaders in principal meetings and all professional development sessions.	Formative		
Strategy's Expected Result/Impact: Instructional efforts aligned to extent possible to ensure equity of instruction to address student mobility **Staff Responsible for Monitoring:** Superintendent, CEO Transformation Zone, Asst. Supt. Curriculum and Instruction	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Conduct an annual evaluation of the Transformation Zone.	Formative		
Strategy's Expected Result/Impact: Evaluation meets requirements of contract **Staff Responsible for Monitoring:** Board of Trustees, Superintendent	Jan	May	May

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 4: Develop and implement plans, systems and processes to support improved campus A-F ratings, focusing on removing labels (Targeted Support, Comprehensive) and ensuring academic success for students.

Performance Objective 1: Meet TEA requirements for schools labeled as Additional Targeted Improvement and/or Comprehensive.

Evaluation Data Sources: A-F Ratings, Federal Accountability Indicators, Targeted Improvement Plans Submitted to TEA, Record of School Improvement Grant Activities

Strategy 1 Details	Formative Reviews		
Strategy 1: Attend Effective School Training prior to developing intervention plans for 2022-2023.	Formative		
Strategy's Expected Result/Impact: Quality Targeted Improvement Plans submitted to TEA **Staff Responsible for Monitoring:** Supt., Exec. Director Elementary Education	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Participate in year two required activities and site visits with ESF capacity builders, TNTP, and TEA to document work as prioritized in Targeted Improvement Plans.	Formative		
Strategy's Expected Result/Impact: Plans implemented with fidelity, documentation in place to support Effective Schools Framework **Staff Responsible for Monitoring:** Exec. Director Elementary Education	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Plan, submit, and implement School Improvement Grant activities to support schools that participate in the Effective School Framework Focus Grant.	Formative		
Strategy's Expected Result/Impact: Grant activities increase student achievement **Staff Responsible for Monitoring:** Asst. Supt, Curriculum and Instruction, Exec. Director Curriculum and Professional Development, Exec. Director Elementary and Secondary Education	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Provide continued training for Data Driven Instruction (DDI) to systematically inform the response to data, lesson planning, reteach plans, and interventions.	Formative		
Strategy's Expected Result/Impact: Creation of systems and processes around DDI to be used in data meetings and creation of cycles for coaching of campus leaders, specialist and district curriculum coordinators **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development	Jan	May	May

Strategy 5 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 5: Continue to provide Action Coaching training with campus leaders to increase the use of effective observation and feedback cycles to support and improve instruction. **Strategy's Expected Result/Impact:** Creation of systems and processes around observation and feedback to include documentation, teacher action steps, and data tracking **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director of Curriculum and Professional Development			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 4: Develop and implement plans, systems and processes to support improved campus A-F ratings, focusing on removing labels (Targeted Support, Comprehensive) and ensuring academic success for students.

Performance Objective 2: Increase the knowledge and skills of administrators, teachers, and professional staff in understanding the changes to the state and federal accountability systems.

Evaluation Data Sources: Increased Student Achievement on STAAR and Domain Indicators including CCMR

Strategy 1 Details	Formative Reviews		
Strategy 1: Continue to train district and campus leaders to understand and develop systems to monitor progress on state and federal accountability systems and clarify any misconceptions. **Strategy's Expected Result/Impact:** District and campus leaders have clear understanding of accountability system allowing them to identify areas of focus to improve and areas to leverage improvement in student achievement **Staff Responsible for Monitoring:** Director of Accountability Systems and Data Analysis **Funding Sources:** Lead4ward accountability connect - Title II, Part A (TPTR)	Formative		
	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Conduct training on understanding the TELPAS testing system, how to interpret data reported on the TAPR for federal accountability standards, and developing campus monitoring systems to track student progress. **Strategy's Expected Result/Impact:** Use of data to develop interventions for applicable students, identify strategies to support successful TELPAS testing in primary grades **Staff Responsible for Monitoring:** Director of Accountability Systems and Data Analysis, Director Bilingual/ESL	Formative		
	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Provide technical assistance at each campus to develop increased knowledge of state and federal accountability systems and set student achievement goals. **Strategy's Expected Result/Impact:** Increased student achievement **Staff Responsible for Monitoring:** Director of Accountability Systems and Data Analysis **Funding Sources:** Lead4ward accountability connect - Title II, Part A (TPTR)	Formative		
	Jan	May	May

Strategy 4 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 4: Conduct review of data to identify instructional leverage points and verify all state and federal accountability coding is accurate. **Strategy's Expected Result/Impact:** Student data coded and mined for state and federal accountability will be an accurate account of student data and achievement **Staff Responsible for Monitoring:** Director of Accountability Systems and Data Analysis **Funding Sources:** Lead4ward Accountability - Title II, Part A (TPTR)			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 4: Develop and implement plans, systems and processes to support improved campus A-F ratings, focusing on removing labels (Targeted Support, Comprehensive) and ensuring academic success for students.

Performance Objective 3: Develop strategies to evaluate, monitor, and improve the College, Career, and Military Readiness (CCMR) graduate indicators.

Evaluation Data Sources: TSI Scores, ACT/SAT Scores, Advanced Placement Scores, Data on Number of Students Earning National Certifications, Dual Credit Course Completion Rates, Military Enlistment Data, Board-Adopted Plans and Goals for CCMR

Strategy 1 Details	Formative Reviews		
Strategy 1: Ensure that CTE students earn an industry-based certification and complete an aligned program of study according to new accountability guidelines that go into effect for the 2022-2023 school year.	Formative		
Strategy's Expected Result/Impact: Accurate coding for students meeting CCMR through dual credit or advanced courses **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Secondary Education, Director of Accountability Systems and Data Analysis	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Review and refine board-adopted plans and goals for CCMR.	Formative		
Strategy's Expected Result/Impact: Feedback received from board, plan and goals adopted, compliance with HB 3 **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Director of Accountability Systems and Data Analysis	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Implement a TSI testing plan focused on common testing practices and schedules across campuses.	Formative		
Strategy's Expected Result/Impact: Testing processes administered according to College Board guidelines, consistent and accurate TSI testing, and more students tested at the appropriate time **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Secondary Education, Director of Accountability Systems and Data Analysis	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Continue to facilitate registration and attendance at the AVID Summer Institute, ensuring that staff are trained in order to implement the AVID program with fidelity.	Formative		
Strategy's Expected Result/Impact: Increased number of AVID students identified college and/or career ready	Jan	May	May

Staff Responsible for Monitoring: Director of Advanced Academics

Funding Sources: AVID Summer Institute - State Compensatory Education

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 5: Coordinate the entire instructional program, including federal resources, to support increased student achievement for all student groups.

Performance Objective 1: Improve the district's four-year graduation rate through the development and implementation of research-based dropout prevention strategies.

Evaluation Data Sources: Disaggregated Dropout Rates by Campus and District, STAAR End-of-Course Exam Results, Attendance Records

Strategy 1 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 1: Continue the use of ESSER funding to expand a high school Optional Flexible School program with evening options for comprehensive high schools and multiple time options for Brazos High School. **Strategy's Expected Result/Impact:** Increased graduation rate and decreased dropout rate **Staff Responsible for Monitoring:** Exec. Director Secondary Education **Funding Sources:** - American Rescue Plan (ARP/ESSER III)			

Strategy 2 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 2: Continue to provide training and use the 5Lab electronic data collection and analysis systems and dashboards to improve identification of early warning signs of students at risk for dropping out of school. **Strategy's Expected Result/Impact:** Data analyzed frequently to identify students based on absenteeism, homelessness, discipline concerns, credit accrual, grades **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Secondary Education, Director of Accountability Systems and Data Analysis			

Strategy 3 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 3: Continue to evaluate attendance monitoring and intervention strategies by coordinating with various departments (SPED, Homeless, ELL, etc.) through cohort meetings to create personalized plans for students with excessive absences. **Strategy's Expected Result/Impact:** Increased student attendance, individual plans in place for students with excessive absences **Staff Responsible for Monitoring:** Exec. Director Secondary Education, Director of Accountability Systems and Data Analysis			

Strategy 4 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 4: Continue to evaluate knowledge and skills of ESL teachers and campus administrators to inform professional development and curriculum planning, including instructional resources. **Strategy's Expected Result/Impact:** Develop plans to increase teacher and leader knowledge and skills of effective instructional strategies to support Bilingual/ESL students **Staff Responsible for Monitoring:** Director of Bilingual/ESL			

Strategy 5 Details	Formative Reviews		
Strategy 5: Use the Quality District Academic Committee (QDAC) to review, evaluate, and make recommendations for addressing dropout prevention. **Strategy's Expected Result/Impact:** Decrease in dropout rates as a result of improved support for students **Staff Responsible for Monitoring:** Deputy Supt., Asst. Supt. Curriculum and Instruction	Formative		
	Jan	May	May

Strategy 6 Details	Formative Reviews		
Strategy 6: Monitor student retention rates and plans for overage students. **Strategy's Expected Result/Impact:** Reduction in retention rates **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Directors Elementary and Secondary Education	Formative		
	Jan	May	May

Strategy 7 Details	Formative Reviews		
Strategy 7: Develop and implement plans for the transition of students from 5th to 6th grade and 8th to 9th grade. Explore the use of a mentoring program for freshman students at the high school level. **Strategy's Expected Result/Impact:** Address patterns and issues related to poor academic progress and dropout prevention **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director of Secondary Education **Funding Sources:** Transition Activities - State Compensatory Education	Formative		
	Jan	May	May

Strategy 8 Details	Formative Reviews		
Strategy 8: Continue system for post-secondary conferences with students. Individual conferences will provide an opportunity for counselors to discuss possible CTE certifications, opportunities for advanced or dual credit courses, and military options based on individual student interest and academic level of achievement. **Strategy's Expected Result/Impact:** Students establish post-secondary plans, receive information about Texas On-Course as a means to explore other post-secondary options, decrease in dropout rate **Staff Responsible for Monitoring:** Exec. Director of Secondary Education, Exec. Director Student Support	Formative		
	Jan	May	May

Strategy 9 Details	Formative Reviews		
Strategy 9: Engage families with student goal setting, implementing support, and responding to feedback related to student performance and attendance with at least formalized conferences in October and February. **Strategy's Expected Result/Impact:** Parent support results in increased student achievement and decreased dropout rate **Staff Responsible for Monitoring:** Exec. Director Secondary Education, Executive Director of Elementary Education	Formative		
	Jan	May	May

Strategy 10 Details	Formative Reviews		
Strategy 10: Develop elementary and middle school campus campaigns including the use of hallway banners to communicate and celebrate each student's graduation year.	Formative		
Strategy's Expected Result/Impact: Develop common language and excitement around graduation **Staff Responsible for Monitoring:** Exec. Directors Elementary and Secondary Education, Exec. Director Student Support	Jan	May	May

Strategy 11 Details	Formative Reviews		
Strategy 11: Partner with McLennan County Community College (MCC) to provide structures and support for dual credit students including but not limited to Friday tutorials and counseling. Students will be required to attend in person to the extent possible.	Formative		
Strategy's Expected Result/Impact: Increased passing rates for dual credit, student achievement and success, decreased dropout rate **Staff Responsible for Monitoring:** Exec. Director of Secondary Education, Director of Advanced Academics	Jan	May	May

Strategy 12 Details	Formative Reviews		
Strategy 12: Continue the use of a Homeless Population Specialist to provide case management and services to secondary homeless and unaccompanied youth including ongoing monitoring of previously coded homeless students.	Formative		
Strategy's Expected Result/Impact: Increased student engagement and attendance of homeless students; sustained stability for students emerging from a history of homelessness **Staff Responsible for Monitoring:** Exec. Director Student Support **Funding Sources:** Homeless Specialist - American Rescue Plan (ARP/ESSER III), Homeless Specialist - Title 1	Jan	May	May

Strategy 13 Details	Formative Reviews		
Strategy 13: Continue to evaluate and enhance wrap around services provided to students at-risk of dropping out of school to determine which services have the greatest impact. Determine where gaps exist and plan for improved support.	Formative		
Strategy's Expected Result/Impact: Students receive services to support overall well-being **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support **Funding Sources:** Klaras/MHMR, BEAR project, Life Anew, Care Solace - Title IV	Jan	May	May

Strategy 14 Details	Formative Reviews		
Strategy 14: Continue special education participation in secondary cohort and "bridge" meetings to monitor the academic achievement, attendance and the emotional/behavioral needs of special education students, and ensuring a smooth transition from one grade level span to the next.	Formative		
	Jan	May	May

Strategy's Expected Result/Impact: Decreased dropout rates of special education students, increased student achievement
Staff Responsible for Monitoring: Exec. Director Special Education

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 5: Coordinate the entire instructional program, including federal resources, to support increased student achievement for all student groups.

