

**WACO INDEPENDENT SCHOOL DISTRICT
REGULAR MEETING
WISD Conference Center
115 S 5th Street
Waco, Texas 76701**

Thursday, February 23, 2023 - 6:00 PM

A Regular Meeting of the Board of Trustees of Waco Independent School District will be held February 23, 2023, 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. U.S. Army Cadet Hero of the Battlefield
 - 4.C. Gold Key Award Winner
 - 4.D. TASBO Purchasing Award of Merit
 - 4.E. Community Partner Award
5. **Superintendent's Report**
 - 5.A. Black History Month Activities
 - 5.B. Elementary and Middle School UIL
 - 5.C. G.W. Carver Community Beam Signing
 - 5.D. Teacher Incentive Allotment Validation
6. **Information Items/Reports**
 - 6.A. Monthly Financial Reports for the Period Ended January 31, 2023
 - 6.B. Annual Debt Report for the Fiscal Year Ended August 31, 2022
7. **Consent Agenda: Consider and Take Appropriate Action**
 - 7.A. Amendments to the 2022-2023 Budget
 - 7.B. Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services
 - 7.C. Bid Award for After-School Childcare Services
 - 7.D. Bid Award for Campus Network Equipment (E-Rate)
 - 7.E. Bid Award for Maintenance Supplies, Equipment, and Services
 - 7.F. Bid Award for Restaurant and Catering Services

- 7.G. Purchases over \$50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
- 7.H. Engagement of External Auditor for 2022-2023 Fiscal Year
- 7.I. Designation of Investment Officer(s)
- 7.J. Resolution to Pay Employees for the January 31 - February 1, 2023, Bad Weather Event
- 7.K. Memorandum of Understanding (MOU) between Waco ISD and Texas State Technical College (TSTC) for Dual Credit Classes
- 7.L. New Course Requests
- 7.M. First Reading of Board Policy Update 120
- 7.N. Approve the Addition of the Attendance Goals to the Amended Performance Contract Between Waco ISD and Transformation Waco
- 7.O. Board of Trustee Meeting Minutes
 - 7.O.1. Regular Meeting - January 19, 2023
 - 7.O.2. Special Meeting - January 26, 2023
- 8. **Consider, Discuss, and Take Appropriate Action Regarding Sign-On Bonuses for Certified Teachers, Counselors, Librarians/ Library Media Specialists, Nurses and Police Officers**
Presenter: Dr. Daniel Lopez
- 9. **Review and Discuss Student Achievement Data for Academic Intervention Programs**
Presenter: Kourtnei Parnell, Director of Intervention Services and State/Federal Programs
- 10. **Review and Discuss Changes to the State Accountability System**
Presenter: Denise Bell
- 11. **Announcements**
- 12. **Consideration of Personnel**
 - 12.A. Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
 - 12.B. Hear a Complaint or Charge Against an Officer or Employee
- 13. **Adjournment**

Waco Independent School District
Board of Trustees Meeting Agenda Item

Date: February 23, 2023

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 February, Noah Banuelos and Margarita Mendez Hernandez from Bell’s Hill Elementary were selected for this honor.

U.S. Army Cadet Hero of the Battlefield

Lahrenze Dubose is a third-year cadet in the University High School Junior ROTC program and is currently the Bravo Company Commander. He is an active student taking dual credit and AP courses. Dubose is on the student council, a member of the No Place For Hate club, and an athlete on the track team.

When he is not busy with school, Dubose spends his time by volunteering for countless community and school service projects. He is a visionary who looks for ways to improve the battalion and his efforts and creativity have increased the efficiency and effectiveness of the Trojan Battalion.

Dubose was nominated for this award by First Sergeant Leonard Montelongo and was chosen to be the recipient of this recognition by U.S. Army Major General Antonio V. Munera.

It is a great honor for a Commanding General to write a letter of recognition to a high school cadet and I would like to share this letter with you tonight.

Gold Key Award Winner

Maritza Degollado-Ramirez, a Waco High School senior, is the first Waco ISD student to receive a Gold Key award in the digital art category and advance to nationals in the Scholastic Art and Writing Competition. She will find out if she is chosen to go to the Nationals in New York on March 22.

Maritza is a talented artist who has previously had three pieces of art go to the State VASE competition and recently advanced to the State Mock Trial Competition in the Courtroom Artist category.

When she is not busy working on her art, Maritza serves as the historian of Waco High School National Honor Society, historian of Upward Bound, member of the Interact Club, a student council member, an altar server at St. Francis Church, an art club member, student ambassador, and marketing manager of the WHS store.

She is also a dual credit Accelerate student who is on track to graduate this year with her associate's degree.

TASBO Purchasing Award of Merit

The Waco ISD Purchasing Department has earned the Texas Association of School Business Officials (TASBO) Purchasing Award of Merit each year since the award was established in 2009. The TASBO Award of Merit for Purchasing Operations recognizes Texas school districts, open-enrollment charter schools, and education services centers that are committed to following professional standards in the acquisition of goods and services.

For 2023, Waco ISD was among only 71 districts that met the stringent criteria to qualify for the award. This year's recipients were honored at an awards reception in San Antonio, Texas, on February 15 during the TASBO annual conference.

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.

February is Career and Technical Education month and it is fitting that the district has chosen to recognize Central Texas Iron Works. This organization has provided monetary funding for many Greater Waco Advanced Manufacturing Academy (GWAMA) student projects, have supplied material goods such as welding metals and bolts, and hired GWAMA students after their high school graduation.

The two gentlemen representing Central Texas Iron Works tonight, Curtis Cleveland and Travis Fanning have been involved for the last several years in supporting GWAMA by providing tours of their industrial facilities, working with students in mock interviews, and supporting the GWAMA job fair each year. Mr. Cleveland has continued to work as an Executive Committee member at GWAMA for the last 10 years during his employment and while in retirement.

All of the industry partners working with GWAMA have greatly benefited the students and staff. Central Texas Iron Works exemplifies what it means to be an excellent industry partners and we are extremely appreciative of all that they do.

Fiscal Implications:

None

Administration Recommendations:

For discussion only



Commanding General
United States Army Cadet Command
204 1st Cavalry Regiment Road
Fort Knox, Kentucky 40121-5123

January 23, 2023

Cadet Lahrenz Dubose
University High School
Army JROTC Department
3201 South New Road
Waco, Texas 76706

Dear Cadet Dubose:

Thank you for your unwavering commitment to excellence as a member of U.S. Army Cadet Command, 5th Brigade, and University High School Junior ROTC Program.

You truly embody the Army Values. Volunteering at community and school events, maintaining your academic studies, walking 3 miles to and from school to participate in extracurricular activities - and topping it all off with the creation of the online QR code promotion system is outstanding. You are an innovator, driven to serve and a team player!

Your extraordinary effort has earned you the distinction of being a U.S. Army Cadet Command Hero of the Battlefield. I am proud to have you on our Team and to call you one of our own!

Leadership Excellence!

Sincerely,

A handwritten signature in cursive script that reads "Antonio V. Munera".

Antonio V. Munera
Major General, U.S. Army

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: Sheryl Davis

RE: Monthly Financial Reports for the Period Ended January 31, 2023

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Background Information:

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

- General Fund
- Food Service Fund
- Debt Service Fund
- Internal Services Fund

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

Fiscal Implications:

None.

Administrative Recommendations:

The Administration recommends that the Board of Trustees accept the monthly financial reports for the period ended January 31, 2023, as presented.



**Waco Independent School
District
Business & Support Services**

Sheryl Davis
Chief Finance Officer

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

February 16, 2023

Board of Trustees
Waco Independent School District
Waco, Texas

The accompanying balance sheets, statements of revenues, expenditures and changes in fund balance, and encumbrances and expenditures by fund, function and object for the month ending January 31, 2023 have been compiled for the General Fund, Food Service Fund, Debt Service Fund, and Internal Services Fund. Final cash reconciliation procedures and financial audit activities may result in additional adjustments to the January financial statements. These preliminary financial reports are prepared utilizing the following assumptions:

- Revenue: Recorded on a cash basis with adjustments to accrual basis made at August 31, 2023.
- Expenditure: Totals on the "Statement of Revenues, Expenditures and Changes in Fund Balance" include expenditures occurring during the interim period reported. Balances will be adjusted to accrual basis at August 31, 2023. Outstanding encumbrances are included on the "Encumbrances and Expenditures by Fund, Function, and Object" schedule, only.
- Beginning Fund Balance: Represents August 31, 2022 audited ending fund balance.

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

Sheryl Davis
Chief Finance Officer

Comparison of Fiscal Year 2022-2023 Revenues and Expenditures to Previous Fiscal Year as of January 31, 2023

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

General Fund

Revenues:

5710 Local Property Taxes – Collections as of the end of January, as they appear in the 5710 line item, have increased \$14.1 million over last year. This apparent increase is due to multiple contributing factors. First, collections, in the amount of \$4.4 million, passed through to the Tax Increment Fund last year were reflected in the 5740, Other Local Revenue, line item (and offset by an expenditure in function 97, Payments to Tax Increment Fund). Since the District is no longer participating in the Tax Increment Reinvestment Zone, collections on those previously captured values are now kept by the District and shown as revenue in line item 5710. Second, value increases for the 2022 tax year were estimated to increase property tax revenue by \$12.3 million. This increase is offset by a reduction of state Foundation School Program revenues in the state funding formulas. Additionally, the timing of collections has resulted in an increase of 7.0% as a percent of budgeted estimates over the previous year.

5730 Tuition and Fees – Current year revenue reflects an increase of \$22,960 over last year. This is a 24.2% increase in revenue over last year but a 50.6% decrease as a percent of budget. Revenue estimates for budget purposes were increased significantly based on last year's participation but it now appears that we will not reach the increase for the current year.

5740 Other Local Revenue – Revenues have decreased \$3.7 million from last year. The decrease is primarily attributable to the change in accounting for tax collections on properties in the Tax Increment Reinvestment Zone, as discussed above. This decrease is partially offset by an increase in earnings on investments of \$0.8 million.

5750 Extracurricular Activities – Revenues have decreased \$131,036 from last year.

5810 Per Capita and Foundation School Program Revenue – Revenue has decreased \$11.4 million from last year. Revenue reflects near final settlement payments due to the Texas Education Agency for the 2021-2022 fiscal year. Revenue projections, based on attendance data for the first three six weeks and state Comptroller's estimated property values, indicate that Foundation School Program revenue will be \$4.2 million less than budget estimates. This is due to a continued loss in enrollment. Enrollment for the first six weeks averaged 13,996, 13,902 for the second six weeks, and 13,761 for the third six weeks. As of the end of January, it is estimated that the District has received almost \$9.0 million in unearned revenue. This amount is currently shown as a payable to the state.

Functional Expenditures:

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

11 Instruction – The decrease of \$2.1 is due to reductions in staff due to enrollment losses as well as the elimination of instructional aides to accommodate salary increases. Additionally, approximately \$860,000 in salaries and benefits for dyslexia specialists have been picked up by ESSER funds.

12 Instructional Resources & Media – Expenditures have decreased \$279,414. This is a result of professional librarian and instruction media staff being funded through federal stimulus grants with an accompanying reduction of library aides in the general fund.

13 Curriculum and Instructional Staff Development – Expenditures have decreased \$264,099 due to the reduction of instructional specialists to fund supplemental teaching positions.

34 Student Transportation – The increase in expenditures of \$293,189 is due to a slight increase in the number of extracurricular trips as well as fewer disruptions of regular home-to-school routes due to bus driver vacancies as well as the purchase of two sports utility vehicles (SUVs) to assist in the transportation of students classified as homeless.

51 Plant Maintenance and Operations – The increase of \$659,571 reflects the completion of HVAC projects funded with insurance recoveries for hail damages and utility increases.

81 Facilities Acquisition and Construction – Expenditures have decreased \$5.9 million due to the completion of the Paul Tyson Stadium project in 2021-2022.

97 Payments to Tax Increment Fund – The decrease in expenditures of \$4.5 million, as discussed above, reflects the end of the District's participation in Tax Increment Reinvestment Zones 1 and 2. Although, the District is still participating in Zone 3, balances are insignificant and currently there is no activity.

Food Service Fund

Revenues:

5750 Extracurricular Activities – Revenues generated through adult meals and catering have increased \$33,975 over last year.

5900 Federal Sources Revenue – Federal reimbursements for meals have increased \$66,326 over last year. While the percentage of students participating has increased slightly over last year's slow start, enrollments are down. Additionally, as a participant in the Community Eligibility Program, where all of our students are eligible for free meals, the District's percentage of reimbursement is based on direct certification from enrollment in other need-based programs for low-income students, such as SNAP, TANF, Medicaid, children in foster care or identified as homeless, migrant, or eligible for state-sponsored pre-kindergarten programs, as of April 1st. Decreases in those enrollments has impacted the District's reimbursement rate and the District will only be reimbursed at 95% for the 2022-2023 school year.

Functional Expenditures:

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

35 Food Services – Expenditures have increased \$1,067 over last year. Although expenditures include the 3.0% pay increase, staffing vacancies are still significant, running at almost 30%.

Debt Service Fund

Revenues:

5710 Local Property Taxes – Property tax collections at the end of December have increased \$9.2 million in comparison to last year. The additional collections are due to valuation increases as well as an increase in the Interest and Sinking tax rate from \$0.22024 to \$0.298969 per \$100 of valuation due to the issuance of new general obligation bonds. As discussed in the general fund, tax collections previously passed through to the Tax Increment Fund were recorded in the 5740, Other Local Revenue, last year and offset by an expenditure in function 97.

5740 Other Local Revenue – The decrease of \$861,669 is due to the expiration of the District's participation in the Tax Increment Reinvestment Zone offset by an increase in investment earnings of \$102,807.

5820 Other State Program (TEA) – Revenues from the Existing Debt Allotment have increased \$290,244 over last year due to the increase in debt service from the issuance of bonds.

Functional Expenditures:

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

97 Payments to Tax Increment Fund – Expenditures have decreased \$972,980 from last year. This is due to the expiration of the District's participation in Zones 1 and 2, as discussed above. The negative expenditure is a result of refunds of previously collected taxes.

Proprietary Fund – Governmental Activities – Internal Service Fund

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

Operating revenues and operating expenses have been included in a detail designed to provide relevant information. Revenues from District contributions (assessments to other funds) are distinguished from revenues from employee contributions to health insurance. Expenses detail claims payments, administrative fees, and stop-loss or excess insurance costs.

As of January 31, 2023, expenditures exceeded revenues by \$682,358 compared to \$312,222 last year. This deterioration is due primarily to increases in prescription drug claims of \$405,250. The following chart reflects net operations for the various programs accounted for in the fund:

Program	Revenues	Expenditures	Net
Group Health Insurance	\$ 5,535,192	\$ 6,264,746	\$ (729,554)
Unemployment Compensation	49,890	11,474	38,416
Workers' Compensation	157,733	116,631	41,102
Wellness Programs*	0	32,322	(32,322)
Total	\$ 5,742,815	\$ 6,425,173	\$ (782,358)

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

Reserves for estimated incurred-but-not-reported (IBNR) claims for the fully self-funded health insurance plan totaled \$675,169 for medical claims and \$46,395 for prescription drugs, at August 31, 2022. Additionally, reserves for the estimated allocated loss adjustment expense (ALAE) for the partially self-funded workers' compensation plan totaled \$300,617. The audited beginning net position at September 1, 2022 was \$2,992,233.

Waco Independent School District
BALANCE SHEET
GENERAL FUND
As of January 31, 2023

ASSETS

Cash and Temporary Investments	\$	102,184,611
Property Taxes Receivable, Net of Allowance of \$2,167,519		655,211
Due from Other Governments		12,196
Accrued Interest		305,246
Due from Other Funds		13,079,348
Other Receivables		30,982
Inventories		394,938
Deferred Expenditures		5,421
		5,421
Total Assets	\$	116,667,953

LIABILITIES

Accounts Payable	\$	851,897
Other Current Liabilities		29,191
Payroll Withholdings and Contributions Payable		1,304,157
Accrued Wages Payable		9,539,725
Due to Other Funds		10,247,048
Due to Other Governments		13,676,417
		13,676,417
Total Liabilities	\$	35,648,435

DEFERRED INFLOWS OF RESOURCES

Unavailable Revenues - Property Taxes	\$	655,211
Total Deferred Inflows of Resources	\$	655,211

FUND BALANCES

Nonspendable Fund Balance	\$	394,938
Restricted Fund Balance		1,988,217
Committed Fund Balance		3,781,168
Unassigned Fund Balance		74,199,984
		74,199,984
Total Fund Balances	\$	80,364,307
Total Liabilities and Fund Balances	\$	116,667,953

Waco Independent School District
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended January 31, 2023