Performance Objective 2: Systematize processes, procedures, and instructional services for Special Education students to ensure state and federal compliance and increased student achievement.

Evaluation Data Sources: Special Education Manual, Student Achievement Data, Improved Special Education Compliance

Strategy 1 Details	Formative Reviews		
Strategy 1: Partner with the curriculum department to train campus and district special education leaders on what to look for when conducting learning walks of special education classrooms. Data from learning walks will be used to identify instructional needs and provide support for individual teachers.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Support special education teachers and campus leaders in the areas of instructional planning, knowledge of students and student learning, content knowledge and expertise, learning environment, data driven practices, and professional practices and responsibilities **Staff Responsible for Monitoring:** Exec. Director Special Education			

Strategy 2 Details	Formative Reviews		
Strategy 2: Assist special education teachers in lesson planning and the effective use of curriculum resources to increase student achievement.	Formative		
Strategy's Expected Result/Impact: Increased student achievement and performance ratings on local and state assessments **Staff Responsible for Monitoring:** Exec. Director Special Education	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Provide professional development to special education teachers and special education service providers related to the development of present levels of academic achievement and functional performance, as well as individualized education plan goals and objectives that support individualized student needs and facilitate the achievement of appropriate grade-level TEKS.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Increase special education teachers and service providers knowledge and skills in the area of IEP Development to support individualized student needs **Staff Responsible for Monitoring:** Exec. Director Special Education **Results Driven Accountability**			

Strategy 4 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 4: Continue to provide training and coaching to campus administrators and staff to support the implementation of Emergent Tree's Solid Root's program to address Tier III behavioral and social-emotional needs of students in Social Adaptive and Interpersonal Learning (SAIL) classrooms. **Strategy's Expected Result/Impact:** Support administrators, teachers and paraprofessionals in the implementation of Solid Roots to decrease inappropriate student behaviors **Staff Responsible for Monitoring:** Exec. Director Special Education			

Strategy 5 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 5: Analyze endorsements for special education students, CCMR, and graduation rate data for areas in need of improvement. Establish goals to ensure that special education students are challenged, have clear pathways and graduate from high school. **Strategy's Expected Result/Impact:** Special education students graduate at highest levels with a clear path post secondary **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Special Education, Director of Accountability Systems and Data Analysis			

No Progress


Accomplished

Continue/Modify

Discontinue

Goal 5: Coordinate the entire instructional program, including federal resources, to support increased student achievement for all student groups.

Performance Objective 3: Systematize processes, procedures, and instructional services for students in Bilingual/ESL to ensure state and federal compliance and increased student achievement.

Evaluation Data Sources: TELPAS Results, STAAR Data, Dropout Rates, Bilingual/ESL Teacher Certifications

Strategy 1 Details	Formative Reviews		
Strategy 1: Implement a one-way dual language program at Dean Highland, Alta Vista, Crestview, Provident Heights, Bell's Hill, Cedar Ridge, Kendrick, and LAMM for students in grades PK-5 for students whose first language is Spanish. **Strategy's Expected Result/Impact:** Students will become proficient in Spanish and English, becoming bi-literate **Staff Responsible for Monitoring:** Director of Bilingual/ESL	Formative		
	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Continue training with the Dual Language Institute (Gomez and Gomez), and ESC 12 to provide additional training for teachers and administrators on best practices for increasing English language proficiency, especially for dual language immersion. **Strategy's Expected Result/Impact:** Effective instructional strategies and program structures result in increased student achievement **Staff Responsible for Monitoring:** Director Bilingual/ESL **Funding Sources:** Professional Development provided by Dr. Morales from Seidlitz Education - Title III	Formative		
	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Monitor the implementation of the new ESL I and ESL II reading courses for juniors and seniors. These courses will serve students in need of intervention support for literacy. **Strategy's Expected Result/Impact:** Increased student achievement and language proficiency **Staff Responsible for Monitoring:** Director Bilingual/ESL	Formative		
	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Continue mentoring activities for Bilingual/ESL students and use feedback and connections from the English Learners Advisory Council. **Strategy's Expected Result/Impact:** Mentors provide valuable information to students on topics such as how to gain citizenship	Formative		
	Jan	May	May

and local resources, connecting students to others with similar backgrounds
Staff Responsible for Monitoring: Director of Bilingual/ESL

Funding Sources: Resources and materials for English Learners Advisory Council Meetings - Title III

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 5: Coordinate the entire instructional program, including federal resources, to support increased student achievement for all student groups.

Performance Objective 4: Systematize processes, procedures, and instructional services for Dyslexia and Section 504 to ensure state and federal compliance and increased student achievement.

Evaluation Data Sources: Number of Students Served, Student Achievement Data, Compliance with State and Federal Guidelines

Strategy 1 Details	Formative Reviews		
	Formative		
Strategy 1: Provide annual training to dyslexia staff, 504 coordinators, and campus administrators to review the updated Texas Education Agency 2021 Dyslexia Manual, which outlines screening procedures for students with indicators of possible Dyslexia or 504 needs. The new manual was released by the state in the spring of 2022.	Jan	May	May
Strategy's Expected Result/Impact: Shared understanding of Dyslexia and 504 screening protocols between district and campus leaders and teachers **Staff Responsible for Monitoring:** Director of Intervention/State and Federal Programs			

Strategy 2 Details	Formative Reviews		
	Formative		
Strategy 2: Continue to use the district's lead dyslexia teacher to monitor and coach the implementation of the Multi-sensory Teaching Approach (MTA) curriculum.	Jan	May	May
Strategy's Expected Result/Impact: Equitable instruction across all campuses **Staff Responsible for Monitoring:** Director of Intervention/State and Federal Programs			

Strategy 3 Details	Formative Reviews		
	Formative		
Strategy 3: Use the district's bilingual dyslexia specialist to increase the awareness of the bilingual, dyslexic student and assist in providing appropriate services.	Jan	May	May
Strategy's Expected Result/Impact: Bilingual, dyslexic students are identified and served **Staff Responsible for Monitoring:** Director of Intervention/State and Federal Programs			

Strategy 4 Details	Formative Reviews		
	Formative		
Strategy 4: Review the state's dyslexia rubric and make adjustments as needed in preparation for planned TEA compliance and monitoring visit.	Jan	May	May
Strategy's Expected Result/Impact: Meet TEA compliance for dyslexia **Staff Responsible for Monitoring:** Director of Intervention/State and Federal Programs			

0% No Progress 100% Accomplished Continue/Modify Discontinue

Goal 5: Coordinate the entire instructional program, including federal resources, to support increased student achievement for all student groups.

Performance Objective 5: Monitor and refine the Response to Intervention (RtI) plan to support increased student achievement.

Evaluation Data Sources: STAAR Data, Graduation Rates, Dropout Rates, Targeted Intervention Plans in Branching Minds, Local Progress Monitoring Measures

Strategy 1 Details	Formative Reviews		
Strategy 1: Partner with the City of Waco to provide tutorials as a part of the after school care program offered at community centers.	Formative		
Strategy's Expected Result/Impact: Increased student achievement **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Director of Intervention/State and Federal Programs **Funding Sources:** funding for teacher extra duty pay - ESSER II, funding for teacher extra duty pay & materials - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Continue to implement and refine the "What I Need When I Need It" (WIN) at the secondary level to provide a structured time within the master schedule for interventions and literacy support. Students will receive direct support for 20-30 minutes four days per week focusing on STAAR, TSI, and SAT prep. Day five will focus on delivering the social-emotional learning curriculum.	Formative		
Strategy's Expected Result/Impact: Increased student achievement **Staff Responsible for Monitoring:** Director of Intervention/State and Federal Programs **Funding Sources:** Branching Minds - Title 1, Reading Plus - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Continue the use of Renaissance as the district's universal screener for mathematics (through 10th grade), reading (through 8th grade), and Reading Plus for high school reading. Implement protocols for data analysis and action plans with fidelity.	Formative		
Strategy's Expected Result/Impact: Establish a base line of student achievement data to determine student progress and growth toward STAAR and measure growth over time **Staff Responsible for Monitoring:** Director of Accountability Systems and Data Analysis, Director of Intervention/State and Federal Programs **Funding Sources:** Renaissance - Title 1, Reading Plus - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Continue to use federal ESSER funding to provide additional staffing and instructional resources to support Tier II and Tier III interventions.	Formative		
Strategy's Expected Result/Impact: Increased support for students in need of interventions **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Director of Intervention/State and Federal Programs **Funding Sources:** District-wide personnel, supplies & material for intervention classrooms, furniture for intervention for seating - American Rescue Plan (ARP/ESSER III), Classroom libraries for guiding reading/literacy circles for Tier 2 interventions - ESSER II	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Continue to provide training for Tier 3 intervention programs. Monthly PLCs will be conducted with SIT teachers to ensure expectations are being met and to address instructional needs.	Formative		
Strategy's Expected Result/Impact: Intervention programs implemented with fidelity, increased student achievement **Staff Responsible for Monitoring:** Director of Student Support, Intervention and Grant Management **Funding Sources:** Warren Instructional Network/LLI Training/Do the Math Training/Neuhaus training - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 6 Details	Formative Reviews		
Strategy 6: Hold a mini-conference for the department of interventions to provide training for SIT, dyslexia and reading recovery teachers.	Formative		
Strategy's Expected Result/Impact: Increased knowledge and services for instructional interventions **Staff Responsible for Monitoring:** Director of Interventions/State and Federal Programs	Jan	May	May

Strategy 7 Details	Formative Reviews		
Strategy 7: Use local progress monitoring assessments to analyze student achievement data to determine the impact of interventions.	Formative		
Strategy's Expected Result/Impact: Increased student achievement **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Director of Interventions/State and Federal Programs **Funding Sources:** Lead4Ward Subscription for the District from Eduphoria - Title 1	Jan	May	May

Strategy 8 Details	Formative Reviews		
Strategy 8: Continue to calibrate on the selection criteria for students to be served in interventions.	Formative		
Strategy's Expected Result/Impact: Increased student achievement, clear RtI systems implemented with fidelity **Staff Responsible for Monitoring:** Director of Intervention/State and Federal Programs **Funding Sources:** Branching Minds - Title 1, Reading Plus - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 9 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 9: Implement Saturday School, extended school year, and after school interventions for students who are at risk of failing or losing academic credit due to failing grades/state assessment or truancy and attend conferences or training for additional information for research-based interventions for classrooms and funding that is available for RTI. **Strategy's Expected Result/Impact:** Recovery of academic credits **Staff Responsible for Monitoring:** Director of Intervention/State and Federal Programs **Funding Sources:** Summer School Staff Salaries - Title 1, Summer School Salaries and bus - State Compensatory Education, After school / Saturday School Accelerated Instruction - American Rescue Plan (ARP/ESSER III)			

Strategy 10 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 10: Meet House Bill 4545 compliance with the 30 hour accelerated instruction requirement for students who failed STAAR. Document instructional time in Branching Minds. **Strategy's Expected Result/Impact:** Meet TEA compliance, increased student achievement **Staff Responsible for Monitoring:** Director of Interventions/State and Federal Programs **Funding Sources:** Branching Minds - Title 1			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 5: Coordinate the entire instructional program, including federal resources, to support increased student achievement for all student groups.