GENERAL FUND

	Adopted Budget	Amended Budget	(Memo) Monthly		(Memo) Year-to-Date		Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
			Current	Prior Year	Current	Prior Year			
			1/31/2023	1/31/2022	1/31/2023	1/31/2022			
REVENUES									
LOCAL SOURCES									
5710 Local Property Taxes	\$ 81,805,900	81,805,900	31,747,735	22,898,751	61,055,611	46,981,596	(20,750,289)	74.63%	67.60%
5720 Services to Other Districts	74,000	74,000	8,411	7,747	37,259	34,366	(36,741)	50.35%	38.11%
5730 Tuition & Fees	193,000	193,000	22,150	20,208	117,898	94,938	(75,102)	61.09%	111.69%
5740 Other Local Revenue	468,300	468,300	297,522	3,260,234	931,881	4,656,179	463,581	198.99%	86.58%
5750 Extracurricular Activities	390,400	390,400	13,768	25,113	173,762	304,798	(216,638)	44.51%	137.92%
5760 Intermediate Source (C.E.D.)	1,000,000	1,000,000	-	1,000,004	-	1,000,004	(1,000,000)	0.00%	0.00%
Total Local Sources	\$ 83,931,600	83,931,600	32,089,586	27,212,057	62,316,412	53,071,881	(21,615,188)	74.25%	70.50%
STATE SOURCES									
5810 Per Capita & FSP Act	\$ 58,788,960	58,798,530	276,603	182,390	27,382,191	38,882,014	(31,416,339)	46.57%	49.65%
5830 Other State Program	7,165,711	7,165,711	548,704	556,346	2,699,095	2,823,885	(4,466,616)	37.67%	38.89%
Total State Sources	\$ 65,954,671	65,964,241	825,307	738,736	30,081,286	41,705,899	(35,882,955)	45.60%	48.74%
FEDERAL SOURCES									
5900 Federal Sources Revenue	8,090,727	8,090,727	99,714	94,293	636,691	1,280,275	(7,454,036)	7.87%	64.03%
Total Revenues	\$ 157,976,998	157,986,568	33,014,607	28,045,086	93,034,389	96,058,055	(64,952,179)	58.89%	59.20%
EXPENDITURES									
11 Instruction	\$ 88,908,434	89,403,683	8,159,123	8,197,195	38,760,612	40,938,606	50,643,071	43.35%	47.66%
12 Instructional Resources & Media	558,313	560,995	46,669	80,413	229,772	509,186	331,223	40.96%	48.16%
13 Curriculum & Staff Development	4,368,265	4,305,231	263,359	321,100	1,346,278	1,610,377	2,958,953	31.27%	34.74%
21 Instructional Leadership	4,131,369	4,029,540	322,720	290,961	1,529,617	1,440,981	2,499,923	37.96%	37.80%
23 School Leadership	10,144,781	10,363,065	940,935	887,138	4,301,019	4,218,570	6,062,046	41.50%	41.28%
31 Guidance, Counseling & Evaluation	5,785,954	5,973,913	531,186	486,070	2,411,430	2,296,580	3,562,483	40.37%	43.79%
32 Social Work Services	806,369	758,649	68,327	66,337	301,114	320,588	457,535	39.69%	33.68%
33 Health Services	1,501,102	1,528,102	153,859	143,781	679,382	649,013	848,720	44.46%	41.54%
34 Student Transportation	3,761,600	5,281,802	33,402	27,092	1,256,113	962,924	4,025,689	23.78%	21.46%
36 Extracurricular Activities	5,686,449	5,764,530	356,567	387,655	2,309,204	2,356,300	3,455,326	40.06%	42.59%
41 General Administration	7,323,927	7,464,557	530,882	499,847	2,724,578	2,586,293	4,739,979	36.50%	36.99%
51 Plant Maintenance & Operations	17,617,917	19,793,811	1,099,392	1,099,745	7,810,753	7,151,182	11,983,058	39.46%	35.58%
52 Security & Monitoring Services	2,765,386	3,562,852	168,044	179,005	1,078,217	1,034,247	2,484,635	30.26%	36.14%
53 Data Processing Services	4,289,383	4,324,854	163,488	224,070	2,037,267	2,208,637	2,287,587	47.11%	56.63%
61 Community Services	487,519	704,019	59,130	36,826	287,044	183,246	416,975	40.77%	29.41%
71 Debt Service	345,000	345,000	-	-	-	-	345,000	0.00%	0.00%
81 Facilities Acquisition & Construction	-	601,957	-	473,611	260,799	6,161,733	341,158	0.00%	0.00%
93 Shared Services Arrangements	345,000	445,000	-	-	-	-	445,000	0.00%	0.00%
95 Juvenile Justice Program	650,000	650,000	-	-	234,323	212,485	415,677	36.05%	30.36%
97 Payments to Tax Increment Fund	25,000	25,000	371	3,201,346	(40,589)	4,417,380	65,589	-162.36%	67.61%
99 Other Intergovernmental Charges	808,424	808,424	-	-	407,078	333,074	401,346	50.35%	40.60%
Total Expenditures	\$ 160,310,192	166,694,984	12,897,453	16,640,482	67,924,011	79,629,692	98,770,973	40.75%	44.14%
Excess (Deficiency) of Revenues Over (Under) Expenditures	\$ (2,333,194)	(8,708,416)	20,117,153	11,404,604	25,110,378	16,428,363	33,818,794		
OTHER FINANCING SOURCES (USES)									
7900 Other Sources	-	-	-	-	-	-	-		
8900 Other Uses	(1,030,292)	(1,030,292)	-	-	-	-	(1,030,292)		
Total Other Financing Source (Uses)	\$ (1,030,292)	(1,030,292)	-	-	-	-	(1,030,292)		
Total Changes in Fund Balances	\$ (3,363,486)	(9,738,708)	20,117,153	11,404,604	25,110,378	16,428,363	34,849,086		
Fund Balances, Beginning	41,078,214	55,253,929			55,253,929	53,543,235	-		
Fund Balances, Ending	\$ 37,714,728	45,515,221			80,364,307	69,971,598	34,849,086		

Waco Independent School District
EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT
GENERAL FUND
For the Period Ended January 31, 2023

							<i>(Memo)</i>		
		Payroll	Purchased &	Supplies &	Other	Debt	Capital	Total	Total
		Costs	Contracted	Materials	Operating	Services	Outlay	Year-to-Date	Year-to-Date
		6100	6200	6300	6400	6500	6600	1/31/2023	1/31/2022
11	Instruction	\$ 35,676,184	527,629	1,599,806	262,693		5,465	38,071,777	45,954,778
12	Instructional Resources & Media	186,199	35,145	9,430	673			231,447	513,541
13	Curriculum & Staff Development	1,127,906	221,926	41,829	120,010		-	1,511,671	1,700,999
21	Instructional Leadership	1,333,657	136,487	55,830	149,006			1,674,981	1,524,240
23	School Leadership	4,144,101	44,107	95,277	74,925			4,358,410	4,270,910
31	Guidance, Counseling & Evaluation	2,281,061	176,073	13,954	17,929			2,489,016	2,311,843
32	Social Work Services	294,701	1,809	4,453	6,285			307,247	322,777
33	Health Services	668,362	1,720	16,506	384			686,972	673,626
34	Student Transportation	-	3,054,646	209,523	92		89,950	3,354,210	2,729,341
35	Food Services	-	-	-				-	38,290
36	Co/Extracurricular Activities	1,349,687	381,771	470,348	528,517		89,746	2,820,068	2,885,072
41	General Administration	1,967,434	562,689	172,436	269,528		-	2,972,088	2,858,619
51	Plant Maintenance & Operations	3,231,634	4,233,484	847,430	1,024,324		241,964	9,578,837	9,531,351
52	Security & Monitoring Services	725,617	435,794	150,116	2,478		74,338	1,388,342	1,514,431
53	Data Processing Services	681,684	280,667	1,191,754	24,848		79,764	2,258,716	2,351,447
61	Community Services	121,694	318,967	4,515	4,474			449,650	250,227
71	Debt Service							-	-
81	Facilities Acquisition & Construction						497,239	497,239	14,175,350
93	Shared Services Arrangements					-		-	-
95	Juvenile Justice Program				234,323			234,323	274,412
97	Payments to Tax Increment Fund				(40,589)			(40,589)	4,417,380
99	Other Intergovernmental Charges		407,078					407,078	333,074
Total Expenditures & Encumbered Funds		<u>\$ 53,789,920</u>	<u>10,819,991</u>	<u>4,883,208</u>	<u>2,679,899</u>	<u>-</u>	<u>1,078,465</u>	<u>73,251,484</u>	<u>98,631,708</u>

Waco Independent School District
BALANCE SHEET
CHILD NUTRITION FUND
As of January 31, 2023

ASSETS

Cash and Temporary Investments	\$ 5,438,216
Due from Other Governments	1,798,558
Accrued Interest	15,966
Due from Other Funds	284,058
Total Assets	<u>\$ 7,536,799</u>

LIABILITIES

Accounts Payable	\$ 531,180
Accrued Wages Payable	204,114
Due to Other Funds	-
Total Liabilities	<u>\$ 735,294</u>

FUND BALANCES

Restricted Fund Balance	\$ 6,801,504
Total Fund Balances	<u>\$ 6,801,504</u>
Total Liabilities and Fund Balances	<u>\$ 7,536,799</u>

Waco Independent School District
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended January 31, 2023

CHILD NUTRITION FUND

	Adopted Budget	Amended Budget	(Memo) Monthly		(Memo) Year-to-Date		Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
			Current 1/31/2023	Prior Year 1/31/2022	Current 1/31/2023	Prior Year 1/31/2022			
REVENUES									
LOCAL SOURCES									
5740 Other Local Revenue	\$ 32,000	32,000	3,184	393	5,795	2,388	(26,205)	18.11%	9.55%
5750 Extracurricular Activities	403,000	403,000	45,349	35,869	258,728	224,753	(144,272)	64.20%	55.78%
Total Local Sources	\$ 435,000	435,000	48,533	36,262	264,522	227,141	(170,478)	60.81%	53.08%
STATE SOURCES									
5820 Other State Program (TEA)	\$ -	-	-	-	-	-	-	0.00%	0.00%
Total State Sources	\$ -	-	-	-	-	-	-	0.00%	0.00%
FEDERAL SOURCES									
5900 Federal Sources Revenue	\$ 9,485,099	9,573,543	1,473,162	1,117,781	5,443,333	5,377,007	(4,130,210)	56.86%	58.82%
Total Revenues	\$ 9,920,099	10,008,543	1,521,695	1,154,043	5,707,856	5,604,148	(4,300,687)	57.03%	58.56%
EXPENDITURES									
35 Food Services	\$ 10,978,538	12,686,159	846,429	1,075,385	4,582,638	4,581,571	8,103,521	36.12%	40.47%
Total Expenditures	\$ 10,978,538	12,686,159	846,429	1,075,385	4,582,638	4,581,571	8,103,521	36.12%	40.47%
Excess (Deficiency) of Revenues Over (Under) Expenditures	\$ (1,058,439)	(2,677,616)	675,266	78,658	1,125,218	1,022,577	3,802,834		
OTHER FINANCING SOURCES (USES)									
7900 Other Sources	-	-	-	-	-	-	-		
8900 Other Uses	-	-	-	-	-	-	-		
Total Other Financing Sources (Uses)	\$ -	-	-	-	-	-	-		
Total Changes in Fund Balances	\$ (1,058,439)	(2,677,616)	675,266	78,658	1,125,218	1,022,577	3,802,834		
Fund Balances, Beginning	2,758,147	5,676,286			5,676,286	4,698,491	-		
Fund Balances, Ending	\$ 1,699,708	2,998,670			6,801,504	5,721,068	3,802,834		

Waco Independent School District
EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT
CHILD NUTRITION FUND
For the Period Ended January 31, 2023

							<i>(Memo)</i>	
							Total	
							Year-to-Date	
							1/31/2023	
							1/31/2022	
							6000	
							6000	
							6000	
							6000	
							6000	
							6000	
35	Food Services	\$ 1,333,441	2,153,908	936,185	5,916	1,675,178	6,104,628	5,693,444
	Total Expenditures & Encumbered Funds	<u>\$ 1,333,441</u>	<u>2,153,908</u>	<u>936,185</u>	<u>5,916</u>	<u>1,675,178</u>	<u>6,104,628</u>	<u>5,693,444</u>

Waco Independent School District
BALANCE SHEET
DEBT SERVICE FUND
As of January 31, 2023

ASSETS

Cash and Temporary Investments	\$ 23,480,354
Property Taxes Receivable, Net of Allowance of \$480,335	143,226
Due from Other Governments	2,178
Due from Other Funds	<u>538,351</u>
Total Assets	<u><u>\$ 24,164,109</u></u>

LIABILITIES

Due to Other Funds	\$ 3,418
Due to Other Governments	<u>(37)</u>
Total Liabilities	<u>\$ 3,380</u>

DEFERRED INFLOWS OF RESOURCES

Unavailable Revenues - Property Taxes	<u>\$ 143,226</u>
Total Deferred Inflows of Resources	<u>\$ 143,226</u>

FUND BALANCES

Restricted Fund Balance	<u>\$ 24,017,502</u>
Total Fund Balances	<u>\$ 24,017,502</u>
Total Liabilities and Fund Balances	<u><u>\$ 24,164,109</u></u>

Waco Independent School District
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended January 31, 2023

DEBT SERVICE FUND

	Adopted Budget	Amended Budget	(Memo)		(Memo)		Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
			Monthly		Year-to-Date				
			Current 1/31/2023	Prior Year 1/31/2022	Current 1/31/2023	Prior Year 1/31/2022			
REVENUES									
LOCAL SOURCES									
5710	\$ 24,654,348	24,654,348	10,060,106	4,923,114	19,310,873	10,100,970	(5,343,475)	78.33%	67.86%
5740	25,000	25,000	57,481	689,235	106,727	968,395	81,727	426.91%	90.96%
Total Local Sources	\$ 24,679,348	24,679,348	10,117,587	5,612,349	19,417,599	11,069,365	(5,261,749)	78.68%	69.40%
STATE SOURCES									
5820	\$ 221,700	221,700	-	-	-	286,169	(221,700)	0.00%	0.00%
Total State Sources	\$ 221,700	221,700	-	-	576,413	286,169	(221,700)	260.00%	0.00%
Total Revenues	\$ 24,901,048	24,901,048	10,117,587	5,612,349	19,994,012	11,355,534	(5,483,449)	80.29%	69.85%
EXPENDITURES									
71	\$ 24,896,048	24,896,048	3,500	-	(8,750)	3,500	24,904,798	-0.04%	0.02%
97	5,000	5,000	(80)	688,275	(8,505)	964,475	13,505	-170.10%	90.08%
Total Expenditures	\$ 24,901,048	24,901,048	3,420	688,275	(17,255)	967,975	24,918,303	-0.07%	5.60%
Total Changes in Fund Balances	\$ -	-	10,114,167	4,924,074	20,011,267	10,387,559	19,434,854		
Fund Balances, Beginning	4,816,349	4,006,234			4,006,234	4,866,235	-		
Fund Balances, Ending	\$ 4,816,349	4,006,234			24,017,501	15,253,794	19,434,854		

Waco Independent School District
Statement of Net Position
Proprietary Fund
As of January 31, 2023

	Governmental Activities ----- Internal Service Fund
Assets	
Current assets:	
Due from other funds	\$ 3,786,723
Other receivables	66
Total Assets	\$ 3,786,789
Liabilities	
Current liabilities:	
Accounts payable	\$ 676,257
Other current liabilities	800,657
Total current liabilities	\$ 1,476,914
Total liabilities	\$ 1,476,914
Net position	
Unrestricted net position	\$ 2,309,875
Total net position	\$ 3,786,789

Waco Independent School District
Statement of Revenues, Expenses, and Changes in Net Position
Budget and Actual
For the Period Ended January 31, 2023

Proprietary Fund
Governmental Activities - Internal Service Fund

	Budget	(Memo)		(Memo)		Difference Budget to Current Year-to-Date	CY YTD As % of Budget	PY YTD As % of Budget
		Monthly		Year-to-Date				
		Current 1/31/2023	Prior Year 1/31/2022	Current 1/31/2023	Prior Year 1/31/2022			
Operating revenues:								
Employee contributions:								
Group health	\$ 3,631,100	289,802	\$ 287,450	1,405,487	\$ 1,325,450	(2,225,613)	38.71%	43.69%
Assessments to other funds:								
Group health	10,236,500	811,599	962,344	4,129,705	3,985,400	(6,106,795)	40.34%	40.67%
Unemployment	112,000	9,331	19,245	49,890	98,266	(62,110)	44.54%	63.40%
Workers compensation	358,000	31,736	57,819	157,733	142,214	(200,267)	44.06%	61.83%
Prescription drug rebates	1,187,000	-	-	-	247,405	(1,187,000)	0.00%	28.77%
Insurance recovery	-	-	-	-	-	-	0.00%	0.00%
Total operating revenues	<u>\$ 15,524,600</u>	<u>1,142,468</u>	<u>1,326,858</u>	<u>5,742,815</u>	<u>5,798,735</u>	<u>(9,781,785)</u>	<u>36.99%</u>	<u>41.19%</u>
Operating expenses:								
Administrative fees	\$ 1,344,000	94,437	103,341	572,184	545,675	771,816	42.57%	35.44%
Claims expense:								
Medical claims	9,431,000	479,080	520,363	3,386,223	3,345,156	6,044,777	35.91%	46.76%
Prescription drug claims	3,928,000	426,496	308,871	1,829,801	1,424,551	2,098,199	46.58%	36.28%
Unemployment	102,000	8,422	-	11,474	24,753	90,526	11.25%	13.38%
Workers compensation	260,000	-	10,107	13,358	90,185	246,642	5.14%	34.03%
Stop-loss insurance	1,739,000	124,069	122,928	579,811	656,451	1,159,189	33.34%	40.40%
Wellness Program	67,000	18,227	4,365	32,322	24,186	34,678	48.24%	44.79%
Total operating expenses	<u>\$ 16,871,000</u>	<u>1,150,730</u>	<u>1,069,975</u>	<u>6,425,173</u>	<u>6,110,957</u>	<u>10,445,827</u>	<u>38.08%</u>	<u>41.43%</u>
Change in net position	\$ (1,346,400)	<u>(8,262)</u>	<u>256,883</u>	<u>(682,358)</u>	<u>(312,222)</u>	664,042		
Net position:								
Net position, beginning	\$ 3,187,944			2,992,233	3,564,375	(195,711)		
Net position, ending	<u>\$ 1,841,544</u>			<u>2,309,875</u>	<u>3,252,153</u>	<u>468,331</u>		

Waco Independent School District
Statement of Cash Flows
For the Period Ended January 31, 2023

Proprietary Fund

	Governmental Activities ----- Internal Service Fund
Cash flows from operating activities:	
Cash received from employee contributions	\$ 289,802
Cash received from assessments to other funds	860,928
Cash payments for claims	(913,997)
Cash payments for stop loss premiums	(124,069)
Cash payments for professional and contracted services	(94,437)
Net cash provided by operating activities	\$ 0
Net increase in cash and cash equivalents	\$ 0
Cash and cash equivalents at beginning of year	-
Cash and cash equivalents at end of year	\$ 0
Reconciliation of operating income to net cash provided by operating activities:	
Operating loss	\$ (8,262)
Effects of increases and decreases in current assets and liabilities:	
Decrease in receivables	695,899
Decrease in accounts payable	(687,637)
Net cash provided by operating activities	\$ 0

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: Sheryl Davis

RE: Annual Debt Report for the Fiscal Year Ended August 31, 2022

=====

Background Information:

The 84th Legislature passed HB 1378 to increase the transparency of local government debt. Under Local Government Code §140.008, political subdivisions, including school districts, must annually compile their debt obligation data from the preceding fiscal year and either report it to the Texas Comptroller of Public Accounts for posting or, alternatively, post the information on their own websites and establish a link with the Comptroller’s website.

The required information must be reported within 180 days of the end of the most recently completed fiscal year. The Waco ISD posted the report to the District’s website and submitted the information to the Texas State Comptroller’s Office, on February 15, 2023, within the required timeline.

Attached is a copy of the compiled annual debt report for the fiscal year ended August 31, 2022. The report does not include the results of the bonds issued on September 28, 2022.

Fiscal Implications:

None.

Administrative Recommendation(s):

Report only.

Summary of Debt Obligations as of August 31, 2022

	Total	Secured by Ad Valorem Taxes	Per Capita ²
Authorized debt obligations¹	\$ 603,560,000	\$ 448,560,000	\$ 4,097
Principal of all outstanding debt obligations	\$ 310,660,000	\$ 310,660,000	\$ 2,837
Combined principal & interest required to pay outstanding debt obligations on time & in full	\$ 493,260,161	\$ 493,260,161	\$ 4,505

¹Secured by Ad Valorem Taxes amount does not include general obligation bonds issued September 28, 2022 in the amount of \$72,885,000.

² Per capita is based on a total population of 109,495 as estimated by the U.S. Census Bureau's Poverty Estimates for School Districts, Small Area Income and Poverty Program (SAIPE), posted November 30, 2022.

Status of Waco ISD Bonds Authorized by General Election 1987 Through 2022³

Authorizing Election	Purpose for Which the Debt Obligation was Authorized	Authorization Amount	Issued	Unissued	Total Proceeds Received	Proceeds Spent	Proceeds Unspent
5/27/1987	New construction (South Waco); physical education facilities; and HVAC & other renovations	\$ 27,000,000	\$ 27,000,000	\$ -	\$ 25,794,732	\$ 25,794,732	\$ -
11/4/1997	Two new elementary schools (Brook Avenue & Provident Heights); classroom additions (Alta Vista & Lake Waco); fine arts facility (Waco High); health careers facility (University High); & middle school physical education facilities	\$ 15,000,000	\$ 15,000,000	\$ -	\$ 14,995,516	\$ 14,995,516	\$ -
2/5/2000	New middle school (Cesar Chavez); new elementary school (West Avenue); classroom wing (Dean Highland); library expansions; middle school band facilities; elementary physical education facilities; and HVAC & lighting upgrades	\$ 39,500,000	\$ 39,500,000	\$ -	\$ 39,601,267	\$ 39,601,267	\$ -
5/10/2008	Replacement high school (University High); three replacement elementary schools (Bell's Hill, Dean Highland, J.H. Hines); secondary science labs, library, & cafeteria additions/renovations; athletic facilities & playground equipment, and miscellaneous systems repairs, replacements, & upgrades including accessibility, fire and safety, electrical, energy management, HVAC, lighting, plumbing & roofing	\$ 172,500,000	\$ 172,500,000	\$ -	\$ 182,548,840	\$ 182,548,840	\$ -
11/2/2021	Replacement high school (Waco High); two replacement middle schools (G.W. Carver and Tennyson); one replacement elementary (Kendrick); and additions and renovations to a second elementary (South Waco)	\$ 355,000,000	\$ 200,000,000	\$ 155,000,000	\$ 201,702,030	\$ 19,709,523	\$ 181,992,507
		\$ 609,000,000	\$ 454,000,000	\$ 155,000,000	\$ 464,642,385	\$ 282,649,878	\$ 181,992,507

³ Does not include general obligation bonds issued September 28, 2022 in the amount of \$72,885,000.

Current Credit Ratings Given by Nationally Recognized Credit Rating Organization to Debt Obligations

	Assigned ⁴	Underlying
Moody's Investors Service	Aaa	Aa2
Standard & Poor's Rating Services	AAA	AA-

⁴The bonds have been given an assigned rating by virtue of the Guarantee of the Permanent School Fund of the State of Texas

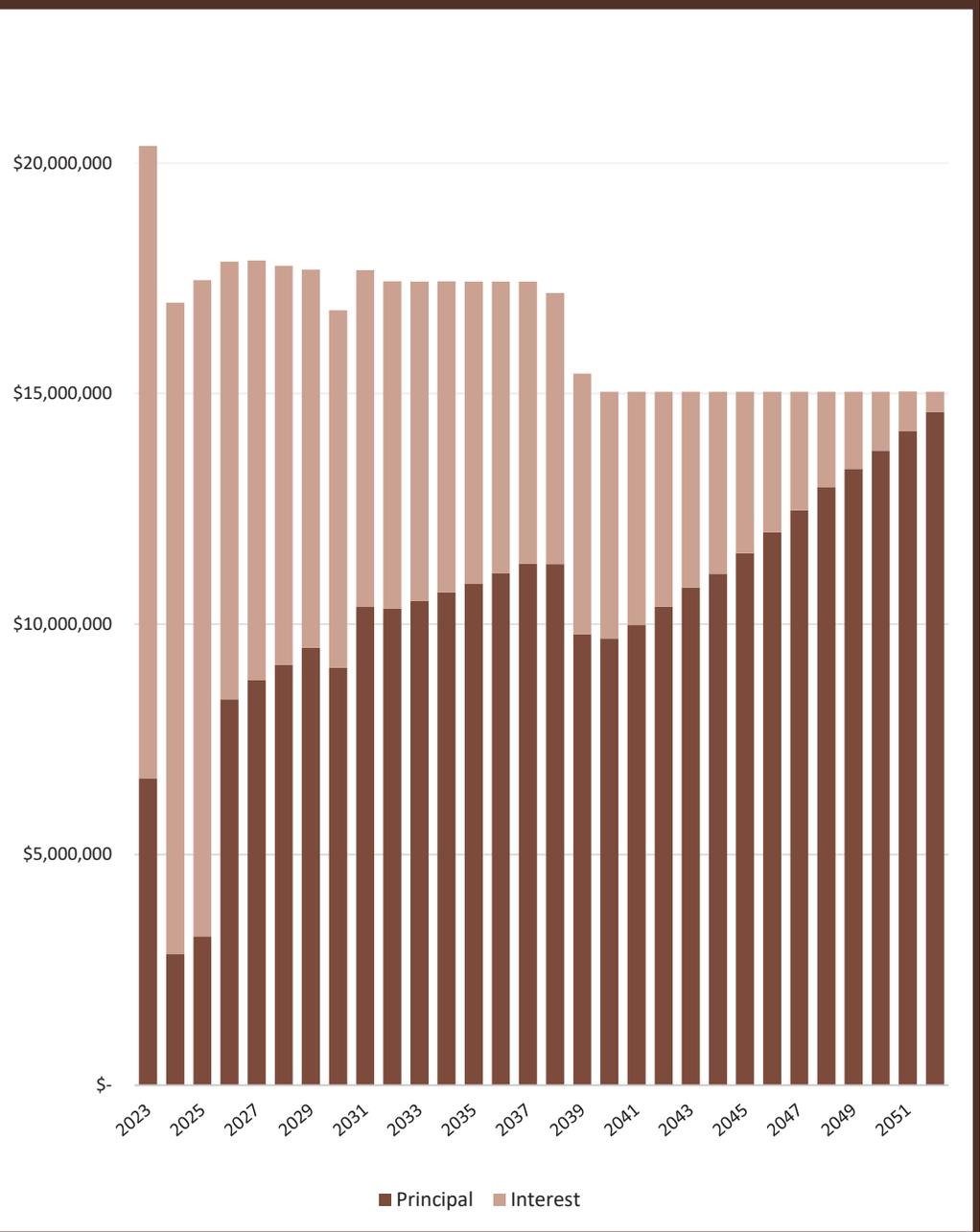
Outstanding Debt by Series as of August 31, 2022

Series	Interest Rate Payable	Original Issue Amount	Maturity Date	Beginning Principal Balance	Additions	Reductions	Ending Principal Balance	Outstanding Debt Per Capita
Unlimited Tax School Building and/or Refunding Bonds secured by ad valorem taxation:								
Series 2014	2.00%-4.00%	8,320,000	2025	15,000	-	(15,000)	-	-
Series 2014 (CAB)	2.70%	150,000	2023	150,000	-	-	150,000	1
Series 2015	2.00%-5.00%	96,730,000	2038	7,340,000	-	(3,750,000)	3,590,000	33
Series 2016	2.00%-5.00%	47,120,000	2038	19,775,000	-	(5,485,000)	14,290,000	131
Series 2021	1.44%-5.00%	105,915,000	2038	104,925,000	-	(2,620,000)	102,305,000	934
Series 2021 (CAB)	0.45%-0.73%	825,000	2025	825,000	-	-	825,000	8
Series 2022	2.75%-5.00%	189,500,000	2052	-	189,500,000	-	189,500,000	1,731
Totals-bonds payable at original par value		\$ 448,560,000		\$ 133,030,000	\$ 189,500,000	\$ (11,870,000)	\$ 310,660,000	\$ 2,837

Amount Due in Fiscal Year Ending August 31, 2023	\$ 6,650,000
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Combined Principal & Interest Requirements by Year as of August 31, 2022
Unlimited Tax School Building & Refunding Bonds

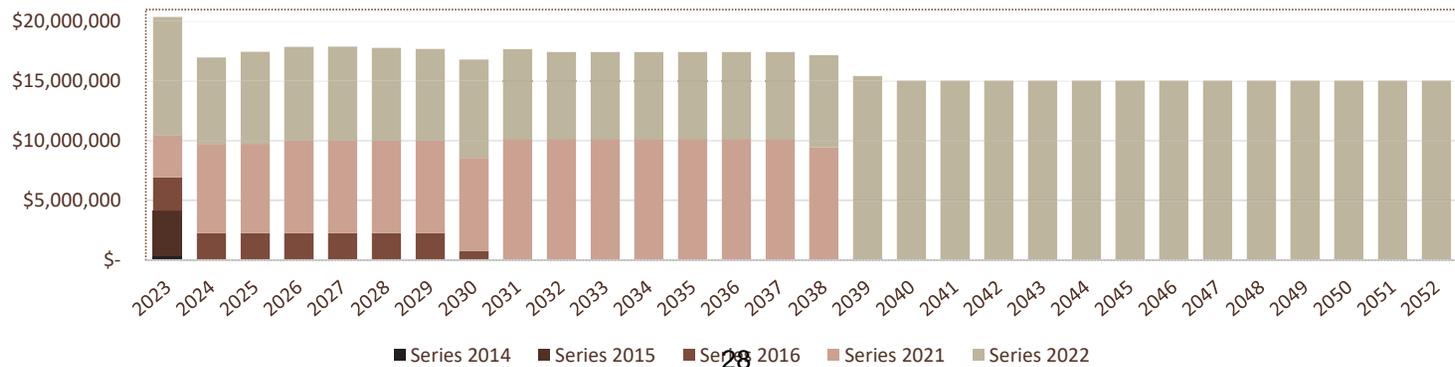
Fiscal Year Ending August 31	Principal Value at Maturity	Interest	Total Requirements Through Maturity	Outstanding Debt Per Capita
2023	\$ 6,650,000	\$ 13,721,048	\$ 20,371,048	\$ 186
2024	2,845,000	14,128,530	16,973,530	155
2025	3,230,000	14,233,529	17,463,529	159
2026	8,365,000	9,498,279	17,863,279	163
2027	8,790,000	9,098,679	17,888,679	163
2028	9,115,000	8,659,180	17,774,180	162
2029	9,490,000	8,203,430	17,693,430	162
2030	9,055,000	7,750,279	16,805,279	153
2031	10,375,000	7,304,779	17,679,779	161
2032	10,335,000	7,100,289	17,435,289	159
2033	10,505,000	6,927,314	17,432,314	159
2034	10,695,000	6,742,131	17,437,131	159
2035	10,885,000	6,544,081	17,429,081	159
2036	11,100,000	6,332,934	17,432,934	159
2037	11,315,000	6,112,646	17,427,646	159
2038	11,300,000	5,884,021	17,184,021	157
2039	9,785,000	5,645,863	15,430,863	141
2040	9,690,000	5,352,313	15,042,313	137
2041	9,980,000	5,061,612	15,041,612	137
2042	10,380,000	4,662,412	15,042,412	137
2043	10,795,000	4,247,212	15,042,212	137
2044	11,090,000	3,950,350	15,040,350	137
2045	11,535,000	3,506,750	15,041,750	137
2046	11,995,000	3,045,350	15,040,350	137
2047	12,475,000	2,565,550	15,040,550	137
2048	12,975,000	2,066,550	15,041,550	137
2049	13,365,000	1,677,300	15,042,300	137
2050	13,765,000	1,276,350	15,041,350	137
2051	14,180,000	863,400	15,043,400	137
2052	14,600,000	438,000	15,038,000	137
Total	\$ 310,660,000	\$ 182,600,161	\$ 493,260,161	\$ 4,505



Does not include general obligation bonds issued September 28, 2022 in the amount of \$72,885,000.

**Unlimited Tax School Building & Refunding Bonds Combined Principal and Interest Requirements
as of August 31, 2022 by Series**

Fiscal Year Ending	U/L Tax Refunding Bonds					
August 31	Series 2014	Series 2015	Series 2016	Series 2021	Series 2022	Total
2023	\$ 365,000	\$ 3,769,500	\$ 2,792,250	\$ 3,521,567	\$ 9,922,732	\$ 20,371,049
2024	-	-	2,251,000	7,471,566	7,250,962	16,973,528
2025	-	-	2,251,500	7,476,567	7,735,463	17,463,530
2026	-	-	2,252,750	7,776,567	7,833,962	17,863,279
2027	-	-	2,253,150	7,776,066	7,859,463	17,888,679
2028	-	-	2,251,150	7,777,817	7,745,212	17,774,179
2029	-	-	2,249,400	7,776,067	7,667,963	17,693,430
2030	-	-	754,000	7,775,316	8,275,962	16,805,278
2031	-	-	-	10,084,817	7,594,963	17,679,780
2032	-	-	-	10,092,576	7,342,712	17,435,288
2033	-	-	-	10,090,701	7,341,613	17,432,314
2034	-	-	-	10,092,819	7,344,312	17,437,131
2035	-	-	-	10,088,418	7,340,663	17,429,081
2036	-	-	-	10,092,122	7,340,812	17,432,934
2037	-	-	-	10,088,034	7,339,613	17,427,647
2038	-	-	-	9,436,959	7,747,062	17,184,021
2039	-	-	-	-	15,430,863	15,430,863
2040	-	-	-	-	15,042,312	15,042,312
2041	-	-	-	-	15,041,613	15,041,613
2042	-	-	-	-	15,042,412	15,042,412
2043	-	-	-	-	15,042,213	15,042,213
2044	-	-	-	-	15,040,350	15,040,350
2045	-	-	-	-	15,041,750	15,041,750
2046	-	-	-	-	15,040,350	15,040,350
2047	-	-	-	-	15,040,550	15,040,550
2048	-	-	-	-	15,041,550	15,041,550
2049	-	-	-	-	15,042,300	15,042,300
2050	-	-	-	-	15,041,350	15,041,350
2051	-	-	-	-	15,043,400	15,043,400
2052	-	-	-	-	15,038,000	15,038,000
Total	\$ 365,000	\$ 3,769,500	\$ 17,055,200	\$ 137,417,979	\$ 334,652,482	\$ 493,260,161



Does not include general obligation tax bonds issued September 28, 2022 in the amount of \$72,885,000.

Waco Independent School District
Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: Sheryl Davis

RE: Amendments to the 2022-2023 Budget

=====

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 #027: College, Career and Military Readiness (Fund 199)

This amendment will realign funds from instructional testing materials to curriculum and instructional staff development for training costs. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			<u>TEA Revenue/Function Description</u>
Source of Funds:	\$	3,500	Instruction
Use of Funds:	\$	3,500	Curriculum & Instructional Staff Development
Fund Balance Effect		None	

Amendment #028: Student Services and Support (Fund 199)

This amendment will realign funds from instructional leadership contracted services to guidance, counseling, and evaluation services for travel costs for the Threat Assessment and Violence Prevention Specialist. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			<u>TEA Revenue/Function Description</u>
Source of Funds:	\$	2,200	Instructional Leadership
Use of Funds:	\$	2,200	Guidance, Counseling, and Evaluation Services
Fund Balance Effect		None	

Amendment #029: Cesar Chavez Middle School (Fund 199)

This amendment will realign funds from instructional supplies to curriculum and instructional staff development travel and benefits. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			<u>TEA Revenue/Function Description</u>
Source of Funds:	\$	5,360	Instruction
Use of Funds:	\$	5,360	Curriculum & Instructional Staff Development
Fund Balance Effect		None	

Amendment #030: West Avenue Elementary School (Fund 199)

This amendment will realign funds from school leadership travel to guidance, counseling, and evaluation services travel. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

		<u>TEA Revenue/Function Description</u>	
Source of Funds:	\$	100	School Leadership
Use of Funds:	\$	100	Guidance, Counseling & Evaluation Services
Fund Balance Effect		None	

Amendment #031: Tennyson Middle School (Fund 199)

This amendment will realign funds from curriculum and instructional staff development supplies to instructional supplies. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

		<u>TEA Revenue/Function Description</u>	
Source of Funds:	\$	26,625	Curriculum & Instructional Staff Development
Use of Funds:	\$	26,625	Instruction
Fund Balance Effect		None	

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

Fiscal Implications:

The 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

Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: M. Tish

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

=====

Background Information:

Request for Proposal, RFP # 21-1182, Educational Consulting, Professional Development, and Other Student-Based Contracted Services have been received for the purpose of creating a list of vendors which can service the District. We received ten (10) responses during the past month. The recommended vendors will be added to our previously approved list of two hundred four (204) responses.

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

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

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

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

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

Consideration may need to be given to have an extended opening for receiving responses.