Performance Objective 6: Improve district library services PK-12.

Evaluation Data Sources: Federal ESSER Budget Records, Number of Library Books by Campus, Circulation Rates, Satisfaction Surveys, Student Achievement Data in Reading

Strategy 1 Details	Formative Reviews		
Strategy 1: Influence the campus culture of reading through structured activities to emphasize reading such as participation in book clubs, strategically placing books in identified locations on the campus, bulletin boards, "what I am currently reading" tags on desks, etc.	Formative		
Strategy's Expected Result/Impact: Increased focus on reading at the campus **Staff Responsible for Monitoring:** Coordinator of Library Services	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Provide library staff with training and resources to enhance literacy programs throughout the district. Send staff and campus administrators to the Texas Library Association conference with available funds.	Formative		
Strategy's Expected Result/Impact: Improved library climate and environment to support increased library usage and student literacy **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Coordinator of Library Services **Funding Sources:** furniture - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Develop a structured Read Aloud program in campus libraries to ensure students are learning about authors and different kinds of books.	Formative		
Strategy's Expected Result/Impact: Increased levels of literacy, good reading modeled for students **Staff Responsible for Monitoring:** Coordinator of Library Services	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Engage library staff in understanding grade level content in order to support classroom teachers in identifying books to use for instruction, aligned to scope and sequence documents.	Formative		
Strategy's Expected Result/Impact: Students receive access to rich text related to content **Staff Responsible for Monitoring:** Coordinator of Library Services	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Communicate available library resources to teachers and students. **Strategy's Expected Result/Impact:** Increased use of library resources, increased student achievement **Staff Responsible for Monitoring:** Coordinator of Library Services	Formative		
	Jan	May	May

Strategy 6 Details	Formative Reviews		
Strategy 6: Continue to explore opportunities to partner with the City of Waco to enhance library services including accessing e-books and other resources, promotion of special library events, and scheduled collaboration between district and City of Waco librarians. **Strategy's Expected Result/Impact:** Shared resources and collaboration are used to enhance library services and promote reading for students PK-12 **Staff Responsible for Monitoring:** Supt., Asst. Supt. Curriculum and Instruction, Exec. Director of Technology, Coordinator of Library Services	Formative		
	Jan	May	May

Strategy 7 Details	Formative Reviews		
Strategy 7: Use ESSER II and III funding to staff all campus libraries. **Strategy's Expected Result/Impact:** Improved library services, increased circulation rates, systemic systems and processes implemented across the district **Staff Responsible for Monitoring:** Supt., Asst. Supt. Curriculum and Instruction, Chief Technology Officer, Coordinator of Library Services **Funding Sources:** Updated library books & additional seating - American Rescue Plan (ARP/ESSER III), Updated library books & additional seating - ESSER II	Formative		
	Jan	May	May

Strategy 8 Details	Formative Reviews		
Strategy 8: Use remaining federal stimulus funds to continue to add books to campus libraries. **Strategy's Expected Result/Impact:** Improve the equity and age of books across campuses, increased circulation rates, increased student achievement **Staff Responsible for Monitoring:** Supt., Asst. Supt. Curriculum and Instruction, Chief Technology Officer, Coordinator of Library Services **Funding Sources:** new library books - American Rescue Plan (ARP/ESSER III)	Formative		
	Jan	May	May

Strategy 9 Details	Formative Reviews		
Strategy 9: Develop a strategy for future budgeting (2024-2025) for book replacements and ongoing collection development. **Strategy's Expected Result/Impact:** Updated library collections **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Chief Financial Officer	Formative		
	Jan	May	May

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 5: Coordinate the entire instructional program, including federal resources, to support increased student achievement for all student groups.

Performance Objective 7: Ensure students are aware of and have an understanding of opportunities afforded them through CTE courses of study.

Evaluation Data Sources: Number of Certifications Earned, CCMR Data, Number of Students Participating in CTE Programs, Budget Reports

Strategy 1 Details	Formative Reviews		
Strategy 1: Collaborate with McLennan Community College's University Center to implement a set of P-Tech programs starting with Future Educators Academy and Future Heroes Academy to develop a pipeline of teachers and firefighters.	Formative		
Strategy's Expected Result/Impact: Increase in local workforce development for teachers and firefighters **Staff Responsible for Monitoring:** Director of CTE, Exec. Director of Secondary Education	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Identify strategies to ensure that students are completing a sequence of courses within a program of study and achieving a workforce certification.	Formative		
Strategy's Expected Result/Impact: Increase in number of certifications achieved in programs of study **Staff Responsible for Monitoring:** Director of CTE	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Communicate and market the value of workforce certifications.	Formative		
Strategy's Expected Result/Impact: Workforce certification pursuit and achievement will increase over prior year **Staff Responsible for Monitoring:** Director of CTE	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Review CTE middle school offerings and their alignment to programs of study.	Formative		
Strategy's Expected Result/Impact: Students understand and identify their preferred programs of study early to continue through high school **Staff Responsible for Monitoring:** Director of CTE	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Expand and refine transition activities for incoming ninth graders through orientation events, tours, scheduling assistance, etc.	Formative		
Strategy's Expected Result/Impact: Students identify a program of study and complete a sequence of courses as a part of a four-year plan **Staff Responsible for Monitoring:** Director of CTE	Jan	May	May

Strategy 6 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 6: Increase CTE certification passing rates by focusing on literacy strategies to improve vocabulary, reading fluency, and comprehension. **Strategy's Expected Result/Impact:** Increase in CTE certifications **Staff Responsible for Monitoring:** Director of CTE			

Strategy 7 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 7: Enhance project based learning opportunities through participation in community service projects for students in CTE Career Academies. **Strategy's Expected Result/Impact:** Increased co-curricular opportunities that can improve opportunities for employment and scholarships beyond high school **Staff Responsible for Monitoring:** Director of CTE			

Strategy 8 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 8: Build partnerships with local businesses that align with student certification pathways. **Strategy's Expected Result/Impact:** Increase student certifications, internships, and local employment opportunities **Staff Responsible for Monitoring:** Director of CTE			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 5: Coordinate the entire instructional program, including federal resources, to support increased student achievement for all student groups.

Performance Objective 8: Increase achievement for advanced learners.

Evaluation Data Sources: ACT/SAT Achievement Data, STAAR Masters Level Data, Number of Students Recognized at Special Events

Strategy 1 Details	Formative Reviews		
Strategy 1: Implement and monitor Springboard curriculum and the Waco ISD NuMinds Project Based Learning Curriculum within ATLAS. **Strategy's Expected Result/Impact:** Increased rigor of program and achievement of students in program **Staff Responsible for Monitoring:** Director of Advanced Academics	Formative		
	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Work with World Languages teachers, counselors and secondary curriculum staff to increase participation in AP Spanish and in the number of students taking the College Board assessment. Review World Language pathways from K through 12. **Strategy's Expected Result/Impact:** Increased participation in AP testing and number of Spanish speakers who participate in advanced courses **Staff Responsible for Monitoring:** Director of Advanced Academics	Formative		
	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Explore innovative instructional models for all middle school campuses including problem based learning, design thinking models, and/or other models to advance learning and higher level thinking and problem solving skills. **Strategy's Expected Result/Impact:** Identify and implement innovative instructional models to advance student achievement **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Director of Advanced Academics	Formative		
	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Develop parent involvement activities that support knowledge of opportunities and pathways for advanced/high achieving students. **Strategy's Expected Result/Impact:** Increased knowledge of choices and future opportunities for advanced learners **Staff Responsible for Monitoring:** Director of Advanced Academics	Formative		
	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Review achievement of advanced students, evaluate teacher strengths, and implement rigorous strategies in collaboration with campuses for ensuring that students meet the Masters level on STAAR and demonstrate growth annually. **Strategy's Expected Result/Impact:** Identified advanced students are achieving at the highest levels **Staff Responsible for Monitoring:** Director of Advanced Academics, Director of Accountability Systems and Data Analysis	Formative		
	Jan	May	May

Strategy 6 Details	Formative Reviews		
Strategy 6: Require Pre-Advanced and Advanced Placement teachers to attend College Board Advanced Placement Summer Institutes and other targeted professional development to deepen program content knowledge and develop instructional strategies. Develop teacher recognition program to recognize teachers with high student achievement. **Strategy's Expected Result/Impact:** Increased Advanced Placement Scores **Staff Responsible for Monitoring:** Director of Advanced Academics	Formative		
	Jan	May	May

Strategy 7 Details	Formative Reviews		
Strategy 7: Continue to implement college readiness testing for all students (i.e. the CRA 8, PSAT 9, PSAT 10, PSAT/NMSQT 11, and SAT) and other advanced testing options as well as extending the testing opportunity to others with a desire or aptitude for taking the test. **Strategy's Expected Result/Impact:** Increased number of students taking college readiness exams and increased performance **Staff Responsible for Monitoring:** Director Advanced Academics	Formative		
	Jan	May	May

Strategy 8 Details	Formative Reviews		
Strategy 8: Continue to implement a Superintendent's Scholars program for academically high-performing students in grades 5-12 based on previous STAAR and college readiness data. **Strategy's Expected Result/Impact:** Increased student interest in selecting advanced academic courses and preparing for the NMQST and/or achieving at the highest levels on college readiness exams **Staff Responsible for Monitoring:** Director of Advanced Academics	Formative		
	Jan	May	May

Strategy 9 Details	Formative Reviews		
Strategy 9: Implement an annual Principal's Scholars recognition ceremony for 4th and 5th grade and Junior Scholars ceremony for 6th and 7th grade. Continue to implement the Superintendent's Scholars award ceremony for 8th, 9th, 10th and 11th graders. **Strategy's Expected Result/Impact:** Increased awareness of opportunities for high-achieving students, increased numbers taking college entrance exams **Staff Responsible for Monitoring:** Director Advanced Academics	Formative		
	Jan	May	May

Strategy 10 Details	Formative Reviews		
Strategy 10: Continue field trips to state, HBCUs, and private universities for students identified as Superintendent Scholars. **Strategy's Expected Result/Impact:** Increased student and parent awareness regarding college admission and opportunities for strong academic achievers **Staff Responsible for Monitoring:** Director of Advanced Academics	Formative		
	Jan	May	May

Strategy 11 Details	Formative Reviews		
	Formative		
Strategy 11: Plan webinars and in-person college panels with top tier universities such as Stanford and Harvard for students identified as Superintendent Scholars. **Strategy's Expected Result/Impact:** Increased student and parent awareness regarding significance of college entrance exams and opportunities available to high achievers **Staff Responsible for Monitoring:** Director of Advanced Academics	Jan	May	May

Strategy 12 Details	Formative Reviews		
	Formative		
Strategy 12: Continue to include recognition for high achievement on the PSAT and SAT at the Academic Achievers event. **Strategy's Expected Result/Impact:** Students begin to focus on college entrance exam preparation in addition to GPA **Staff Responsible for Monitoring:** Director of Advanced Academics **Funding Sources:** Superintendent Scholars - Title IV	Jan	May	May

Strategy 13 Details	Formative Reviews		
	Formative		
Strategy 13: Evaluate the AVID program state for campuses and build a common framework and system for the district. **Strategy's Expected Result/Impact:** Strengthen the AVID program in order to support at-risk students **Staff Responsible for Monitoring:** Director of Advanced Academics	Jan	May	May

No Progress


Accomplished

Continue/Modify

Discontinue

Goal 5: Coordinate the entire instructional program, including federal resources, to support increased student achievement for all student groups.

Performance Objective 9: Continue to systematize processes, procedures, and instructional services for students identified as Gifted and Talented to ensure state and federal compliance and increased student achievement.

Evaluation Data Sources: Project GT, STAAR Masters Level Data, Number of Students Identified

Strategy 1 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 1: Continue to build capacity among the GT Enrichment Teachers to proctor GT testing, provide professional development, and interact on a more professional level within each campus that they serve. **Strategy's Expected Result/Impact:** GT Enrichment teachers will be better able to support campuses because they will be aware of and involved in the work of GT **Staff Responsible for Monitoring:** Director of Advanced Academics, Advanced Academics Coordinator			

0% No Progress | 100% Accomplished | Continue/Modify | Discontinue

Goal 6: Create and sustain safe and supportive learning environments.

Performance Objective 1: Implement strategies that affirm the district's commitment to racial equity.

Evaluation Data Sources: Professional Development descriptions, Conference Registrations, Meeting Minutes

Strategy 1 Details	Formative Reviews		
Strategy 1: Complete equity assessment.	Formative		
Strategy's Expected Result/Impact: Identification and correction of system inequities impacting student engagement and performance **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support **Funding Sources:** - American Rescue Plan (ARP/ESSER III) - $88,000	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Expand the district's Committee on Race Equity (CORE) to explore strategies for identifying and addressing system inequities.	Formative		
Strategy's Expected Result/Impact: Greater participation in the identification of system inequities as identified in the equity assessment **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Identify and implement training opportunities and activities including book studies and partnerships to increase knowledge and skills about race equity.	Formative		
Strategy's Expected Result/Impact: Deeper understanding of race equity and enhanced ability to identify and dismantle systemic inequities **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Exec. Director Professional Development	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Review hiring and recruitment practices.	Formative		
Strategy's Expected Result/Impact: TAPR data indicates improved racial equity in relation to student demographics **Staff Responsible for Monitoring:** Asst. Supt. Human Resources, Asst. Supt. Student Services and Support	Jan	May	May

No Progress


Accomplished

Continue/Modify

Discontinue

Goal 6: Create and sustain safe and supportive learning environments.

Performance Objective 2: Implement strategies to support the safety and well-being of students.

Evaluation Data Sources: Training Sign-In Sheets, Number and Type of Anonymous Reports, Professional Development Calendar

Strategy 1 Details	Formative Reviews		
Strategy 1: Comply with new state safety and reporting requirements, ensuring the Emergency Operations Plan is updated annually and meets state criteria. **Strategy's Expected Result/Impact:** New safety requirements implemented, EOP is in compliance with state requirements, procedures clearly communicated across district **Staff Responsible for Monitoring:** Exec. Director Student Services	Formative		
	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Purchase and implement an emergency software system to support the documentation of drills, intruder assessments, threat assessment and reunification processes. **Strategy's Expected Result/Impact:** Greater efficiency in the implementation of best practices to support safety **Staff Responsible for Monitoring:** Exec. Director Student Services	Formative		
	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Using federal ESSER funding, implement a retention bonus plan for School Resource Officers. **Strategy's Expected Result/Impact:** Retention of School Resource Officers **Staff Responsible for Monitoring:** Asst. Supt. for Human Resources	Formative		
	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Submit a grant to the Texas Education Agency to provide additional equipment for school resource officers. **Strategy's Expected Result/Impact:** Equipment available to support emergency events **Staff Responsible for Monitoring:** Deputy Supt., Chief of Police	Formative		
	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Expand the use of the Stop It anonymous reporting system for students, parents, and/or others to report incidents of bullying or other unsafe behaviors. Ensure the program is widely communicated. **Strategy's Expected Result/Impact:** Anonymous reporting system used to support school safety **Staff Responsible for Monitoring:** Exec. Director Student Services, Exec. Director Communications, Principals	Formative		
	Jan	May	May

Strategy 6 Details	Formative Reviews		
Strategy 6: Continue implementation of processes for the use of campus threat assessment teams. Continue the use federal stimulus funds to support a Threat Assessment Specialist to implement processes and systems for compliance with SB 11. **Strategy's Expected Result/Impact:** Threat assessment teams implemented with fidelity at all campuses **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Exec. Director Student Services **Funding Sources:** - American Rescue Plan (ARP/ESSER III)	Formative		
	Jan	May	May

Strategy 7 Details	Formative Reviews		
Strategy 7: Continue to use federal stimulus funds to support two social worker transitional specialists at G.L. Wiley to ensure compliance with legislative mandates for transition plans. **Strategy's Expected Result/Impact:** Students effectively transition from DAEP placement back to home campus **Staff Responsible for Monitoring:** Exec. Director of Student Services **Funding Sources:** Funding for salary of transition specialist - ESSER II	Formative		
	Jan	May	May

Strategy 8 Details	Formative Reviews		
Strategy 8: Conduct regular district safety committee meetings to review processes, systems and training. **Strategy's Expected Result/Impact:** Improved school safety **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Exec. Director Student Services	Formative		
	Jan	May	May

Strategy 9 Details	Formative Reviews		
Strategy 9: 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. **Strategy's Expected Result/Impact:** Consistent research-based protocol to support student well-being **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support **Funding Sources:** - Title IV	Formative		
	Jan	May	May

Strategy 10 Details	Formative Reviews		
Strategy 10: Continue the use of Care Solace to provide online case management and timely access to mental health support for students and staff. **Strategy's Expected Result/Impact:** Increased student and staff engagement and attendance **Staff Responsible for Monitoring:** Exec. Director Student Support **Funding Sources:** - Title IV	Formative		
	Jan	May	May

Strategy 11 Details	Formative Reviews		
Strategy 11: Continue Klaras support at Waco High School to provide direct mental health services to identified students.	Formative		
Strategy's Expected Result/Impact: Increased student engagement and attendance **Staff Responsible for Monitoring:** Exec. Director Student Support **Funding Sources:** - Title IV - $15,000	Jan	May	May

Strategy 12 Details	Formative Reviews		
Strategy 12: 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.	Formative		
Strategy's Expected Result/Impact: Improved student well-being **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support	Jan	May	May

Strategy 13 Details	Formative Reviews		
Strategy 13: Update Board Policy FFH to include SB 9 guidelines regarding student welfare issues including dating violence prevention, reporting procedures, parent notifications and guidelines for victims, sexual harassment, retaliation, human trafficking, and age-appropriate educational materials.	Formative		
Strategy's Expected Result/Impact: Processes and procedures are clear and ensure student safety **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Asst. Supt. Curriculum and Instruction	Jan	May	May

Strategy 14 Details	Formative Reviews		
Strategy 14: Implement the Unbound anti-trafficking curriculum.	Formative		
Strategy's Expected Result/Impact: Increase student knowledge and safety **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction	Jan	May	May

Strategy 15 Details	Formative Reviews		
Strategy 15: Convene a focus group to review the district's student dress code policy and make recommendations.	Formative		
Strategy's Expected Result/Impact: Dress code is fair and equitable **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support	Jan	May	May

0% No Progress 100% Accomplished Continue/Modify Discontinue

Goal 6: Create and sustain safe and supportive learning environments.

Performance Objective 3: Implement Social-Emotional Learning (SEL) strategies as a district-wide initiative.

Evaluation Data Sources: Professional Development Sign-In Sheets, Conference Registrations, Meeting Minutes of Principal Meetings, Stimulus Funding Budgets

Strategy 1 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 1: Provide professional development and coaching to campuses to implement the new social-emotional learning (SEL) curriculum. Campuses in Cohort I will begin participation in 2022-2023. All other campuses will begin implementation in 2023-2024. **Strategy's Expected Result/Impact:** Decrease in achievement gap between student groups, district alignment of SEL strategies **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Exec. Director Student Support **Funding Sources:** - American Rescue Plan (ARP/ESSER III)			

Strategy 2 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 2: Continue the use of Title IV and federal ESSER funds to employ two SEL/Counseling Coordinators. **Strategy's Expected Result/Impact:** Coordinated effort to facilitate the alignment of SEL strategies **Staff Responsible for Monitoring:** Exec. Director Student Support **Funding Sources:** SEL Coordinator - American Rescue Plan (ARP/ESSER III), SEL Coordinator - Title IV			

Strategy 3 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 3: Continue to identify strategies to support the social-emotional health of employees. **Strategy's Expected Result/Impact:** Improved well-being of district employees; increased employee retention rate **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Asst. Supt. Human Resources, Exec. Director Student Support			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 6: Create and sustain safe and supportive learning environments.

Performance Objective 4: Evaluate effectiveness of behavior intervention programs across the district and make necessary adjustments to ensure equity and student success.

Evaluation Data Sources: Student Discipline Records, Climate Surveys, Job Descriptions, Branching Minds entries

Strategy 1 Details	Formative Reviews		
Strategy 1: Conduct a five-day new teacher Behavior Boot Camp to equip new teachers with strategies and procedures contributing to a safe, inclusive learning environment.	Formative		
Strategy's Expected Result/Impact: Increased student engagement and attendance, fewer disciplinary referrals **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Ex. Director Student Support **Funding Sources:** - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Conduct a Behavior Academy for campus leadership teams to develop or strengthen campus systems promoting safe, responsible and respectful student behaviors.	Formative		
Strategy's Expected Result/Impact: Increased student engagement, attendance and performance **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Ex. Director Student Support **Funding Sources:** - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Use ESSER funding to send regular and special education teachers to Texas Tech University to get a master's degree in Applied Behavioral Analysis (ABA) in order to better serve students with severe behavioral needs.	Formative		
Strategy's Expected Result/Impact: Develop specialists to support student behavior **Staff Responsible for Monitoring:** Exec. Director Special Education, Asst. Supt. Student Services and Support **Funding Sources:** - ESSER II	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Align counseling program to reflect Texas Model for Comprehensive School Counseling program to ensure 80% of counselor work time is spent on duties tied to the four components, which will lead to improved student performance.	Formative		
Strategy's Expected Result/Impact: Improvement of student achievement for all groups, consistent core practices demonstrated on all campuses **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Executive Director Student Support **Funding Sources:** - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Continue to refine district plans to provide a coherent, multi-tiered system of supports for behavior, using an instructional approach that develops teacher capacity to address unregulated behaviors.	Formative		
Strategy's Expected Result/Impact: All students in need of behavior supports will have an active plan in the district RTI/MTSS system; evidence for each campus will include accurately tiered students with active behavior plans in Branching Minds, up-to-date progress monitoring, and teacher/staff notes **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Exec. Director of Special Education **Funding Sources:** Branching Minds - Title 1	Jan	May	May

Strategy 6 Details	Formative Reviews		
Strategy 6: Develop graphic organizer to accurately depict the district's multi-tiered system of support for behavior.	Formative		
Strategy's Expected Result/Impact: Graphic organizer depicting intervention structure, professional development initiatives around behavior intervention, grade levels of interventions, current staffing, and alternative programs when behavior interventions are not producing desired results **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Executive Director Student Support	Jan	May	May

Strategy 7 Details	Formative Reviews		
Strategy 7: Continue use of the universal behavior screener district-wide.	Formative		
Strategy's Expected Result/Impact: Use specific criteria to identify students who need specialized behavioral support **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support **Funding Sources:** - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 8 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 8: Use Title IV funds to provide social work interns at Waco High School through Baylor University's BEAR Project to implement training and support to teachers on how to identify and address unregulated behavior. As a part of the project, students will be taught self-regulation strategies. **Strategy's Expected Result/Impact:** Decreased disciplinary placements (ISS/OSS) **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support **Funding Sources:** - Title IV			

Strategy 9 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 9: Evaluate the use of behavior aides and professionals across the district and make recommendations to ensure the effective use of staff. **Strategy's Expected Result/Impact:** Effective use of behavior support staff to positively impact student behavior and welfare **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Asst. Supt. Human Resources			

Strategy 10 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 10: Support the behavioral leadership team on each campus in assessing and improving Positive Behavioral Interventions and Support (PBIS) using the Tiered Fidelity Inventory (TFI) and other relevant data. **Strategy's Expected Result/Impact:** Each campus will have an up-to-date action plan tied directly to the TFI and other campus-generated data **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support **Funding Sources:** Safe and Civil Schools - Title IV			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 7: Evaluate, develop and/or refine district processes and systems.