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

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

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

Fiscal Implications:

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

Administrative Recommendation(s):

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

Aimee Kasprzyk

Company Name: Aimee Kasprzyk
Street Address: 812 Winged Foot
City, State, Zip: Corsicana, TX 75110
Contact Name: Aimee Kasprzyk
Contact Phone Number: 903-875-8869
Contact Email Address: akasprzyk@cisd.org
Category of Service Provided: Fine Arts Services (Band, Choir, Theater)
Target Audience: Theatre Students and Teachers
Description of Services: Contest Managing and Judging
Pricing: \$500 per day plus mileage and hotel

Ann Farris

Company Name: Ann Farris
Street Address: 13682 Maxdale Road
City, State, Zip: Killeen, TX 76549
Contact Name: Ann Farris
Contact Phone Number: 254-702-9468
Contact Email Address: annfarris1@gmail.com
Category of Service Provided: Professional/Staff Development Training
Target Audience: District Administrators
Description of Services: Train and facilitate discussion establishing a crosswalk between 'The Power of Flexing' and the district's definition of leadership
Pricing: \$1000 per day plus mileage

Craig Adams

Company Name: Craig Adams
Street Address: 2534 Pascal Ct., Unit A
City, State, Zip: Waco, TX 76706
Contact Name: Craig Adams
Contact Phone Number: 210-639-5519
Contact Email Address: Craig_Adams@baylor.edu
Category of Service Provided: Fine Arts Services (Band, Choir, Theater)
Target Audience: Band Students
Description of Services: Private lessons in French horn, professional adjudication, and clinician services
Pricing: Whatever is aligned with the district's budget and has been discussed with administration.

GTG Outdoors

Company Name: GTG Outdoors
Street Address: 1100 Placid Circle, Unit A7

City, State, Zip: Waco, TX 76706
Contact Name: Gabriel Garmelo
Contact Phone Number: 210-846-2272
Contact Email Address: Ggarmelo@gtgoutdoors.org
Category of Service Provided: Educational Activity Provider for Students
Target Audience: Females, Low SES students, People of Color
Description of Services: Outdoor recreation and education activities
Pricing: \$100 per group session up to 1 hour with up to 10 students. Additional \$50 for expense-heavy lessons such as outdoor cooking, outdoor crafts, and group outings. Day Trips to local and state parks will range from \$25-\$100 per student and does not include transportation. Transportation for outings will be \$25-\$50 per student.

Kelly Johnston

Company Name: Kelly Johnston
Street Address: PO Box 937
City, State, Zip: Valley Mills, TX 76689
Contact Name: Kelly Johnston
Contact Phone Number: 254-744-8767
Contact Email Address: kellyjohnston@gmail.com
Category of Service Provided: Professional/Staff Development Training
Target Audience: Teachers, Administration
Description of Services: Craft a vision for literacy education; craft goals for specific approaches to ELAR teaching and learning; identify strengths, areas for growth in individual grade levels and across K-6 scope and sequence; identify possible next steps for individual and collective ELAR program
Pricing: Onboarding (includes all communication, meetings, and needs assessment prior to initial PD session) (November 14-December 14), \$2502-hour PD session (includes session, materials, and all preparation hours) (December 14, 2022) \$400

Knowsys Educational Services, LLC

Company Name: Knowsys Educational Services, LLC
Street Address: PO Box 885
City, State, Zip: Ganado, Texas, 77962
Contact Name: Sheila Griffith
Contact Phone Number: 512-961-8522
Contact Email Address: info@myknowsys.com
Category of Service Provided: Professional/Staff Development Training
Target Audience: Classroom Teachers, GT Coordinators, Advanced Academics Department
Description of Services: Provide professional development and curriculum in the area of secondary vocabulary acquisition, secondary mathematics, college readiness, and test preparation (for SAT, ACT, PSAT, TIP, and TSIA); design a program, including professional development, to meet unique needs; provide content training and pedagogical support to model the best-practices for implementation of our programs; ongoing support for questions, issues, and concerns during implementation of the Knowsys programs
Pricing: 1/2 day online training \$1200, full day online training \$2000, 1/2 day on site training \$3000, full day on site training \$5000, \$5 per training booklet plus shipping,

additional costs for travel include GSA per diem rate, airfare and car rental and/or mileage

Lorie Crowder

Company Name: Lorie Crowder
Street Address: 4508 Westchester Dr
City, State, Zip: Waco, Texas 76710
Contact Name: Lorie Crowder
Contact Phone Number: 254-744-7437
Contact Email Address: lorie.l.crowder@gmail.com
Category of Service Provided: Presentations/Performances for Staff or Students
Target Audience: Children's Music Festival Grades 4 and 5
Description of Services: Clinician Services
Pricing: Flat fee of \$500 for preparation of materials, presentation to teachers and rehearsal and performance with students

Mandy Conner

Company Name: Mandy Conner
Street Address: 549 Cedar Ridge Dr
City, State, Zip: China Spring, TX 76633
Contact Name: Mandy Conner
Contact Phone Number: 254-744-0957
Contact Email Address: mconner@chinaspringisd.net
Category of Service Provided: Fine Arts Services (Band, Choir, Theater)
Target Audience: Theatre Students and Directors
Description of Services: Clinician Services
Pricing: \$1000 full day

Michael Krueger

Company Name: Michael Krueger
Street Address: 1257 Plainfield Road
City, State, Zip: South Euclid, OH, 44121
Contact Name: Michael Krueger
Contact Phone Number: 216-659-5204
Contact Email Address: michael.d.krueger1990@gmail.com
Category of Service Provided: Fine Arts Services (Band, Choir, Theater)
Target Audience: Band Directors
Description of Services: Music arranging and composition services, educational clinics; competitive marching band consulting; marching band judging
Pricing: \$100 per hour of educational and consulting services, \$500 for 1 full day (8 hours) of educational and consulting services, \$2000 for 1 week (5 days) of educational and consulting services, \$750 per minute of marching music composed, average cost of show is \$5,250, costs can be lower or higher based on needs of band

Southwestern Montessori Training Center

Company Name: Southwestern Montessori Training Center, Inc.
Street Address: 2005 Marshall Rd.
City, State, Zip: Denton, TX 76207
Contact Name: Sandi McDonald West
Contact Phone Number: 254-715-7571
Contact Email Address: noelcherie8@gmail.com
Category of Service Provided: Professional/Staff Development Training
Target Audience: Teacher Montessori Certification
Description of Services: Montessori training
Pricing: Early childhood level course Tuition fee \$7,400.00. Elementary 1 level course (EL.1, EL 1-2) 6-9 years/ 9-12 years) Tuition fee \$9,400.00. Deposit of \$500.00 (per Student) secures entrance to the course. Internship fee of \$300.00 is not included in the tuition, this fee covers visitation by SMTC personnel during internship phase of the course.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: M. List/R. Warren

RE: Bid Award for After-School Childcare Services

=====

Background Information:

Request for Proposal, RFP # 22-1217, After-School Childcare Services, has been issued and opened for the purpose of awarding a vendor or vendors that can provide After-School Childcare Services to the Districts fifteen (15) elementary campuses. These services will provide programs and services to students choosing to stay at their home campus from the end of school until 6:00 P.M. each school day. These services will be offered on the days the students are in attendance, according to the District’s approved Instruction Calendar.

The District received three (3) proposals for this bid. The evaluation team represented a diverse cross-section of staff members and campus principals with each bringing a unique perspective to the evaluating process. After the team evaluated the bids, it was determined that recommending two (2) vendors could meet the needs of all fifteen (15) campuses, and as such they recommend both The Mentoring Alliance and YMCA of Central Texas be awarded to perform these services. A bid tabulation along with a scoring summary is attached for your review.

These services will commence for the 2023-2024 school year.

Fiscal Implications:

Because these services will be paid by the parents directly to the provider, there is no fiscal implication for the District.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the bid award for After-School Childcare Services to both The Mentoring Alliance and YMCA of Central Texas, as presented.

RFP # 22-1217 After-School Childcare Services – Bid Tabulation

Proposers:	Weekly Rate:
<ul style="list-style-type: none">• The Mentoring Alliance	<ul style="list-style-type: none">• \$34.00 per student
<ul style="list-style-type: none">• WorkEd	<ul style="list-style-type: none">• \$220.00 per student
<ul style="list-style-type: none">• YMCA of Central Texas	<ul style="list-style-type: none">• \$49.50 per student

Supplier Scoring Summary 22-1217 - After-School Childcare Services

Supplier	Rank	Score	Proposed Price	Quality of Vendor's Goods or Services	Extent to which the Vendor's Proposed Services meet the needs to the District	Vendor Reputation
Maximum Points		100	30.00	25.00	25.00	20.00
The Mentoring Alliance	1	84.00	30.00	21.00	19.00	14.00
YMCA of Central Texas	2	77.61	20.61	21.00	21.00	15.00
WorkED Inc	3	27.64	4.64	7.00	9.00	7.00
		63.08	18.42	16.33	16.33	12.00

Evaluation Criteria - Scoring Round (2)

Proposed Price

Proposed Price	
Description	
Instructions	
Buyer Entered?	Yes
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Entered Value
Max Score	30

Quality of Vendor's Goods or Services

Quality of Vendor's Goods or Services	
Description	Executive Summary, Vendor's written narrative, quality of staff member selection, credentials and training experience
Instructions	Excellent - Outstanding response in all three areas of the evaluation criteria = 25 points Good - Great response to at least two of the areas of the evaluation criteria = 15 points Fair - Good response to one of the areas of the evaluation criteria = 5
Buyer Entered?	No
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Radio Button List
Score Choices	5.00 - Fair 15.00 - Good 25.00 - Excellent

Extent to which the Vendor's Proposed Services meet the needs of the District

Extent to which the Vendor's Proposed Services meet the needs to the District	
Description	
Instructions	Excellent - Meets all the requirements requested in the RFP = 25 Good - Meets most of the requirements requested in the RFP = 15 Fair - Meets some of the requirements requested in the RFP = 5
Buyer Entered?	No
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Radio Button List
Score Choices	5.00 - Fair 15.00 - Good 25.00 - Excellent

Vendor Reputation

Vendor Reputation	
Description	
Instructions	Excellent - At least four (4) positive reference = 20 points Good - At least two (2) to three (3) positive references = 10 points Fair - At least one (1) positive reference = 5 points
Buyer Entered?	No
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Radio Button List
Score Choices	5.00 - Fair 10.00 - Good 20.00 - Excellent

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: M. Tish/J. Allen

RE: Bid Award for Campus Network Equipment (E-Rate)

=====

Background Information:

Request for Proposal, RFP # 22-1235 (E-Rate), has been issued and opened for the purpose of soliciting a qualified vendor to provide Campus Network Equipment for Waco ISD's new school, G.W. Carver Middle School, scheduled to open August 2023.

We received three (3) responses for this bid. After the Technology Department evaluated the proposals, it was determined that the products offered from NEI Datacom met the needs of the District while maintaining the existing standards already established for campus switches and wireless access points. The low bidder offered a product which was not specified in the RFP and doesn't meet the Districts current standard for the wireless network.

The bid tabulation and scoring sheet is attached for your review,

Fiscal Implications:

Approximately 90% of the cost will be covered under E-rate funding, with the remaining cost being charged to the General Obligation School Building Bond fund.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve NEI Datacom as the awarded vendor for Campus Network Equipment, as presented.

RFP # 22-1235
Campus Network Equipment (E-Rate)
Bid Tabulation

Responding Vendors	Switches, Access Points, Licenses	Optional services including installation	Total	Points
NEI Datacom	\$ 817,370.00	\$ 72,845.00	\$ 744,525.00	25.82
Red River Technology	\$ 526,115.70	\$ 45,544.80	\$ 480,568.90	40.00
Wirestar	\$ 713,213.40	\$ 49,164.88	\$ 664,048.52	28.95

Please Note: Pricing Points based on Switches Access Points & Licenses

Supplier Scoring Summary 22-1235 Addendum 2 - Campus Network Equipment (E-Rate - Scoring Round

Supplier	Rank	Score	Proposed Price	Price of E-Rate Eligible Goods and Services	Other Cost	Experience doing this type of business	Experience doing business with other School District	Based on External References	Extent to which goods and services meet the District's needs
		100	40.00	5.00	5.00	10.00	10.00	30.00	
NEI Datacom	1	71.82	25.82	0.00	5.00	10.00	1.00	30.00	
Red River Technology LLC	2	71.00	40.00	0.00	5.00	10.00	1.00	15.00	
WireStar Networks	3	59.95	28.95	0.00	5.00	10.00	1.00	15.00	
		67.59	31.59	0.00	5.00	10.00	1.00	20.00	

Evaluation Criteria - Scoring Round

Proposed Price

Price of E-Rate Eligible Goods and Services

Buyer Entered?	Yes
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Entered Value
Max Score	40

Other Cost

Buyer Entered?	Yes
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Entered Value
Max Score	5

Experience doing this type of business

Experience doing this type of business

Instructions	Over 10 years experience = 5 points Less than 10 year experience = 1
Buyer Entered?	No
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Radio Button List
Score Choices	1.00 - Less than 10 years 5.00 - Over 10 years experience

Experience doing business with other School District

Experience doing business with other School District

Instructions	Excellent (3 or more School Districts) = 10 points Good (2 School Districts) = 5 points Fair (Less that 2 School Districts) = 1 point
Buyer Entered?	No
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Radio Button List
Score Choices	1.00 - Fair 5.00 - Good 10.00 - Excellent

Based on External Reference**Based on External References**

Instructions	Excellent - 3 or more positive references = 10 points Good - 2 positive references = 5 points Fair - Less than 2 positive references = 1 point
Buyer Entered?	No
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Radio Button List
Score Choices	1.00 - Fair 5.00 - Good 10.00 - Excellent

Extent to which goods and services meet the District's needs**Extent to which goods and services meet the District's needs**

Instructions	Excellent - Meets all the specifications outlined in the RFP = 30 points Good - Meets most of the needs specified in the RFP = 15 points
Buyer Entered?	No
Note Required?	Optional
Allowed Decimals:	2
Criteria Type	Entered Value
Max Score	30

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: M. Tish/G. Barrera

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

=====

Background Information:

Request for Proposal, RFP # 22-1229, Maintenance Supplies, Equipment, and Services have been received for the purpose of creating a list of vendors which can provide supplies, equipment, and services for the Facilities and Maintenance and Custodial Departments. We have received ninety-two (92) responses for this initial bid. We received two (2) additional vendors this past month and 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 two (2) additional new vendors for the Maintenance Supplies, Equipment, and Services bid, as presented.

Maintenance Supplies, Equipment and Services

Vendors for February 2022

Responding Supplier	City	State
Arrow Magnolia International, Inc.	Dallas	TX
Waco Lock and Key, LLC	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
Bleacher Service Company (Gilbert D. Trevino)	Moody	TX
Brandt (The Brandt Companies, LLC.)	Waco	TX
Brem's Fencing LLC	Valley Mills	TX
Brewer Lock and Safe	Waco	TX
BUGSDOTCOM Termite and Pest	Waco	TX
Bullseye Glass (Bullseye Glass LLC,)	Waco	TX
Centex Carpet & Interiors	Waco	TX
CF Supply Inc	Waco	TX
Clarks Small Engine Repair	Lacy Lakeview	TX
Climatec, LLC	Austin	TX
Code-3 Fire & Safety Products	Waco	TX
Communication Concepts	Fort Worth	TX
Competitive Choice Inc.	Houston	TX
Complete Supply, Inc.	Dallas	TX
Core Controls	Dallas	TX
Dealers Electrical Supply	Waco	TX
DenaliCS (Denali Construction Services, LP)	Carrollton	TX
Dent Enterprises LLC	Desoto	TX
Diesel Power Supply Co.	Waco	TX
Encore Fence	Temple	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 Lawscaper Ltd.	Woodway	TX

Maintenance Supplies, Equipment and Services

Vendors for February 2022

Previously Awarded Vendors	City	State
Fort Worth Window Cleaning, Inc.	Haltom City	TX
Fred's Power Wash (Washer Power)	Waco	TX
Gene Ives Acoustic & Tile Co.	Waco	TX
Global Industrial (Global Equipment Co., Inc.)	Buford	GA
Grones Environmental Services	Waco	TX
H. B. Blake Company	Hewitt	TX
HCS Inc. (MB Home Construction)	Waco	TX
Image Maker 4U, Inc.	Hughes Springs	TX
INDEPENDENT HARDWARE Inc.	Philadelphia	PA
Interboro Packaging Corporation	Montgomery	NY
Intercon Environmental, Inc.	Mansfield	TX
intermountain lock & security supply	Salt Lake City	UT
J.K. Brown	Moody	TX
Justin Seed Company	Justin	TX
Landscape Supply (Waco Landscape Supply, LP)	Waco	TX
Lennox Industries (Lennox Industries Inc.)	Richardson	TX
Liftcrete Solutions (Green Foam Solutions, Inc.)	Waco	TX
Lonestar Chiller Systems (Lonestar Chiller Systems LLC)	Crawford	TX
Loop 340 Overhead Door (Sideline Enterprises, Inc.)	Waco	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
Patriot Supply Company	Brady	TX
Perry Office Plus (Perry Office Products)	Temple	TX
Pye Barker Fire	Waco	TX
Richards Equipment Company	Waco	TX
Share Corporation	Milwaukee	WI
Sherwin Williams (The Sherwin Williams Company)	Waco	TX
Shiffler Equipment Sales, Inc.	Chardon	OH
Sims Plastics of Waco	Waco	TX
Smoot-Anderson Co., Inc.	Waco	TX
Solar Supply	Waco	TX
Southern Clean Pressure Washing (Michael Jackson)	Ferris	TX
Southwest Maintenance, LTD	Waco	TX
Starks Janitorial Services	Mesquite	TX
Sunrise Environmental LLC (Jessica L Marquesen)	Bridgeport	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
United Refrigeration Inc.	Waco	TX

Maintenance Supplies, Equipment and Services

Vendors for February 2022

Previously Awarded Vendors	City	State
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: February 23, 2023

Contact Person: M. Tish

RE: Bid Award for Restaurant and Catering Services

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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-nine (59) 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.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

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

Consideration may need to be given to have an extended opening for receiving responses.