Performance Objective 1: Increase student attendance.

Evaluation Data Sources: Attendance Data, STAAR Data

Strategy 1 Details	Formative Reviews		
Strategy 1: Use federal stimulus funding to hire a Director of Student Attendance and Outreach Services to oversee the district's attendance and truancy programs.	Formative		
Strategy's Expected Result/Impact: Increased student attendance, increased student achievement **Staff Responsible for Monitoring:** Asst. Supt. Student Services and Support, Exec. Director Student Services	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Develop and communicate a flowchart of the district's response to chronic attendance issues to clearly identify action steps for response and intervention to chronic absenteeism.	Formative		
Strategy's Expected Result/Impact: Clear delineation of roles and responsibilities for addressing student absenteeism **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Review, refine and communicate the job title and responsibilities of the Parent Campus Liaisons (PCLs) to ensure focus of effort across the district.	Formative		
Strategy's Expected Result/Impact: PCL roles are clearly communicated, increased student attendance **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Using federal stimulus funds, provide each campus with an allocation for student attendance incentives. Monitor expenditures and discuss strategy with each campus principal.	Formative		
Strategy's Expected Result/Impact: Incentives promote improved student attendance rates **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Track student attendance data and review with principals at monthly meetings.	Formative		
Strategy's Expected Result/Impact: Increased focus on student attendance **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services	Jan	May	May

Strategy 6 Details	Formative Reviews		
Strategy 6: Require each campus to create and implement an attendance campaign including a slogan for 2022-2023. **Strategy's Expected Result/Impact:** Creating proactive measures and incentives for students to come to school **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services, Exec. Director for Student Services	Formative		
	Jan	May	May

Strategy 7 Details	Formative Reviews		
Strategy 7: Ensure that all campuses have an active Attendance Review Committee that meets monthly. **Strategy's Expected Result/Impact:** Plan proactive measures for increasing attendance and identify students that are chronically absent **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services, Exec. Director for Student Services	Formative		
	Jan	May	May

Strategy 8 Details	Formative Reviews		
Strategy 8: Identify and monitor students who are chronically absent. Identify root causes of absenteeism and develop an individualized plan for each student with chronic absenteeism. **Strategy's Expected Result/Impact:** Decrease the number of students who are chronically absent **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services, Exec. Director for Student Services	Formative		
	Jan	May	May

Strategy 9 Details	Formative Reviews		
Strategy 9: Explore and implement professional development activities to increase teacher knowledge and skills to impact chronic absenteeism including Jessica Sprick's Teacher's Guide to Tackling Tough Attendance Challenges. **Strategy's Expected Result/Impact:** Schoolwide focus on increasing student attendance **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services	Formative		
	Jan	May	May

Strategy 10 Details	Formative Reviews		
Strategy 10: Identify and implement strategies to educate parents on the importance of attendance. **Strategy's Expected Result/Impact:** Increased student attendance **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services	Formative		
	Jan	May	May

Strategy 11 Details	Formative Reviews		
Strategy 11: Attend meetings of the North Texas Attendance Collaborative Team (NTACT) to hear ideas regarding ways that other districts are tackling attendance problems. **Strategy's Expected Result/Impact:** Innovative ideas for addressing attendance issues emerge **Staff Responsible for Monitoring:** Director of Student Attendance and Outreach Services	Formative		
	Jan	May	May

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 7: Evaluate, develop and/or refine district processes and systems.

Performance Objective 2: Continue to increase staff knowledge and skills to support improved processes and use of student management software (Frontline) for online student registration, enrollment verification, attendance and secondary course selection.

Evaluation Data Sources: Streamlined Online Processes for Student Registration, Enrollment Verification, Attendance and Secondary Course Selection

Strategy 1 Details	Formative Reviews		
Strategy 1: Implement and develop training plans for best practices for student management and business information software system. **Strategy's Expected Result/Impact:** System used fully to support district operations **Staff Responsible for Monitoring:** Director of PEIMS, Chief Technology Officer, Asst. Supt. Finance and Operations	Formative		
	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Conduct weekly meetings to review leaver coding for high schools to ensure accurate dropout rate data. **Strategy's Expected Result/Impact:** Accurate coding and development of plans to contact students **Staff Responsible for Monitoring:** Director of Accountability Systems and Data Analysis	Formative		
	Jan	May	May

0% No Progress 100% Accomplished Continue/Modify Discontinue

Goal 7: Evaluate, develop and/or refine district processes and systems.

Performance Objective 3: Improve district and campus websites.

Evaluation Data Sources: Information on Websites, Analytics on Website Access and Use

Strategy 1 Details	Formative Reviews		
Strategy 1: Train campus and department webmasters in content management system, website accessibility, and district expectations.	Formative		
Strategy's Expected Result/Impact: Updated, accessible websites **Staff Responsible for Monitoring:** Exec. Director of Communications	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Remove outdated content from district and campus websites.	Formative		
Strategy's Expected Result/Impact: Updated information provided on district and campus websites **Staff Responsible for Monitoring:** Exec. Director of Communications	Jan	May	May

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 8: Build capacity for school leadership.

Performance Objective 1: Develop campus and district capacity to serve student needs while working as a team to advance the goals of the district.

Evaluation Data Sources: Student Achievement Data, Culture and Climate Survey Data

Strategy 1 Details	Formative Reviews		
Strategy 1: Contract with ESC 12 to facilitate a six-day "Lead Like a Champion" leadership academy for new campus leaders.	Formative		
Strategy's Expected Result/Impact: New campus leaders are prepared for the challenges of the principal-ship **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Contract with ESC 12 to provide training for all campus leaders on planning for the development of structures to support student culture and campus routines. Leaders will leave the training with a visioning plan for establishing and implementing campus routines.	Formative		
Strategy's Expected Result/Impact: Improved campus systems and structures to support a positive student culture and clear campus routines **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Continue to participate in the Holdsworth Center's Leadership Pipeline Development program.	Formative		
Strategy's Expected Result/Impact: District leadership capacity developed through a 18-month program **Staff Responsible for Monitoring:** Supt., Deputy Supt., Asst. Supt. Curriculum and Instruction **Funding Sources:** Travel and Registration - ESSER II	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Deliver an annual orientation program for new school leaders.	Formative		
Strategy's Expected Result/Impact: New campus principals and assistant principals are oriented to tools, processes and systems to ensure a smooth start in leadership role and understand who to call for help in district as needed by program/department area **Staff Responsible for Monitoring:** Deputy Supt., Exec. Director Professional Development	Jan	May	May

Strategy 5 Details	Formative Reviews		
Strategy 5: Facilitate annual retreat with school and district leaders to launch the 2022-2023 school year with a focus on leadership skill development.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Deepen leadership skills while focusing on the strategic plan for 2022-2023 **Staff Responsible for Monitoring:** Supt., Deputy Supt. **Funding Sources:** - American Rescue Plan (ARP/ESSER III)			

Strategy 6 Details	Formative Reviews		
Strategy 6: Provide monthly targeted, real-time leadership training to support campus principals.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Increased knowledge of inter-rater reliability and calibration of teacher evaluations **Staff Responsible for Monitoring:** Deputy Supt., Asst. Supt. Curriculum and Instruction, Asst. Supt. Human Resources, Asst. Supt. Student Services and Support			

Strategy 7 Details	Formative Reviews		
Strategy 7: Develop systems for campus leadership teams to track and respond to campus level data related to data-driven instruction and action coaching.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Increased student achievement and increased observation and feedback resulting in improved Tier I instruction **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development			

Strategy 8 Details	Formative Reviews		
Strategy 8: Provide summer book study opportunities for district and campus leaders. Books for summer 2023 will include Atlas of the Heart, the Power of Flexing, Zconomy, and Trust and Inspire.	Formative		
	Jan	May	May
Strategy's Expected Result/Impact: Leaders increase knowledge of research-based strategies for topics such as high-yield instructional strategies for students from poverty, school culture, literacy knowledge, systems approaches, and leadership **Staff Responsible for Monitoring:** Supt., Deputy Supt. **Funding Sources:** - Title 1, - State Compensatory Education, - American Rescue Plan (ARP/ESSER III)			

Strategy 9 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 9: Prioritize professional learning conferences for campus leaders including University of Texas Human Dimensions of Organizations (HDO) Leadership Certificate Programs, Stanford University and University of Texas Design Thinking Institutes, Momentous Institute, CASEL, Safe and Civil Schools, Texas Association of Behavior Specialists, Texas Library Association, and writing training at the Teacher's College. **Strategy's Expected Result/Impact:** Leaders develop in-depth leadership skills in racial equity, problem solving, social-emotional learning, and behavior **Staff Responsible for Monitoring:** Supt., Deputy Supt., Asst. Supt. Curriculum and Instruction, Asst. Supt. Student Services and Support, Exec. Director Curriculum and Professional Development **Funding Sources:** Travel and Registration - American Rescue Plan (ARP/ESSER III), Travel and Registration - ESSER II			

Strategy 10 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 10: Continue master schedule training for new secondary administrators and support those previously trained with implementation support. **Strategy's Expected Result/Impact:** Secondary campus administrators will exit training with clearer understanding of steps to create a master schedule based on student needs and requests **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director Curriculum and Professional Development			

Strategy 11 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 11: Strengthen instructional leadership capacity of campus instructional specialists through monthly targeted professional development based on district patterns and trends. **Strategy's Expected Result/Impact:** Increased student achievement, increased teacher effectiveness **Staff Responsible for Monitoring:** Asst. Supt. Curriculum and Instruction, Exec. Director of Curriculum and Professional Development			

Strategy 12 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 12: Strengthen the leadership capacity of campus instructional specialists with monthly "just in time" professional development as well as implementation support to strengthen personal leadership, change management, and soft skills. **Strategy's Expected Result/Impact:** Increased understanding, execution, and feedback anchored in evidence-based research and practices **Staff Responsible for Monitoring:** Curriculum and Instruction Executive Directors, Directors, and Coordinators, Exec. Director of Student Support, Principals			

No Progress


Accomplished

Continue/Modify

Discontinue

Goal 8: Build capacity for school leadership.