- Limited Response Period. This choice is considered a normal, formal RFP. Examples include newspaper advertisements and awards made and limited to only the responders that submitted and awarded for the solicitation.
- Extended Response Period. This choice is more informal than a limited response period. The major difference is the date the responses are due. This method allows for responses to be accepted throughout an extended period such as the date of the contract award expiration and awards made periodically. Periodic board approval may also be required. For newspaper advertisements, our District will continue to publicize periodic republication through our website and continue to enlist the assistance of the three (3) Chamber of Commerce’s, as received on this first solicitation. The advertisement will address concerns about transparency by announcing the

solicitation to new readers even though the statutory requirements were met by the initial publication.

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

Fiscal Implications:

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

Administrative Recommendation(s):

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

RFP # 19-1150
Restaurant and Catering Services

New Responding Supplier	City	State	Bid #	Expiration Date
Panera Bread	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 unitversity (Sykora Family Enterprises)	Waco	TX	19-1150	1/30/2025
Chick-fil-A of Waco	Waco	TX	19-1150	1/30/2025
Chuy's Opco Inc.	Austin	TX	19-1150	1/30/2025
Coach's Smoke BBQ (Josey's BBA, Inc.)	Waco	TX	19-1150	1/30/2025
DoubleDave's Pizzaworkds (Hearne Pizza LLC)	Waco	TX	19-1150	1/30/2025
Fazoli's (FazTex Restaurants, Inc.)	Austin	TX	19-1150	1/30/2025
Franklin Avenue Mac House (Cheddar Box, LLC)	Waco	TX	19-1150	1/30/2025
Fuego Waco II, LLC	Waco	TX	19-1150	1/30/2025
Gelu Italian Ice (Waco Coffee Company, LLC)	Waco	TX	19-1150	1/30/2025
George's Restaurant & Catering (George's 1 LTD)	Waco	TX	19-1150	1/30/2025
Good'N Gone Cookie Jar	Waco	TX	19-1150	1/30/2025
Heritage Creamery (Heritage Creamery LLC)	Waco	TX	19-1150	1/30/2025
HTeaO (N2T LLC)	Amarillo	TX	19-1150	1/30/2025
Jason's Deli (Deli Management, Inc.)	Waco	TX	19-1150	1/30/2025
Jimmy Johns (Butts Largest Investment Group II, Inc)	Waco	TX	19-1150	1/30/2025
Jon Lillie's Steakhouse	Waco	TX	19-1150	1/30/2025
Kona Ice of Waco LLC (Tie Dye Interprises)	Waco	TX	19-1150	1/30/2025
Kurbside Coffee & Goods	Waco	TX	19-1150	1/30/2025
La Fiesta Restaurant (Wanda Patlis Inc)	Waco	TX	19-1150	1/30/2025
Little 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 Lemonaide Co	Waco	TX	19-1150	1/30/2025
Raising Canes (Raising Canes Restaurants, LLC)	Plano	TX	19-1150	1/30/2025
Revival Eastside Eatery	Waco	TX	19-1150	1/30/2025
Roni's Mac Bar	Waco	TX	19-1150	1/30/2025
Rosa's Café & Tortilla Factory	59 Waco	TX	19-1150	1/30/2025

RFP # 19-1150
Restaurant and Catering Services

Andy's Frozen Custard (Andy's Texas #5, LLC)	Austin	TX	19-1150	1/30/2025
Rosati's of Waco (Odling Pizza LLC)	Waco	TX	19-1150	1/30/2025
Shipleigh 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 Corporat	Waco	TX	19-1150	1/30/2025
Waco Cha	Waco	TX	19-1150	1/30/2025
Walkons waco	Waco	TX	19-1150	1/30/2025
What About Cupcakes? (What About Cupcakes LLC)	Waco	TX	19-1150	1/30/2025
Zookies Investments LLC	Waco	TX	19-1150	1/30/2025

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: M. Tish

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

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Background Information:

In April 2020, the Board approved a change in Board Policy CH (Local) that requires all purchase requests over \$50,000 to be approved by the Board of Trustees prior to being made. These purchases will be made under a pre-existing bid or purchasing cooperative. The following purchase requests have been made as of January 19, 2023:

Pre-Existing Bid:

- Candor Consulting and Diagnostics, LLC- \$169,200 – Contracted services by Speech Language Pathologist/Speech Language Pathologist Assistant to provide therapy, conduct evaluations, provide services, provide supervision, prepare for ARD meetings, and attend ARD meetings – Waco ISD Bid # 18-1120 Special Education Professional Services

Purchasing Cooperative:

Furniture for G.W. Carver Middle School will be purchased from the following purchasing cooperatives by manufacturer.

- McCoy Rockford - \$314,810.38 - TXMAS #19-7111 Furniture
- McCoy Rockford - \$599,550.11– Cooperative by manufacturer
 - KI – Sourcewell #121919-KII Furniture
 - Global – EI000239 General Furniture Solutions
 - Smith System – NCPA 07-120 Furniture
 - Sit On It – Omnia #R191803 Furniture, Installation, & Related Services
 - SAFCO – Omnia #R191814 Furniture, Installation, & Related Services
- McCoy Rockford - \$125,578.21
 - KI – Sourcewell #121919-KII Furniture
 - Paragon – TIPS #200301 Furniture, Furnishings, & Services
 - Steelcase – E&I # E100140 Premium Office Furniture
- Wenger - \$79,070.61 - BuyBoard #619-20 – Musical Instruments, Equipment, Supplies, and Repair
- Total Office Solutions - \$378,182.90

- JSI – Omnia#R191806 – Furniture, Installation, & Related Services
- MooreCo – NCPA #NCPA07-108 - Furniture
- HON – Omnia #R191804 – Furniture, Installation, & Related 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: February 23, 2023 **Contact Person:** M. Tish/S. Davis

RE: Engagement of External Auditor for 2022-2023 Fiscal Year

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Background Information:

Each year, Texas school districts are required to prepare annual financial statements and have them audited by a licensed independent certified public accounting (CPA) firm. The Texas Education Agency (TEA) requires that the districts ensure their independent auditor be:

- A certified public accountancy firm and/or certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy;
- Be a member of the AICPA Governmental Audit Quality Center;
- Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and the Texas public school district environment; and
- Meet all other requirements provided by Texas Education Code §44.008, Texas Administrative Code §109.23 and all other requirements.

External Auditors are considered a professional service and, as such, are hired based on qualifications. The District issues a Request for Qualifications (RFQ), as necessary, to solicit information regarding external audit services. For the past six years, the District has utilized Weaver and Tidwel, LLP: Assurance, Tax and Advisory Services for our external audit services.

Weaver has a policy of rotating the audit partner and senior audit staff to ensure the independence of the audit judgment and improve the quality of the audit. Weaver is the largest independent CPA firm in the Southwest and members of its audit team are actively involved with the TEA, the Texas Association of School Business Officials (TASBO), and the Texas Society of CPAs in developing, interpreting, implementing, and training on pronouncements of the Governmental Accounting Standards Board (GASB) as well as state and federal accounting and auditing requirements.

Annual expenditures as a result of the engagement will exceed \$50,000 and must be approved by the Board of Trustees in compliance with policy CH (Local). The total fee will be based upon the number of staff hours necessitated during the course of the engagement.

Fiscal Implications:

The budget for these expenditures will come from general operating funds budgeted for this purpose.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the engagement of Weaver: Assurance, Tax and Advisory Services for external audit services for the fiscal year ended August 31, 2023, as presented.



February 6, 2023

To the Board of Trustees and Management
Waco Independent School District
501 Franklin Avenue
Waco, Texas 76712

Dear Board of Trustees and Management:

You have requested that Weaver and Tidwell, L.L.P. ("Weaver", "our", "us", and "we") audit the governmental activities, each major fund, and the aggregate remaining fund information of Waco Independent School District (the "District"), as of August 31, 2023, and for the year then ended and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents. In addition, we will audit the District's compliance over major federal award programs for the period ended August 31, 2023.

Accounting principles generally accepted in the United States of America ("U.S. GAAP"), as promulgated by the Governmental Accounting Standards Board ("GASB") require that management's discussion and analysis and budgetary comparison information, among other items, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by GASB, which considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information ("RSI") in accordance with auditing standards generally accepted in the United States of America ("U.S. GAAS"). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP. This RSI will be subjected to certain limited procedures but will not be audited:

1. Management's Discussion and Analysis
2. Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – General Fund
3. Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – Major Special Revenue Fund, as applicable
4. Schedule of the District's Proportionate Share of the Net Pension Liability of a Cost-Sharing Multiple-Employer Pension Plan – Teacher Retirement System of Texas
5. Schedule of District's Contributions – Teacher Retirement System of Texas Pension Plan
6. Schedule of the District's Proportionate Share of the Net Other Post-Employment Benefits (OPEB) Liability of a Cost-Sharing Multiple-Employer OPEB Plan – Teacher Retirement System of Texas
7. Schedule of District's Contributions to the Teacher Retirement System of Texas OPEB Plan

Supplementary information other than RSI will accompany the District's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and additional

Page 2 of 10

procedures in accordance with U.S. GAAS. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

1. Schedule of Expenditures of Federal Awards
2. Combining and Individual Fund Financial Statements
3. Compliance Schedules Required by the Texas Education Agency

Also, the document we submit to you will include the following other additional information that will not be subjected to the auditing procedures applied in our audit of the basic financial statements:

1. Statistical Section
2. Schedule of Required Responses to Selected School FIRST Indicators

We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material aspects, in conformity with U.S. GAAP and to report on the fairness of the supplementary information referred to above when considered in relation to the basic financial statements as a whole. The objective also includes reporting on internal control related to the basic financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the basic financial statements in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States of America ("GAGAS"); and internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

Auditor Responsibilities

We will conduct our audit in accordance with U.S. GAAS, the standards applicable to financial audits contained in GAGAS, and the provisions of the Uniform Guidance. Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the basic financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of the physical existence of assets, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial

institutions. As part of our audit process, we may request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the basic financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and GAGAS.

In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the basic financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

In making our risk assessments, we consider internal control relevant to the District's preparation and fair presentation of the basic financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the basic financial statements that we have identified during the audit.

John DeBurro is the engagement partner for the audit services specified in this letter, and is responsible for supervising our services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

We may from time to time, and depending on the circumstances, use third-party service providers in performing this engagement. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service provider.

We expect to begin our audit procedures in April 2023, and issue our report in January 2024. We will issue a written report upon completion of our audit of the District's basic financial statements. Our report will be addressed to the Board of Trustees of the District. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or withdraw from this engagement.

As part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of the District's compliance with certain provisions of laws, regulations, contracts, and grants that could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with the provisions is not an objective of our audit, and accordingly, we will not express such an opinion.

Our audit of the District's major federal award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; and the provisions of the Uniform Guidance; and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion on major federal award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the District has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major federal award programs. Our procedures will consist of determining major federal programs and performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the District's major programs. The purpose of those procedures will be to express an opinion on the District's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Also, as required by the Uniform Guidance, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the District's major federal award programs. However, our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report.

In accordance with the requirements of GAGAS, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the District's major federal award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

- a. for the preparation and fair presentation of the basic financial statements in accordance with the framework described in Audit Objectives above;

- b. for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error, for fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements;
- c. to provide us with:
 - i. access to all information of which management is aware that is relevant to the preparation and fair presentation of the basic financial statements, and relevant to federal award programs, such as records, documentation, and other matters;
 - ii. additional information that we may request from management for the purpose of the audit; and
 - iii. unrestricted access to persons within the District from whom we determine it necessary to obtain audit evidence.
- d. for including the auditor's report, and our report on any supplementary information if described above, in any document containing the basic financial statements that indicates that such basic financial statements have been audited by the District's auditor;
- e. for identifying and ensuring that the District complies with the laws and regulations applicable to its activities;
- f. for adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole;
- g. for maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- h. for identifying all federal awards expended during the period including federal awards and funding increments received prior to December 26, 2014, and those received in accordance with the Uniform Guidance generally received after December 26, 2014;
- i. for preparing the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with the Uniform Guidance;
- j. for the design, implementation, and maintenance of internal control over compliance;
- k. For identifying and ensuring that the District complies with laws, regulations, grants, and contracts applicable to its activities and its federal award programs;
- l. For following up and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
- m. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
- n. For submitting the reporting package and data collection form to the appropriate parties;

- o. For making the auditor aware of any significant vendor relationships where the vendor is responsible for program compliance;
- p. with regard to the supplementary information referred to above: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon;
- q. informing us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the basic financial statements are issued;
- r. for confirming your understanding of your responsibilities in this letter to us in your management representation letter.

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If we agree herein or otherwise to perform any non-attest services (such as tax services or any other non-attest services), you agree to assume all management responsibilities for those services; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them. The entity has designated Sheryl Davis, CPA, Chief Financial Officer to oversee these services. Such services include:

- i. Preparation of the Data Collection Form
- ii. Assistance with GASB 68 – Pensions & GASB 75 - OPEB

GAGAS require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a nonaudit/nonattest service.

During the course of our engagement, we will request information and explanations from management regarding the District's operations, internal controls, future plans, specific transactions and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written representation letter. The District agrees that as a condition of our engagement to perform an audit that management will, to the best of its knowledge and belief, be truthful, accurate and complete in all representations made to us during the course of the audit and in the written representation letter. The procedures we perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. False or misleading representations could cause us to expend unnecessary efforts in the audit; or, worse, could cause a material error or a fraud to go undetected by our procedures.

Fees and Invoicing

We estimate that the fee for this engagement will be \$60,000 for the financial statement audit and \$2,500 for each major federal program as applicable to the compliance audit. The fee estimate is based on anticipated cooperation from all involved and the assumption that unexpected circumstances will not be encountered during the engagement. This is only an estimate and the fee for these services will be determined by the complexity of the work performed and the tasks required. If significant additional time is necessary, we will discuss the reasons with you and arrive at a new fee estimate before we incur the additional costs. It is understood that neither our fees nor the payment thereof will be contingent upon the results of this engagement.

In addition to the fee for our services, reasonable and necessary out-of-pocket expenses we incur (such as parking, reproduction and printing, postage and delivery, and out-of-market travel, meals, and accommodations) will be billed at cost. At this time, we do not anticipate incurring substantial expenses.

Our engagement fees do not include consulting on the adoption of new accounting standards and any future increased duties because of any regulatory body, auditing standard or an unknown or unplanned significant transaction. We will consult with you in the event any of these take place that may affect our fees.

We will also invoice for reasonable and necessary time and out-of-pocket expenses we incur to respond to any request (such as a subpoena, summons, court order, or administrative investigative demand) pertaining to this engagement in a legal matter to which we are not a party. Our time to facilitate the response will be billed at our then-current standard hourly rates, and our expenses (including attorney's fees) will be billed at cost. If we agree to perform additional substantive services related to or arising out of the request, such matters may be the subject of a new engagement letter.

Our invoices for this engagement will be rendered each month as work progresses. Our invoices are payable in accordance with Texas Government Code § 2251.021.

Ethical Conflict Resolution

In the unlikely event that circumstances occur which we in our sole discretion believe could create a conflict with either the ethical standards of our firm or the ethical standards of our profession in continuing our engagement, we may suspend our services until a satisfactory resolution can be achieved or we may resign from the engagement. We will notify you of such conflict as soon as practicable, and will discuss with you any possible means of resolving them prior to suspending our services.

The hiring of or potential employment discussions with any of our personnel could impair our independence. Accordingly, you agree to inform the engagement partner prior to any such potential employment discussions taking place.

Audit Documentation and Confidentiality

The audit documentation we prepare pertaining to and in support of this engagement is our property and constitutes confidential information. If we are requested to make the audit documentation available to outside parties, except in the case of requests during our peer review (discussed below) or when prohibited by law or direction of law enforcement, any such requests will be discussed with you before we make the documentation available to the requesting parties.

We may be requested to make certain audit documentation (working papers) available to regulators and other government agencies, pursuant to authority given by law or regulation. You should understand that responding to many such requests is mandatory. In those cases, access to such working papers will be provided under our supervision and we may, upon their request, provide the regulator or agency with copies of all or selected working papers. The requesting party may intend or decide to distribute the copies or information contained therein to others, including other regulators or agencies. You will be billed for additional fees as a result of the aforementioned work.

Our firm, as well as other accounting firms, participates in a peer review program covering our audit and accounting practices. This program requires that once every three years, we subject our system of quality control to an examination by another accounting firm. As part of this process, the firm conducting our peer review will review a sample of our work. It is possible that the work we perform for you may be selected for such a review. If it is, our peer review firm is bound by professional standards to keep all information confidential and we are required to provide the required information.

It is expected that prior to the conclusion of the engagement, sections of the Data Collection Form will be completed by our firm. The sections that we will complete summarize our audit findings by federal grant or contract. Management is responsible to submit the reporting package (defined as including basic financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. The instructions to the Data Collection Form require that the reporting package be an unlocked, unencrypted, text searchable portable document file (PDF) or else it will be rejected by the Federal Audit Clearinghouse. We will be available to assist management in creating the PDF if needed.

We will coordinate with you the electronic submission and certification upon the reporting package completion. If applicable, we will provide copies of our report for you to include with the reporting package if there is a need to submit the package to pass-through entities.

The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of our reports or nine months after the end of the audit period.

We will retain our audit documentation for a period of at least seven years from the date of our report. You agree that following such period, we may destroy the audit documentation without notice to you.

To maintain independence, we will not act as the host of your financial or non-financial information or as your information back-up service provider. Instead, it is your responsibility to maintain a complete set of your financial and non-financial data and records. If some portion of your data and records is contained only within our files, you agree to inform us before the issuance of our report and we will provide that to you.

The parties do not intend this engagement letter to be for the benefit of any third-party. You may inform us of third-parties who will receive a copy of our audit report. Unless you inform us of such third-parties in writing, we are not aware of who you intend to supply our audit report to and we do not anticipate other third-parties' reliance upon our professional services unless expressly stated herein.

During the course of the engagement, we may communicate via fax, email, or other electronic mechanism. Please be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Dispute Resolution Procedure including Jury Waiver

If a dispute arises out of or relates to this engagement or engagement letter, or the breach thereof, and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by mediation before resorting to litigation. In such event, the parties will attempt to agree upon a location, mediator, and mediation procedures, but absent such agreement any party may require mediation in Conroe, Texas, administered by the AAA under its Commercial Mediation Procedures.