Performance Objective 2: Develop capacity of aspiring leaders to build a pipeline for succession planning.

Evaluation Data Sources: PD evaluation surveys, number of internal candidates in the eligible hiring pool, number of aspiring leaders hired for school and/or district leadership roles

Strategy 1 Details	Formative Reviews		
Strategy 1: Develop and implement plans for year 3 of the district's Aspiring Leaders program to deepen the understanding for systems thinking and leadership competencies.	Formative		
Strategy's Expected Result/Impact: Increase the pipeline of prepared assistant principals **Staff Responsible for Monitoring:** Deputy Supt., Exec. Director Professional Development	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Sustain and extend the District's Aspiring Leaders Academy to develop aspiring assistant principals and principals.	Formative		
Strategy's Expected Result/Impact: Develop a high quality pool of candidates for school leadership roles **Staff Responsible for Monitoring:** Deputy Supt., Exec. Director Professional Development	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Implement the roll-out plan, including professional development for integration of the District's Leadership Definition across departments and campuses.	Formative		
Strategy's Expected Result/Impact: Full implementation of the leadership definition framework across the district to strengthen leadership practices and processes **Staff Responsible for Monitoring:** Deputy Supt., Asst. Supt. for Curriculum and Instruction	Jan	May	May

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 9: Provide technology to support teaching and learning initiatives and support district operations.

Performance Objective 1: Maintain and update the district's technology systems and infrastructure.

Evaluation Data Sources: Budget Records, Replacement Cycle Plan, WAN Usage, e-Rate plan, Technology Organizational Chart

Strategy 1 Details	Formative Reviews		
Strategy 1: Use federal stimulus funding to add additional external wireless access points at Mountainview Elementary and Brazos High School to provide increased bandwidth.	Formative		
Strategy's Expected Result/Impact: Provide external internet connectivity at two locations to provide equity for learning **Staff Responsible for Monitoring:** Chief Technology Officer **Funding Sources:** - American Rescue Plan (ARP/ESSER III), T mobile hot spots - ESSER II	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Continue to ensure proper systems and processes are in place to provide security support through video surveillance and campus access including security alarms, card readers, training for staff, and updated equipment and software.	Formative		
Strategy's Expected Result/Impact: Enhanced school safety **Staff Responsible for Monitoring:** Chief Technology Officer, Chief of Police, Chief of Facilities and Maintenance **Funding Sources:** - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Increase utilization of Google Suites platform to systematize and improve district processes including the use of Google Meet, Google Classroom, and Email Security.	Formative		
Strategy's Expected Result/Impact: Systems work together effectively to increase efficiency and control of data and sharing **Staff Responsible for Monitoring:** Chief Technology Officer **Funding Sources:** Google PD - Title IV	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Annually review and update the District's Cybersecurity plan to meet legislative compliance for student safety, security, and privacy.	Formative		
Strategy's Expected Result/Impact: Compliance with legislative requirements, security of district resources and systems **Staff Responsible for Monitoring:** Chief Technology Officer	Jan	May	May

Strategy 5 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 5: Continue contract for expert assistance for e-Rate services as needed to ensure proper filings in order to maximize funding to support technology needs. **Strategy's Expected Result/Impact:** e-Rate plan submitted in a timely manner and fully funded without delays, federal guidelines followed **Staff Responsible for Monitoring:** Chief Technology Officer			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 9: Provide technology to support teaching and learning initiatives and support district operations.

Performance Objective 2: Use technology to support teaching and learning initiatives.

Evaluation Data Sources: Student Achievement Data, e-Rate Reports, Budget Records, Surveys, Stimulus Budgets

Strategy 1 Details	Formative Reviews		
Strategy 1: Increase teacher knowledge and skills regarding the use of the district's digital learning management systems (Canvas and SeeSaw) to support instruction.	Formative		
Strategy's Expected Result/Impact: High-quality instruction is delivered using a variety of instructional tools including district learning management systems (Canvas and SeeSaw) **Staff Responsible for Monitoring:** Chief Technology Officer, Exec. Director of Professional Development **Funding Sources:** Canvas Plat form & Canvas and Seesaw PD - Title IV	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Continue to provide high-quality, on demand training for teachers to support digital learning and effective instructional strategies for 1:1 learning environments.	Formative		
Strategy's Expected Result/Impact: Increased teacher knowledge and skills of effective digital, online instruction **Staff Responsible for Monitoring:** Chief Technology Officer **Funding Sources:** - Title IV, - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Use a Technology Advisory Committee to update the District's Technology Plan.	Formative		
Strategy's Expected Result/Impact: Updated Technology Plan, minimum technology standard implemented across all classrooms **Staff Responsible for Monitoring:** Chief Technology Officer, Asst. Supt. Curriculum and Instruction	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Use stimulus funds (ARP/Emergency Connectivity Fund/ERATE) to maintain and upgrade the district's technology infrastructure to support increased student achievement and ensure the district is prepared to meet online state testing requirements.	Formative		
Strategy's Expected Result/Impact: Improve district technology and district replacement cycle is implemented **Staff Responsible for Monitoring:** Chief Technology Officer, Asst. Supt. Finance **Funding Sources:** Student/Faculty Devices - American Rescue Plan (ARP/ESSER III)	Jan	May	May

Strategy 5 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 5: Evaluate the scope of coverage performed by WISD-TV to determine continued desired focus and use. Discuss any changes with the City of Waco. **Strategy's Expected Result/Impact:** Effective and efficient use of district resources **Staff Responsible for Monitoring:** Chief Technology Officer, Exec. Director Technology, Chief of Staff			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 10: Ensure well-maintained, quality teaching and learning spaces.

Performance Objective 1: Implement the Long-Range Facilities Master Plan.

Evaluation Data Sources: Board Meeting Minutes, Citizens Planning Committee Meeting Minutes, Architectural Plans

Summative Evaluation: Met Objective

Strategy 1 Details	Formative Reviews		
Strategy 1: Accept bids for the construction of Tennyson Middle School. Select contractor prior to January 2023.	Formative		
Strategy's Expected Result/Impact: Tennyson project in budget, construction begins on time for the school to be completed by the fall of 2024	Jan	May	May
Staff Responsible for Monitoring: Chief of Facilities and Operations, Assistant Director of Construction			

Strategy 2 Details	Formative Reviews		
Strategy 2: Provide oversight of the G.W. Carver, Waco High School and Tennyson Construction projects.	Formative		
Strategy's Expected Result/Impact: Projects completed on time and in budget	Jan	May	May
Staff Responsible for Monitoring: Chief of Facilities and Operations, Assistant Director of Construction			

Strategy 3 Details	Formative Reviews		
Strategy 3: Recommend Guaranteed Maximum Price (GMP) packages for Waco High School and begin construction of Phase I.	Formative		
Strategy's Expected Result/Impact: Planning with architects and contractors results in best pricing for Waco High School	Jan	May	May
Staff Responsible for Monitoring: Supt., Chief of Facilities and Operations			

Strategy 4 Details	Formative Reviews		
Strategy 4: Work with architects to plan and design the new Kendrick Elementary and renovations to South Waco.	Formative		
Strategy's Expected Result/Impact: Design and construction completed on time and within budget	Jan	May	May
Staff Responsible for Monitoring: Supt., Chief of Facilities and Operations			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 10: Ensure well-maintained, quality teaching and learning spaces.

Performance Objective 2: Identify, plan and implement district facilities projects.

Evaluation Data Sources: Budget Records, Planning Documents, Board Meeting Minutes

Summative Evaluation: Met Objective

Strategy 1 Details	Formative Reviews		
Strategy 1: Use ESSER funding to identify and implement HVAC upgrade projects up to $5,000,000.	Formative		
Strategy's Expected Result/Impact: Federal stimulus funding used to improve campus HVAC systems **Staff Responsible for Monitoring:** Supt., Chief Financial Officer **Funding Sources:** HVAC - American Rescue Plan (ARP/ESSER III), HVAC - ESSER II	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Contract for a roofing assessment to prioritize replacement projects.	Formative		
Strategy's Expected Result/Impact: Improve existing facility roofs and the learning environment **Staff Responsible for Monitoring:** Chief of Facilities & Operations, Director of Maintenance	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Continue to evaluate the district's overall number of portables and discontinue leases on existing portables.	Formative		
Strategy's Expected Result/Impact: Strategically utilize leased portables and reduce usage of portables district wide **Staff Responsible for Monitoring:** Supt., Chief of Facilities & Operations, Director of Maintenance	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Maintain an updated Capital Projects Plan to identify large construction projects to be completed as funds become available.	Formative		
Strategy's Expected Result/Impact: Capital Projects Plan available for the Board to review when funding is available for projects and/or there is a bond program **Staff Responsible for Monitoring:** Supt., Chief of Facilities & Operations	Jan	May	May

Strategy 5 Details	Formative Reviews		
	Formative		
	Jan	May	May
Strategy 5: Provide an annual furniture replacement budget to update classroom furniture across the district. **Strategy's Expected Result/Impact:** School furniture replacement cycle implemented to ensure optimal learning for students **Staff Responsible for Monitoring:** Supt., Asst. Supt. Finance and Operations, Director of Maintenance **Funding Sources:** - American Rescue Plan (ARP/ESSER III)			

 No Progress  Accomplished  Continue/Modify  Discontinue

Goal 10: Ensure well-maintained, quality teaching and learning spaces.

Performance Objective 3: Ensure efficient and effective maintenance, custodial, grounds, warehouse, transportation and child nutrition departments.

Evaluation Data Sources: Five-Year Maintenance Plan, Budget Records, Program Reviews

Strategy 1 Details	Formative Reviews		
Strategy 1: Improve processes and procedures related to transportation of students including upgrading routing software, onboard cameras and rider management software.	Formative		
Strategy's Expected Result/Impact: On-time, reliable service for our students and community, improved morale for bus drivers and staff **Staff Responsible for Monitoring:** Chief Officer of Facilities & Operations	Jan	May	May

Strategy 2 Details	Formative Reviews		
Strategy 2: Contract with the Texas Association of School Business Officials for an analysis of the custodial department.	Formative		
Strategy's Expected Result/Impact: Recommendations for improvement identified and implemented **Staff Responsible for Monitoring:** Director of Maintenance	Jan	May	May

Strategy 3 Details	Formative Reviews		
Strategy 3: Complete the Child Nutrition Services freezer project.	Formative		
Strategy's Expected Result/Impact: Increase storage space for food products and USDA commodities, allowing for more immediate access to products to be provided to campuses **Staff Responsible for Monitoring:** Director of Child Nutrition Services, Asst. Supt. Finance and Operations, Director of Maintenance	Jan	May	May

Strategy 4 Details	Formative Reviews		
Strategy 4: Dedicate Child Nutrition fund balances to purchase new equipment to support new menu initiatives, product storage, cooking initiatives and program efficiencies to provide new offerings to students and increase participation.	Formative		
Strategy's Expected Result/Impact: Upgrades serving lines increase participation and student and staff satisfaction **Staff Responsible for Monitoring:** Director of Child Nutrition Services, Chief Financial Officer	Jan	May	May

 No Progress  Accomplished  Continue/Modify  Discontinue

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: September 29, 2022 **Contact Person**: Denise Bell

RE: Review and Discuss Comparative Accountability Data

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Background Information:

At the August 25, 2022, Regular meeting, the 2022 accountability ratings were reviewed. Waco ISD has eight B, six C, and three Not Rated campuses. 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 grades 4 through End-of-Course exams. Overall, Waco ISD earned a C rating, down from a B in 2019. This drop resulted from a lower College, Career, and Military Readiness (CCMR) score.

This month the Board will review and discuss comparative accountability data from Waco ISD and nine other districts within the region. Waco ISD's demographic data is unique in the region in terms of size and demographics.

Fiscal Implications:

Not Applicable

Administrative Recommendation(s):

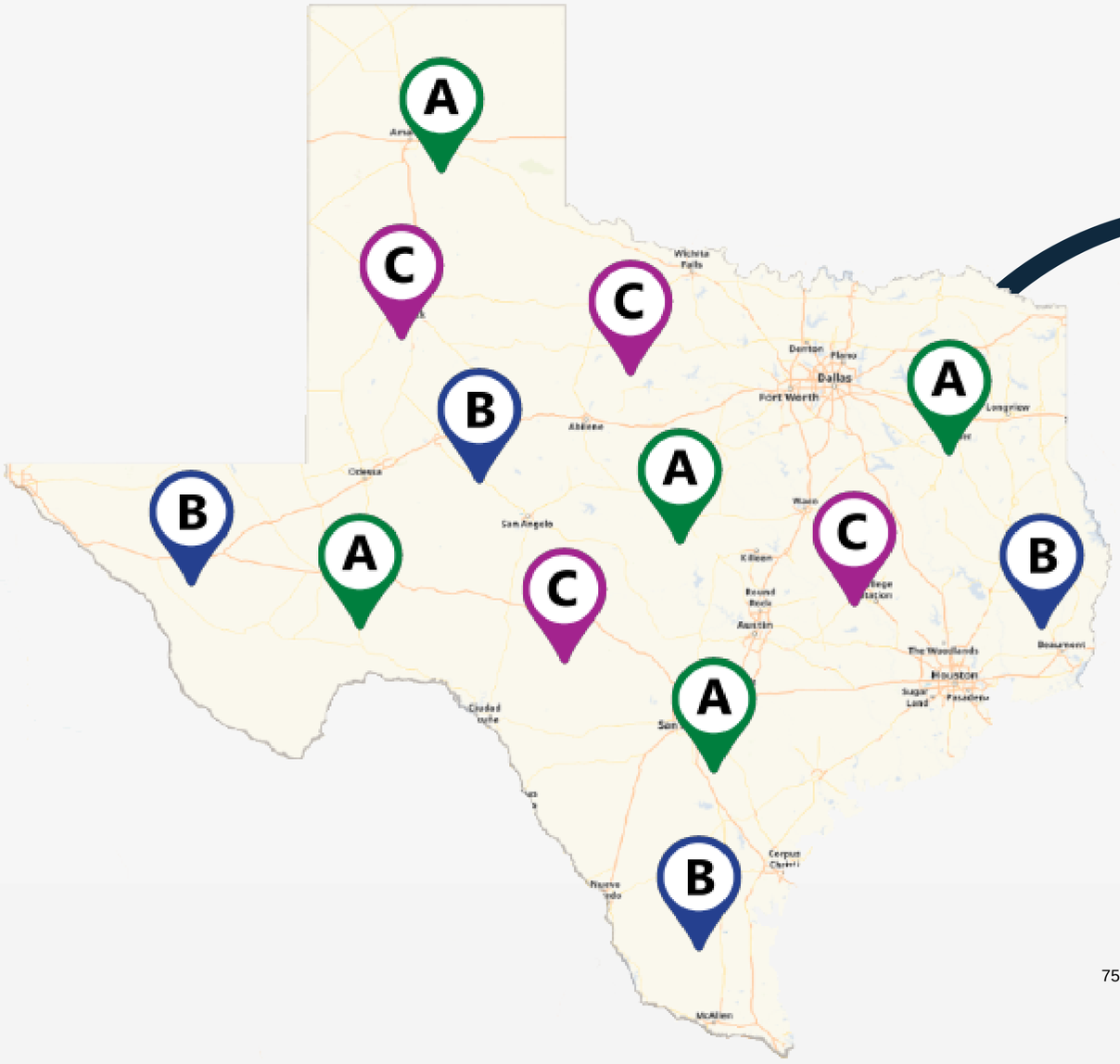
Report Only

2022

Comparative Accountability Data

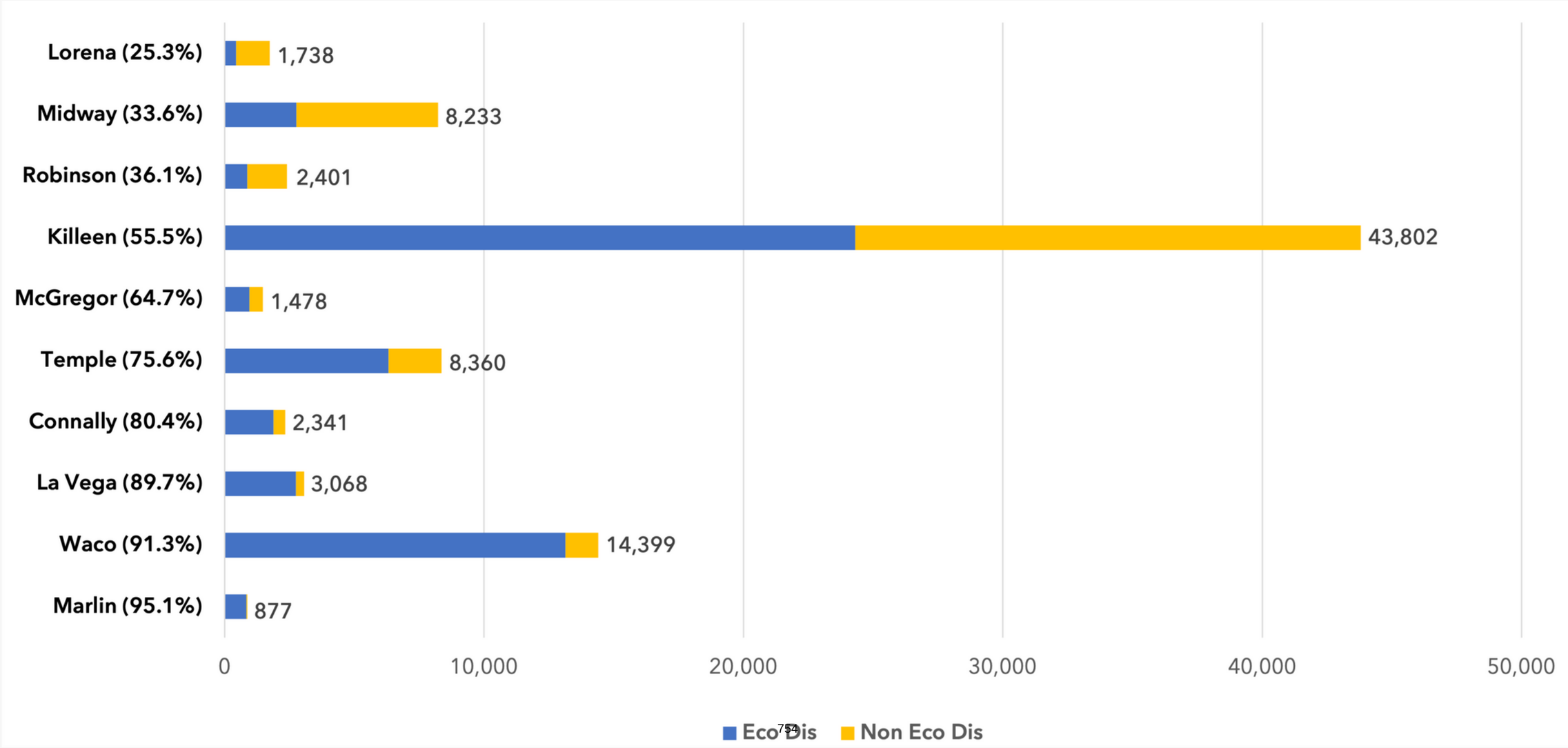
September 29, 2022

Learn more about Waco ISD



TXschools.gov

Area Districts by Percentage of Economically Disadvantaged Students



How Calculations are Made

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

STAAR Performance
(56% + 28% + 11%)/3 = **32**
This is an average of all STAAR tests which score Approaches or above, Meets or above, and Masters.

Academic Growth
7,132.5 points/10,287 = **69**
This is a percentage of growth points earned on Math and Reading STAAR tests grades 4-EOC out of possible points. Each test is a maximum of one growth point.

Waco ISD- 91% Economically Disadvantaged

Marlin ISD- 95.1% Economically Disadvantaged

Waco ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

Marlin ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**86**	**B**
Student Achievement		**80**	**B**
STAAR Performance	31	56	
College, Career and Military Readiness	91	98	
Graduation Rate	97.8	90	
School Progress		**92**	**A**
Academic Growth	68	76	C
Relative Performance (Eco Dis: 99.2%)	61	92	A
Closing the Gaps	**39**	**73**	**C**

Waco ISD- 91% Economically Disadvantaged

LaVega ISD- 89.7% Economically Disadvantaged

Waco ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

LaVega ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**87**	**B**
Student Achievement		**82**	**B**
STAAR Performance	39	69	
College, Career and Military Readiness	65	91	
Graduation Rate	96.6	90	
School Progress		**90**	**A**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 92.5%)	52	90	A
Closing the Gaps	**66**	**81**	**B**

Waco ISD- 91% Economically Disadvantaged

Connally ISD- 80.4% Economically Disadvantaged

Waco ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

Connally ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**84**	**B**
Student Achievement		**76**	**C**
STAAR Performance	30	56	
College, Career and Military Readiness	79	95	
Graduation Rate	94.7	80	
School Progress		**89**	**B**
Academic Growth	60	58	Not Rated: Senate Bill 1365
Relative Performance (Eco Dis: 83.7%)	55	89	B
Closing the Gaps	**34**	**71**	**C**

Waco ISD- 91% Economically Disadvantaged

Temple ISD- 75.6% Economically Disadvantaged

Waco ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

Temple ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**77**	**C**
Student Achievement		**70**	**C**
STAAR Performance	40	70	
College, Career and Military Readiness	41	71	
Graduation Rate	92.9	70	
School Progress		**80**	**B**
Academic Growth	70	80	B
Relative Performance (Eco Dis: 77.5%)	41	76	C
Closing the Gaps	**30**	**70**	**C**

Waco ISD- 91% Economically Disadvantaged

McGregor ISD- 64.7% Economically Disadvantaged

Waco ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

McGregor ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**85**	**B**
Student Achievement		**81**	**B**
STAAR Performance	49	81	
College, Career and Military Readiness	42	72	
Graduation Rate	100	100	
School Progress		**89**	**B**
Academic Growth	75	89	B
Relative Performance (Eco Dis: 62.4%)	46	79	C
Closing the Gaps	**54**	**77**	**C**

Waco ISD- 91% Economically Disadvantaged

Killeen ISD- 55.5% Economically Disadvantaged

Waco ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

Killeen ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**78**	**C**
Student Achievement		**76**	**C**
STAAR Performance	42	73	
College, Career and Military Readiness	53	80	
Graduation Rate	93.2	75	
School Progress		**80**	**B**
Academic Growth	67	73	C
Relative Performance (Eco Dis: 61.9%)	48	80	B
Closing the Gaps	**44**	**74**	**C**

Waco ISD- 91% Economically Disadvantaged

Robinson ISD- 36.1% Economically Disadvantaged

Waco ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

Robinson ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**90**	**A**
Student Achievement		**93**	**A**
STAAR Performance	56	87	
College, Career and Military Readiness	80	95	
Graduation Rate	100	100	
School Progress		**91**	**A**
Academic Growth	75	89	B
Relative Performance (Eco Dis: 42.1%)	68	91	A
Closing the Gaps	**74**	**84**	**B**