This engagement letter and all disputes between the parties shall be governed by, resolved, and construed in accordance with the laws of the State of Texas, without regard to conflict-of-law principles. Any action arising out of or relating to this engagement or engagement letter shall only be brought in, and each party agrees to submit and consent to the exclusive jurisdiction of, the federal or state courts situated in Harris County, Texas.

Each party hereby irrevocably waives any right it may have to trial by jury in any proceeding arising out of or relating to this engagement or this engagement letter.

Whenever possible, this engagement letter shall be interpreted in such a manner as to be effective and valid under applicable laws, regulations, or published interpretation, but if any term of this engagement letter is declared illegal, unenforceable, or unconscionable, that term shall be severed or modified and the remaining terms of the engagement letter shall remain in force. The parties agree that the court should modify any term declared to be illegal, unenforceable, or unconscionable in a manner that will retain the intended term as closely as possible.

If because of a change in status or due to any other reason, any provision in this engagement letter would be prohibited by, or would impair our independence under laws, regulations or published interpretations by governmental bodies, professional organizations or other regulatory agencies, such provision shall, to that extent, be of no further force and effect and this agreement shall consist of the remaining portions.

Miscellaneous

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of the latest external peer review report of our firm for your consideration and files.

We may at times provide you with documents marked as drafts. You understand that those documents are for your review purposes only. You should not rely upon those documents in any way.

Although the engagement partner responsible for this engagement is a licensed certified public accountant, we inform you that we have nonlicensees who may provide services pertaining to this engagement.

If you intend to make reference to our firm or include our report or any portion of it in a published document or other reproduction, and that document or other reproduction includes a version of our report or the financial statements that is assembled differently than any version we provided you or audited, you agree to provide us with printers' proofs or masters for our review and approval before reproducing. You also agree to provide us with a copy of the final reproduced material for our written approval before it is distributed. If, in our professional judgment, the circumstances require, we may withhold our approval. This requirement does not pertain to distributing our report or the financial statements when you do not modify their assembly or in situations where you disseminate the audited financial statements as a standalone document, such as on your website.

This engagement letter sets forth all of the agreed upon terms and conditions of our engagement with respect to the matters covered herein, and supersedes any that may have come before. This engagement letter may not be amended or modified except by further writing signed by all the parties.

We appreciate the opportunity to assist you and look forward to working with you and your team.

Sincerely,

Weaver and Tidwell, L.L.P.

WEAVER AND TIDWELL, L.L.P.

Conroe, Texas

Please sign and return a copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our engagement as described herein, including each party's respective responsibilities. By signing below, the signatory also represents that they have been authorized to execute this agreement.

Waco Independent School District

By: _____

Printed Name: _____

Title: _____

Date: _____



Report on Firm's System of Quality Control

October 16, 2019

To the Partners of Weaver and Tidwell, L.L.P.
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Weaver and Tidwell, L.L.P. (the firm) applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2019. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under Government Auditing Standards, including compliance audits under the Single Audit Act; audits of employee benefit plans, an audit performed under FDICIA, an audit of a broker-dealer, and examinations of service organizations [SOC 1 and SOC 2 engagements].)

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

What inspires you, inspires us. | eidebailly.com

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Weaver and Tidwell, L.L.P. applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2019, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of pass, pass with deficiency(ies) or fail. Weaver and Tidwell, L.L.P. has received a peer review rating of pass.

A handwritten signature in cursive script that reads "Eide Bailly LLP".

Eide Bailly LLP

Waco Independent School District
Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: Sheryl Davis

RE: Designation of Investment Officer(s)

=====

Background Information:

The Public Funds Investment Act requires that that each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity.

Attached is the resolution designating Sheryl Davis, Chief Financial Officer, Sherry Trotts, Executive Director of Finance, and Clara Eppel, Director of Accounting, as the investment officers for the Waco Independent School District.

Fiscal Implications:

None

Administrative Recommendation(s):

The administration recommends that the Board of Trustees approve the attached resolution designating Sheryl Davis, Chief Financial Officer, Sherry Trotts, Executive Director of Finance, and Clara Eppel, Director of Accounting, as the investment officers for the District.

RESOLUTION

**Of the Board of Trustees of the Waco Independent School District
Appointment of Investment Officers**

WHEREAS, Texas Government Code §2256.005, cited as the Public Funds Investment Act, provides that each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity; and

WHEREAS, Policy CDA (Local) – Other Revenues and Investments, Investment Authority, of the Waco Independent School District, provides that the Superintendent or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds as directed by the Board and in accordance with the District’s written investment policy and generally accepted accounting procedures; and

WHEREAS, it is prudent, in case the primary investment officer is unavailable, for the District to have more than one person designated as an investment officer.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE WACO INDEPENDENT SCHOOL DISTRICT that

Section 1. Authority is hereby granted to any one of the following individuals to invest funds in the manner prescribed by law and applicable policies on behalf of the District: Sheryl Davis, Chief Financial Officer, and/or Sherry Trotts, Executive Director of Finance, and/or Clara Eppel, Director of Accounting.

Section 2. The Board of Trustees hereby authorizes the Chief Financial Officer to execute any document necessary to accomplish the intent of this Resolution.

Section 3. This Resolution shall become effective upon its approval by the Waco Independent School District Board of Trustees and shall remain in effect until rescinded by the Board or until the termination of the officer’s employment by the investing entity.

SO RESOLVED, this 23rd day of February, 2023.

Stephanie Korteweg, President

Jeremy Davis, Secretary

Waco Independent School District
Board of Trustee Meeting Agenda
Item

Date: February 23, 2023

Contact Person: Dr. Susan Kincannon

RE: Resolution to Pay Employees for the January 31 – February 1, 2023, Bad Weather Event

=====

Background Information:

On January 29, 2023, freezing temperatures and precipitation required area superintendents to make the decision to close districts. Waco ISD closed all campuses and district facilities on January 31 and February 1, 2023. School was also delayed by two hours on February 2.

Policy DEA(Local) allows for the Board of Trustees to authorize through resolution or other action, to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date, as long as the resolution or action reflects the purpose served by the expenditure. Continuing wage payments to employees during this emergency closure serves the public purpose of maintaining morale, reducing turnover, and ensuring continuity for reopening school after a severe winter weather event.

The Administration requests that wage payments be made to all regular employees, contractual and noncontractual, salaried, and non-salaried, who were instructed not to report to work from January 31 – February 1, 2023.

Fiscal Implications:

Salaries are included in the 2022-2023 allocated budget.

Administrative Recommendation(s):

Approve the attached Resolution to Pay Employees for the January 31 – February 1, 2023, Bad Weather Event.

**RESOLUTION OF THE BOARD OF TRUSTEES OF
THE WACO INDEPENDENT SCHOOL DISTRICT
TO PAY EMPLOYEES FOR JANUARY 31, 2023
AND FEBRUARY 1, 2023, BAD WEATHER EVENT**

WHEREAS, on January 30, 2023, the National Weather Service issued a winter storm warning for the Waco area;

WHEREAS, Waco ISD has substantial public interest in protecting the health and safety of its students, staff, and community during such severe weather events;

WHEREAS, Waco ISD closed all campuses and District facilities for January 31, 2023, and February 1, 2023, because of the severe weather;

WHEREAS, Policy DEA(Local) allows for the Board to authorize through resolution to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date;

WHEREAS, Waco ISD has not scheduled and does not intend to schedule days to make up the two days that the District was closed because of the bad weather;

WHEREAS, continuing wage payments to employees for the days the District was closed due to the severe weather serves the public purpose of maintaining morale, reducing turnover and ensuring continuity for reopening school after a severe winter weather event;

WHEREAS, a need exists to expend funds for the purposes necessary in the conduct of Waco ISD, including delegating to the Superintendent the authority to take the action reasonably necessary to continue wage payments;

WHEREAS, the Board seeks to retain its employees, reduce turnover, increase morale, help employees focus on work-related matters while at work, and facilitate the return to duty of employees if schools are closed and believes that an additional public purpose exists in doing so; and

WHEREAS, the Board believes the public purposes described above are fulfilled by efficiently and effectively making certain delegations, as described more fully herein, to the Superintendent to address the severe weather closure in the best interest of the health, safety, and well-being of its students, staff, community, and the citizenship at-large.

IT IS THEREFORE RESOLVED THAT:

1. The Board of Trustees of the Waco Independent School District finds a substantial public purpose exists in protecting the health and safety of its students, staff, and community during a severe weather event and maintaining morale, reducing turnover and ensuring continuity for reopening school after a severe winter weather event.

2. Wage payments be made to all regular employees, contractual and noncontractual, salaried and non-salaried, who were instructed not to report to work January 31, 2023, and February 1, 2023.

Adopted on this the 23rd day of February, 2023, by the Waco ISD Board of Trustees.

Stephanie Korteweg

President, Board of Trustees

Jeremy Davis

Secretary, Board of Trustees

Waco Independent School District
Board of Trustee Meeting Agenda
Item

Date: February 23, 2023

Contact Person: Deena Cornblums

**RE: Memorandum of Understanding (MOU) between Waco
ISD and Texas State Technical College (TSTC) for Dual
Credit Classes**

=====

Background Information:

Board Policy GNC(LEGAL) provides that an agreement between a district and a community college be approved by the board or designee of both the district and the college district. The partnership agreement must address student eligibility requirements, faculty qualifications, location and student composition of classes, provision of student learning and support services, eligible courses, grading criteria, transcription of credit, and funding provisions. Waco ISD offers opportunities for students to earn college credit through Texas State Technical College (TSTC) while in high school. The Greater Waco Advanced Manufacturing Academy (GWAMA) offers these courses on the high school campus.

Attached is the Texas State Technical College Dual Enrollment Memorandum of Understanding for the 2023-2024 school year.

Fiscal Implications:

TSTC courses are offered at a rate of \$33 per credit hour. Waco ISD paid TSTC \$17,055.11 in tuition for the 2021-2022 school year and has paid \$15,407.70 thus far for the 2022-2023 school year.

Administrative Recommendation(s):

Approve the attached Memorandum of Understanding between Texas State Technical College and Waco ISD as presented.

**Texas State Technical College
Dual Enrollment
Memorandum of Understanding**

This Dual Enrollment Memorandum of Understanding (hereinafter referred to as “MOU”) is between **Texas State Technical College**, an institution of higher education and an agency of the State of Texas (which may hereinafter be referred to as the “College” or “TSTC”), the Waco **Independent School District** (which may hereinafter be referred to as the “District”), and the below listed high school(s) which is/are part of the District (which may hereinafter be referred to as the “High School Partner” or collectively as the “High School Partners”). TSTC, the District, and the High School Partner(s) may individually be referred to as a “Party” or collectively as “Parties” to this MOU.

High School Partner	High School CEEB Code	Name and Physical Address of Dual Enrollment Instructional Location/Site (Geographical Address where instruction occurs)	ISD Instructional Formats (Online, TSTC Campus, Off-site Credentialed Facility)
Waco High School	447300	Waco High School 2020 N. 42nd St. Waco, TX 76710 Greater Waco Advanced Manufacturing Academy 2401 JJ Flewellen Rd. Waco, TX 76704	Off-site Credentialed Facility Off-site Credentialed Facility
University High School	447620	Greater Waco Advanced Manufacturing Academy 2401 JJ Flewellen Rd. Waco, TX 76704	Off-site Credentialed Facility

The Parties enter into this MOU as authorized by [Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D, Rule § 4.84\(a\)](#), and agree as follows:

OVERVIEW

TSTC is committed to serving the students and communities of Texas through collaborative work with High School Partner(s). A major initiative promoting technical education and careers is the **Texas State Technical College Dual Enrollment Program**, which includes the provision of the Dual Credit state program to qualified students. Dual Enrollment agreements will be aligned with the strategic priorities of the District and the College. TSTC will annually review Dual Enrollment Pathways, Occupational Skills Award, and Level One Certificate recipients, in addition to the economic development needs of the State of Texas in order to ensure the partnerships in place are commensurate with all aforementioned strategic goals.

DUAL ENROLLMENT MISSION

In order to prepare students for educational and career success, the purpose and mission of TSTC's Dual Enrollment program is to provide a comprehensive, structured approach towards a post-secondary credential (Occupational Skills Award, Level One Certificate, Level Two Certificate, or Associate of Applied Science degree) at Texas State Technical College. This model allows students the opportunity to complete Career and Technical Education (CTE) courses and potentially prepares them to test for industry-based certifications. The High School Partner(s) agree(s) to support TSTC's Dual Enrollment students in completing coursework resulting in the successful completion of a credential in a career pathway upon high school graduation leading to matriculation to TSTC to pursue a higher level credential or immediate employability.

MOU PURPOSE

The purpose of this MOU is to outline the roles and responsibilities of TSTC, the District and the High School Partner(s). This MOU is an agreement that encompasses all programs and initiatives under TSTC's Dual Enrollment program, as required by the Texas Education Agency and the Texas Higher Education Coordinating Board.

KEY COMPONENTS OF THIS MOU

Upon execution of this MOU, TSTC agrees to:

- 1) Provide the High School Partner(s) with a career pathway leading to an industry recognized credential that is reflective of regionally based industry needs.
- 2) Support the High School Partner(s) by way of College recruitment presentations and informational meetings for all students at the High School Partner(s) locations throughout the school year.
- 3) Advise the High School Partner(s) and students of dual enrollment opportunities within a career pathway that leads to immediate employability or to matriculation into TSTC, with the intention of helping to place students in high-demand, high-wage jobs.
- 4) Provide pathway alignment of TEA approved Endorsements and Program of Study course TEKS to College course [Workforce Education Course Manual \(WECM\)](#) outcomes by way of suggested crosswalks for dual enrollment courses, postsecondary pathways, credentials at the institution, and industry certifications. [Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D, Rule § 4.84 \(c\).](#)
- 5) Post a copy of this MOU to TSTC's website at de.tstc.edu in accordance with [Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D, Rule § 4.84 \(c.10\)](#) and, upon completion of this document, provide a copy for the High School Partner(s) to post to the District's website.

Upon execution of this MOU, the **High School Partner(s)** agree(s) to:

- 1) Work with the Office of Dual Enrollment to identify and complete the Pathway Offering Form, electronically sent after receipt of the signed MOU (Attached hereto as an example, **EXHIBIT A**).
- a) High School Partner(s) wishing to add new dual enrollment technical pathways to their existing Pathway Offering form must submit their request in writing to the Office of Dual Enrollment no later than April 28, 2023, for Academic Year 2023-2024 implementation.
- 2) **Adhere to TSTC’s dual enrollment deadlines as outlined below and within the Academic Calendar and to follow all College enrollment procedures and guidelines for dual enrollment students.**

****Dates are subject to change***

Deadline to submit signed 2023-2024 MOU	March 10, 2023
Deadline for Off-Site Facilities Approval	March 30, 2023
Deadline for new DE Instructor Credentialing (Application/Documentation Submitted to College)	April 7, 2023
Deadline for submission of all student applications/documents Fall 2023	June 30, 2023
Deadline for all onsite (TSTC Campus) student registration	July 14, 2023

- 3) Coordinate with TSTC regarding Dual Enrollment presentations throughout the academic year on a predetermined basis (fall and spring) to include both application and registration drives, in addition to other presentation format options.
- 4) Notify TSTC of any special Texas Education Agency designation plans, obligations or proposed partnerships for all grant applications. **A copy of the proposal and/or a detailed statement of work must be provided to TSTC, to be vetted through the Office of Dual Enrollment, the Office of the Provost and the Office of Sponsored Programs, a minimum of thirty (30) days before the grant application is due.** TSTC will provide a written response (approval or disapproval) within two weeks of receipt of the request and the appropriate documentation.
- 5) Post a copy of this MOU to the District's website in accordance with [Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D, Rule § 4.84 \(c.10\)](#)

STUDENT ELIGIBILITY

TSTC requires High School Partner(s) to follow all College enrollment procedures and guidelines for dual enrollment students. All students must meet dual enrollment admissions and eligibility requirements as outlined by the Texas Higher Education Coordinating Board laws and regulations, the [Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D and Subchapter G Rule §](#)

[4.85](#), and as stated in the College's [Statewide Operating Standard ES.4.07. Admission of Students](#).

Newly enrolled Seniors will only be allowed to participate if they are able to complete, at minimum, nine credit hours and/or the Occupational Skills Award tied to the DE Program. Considerations will be evaluated on a case by case basis when special designations in the College & Career Readiness School Models (CCRSM) exist.

The Texas Success Initiative Assessment (TSIA) 2.0 is a program designed to assess students' readiness for postsecondary coursework and provide appropriate interventions, services and instructional activities to prepare students for success in college-level courses. Dual Enrollment students must take the TSIA 2.0 assessment prior to enrolling with TSTC unless otherwise exempt or waived.

ELIGIBLE COURSES

Courses offered by TSTC are developed based on the guidelines published in the [Workforce Education Course Manual \(WECM\)](#) adopted by the Texas Higher Education Coordinating Board (THECB) and must be in the approved course inventory of the College and approved for dual enrollment by the College's applicable instructional department and TSTC's Office of Dual Enrollment. **Remedial or continuing education courses will not be offered for dual credit. TSTC does not offer concurrent enrollment to high school students, except where Individual Approval is met, as stated in TSTC's [Statewide Operating Standard \(SOS\) ES.4.07. Admission of Students](#).**

ACADEMIC POLICIES AND ENROLLMENT PROCEDURES

Academic policies and procedures applicable to regular College courses and students will also apply to dual credit courses. Academic policies can be found in the [TSTC Statewide Operating Standards](#) (SOS) and [TSTC Catalog and Student Handbook](#), which are published and available on TSTC website at www.tstc.edu. Specifically, students are to abide by the Rules and Regulations set forth in the aforementioned College Catalog and Student Handbook for the current academic year.

Enrollment

The High School Partner(s) will designate ONE High School Contact responsible for:

- 1) guiding students in the selection of one career pathway from the list of programs agreed upon between the High School Partner(s) and TSTC on the Pathway Offering Form. The enrollment in multiple career pathways is not permitted; and
- 2) coordinating and tracking submission of all required documents for admissions and registration; and
- 3) submitting of all required documents for admission and registration to the assigned Dual Enrollment Representative by June 29, 2023; and
- 4) adhering to all established College deadlines, policies and procedures including but not limited to schedule changes including, additions, drops, and withdrawals; and

- 5) working in collaboration with the College's dual enrollment office regarding admissions, advisement, registration, grading, reporting and program improvements; and supporting student communication with instructors.

High School Partner Contact Name: David Hamilton

Email Address: david.hamilton@wacoisd.org

Phone Number: 254-755-9420

TSTC will designate one Dual Enrollment Representative responsible for:

- 1) coordinating and tracking submission of all required documents for admissions and registration from the High School Partner(s); and
- 2) submitting documents from High School Partner(s) for admission and registration to the Office of the Registrar; and
- 3) working with the High School Partner(s)' designated Dual Enrollment contact to schedule and conduct application and registration drives, program presentations and campus tours.

Student Drops/ Withdraws

Students are responsible for notifying their high school counselor and Dual Enrollment Representative if they are wanting to withdraw from their course(s). Students are required to sign and submit a signed Course Schedule Change form to their counselor and Dual Enrollment Representative by the pre-established due date in order to be formally dropped from their enrolled course(s). Students who drop after the refund period will still incur the dual enrollment tuition fee in accordance with [Statewide Operating Standard \(SOS\) FA 1.09, Refund of Tuition and Fees.](#)

Academic Instructional Calendar

Dual Enrollment classes will follow TSTC's Academic Calendar. Exceptions may be arranged through collaboration between the College and the High School Partner(s).

METHOD OF DELIVERY AND LOCATION OF CLASS

Courses may be delivered utilizing the method mutually determined by TSTC and the High School Partner(s), which may include the following:

- 1) Delivery at the High School Partner(s)' campus in a hybrid modality utilizing a certified high school teacher credentialed and employed and defined in [Statewide Operating Standard \(SOS\) ES 1.11, Faculty Credentials](#) as a College Dual Enrollment Instructor (DE Instructor); or

- 2) Delivery on a TSTC campus utilizing College Instructors whereby students are integrated into traditional course section offerings; or
- 3) Delivery online utilizing a TSTC Instructor.

Please note: The delivery of courses is subject to change based on curriculum and program updates relative to the modality of instruction.

Dual enrollment classes taught in a hybrid modality, as defined by the Texas Higher Education Coordinating Board (THECB), [Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter P, Rule §4.257](#), is “A course in which the majority (more than 50 percent but less than 85 percent), of the planned instruction occurs when the students and instructor(s) are not in the same place. Hybrid courses taught by TSTC comprise of the lecture component of the course delivered 100% online and the lab component delivered face-to-face.

Dual enrollment classes not taught on a College campus or during regular class hours may include but are not limited to:

- 1) Distance Education: Distance education courses encompass online and hybrid courses as stated in TSTC’s [Statewide Operating Standard \(SOS\) ES.2.20, Distance Education](#). Dual enrollment students participating in classes delivered online by TSTC are not required to be at the off-site location to receive instruction. Online courses that are delivered 100% online are accessible at any time or location where a student has a computer and internet access. College courses delivered 100% online must be offered by a TSTC instructor and are not eligible for off-site credentialing; or
- 2) Special technical programs approved to run outside the designated block time; or
- 3) Courses taught at high school, face-to-face.

Please note: Some programs may be offered through non-traditional modalities such as course/credit-based Competency-Based Education (CBE). TSTC refers to CBE programs as Performance-Based Education (PBE).

COURSE CURRICULUM, INSTRUCTION, AND GRADING

High School Partner(s) that participate in the Dual Enrollment Program at Texas State Technical College will comply with procedures and guidelines established by TSTC.

Grading Procedures

All DE Instructors will follow the College’s grading system as stated in TSTC’s [Statewide Operating Standard \(SOS\), ES. 4.06, Grading System](#) as well as the grading criteria in the department-approved syllabus.

- 1) A student must earn a grade of C or better in a WECM course to pass.
- 2) Performance-Based Education (PBE) courses require a grade of B or better to pass and enroll in the next course.
- 3) Dual Enrollment students are issued letter grades as pursuant to TSTC’s grading system. Dual Enrollment Representatives cannot provide numerical grades to the High School

Partner(s). **If High School Partner(s) require a numerical grade they must directly contact the instructor of record for the course(s).**

Books and Supplemental Materials

The High School Partner(s), or student(s) if the High School Partner(s) designates, are responsible for obtaining the correct editions of required textbooks, tools, uniforms, software, and/or supplies, computer specifications, and access to online platforms, i.e. YouTube, YuJa, etc., **before the first day of the college's class.** Textbooks, materials, and supplies are available for purchase through the TSTC bookstore at <https://www.tstc.edu/student-life/bookstores/>. Some programs use digital textbooks from a third party platform that is built into the online Learning Management System. The District will receive a separate invoice reflecting the cost of the textbook if students do not opt out of this option.

Each semester, the Office of Dual Enrollment will share the upcoming semester's textbook and additional materials requirements with the High School Partner(s). A list of required materials will be provided by the DE office and posted on the DE website at de.tstc.edu, located under Educator Resources.

Please note: Failure to ensure students are prepared for class could result in the student's removal from the course and can impact TSTC's decision to execute subsequent partnership agreements with the High School Partner(s).

Signature _____

FACULTY QUALIFICATION, SELECTION, HIRING, SUPERVISION AND EVALUATION

TSTC has established an approval process for selecting and approving qualified faculty to teach dual enrollment courses. Faculty applying to teach a Dual Enrollment pathway must meet the credential requirements as stated in TSTC's [Statewide Operating Standard \(SOS\) ES.1.11, Faculty Credentials](#), which includes the criteria used by the College to determine teaching eligibility. Applicants are required to submit all required documents for the hiring process (including a **completed employment application, résumé and copies of transcripts and/or industry certifications**) to TSTC's Department of Student Learning via Workday.

- 1) TSTC will ensure that College faculty teaching dual enrollment courses have met acceptable national criminal background checks, including fingerprinting.
- 2) Each approved Dual Enrollment Instructor will be supervised by TSTC's respective Department Chair, or designee, and be evaluated and monitored to ensure quality of instruction and compliance with the College's policies and procedures in accordance with TSTC's [Faculty Qualifications and Credentialing Manual](#).
- 3) In the event of an investigation of a personnel matter, the College and the High School Partner(s) will work collaboratively and in a timely manner share any and all information necessary with TSTC's Human Resource office and the corresponding Districts' Human

Resource office.

Employment with College is contingent upon the following:

- 1) TSTC complies with the Immigration Reform and Control Act; all positions are contingent upon proof of eligibility to accept employment in the United States. Documentation of eligibility must be provided within 72 hours of application
- 2) Satisfactory evaluation of references and required criminal background checks.
- 3) Satisfactory results of pre-employment medical exam (drug screen only).
- 4) Continued employment is contingent on the required approval, availability of funding, satisfactory performance assessment, and a continued need for the position in the College's department.
- 5) Employees are held responsible for ensuring that **official** transcripts are received by TSTC no later than his or her 30th day of employment. Failure to do so could result in termination of employment.
- 6) Submission of a completed application, along with required documentation, must be done no later than April 7, 2023.
- 7) Continued employment is contingent on an executed MOU with the District and High School Partner.

College DE Instructors will receive stipend pay for the semester the course is taught which will be divided and paid out monthly according to the course start and end dates. The 2023-2024 stipend system is as follows:

Dual Enrollment Instructor Stipend Per Semester	\$750 1-2 courses	\$1,250 3-4 courses	\$1,500 5+ courses
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High School Partner(s) and Dual Enrollment Instructor Expectations:

- 1) The DE Instructor will follow current College procedures to ensure students participating in the course(s) are officially listed on the roster by TSTC's Census date. Any student not on the roster by the 11th day of class (Census Day) will not be enrolled in the course.
- 2) The DE Instructor(s) will report to the designated Statewide Department Chair for the program with which they are associated for instructional guidance and support including course delivery expectations.
- 3) DE Instructors will submit required reporting documents through the designated Learning Management System and Workday (such as: submission of midterm and final grades and certification of rosters) in accordance with all timelines and due dates. **All new Dual Enrollment Instructors will attend and complete an online Faculty Orientation administered by the Office of Dual Enrollment prior to the first day of class.**

Please note: If Faculty Orientation or other annual online training required by TSTC is not completed by the Dual Enrollment Instructor prior to the first day of class, the associated pathway will not be offered to the High School Partner(s).

- 4) DE Instructors will attend an annual online training, as required by TSTC, and submit required credentials (CV and syllabus, transcripts) accordingly. DE Instructors must comply with HB 2504 and submit the required curriculum vitae (CV) and the course syllabus by the appropriate deadline each semester, by using Workday.
- 5) The High School Partner(s) will allow release time from high school duties for DE Instructors to complete faculty training required by TSTC.
- 6) In order to ensure instructional needs are met, the High School Partner(s) will notify TSTC's Dual Enrollment office of any DE Instructor personnel changes ninety (90) days prior to the first day of the semester. Any sections with changes in High School personnel within ninety days of the first day of class may be subject to cancellation.
- 7) In order to ensure instructional needs are met, if any staffing personnel changes occur due to extended leave, the High School Partner(s) are required to notify the Office of Dual Enrollment immediately.
- 8) The rigor of college-level course work can often require additional time outside of class in order to meet all course learning objectives and outcomes; therefore, DE Instructors should encourage students to allow a sufficient amount of time to complete out-of-class work assignments.
- 9) When issuing grades, DE Instructors are not permitted to alter the earned College letter grade scale, which may differ from the High School Partner(s)' numeric grade scale.
- 10) Dual Enrollment students are expected to meet the required minimum number of contact hours per semester in courses offered at the High School Partner(s)' location.

FACILITIES, TEACHING ENVIRONMENT, ENROLLMENT

Facilities

The High School Partner(s) will work with TSTC to ensure that the High School Partner(s)' facilities meet the expectations and criteria required for college classes, and are appropriate for college-level instruction that include the following:

- 1) **High School Partner(s) are required to enroll a minimum of 15 College Dual Enrollment students for each offsite course section offered at the High School Partner(s) request..**
- 2) High School Partner(s) will ensure that DE Instructors and dual enrollment students have appropriate access to all available instructional resources and essential technology.
- 3) High School Partners will ensure that all required textbooks, materials and additional supplies will be acquired by the ISD or student prior to the first day of class
- 4) High School Partner(s) shall permit access to TSTC's electronic learning resources when the course is taught at the High School Partner(s) facility; and
- 5) High School Partner(s) offering courses shall meet the laboratory safety standards and have materials/equipment that comply with College program requirements.
- 6) High School Partner(s) will ensure the safety and security of the High School facilities where dual enrollment classes are held on High School leased or owned property.
- 7) TSTC will ensure the safety and security of the College's facilities where dual enrollment classes are held on College leased or owned property.

The number of courses in a dual enrollment technical pathway offered at a High School Partner(s) off-site location will be monitored and approved on an annual basis by TSTC's Curriculum Committee. All applicable off-site reporting requirements with TSTC's accreditor, Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) will be met in accordance with [Statewide Operating Standard \(SOS\) GA.1.23, Substantive Change](#). When necessary, TSTC must seek approval from SACSCOC to offer 50% or more credits toward a program at an off-site location before implementation. **Timeline for SACSCOC approval can take up to one year.** Changes to an off-site location including name, physical address, relocation or closure must be reported to TSTC 60 days prior to implementation.

Please note: Failure to ensure Dual Enrollment Instructors and students have all the required aforementioned resources can impact TSTC's decision to execute subsequent partnership agreements with the High School Partner(s).

Signature _____

Composition of Class

Dual Enrollment courses will be composed as defined by the Texas Higher Education Coordinating Board laws and regulations, the [Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D and Subchapter G Rule § 4.85](#).

The High School Partner(s) may not enroll both dual credit and non-dual credit students in the same section, unless the creation of a high school credit-only class is not financially viable for the high school and only under one of the following conditions:

- a) If the course is required for completion under State Board of Education High School graduation requirements, and the school is otherwise unable to offer such a course; or
- b) If the high school credit-only students are College Board Advanced Placement or International Baccalaureate students; or
- c) If the course is a career and technology/college workforce education course and the high school credit-only students are eligible to earn articulated college credits.

Monitoring Instruction

High School Partner(s) will work with TSTC so that College personnel will have the opportunity to monitor the quality and rigor of instruction in compliance with the College's course syllabus and the standards established by the state of Texas, the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) and the High School Partner(s). TSTC's Student Learning Department Chair must conduct a faculty evaluation. The evaluation and training shall include, but not be limited to:

- 1) Coordinated check-ins with the Student Learning designee (face-to-face or online);
- 2) A College end-of-semester course and instructor evaluation completed by students sent to their mymail@tstc.edu email account; and

- 3) A mandatory yearly instructor orientation/training session for all DE instructors, offered online during the month of August.

FINANCE AND FUNDING

Tuition and Fees

Dual enrollment courses are offered at a reduced tuition waiver and fee rate of \$33.00 per credit hour. Dual enrollment student eligibility and enrollment requirements must be met for the tuition waiver to apply.

Refund Schedule

Refunds will follow [Statewide Operating Standard FA 1.09, Refund of Tuition and Fees](#), unless the fees are specifically designated as non-refundable. Students enrolled in semester credit hour courses who drop a class or withdraw from school prior to the first class day shall receive a 100 percent refund. Students in semester credit hour courses who officially withdraw from school or drop a course after classes begin shall receive their tuition and fees refunded according to the following schedule:

Length of class in terms of weeks	Last class day of 70% refund	Last class day for 25% refund
5 weeks	5th day	6th day
7 weeks	7th day	9th day
15 weeks	14th day	19th day

Invoicing

TSTC will invoice the High School Partner(s) for all applicable tuition and fee charges under the sponsorship billing process. Invoicing will start after the refund period ends on the 19th class day. Student registration for subsequent academic terms will not be completed until payment is received by the College. The High School Partner(s) will designate a Business Accounting Office Contact to work with TSTC’s Student Accounting office regarding invoices.

Please note: The Business Accounting Office Contact, listed below, will receive the invoices and be responsible for remitting payment to the College.

<p>Business Accounting Office Contact Name: <u>Sheryl Davis</u></p> <p>Email Address: <u>sheryl.davis@wacoisd.org</u></p> <p>Phone Number: <u>254-955-9420</u></p>

STUDENT RIGHTS AND RESPONSIBILITIES

Dual enrollment students must abide by the Code of Student Conduct outlined in the current College Catalog and Student Handbook. Dual enrollment students will be dismissed for disruptive behavior and referred to their high school principal or designee for disciplinary action on the high school side. Dual Enrollment students attending classes on TSTC's campus will be treated as college students and are responsible for knowing all rules and regulations of the College. Student conduct violations will be handled through the Code of Student Conduct, [Statewide Operating Standard ES 3.23, Student Rights and Responsibilities](#).

Enrolled students will be granted access to both Student Information Systems and Learning Management System platforms which includes grades, transcripts, and other College resources.

Prior to the first day of class of their first enrolled semester, all Dual Enrollment students must complete:

- a) The Dual Enrollment New Student Orientation administered by the Office of Dual Enrollment;
- b) Review their Student Online Responsibilities at de.tstc.edu located under Resources;
- c) Set up their TSTC OneID;
- d) Complete the Student Online Learning Orientation (SOLO).

Signature Line _____

Student Grievances/Complaints

Procedures for handling student grievances or complaints, as it relates to the college course or customer service, are applicable to all students, including those enrolled in dual credit courses. Dual enrollment students with grievances or complaints shall follow the procedures as stated in TSTC's [Statewide Operating Standard \(SOS\), ES.3.24, Student Grievances and Complaints](#), as published in TSTC's [Student Catalog and Student Handbook](#).

STUDENT SUPPORT SERVICES

TSTC and the High School Partner(s) will adhere to Section 504 of the Americans with Disabilities Act Amendments Act (ADAAA). Students in dual enrollment courses will have access to the same or comparable support services that are afforded College students on the main campus. TSTC is responsible for ensuring timely and efficient access to Student Support Services. Services such as these may require a signed student and/or parent consent form to receive services.

TSTC will adhere to and comply with current College policies and procedures, and federal, state and local laws, that govern the College for individuals and/or students with disabilities that require accommodations.

The High School Partner(s) agree that in classes for which college credit is awarded, accommodations will need to meet standards under the ADAAA and Section 504, subpart E, and will adhere to TSTC's current policies and procedures for determining reasonable accommodations and grievances. Service coordination and costs of required accommodations will be afforded through a collaborative effort.

Building and information technology access will be the responsibility of the owner/provider of that infrastructure, including access to web-based curriculum materials.

The High School Partner(s) agree that classes in which high school credit is awarded, the ADA and Section 504, subpart D, accommodations will be the responsibility of the High School Partner(s). If an accommodation fundamentally alters the course, college credit will not be awarded. Students with disabilities who require accommodations will be required to self-disclose with TSTC's Access & Learning Accommodations (ALA) Office.

All dual enrollment students have access to supplemental instruction and tutoring services provided by [TSTC's Office of Student Success](#). Dual enrollment students also have access to the [Advocacy and Resource Center](#), which is designed to assist students with non academic barriers, including basic needs, child care, food pantry, lending library and transportation. Students are responsible for contacting the office for services as needed.

It is the responsibility of the dual enrollment students, their parents/legal guardians or sponsoring agents to provide health and accident insurance for the dual enrollment students. Further, High School Partner(s), the dual enrollment students, their parents/legal guardians or sponsoring agents will hold the College harmless and waive any claims, past, current or future, they may have for any death, personal injury, property damage or accidents involving students or visitors while on TSTC's campus or off-campus instructional site locations.

Learning and Library Resources

All dual enrollment students and DE Instructors have access to TSTC's learning and library resources via the Learning Resource Center (http://tstc.edu/student_life/learningresource). Students will receive regular and timely instruction in the use of the library and other resources.

TRANSCRIPTION OF CREDIT

A college grade shall be transcribed upon completion of the semester for the courses in which they are officially enrolled and will adhere to the current grading policy. The High School Partner(s) agree to evaluate the learning objectives to be achieved by students completing the College's dual enrollment college courses and to transcribe credit on the student's high school transcript accordingly.