WISD

Waco ISD- 91% Economically Disadvantaged

Midway ISD- 33.6% Economically Disadvantaged

Waco ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

Midway ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**96**	**A**
Student Achievement		**94**	**A**
STAAR Performance	64	91	
College, Career and Military Readiness	81	95	
Graduation Rate	100	100	
School Progress		**92**	**A**
Academic Growth	79	91	A
Relative Performance (Eco Dis: 32.6%)	73	92	A
Closing the Gaps	**100**	**100**	**A**

Waco ISD- 91% Economically Disadvantaged

Lorena ISD- 25.3% Economically Disadvantaged

Waco ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**75**	**C**
Student Achievement		**66**	**Not Rated: Senate Bill 1365**
STAAR Performance	32	57	
College, Career and Military Readiness	47	76	
Graduation Rate	88.7	65	
School Progress		**79**	**C**
Academic Growth	69	79	C
Relative Performance (Eco Dis: 90.6%)	40	76	C
Closing the Gaps	**22**	**65**	**Not Rated: Senate Bill 1365**

Lorena ISD 2022 Accountability Data

	Component Score	Scaled Score	Rating
Overall		**97**	**A**
Student Achievement		**96**	**A**
STAAR Performance	64	91	
College, Career and Military Readiness	95	99	
Graduation Rate	100	100	
School Progress		**93**	**A**
Academic Growth	76	90	A
Relative Performance (Eco Dis: 28.3%)	80	93	A
Closing the Gaps	**100**	**100**	**A**

Region 12 Districts by Poverty Level

Waco ISD is one of 9 Districts with High Poverty Rate

	All Districts		Poverty Level					
Acountability Rating	Count	Percent	High Poverty		Moderate Poverty		Low Poverty	
A	13	16.0%	0	0.0%	13	18.3%	0	0.0%
B	53	65.4%	5	55.6%	47	66.2%	1	100.0%
C	12	14.8%	3	33.3%	9	12.7%	0	0.0%
D	2	2.5%	0	0.0%	2	2.8%	0	0.0%
F	1	1.2%	1	11.1%	0	0.0%	0	0.0%
A - F Total	**81**	**100.0%**	**9**	**100.0%**	**71**	**100.0%**	**1**	**100.0%**
Not Rated	0		0		0		0	
Data Integrity Issues	0		0		0		0	
Other Total	**0**		**0**		**0**		**0**	
Total	**81**		**9**		**71**		**1**	

Campus Comparison Example

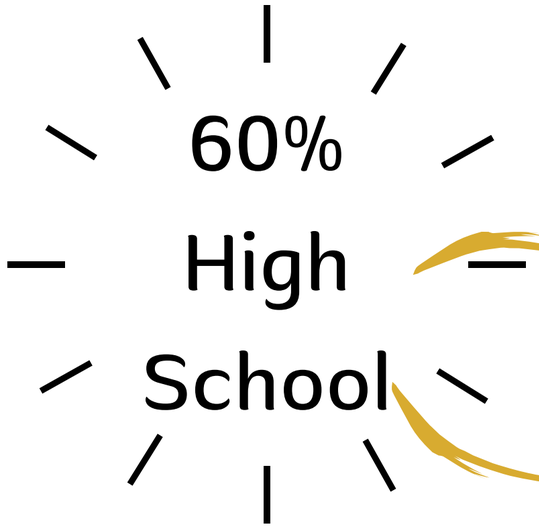
using @txschools.gov "Compare"

	Connally Elem	Parkdale Elem
Performance		
Overall Accountability Rating	Not Rated	B
Approaches Grade Level or Above	49%	56%
Meets Grade Level or Above	23%	26%
Masters Grade Level	10%	12%
Academic Growth	62%	82%
2020-21 Student Information		
Total Enrollment	356	620
% Economically Disadvantaged	82.9%	93.2%
% African American	32.6%	40.0%
% Hispanic	39.0%	44.2%
% White	22.2%	11.3%

Tennyson MS Data vs University HS Data

Student Achievement Calculation

Component	Score	% of Grade
STAAR Performance	70	100%
Total		**100%**



Student Achievement Calculation

Component	Score	% of Grade
STAAR Performance	67	40%
College, Career and Military Readiness	82	40%
Graduation Rate	85	20%
767 **Total**		**100%**

Elementary Comparison

	Cedar Ridge Elem	Kendrick Elem
Performance		
Overall Accountability Rating	B	B
Approaches Grade Level or Above	57%	56%
Meets Grade Level or Above	28%	28%
Masters Grade Level	8%	9%
Academic Growth	80%	79%
2020-21 Student Information		
Total Enrollment	521	508
% Economically Disadvantaged	95.6%	96.1%
% Receiving Special Education Services	12.5%	10.6%
% African American	28.0%	13.6%
% Hispanic	62.0%	78.5%
% White	7.1%	6.7%

You can Compare Across the State @ TXschools

	Provident Heights Elem	Wainwright Elem
Performance		
Overall Accountability Rating	B	C
Approaches Grade Level or Above	49%	58%
Meets Grade Level or Above	21%	32%
Masters Grade Level	9%	14%
Academic Growth	80%	74%
2020-21 Student Information		
Total Enrollment	363	402
% Economically Disadvantaged	97.0%	92.5%
% Receiving Special Education Services	7.4%	16.2%
% African American	21.8%	15.4%
% Hispanic	71.1%	76.9%
% White	4.7%	5.5%

Click the Compare Schools button to update your choices.

Performance 5 item(s) selected

- [x] Overall Accountability Rating
- [x] Approaches Grade Level or Above
- [x] Meets Grade Level or Above
- [x] Masters Grade Level
- [x] Academic Growth
- [ ] Graduation Rates
- [ ] College, Career, or Military Readiness

Check All / Uncheck All

Student Information 6 item(s) selected

- [x] Total Enrollment
- [x] % Economically Disadvantaged
- [x] % Receiving Special Education Services
- [ ] % Emergent Bilingual/English Learner
- [x] % African American
- [ ] % Asian
- [x] % Hispanic
- [ ] % American Indian
- [ ] % Pacific Islander
- [ ] % Two or More Races
- [x] % White
- [ ] Enrollment by Gender

Check All / Uncheck All

Staff Information 0 item(s) selected

Reading
STAAR Comparisons 2019 to 2022

	% Did Not Meet	% Approaches or Above	% Meets or Above	% Masters
State 2022	25%	75%	53%	25%
Region 2022	26%	74%	50%	22%
Waco ISD 2022	42%	58%	32%	12%
Waco ISD 2019	39%	61%	31%	11%

Math
STAAR Comparisons 2019 to 2022

	% Did Not Meet	% Approaches or Above	% Meets or Above	% Masters
State 2022	28%	72%	42%	20%
Region 2022	30%	70%	39%	17%
Waco ISD 2022	47%	53%	23%	9%
Waco ISD 2019	30%	70%	35%	15%

Science
STAAR Comparisons 2019 to 2022

	% Did Not Meet	% Approaches or Above	% Meets or Above	% Masters
State 2022	24%	76%	47%	21%
Region 2022	24%	73%	43%	17%
Waco ISD 2022	46%	54%	24%	8%
Waco ISD 2019	28%	72%	39%	14%

Social Studies
STAAR Comparisons 2019 to 2022

	% Did Not Meet	% Approaches or Above	% Meets or Above	% Masters
State 2022	25%	75%	50%	30%
Region 2022	25%	73%	47%	27%
Waco ISD 2022	42%	58%	32%	17%
Waco ISD 2019	30%	70%	40%	19%

Comparable Districts

- There are very few districts with both economically disadvantaged percentages and demographics similar to Waco ISD.
- Of the 156 districts that have demographic data similar to Waco ISD, 68 have a student enrollment of less than 1,000.

Comparison to Larger District with Similar Demographics

	Waco ISD	Spring ISD
Performance		
Overall Accountability Rating	C	B
Approaches Grade Level or Above	56%	61%
Meets Grade Level or Above	28%	32%
Masters Grade Level	11%	13%
Academic Growth	69%	72%
2020-21 Student Information		
Total Enrollment	14,399	33,537
% Economically Disadvantaged	91.3%	87.5%
% African American	28.0%	38.5%
% Hispanic	61.1%	49.1%
% White	8.4%	6.2%

Comparison to Smaller District with Similar Demographics

	Waco ISD	Nacogdoches ISD
Performance		
Overall Accountability Rating	C	C
Approaches Grade Level or Above	56%	63%
Meets Grade Level or Above	28%	36%
Masters Grade Level	11%	15%
Academic Growth	69%	68%
2020-21 Student Information		
Total Enrollment	14,399	5,918
% Economically Disadvantaged	91.3%	86.8%
% African American	28.0%	28.8%
% Hispanic	61.1%	49.1%
% White	8.4%	18.3%

9,125 Waco ISD Students Needed HB 4545 Based on 2021 Performance

- Accelerated Instruction (AI) plans are written in Branching Minds.
- Students must have a plan for each STAAR subject in which they did not meet proficiency.
- The plan targets the TEKS in which the student did not demonstrate proficiency.
- The teacher provides AI (accelerated instruction) using researched based resources.
- Each week the AI teacher documents the minutes of instruction.
- Reports can be pulled to show how a student is progressing.

Implementation of HB 4545 Accelerated Instruction

Elementary Accelerated Instruction Systems

- Guided Reading
- Guided Math
- SIT (pull out intervention)
- Built in Interventions in Master Schedule
- After School Tutorials
- Summer School

Secondary Accelerated Instruction Systems

- Second Block of ELAR (middle school)
- Math SIT Lab
- Reading SIT Lab
- WIN TIME (MS= 45 mins./HS=30 mins.)
- Saturday School
- Summer School

questions



Thank You

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: September 29, 2022 **Contact Person**: Dr. Susan Kincannon

RE: Review and Discuss Required Districtwide Intruder Detection Audit Report Findings

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Background Information:

On June 1, 2022, Governor Greg Abbott instructed the Texas School Safety Center (TxSSC) "to develop and implement a plan to conduct random inspections to assess access control measures of Texas school districts." Specifically, the Governor directed that in-person, unannounced random intruder detection audits be conducted to find "weak points" and ensure school districts are following Emergency Operation Plans (EOPs).

The state is deploying auditors with the help of regional educational service centers. Auditors are responsible for examining a number of items: (i) whether exterior doors are secured, (ii) whether they are stopped from gaining access to the campus, (iii) whether identification is required at the front office, (iv) whether interior classroom doors are closed and locked when required by district policy, and (v) whether weekly exterior door sweeps are completed and documented.

Two campuses in Waco ISD received an audit by ESC 12 during the month of September. At Waco High School, an exterior door was noted to have been "Locked but swolen (sic)" with no other findings noted on the contemporaneous report for the campus. The official audit findings provided later noted that one or more exterior doors were not closed and properly locked. Upon investigation, the district determined that although the locking mechanism on the door itself was operating, the door mechanism did not latch fully to the catch on the door frame prior to the auditor's inspection of the door. The official audit findings also noted that one or more interior classroom doors were not closed or locked in compliance with district policy.

As a result of these audit findings, the district has 45 days to review the findings with the Board and the district safety and security committee, develop and implement a corrective action plan, and submit evidence of these steps to the TxSSC.

The facilities department inspected and adjusted the exterior door immediately following the auditor's visit. The campus and facilities department also re-inspected all other exterior doors at Waco High School.

Fiscal Implications*:*

None

Administration Recommendation(s):

This report is presented for discussion and public awareness. A corrective action plan is being implemented in compliance with the TxSSC.