ARTICULATED CREDIT

The College does not offer articulated credit as an alternative to dual enrollment to the High School Partner(s).

CAMPUS ACTIVITY AND TRANSPORTATION

The College assumes no obligation or responsibility for the transportation of students to or from the College's campus or any other training facility. Students that have a free period while on the College's campus will not be monitored. The High School Partner(s) shall hold harmless the College for any death, personal injury, property damage and/or campus disruption caused by High School Partner(s)

personnel or students. The College is not responsible for High School Partner(s)' students who leave the College's grounds.

FERPA

The Parties agree to maintain the records for all students by all applicable federal, state and local laws. For the purposes of this MOU, pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), TSTC hereby designates the High School Partner(s) as a school official with legitimate education-related interests in the educational records of the students who participate in the dual enrollment program to the extent that access to the records is required by the High School Partner(s) to carry out the functions of the program. The Parties agree to maintain the confidentiality of the students' educational records in accordance with the provisions of FERPA. The Parties shall not release educational records to any third party without written consent by the affected student.

CYBERSECURITY TRAINING

If District has access to a TSTC computer system or database, District represents and warrants that it will comply with the requirements of Section 2054.5192 of the Texas Government Code relating to cybersecurity training certified by the Department of Information Resources (DIR) and required verification of completion of the training program.

FORCE MAJEURE

Neither Party to this MOU will be liable or responsible to the other for any loss or damage, or for any delays or failure to perform, due to causes beyond its reasonable control including, but not limited to, acts of God, strikes, epidemics, pandemics, war, riots, flood, fire, sabotage, or any other circumstances of like character ("Force Majeure Occurrence"). However, at the sole discretion of TSTC, the term may be extended in an amount necessary for TSTC to complete the purposes of this MOU, which delay(s) have been caused by the Force Majeure Occurrence, and during said extension, the High School Partner shall work diligently in accordance with this MOU to complete the purposes of this MOU.

TEXAS PUBLIC INFORMATION ACT

Notwithstanding any provisions of this MOU to the contrary, the High School Partner(s) understands that TSTC will comply with the Texas Public Information Act, Gov't Code, Chapter 552 as interpreted by judicial opinions and opinions of the attorney general of the state of Texas. TSTC will notify High School Partner(s) of receipt of a request for information related to this MOU. High School Partner(s) will cooperate with TSTC in the production of documents responsive to the request.

High School Partner(s) may request that TSTC seek an opinion from the attorney general of the state of Texas; however, TSTC will not honor High School Partner(s)'s request for an opinion if the request is not based upon a reasonable interpretation of the Texas Public Information Act. Additionally, High School Partner(s) will notify TSTC's Office of General Counsel of any third-party requests for information that was provided by the state of Texas for use in conducting this MOU. This MOU and all data and other information generated or otherwise obtained in the performance of its responsibilities under this MOU may be subject to the Texas Public Information Act. High School Partner(s) is required

to make any information created or exchanged with the state pursuant to this MOU, and not otherwise excepted, from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the state. High School Partner(s) agrees to maintain the confidentiality of information received from the state of Texas during the performance of this MOU, including information which discloses confidential personal information, particularly, but not limited to, Social Security numbers.

MEMORANDUM OF UNDERSTANDING (MOU)

Any change to the terms of this MOU must be presented in written form and agreed upon by both TSTC and the High School Partner(s) at least thirty (30) days before any term or provision may be changed.

COUNTERPARTS

This MOU may be executed in one or more counterparts and may be electronically transmitted. Each counterpart shall be deemed an original and all of which shall constitute one and the same document.

EFFECTIVE DATE AND TERM

The effective date of this MOU is active upon signature of all parties and applies to the **2023-2024 academic year**.

SIGNATURES

The persons signing this MOU represent, each to the other, that they are authorized to sign for and bind their respective institutions.

Texas State Technical College

(Insert Address based on region)

By:

Date:

Statewide Executive Director

By:

Date:

(Insert Regional Provosts Name)

TSTC Campus Provost

High School Partner (WacoISD)

2020 North 42nd Waco, Texas 76710
2402 JJ Flewellen Rd. Waco, Texas 76704

By:

Date:

Dr. Susan Kincannon
Superintendent
Waco Independent School District

Attachment: *Exhibit A* is a copy of Texas State Technical College's Dual Enrollment Pathway Offering Form. ***This exhibit serves as an example ONLY. The formal Pathway Offering Form will be sent to the High School Partner(s) after receipt of this Dual Enrollment Memorandum of Understanding. Exhibit A***



TSTC PATHWAY OFFERING FORM

In the spaces below, please indicate the pathways _____ High School proposes to offer for the 2023-2024 Academic Year. *Please note: The pathway proposal will initiate the development of an annual Memorandum of Understanding (MOU) but does not substitute as an agreement.*

High School Information:

ISD Name /Texas Home School/ Other Entity:			
High School Name:			
High School Principal Name / CTE Designee:		CEEB Code:	
Email Address:			

High School Contact (HS Counselor or Designee as indicated in the MOU):

Contact Name:		Phone Number:	
Email Address:			

Exhibit A
Do Not Use

Pathway Offering Information:

Program Name	Program Major Code	Courses Comprising Pathway	Instructional Format On-campus, off-site or Online

Signatures of Approval:

High School Principal or CTE Designee		Signature		Date
Student Learning Designee(s)		Signature(s)		Date
Executive Director of Dual Enrollment		Signature		Date

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: Deena Cornblum

RE: New Course Requests

=====

Background Information

Advanced Placement (AP) African American Studies

The Advanced Placement (AP) African American Studies course is designed to offer students an evidence-based introduction to African American studies. Designed by the College Board, the interdisciplinary course reaches into various fields—literature, the arts and humanities, political science, geography, and science—to explore African American contributions and experiences. Students may earn college credit for this course by taking and passing the AP Exam at a 3 or better.

The College Board is running a pilot of the course during the 2023-2024 school year. While Waco ISD is not a part of the pilot, the board’s approval would support our plans to review the curriculum materials when made available for consideration as an AP course offering for the 2024-2025 school year.

Peer Assistance and Leadership (PAL) program

Peer Assistance and Leadership (PAL) program is a nationally recognized evidence-based prevention program with a mission to enable young people to use their potential to make a difference in their lives, schools, and communities. Designed for students in grades 11 and 12, PAL creates environments where youth participate in productive pursuits with peers, using decision-making, higher-order thinking skills, and resiliency building. PAL students learn to adapt the power of peer pressure to influence others positively and make a difference in the lives of others. Positive peer influence is a central strategy for addressing issues like bullying, achievement, drop-out prevention, substance abuse prevention, suicide, absenteeism, behavior problems, and other community issues.

Fiscal Implications

At this time, no additional costs are expected for AP African American Studies. For the PAL program, there will be \$1,400 in training and materials and \$25,000 in approximate transportation costs per year.

Administrative Recommendation(s):

Approve the AP African American Studies and the Peer Assistance and Leadership Innovative program courses as presented.

Waco Independent School District

Board of Trustee Meeting Agenda

Date: February 23, 2023

Contact Person: Dr. Josie Gutierrez

RE: First Reading of Board Policy Update 120

=====

Background Information:

Board Policy Update 120 from the Texas Association of School Boards includes codes that have been revised for January 2023. The legal policies are provided for your information only and were effected by legislative and regulatory changes. The local policies included in this packet provide revisions that clarify the current policy language.

Update 120 proposes changes to the following local policies:

- BBB(LOCAL): BOARD MEMBERS - ELECTIONS
- CKC(LOCAL): SAFETY PROGRAM/RISK MANAGEMENT - EMERGENCY PLANS
- FNG(LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT AND PARENT COMPLAINTS/GRIEVANCES
- FO(LOCAL): STUDENT DISCIPLINE

Fiscal Implications:

None

Administrative Recommendations:

At this time, Board Policy Update 120 is presented for first reading and consideration only. The second reading and proposed adoption will be part of the agenda for the board's meeting on March 23, 2023.

Instruction Sheet

TASB Localized Policy Manual Update 120

Waco ISD

Code	Type	Action To Be Taken	Note
AIC	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
BBB	(LOCAL)	Replace policy	Revised policy
BBD	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CFA	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CKB	(LEGAL)	Replace policy	Revised policy
CKC	(LOCAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CRD	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy
EHAB	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBAE	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EIE	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EKBA	(LEGAL)	Replace policy	Revised policy
FB	(LEGAL)	Replace policy	Revised policy
FFA	(LEGAL)	Replace policy	Revised policy
FFAE	(LEGAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFI	(LOCAL)	No policy enclosed	See explanatory note
FNG	(LOCAL)	Replace policy	Revised policy
FO	(LOCAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 120

Waco ISD

AIC(LLEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Revised Administrative Code rules, effective June 7, 2022, and reflected on pages 7–8, address the requirements for local improvement plans by certain districts or campuses assigned a D rating. The rules also address modification of a campus turnaround plan due to a change in circumstances. (See page 15.)

Other revisions reflect changes to citations of Administrative Code rules.

AIE(LLEGAL) ACCOUNTABILITY: INVESTIGATIONS

A new Note on page 3 references recently revised Administrative Code rules regarding an informal review or hearing following a TEA investigation.

An existing Administrative Code provision regarding compliance investigations has been added on page 5.

BBB(LOCAL) BOARD MEMBERS: ELECTIONS

To eliminate the potential for confusion about the district's method of election, we recommend replacing the term "positions" with the more general term "seats" at Method of Voting.

We have also updated obsolete election years listed in the policy.

BBD(LLEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION

A new Administrative Code rule, effective May 31, 2022, requiring board members to complete training on school safety has been added on page 8.

BE(LLEGAL) BOARD MEETINGS

Changes prompted by new and revised Administrative Code rules regarding board meetings by videoconference, effective September 15, 2022, are reflected on pages 9–10.

CCGA(LLEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

Citations to a new Administrative Code rule addressing installment payment of taxes on property not directly damaged in a disaster or emergency area are included on page 9.

CFA(LLEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

Revisions reflect the adoption of version 18.0 of the *Financial Accountability System Resource Guide*.

CFC(LLEGAL) ACCOUNTING: AUDITS

Revisions reflect the adoption of version 18.0 of the *Financial Accountability System Resource Guide*.

CKB(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: ACCIDENT PREVENTION AND REPORTS

Changes reflect extensive revisions to Administrative Code rules regarding mandatory drills, effective June 26, 2022.

New Administrative Code provisions addressing optional active threat exercises are also incorporated.

CKC(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS

Education Code 37.108(d) requires a district's multihazard emergency operations plan to include responding to a train derailment near a district school if a district facility is within 1,000 yards of a railroad

Explanatory Notes

TASB Localized Policy Manual Update 120

Waco ISD

track. New recommended local policy text incorporates this requirement into the list of procedures that must be addressed.

The *Legal Issues in Update 120* memo describes common legal concerns and best practices specific to [this policy's topic](#).

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

Changes reflect revised Administrative Code provisions, effective June 7, 2022, regarding permitted uses of the instructional materials and technology allotment. Other revisions have been made to delete outdated terminology.

A revised Administrative Code rule, effective October 16, 2022, requiring certification of compliance with the Children's Internet Protection Act has been added on page 9.

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

Based on revised Administrative Code rules, the following requirements have been added at Other Required Internet Postings:

- Certain districts or campuses assigned a D rating must notify the public of the meeting to gather input to develop a local improvement plan. (See item 8.)
- Districts conducting an active threat exercise must provide notice through multiple distribution networks, including the district's website. (See item 35.)

CRD(LLEGAL) INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE

Revised Administrative Code rules, effective August 18, 2022, prompted revisions to the definitions of full- and part-time employees.

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

Revisions at the bottom of page 2 reflect changes to the citations of Administrative Code rules addressing instruction related to positive character traits and personal skills.

EHAB(LLEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ELEMENTARY)

Revisions include a new Administrative Code rule, effective April 28, 2022, regarding phonics curricula.

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

Revised Administrative Code rules, effective August 1, 2022, and reflected on pages 3–4, changed the required course offerings for grades 9–12 related to social studies and physical education.

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

Changes on pages 8–9 include revised Administrative Code rules, effective June 7, 2022, regarding review of a student's behavior improvement plan or behavioral intervention plan.

Explanatory Notes

TASB Localized Policy Manual Update 120

Waco ISD

EHBAE(LLEGAL) SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS

Revised Administrative Code rules, effective June 7, 2022, regarding the timeline for requesting a hearing on a due process complaint are included on pages 5–6.

EHBC(LLEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Changes reflect new Administrative Code provisions, effective June 9, 2022, regarding accelerated instruction and accelerated learning committees for students who fail to perform satisfactorily on certain assessment instruments. The new provisions derive from HB 4545, 87th Texas Legislature, Regular Session 2021.

EIE(LLEGAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

Changes are to better match legal sources and remove repealed Administrative Code rules.

EIF(LLEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

New Administrative Code rules, effective August 21, 2022, regarding notice about the Texas First Early High School Completion Program and the Texas First Scholarship Program are included on pages 8–9. Other revisions have been made to update citations.

Please note: For the 2022–23 school year, each high school must provide a written notification to each student and the student's parent or guardian listing the eligibility criteria for the programs. After the 2022–23 school year, the school must provide the notice upon a student's initial enrollment in high school.

EKB(LLEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Changes have been made to incorporate revised Administrative Code rules and to better reflect legal sources.

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

Revisions have been made to include Administrative Code provisions, effective August 9, 2022, regarding emergent bilingual students and individual graduation committees. A repealed provision regarding the grade placement committee has been deleted.

FB(LLEGAL) EQUAL EDUCATIONAL OPPORTUNITY

Changes are to better reflect legal sources.

FFA(LLEGAL) STUDENT WELFARE: WELLNESS AND HEALTH SERVICES

For clarity, a reference to policy provisions regarding school-based health centers has been added on page 4.

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

For clarity, a reference to policy provisions regarding expanding or changing health-care services at a school has been added on page 3.

FFG(LLEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

The Note on page 5 now references Administrative Code rules regarding investigations of abuse or neglect in a school setting.

Explanatory Notes

TASB Localized Policy Manual Update 120

Waco ISD

FFI(LOCAL)

STUDENT WELFARE: FREEDOM FROM BULLYING

District bullying policies must address prevention and mediation of bullying incidents and comply with minimum standards adopted by TEA. TEA recently issued updated [Proposed Minimum Standards for Bullying Prevention Policies and Procedures](#) for public comment from October 28 through November 28, 2022. Policy Service will recommend local policy revisions following publication of the final TEA minimum standards.

FNG(LOCAL)

STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Revisions to this local policy are recommended at Other Complaint Processes to:

- Clarify how special education complaints are addressed.
- Encompass all instructional resources policies.
- Reference the required hearing procedure for eligibility disputes under school nutrition programs.

The *Legal Issues in Update 120* memo describes common legal concerns and best practices specific to [this policy's topic](#).

FO(LOCAL)

STUDENT DISCIPLINE

Recommended revisions to this local policy are to clarify circumstances when restraint may be used generally and to more prominently address restraint of a student who receives special education services.

FOF(LEGAL)

STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

Revised Administrative Code rules, effective June 7, 2022, regarding restraint and time-out are included beginning on page 10. A statement has been amended to refer to new documentation and notification requirements in 19 Administrative Code 89.1053(e). Other changes include citations to revised Administrative Code rules.

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**Interventions and
Sanctions for School
Districts**

Grounds for
Commissioner
Action

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

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

Education Code 39A.001

*Authorized
Commissioner
Actions*

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

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

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

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or
Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of
Accreditation

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

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

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

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

Education Code 39A.005

Intervention to
Improve High
School Completion
Rate

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

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

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

Education Code 39A.007

Interventions after
Certain D Ratings

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

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

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

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

Education Code 39A.118

Certain D-Rating
Improvement Plans

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

The district or campus shall:

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

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

19 TAC 97.1061(b)

Campus Intervention Team and Targeted Improvement Plan

Actions Based on
Campus
Performance

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

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

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

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

3. If applicable under the strong foundations intervention under Education Code 39A.064, require the district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 for the campus; or
4. Any combination of the actions described by items 1 through 3 above.

Education Code 39A.051

Texas
Accountability
Intervention System

If a campus's performance is below any standard under Education Code 39.054(e), the campus shall engage in interventions as described by TEA. The commissioner shall assign members to a campus intervention team as outlined in 19 Administrative Code 97.1063 and Education Code 39A.052. The campus shall establish a campus leadership team (CLT) that includes the campus principal and other campus leaders responsible for the development, implementation, and monitoring of the targeted improvement plan.

If a campus is assigned an unacceptable rating under Education Code 39.054(e):

1. For a second consecutive year, the campus must engage in the processes outlined in this provision, and the campus must develop a campus turnaround plan to be approved by the commissioner.
2. For a third or fourth consecutive year, the campus must engage in the processes outlined in this provision, and the campus must implement the commissioner-approved campus turnaround plan as described in 19 Administrative Code 97.1064.
3. For a fifth consecutive year, the commissioner shall order the appointment of a board of managers to govern the district or the closure of the campus.

Based on a campus's progress toward improvement, the commissioner may order a hearing if a campus's performance is below any standard under Education Code 39.054(e).

Interventions and sanctions listed under this provision begin upon release of preliminary ratings and may be adjusted based on final accountability ratings.

19 TAC 97.1061(a), (d), (f)–(j)

Campus
Intervention Team

The campus intervention team shall follow the requirements of 19 Administrative Code 97.1061 and Education Code 39.106.

A campus intervention team assigned by the commissioner may include teachers, principals, other educational professionals, and superintendents recognized for excellence in their roles and appointed by the commissioner to serve as members of a team.
Education Code 39A.052

A campus intervention team must include a district coordinator of school improvement (DCSI) and the campus principal's direct supervisor, if the DCSI is not the campus principal's direct supervisor. The DCSI must submit qualifications to TEA for approval.

An education professional, approved through an application either by TEA or TEA's technical assistance provider, who is not an employee of the campus or district, shall assist with the needs assessment.

19 TAC 97.1063(b)–(c)

*On-Site Needs
Assessment*

A campus intervention team shall:

1. Conduct, with the involvement and advice of the school community partnership team, if applicable:
 - a. If the commissioner determines necessary, a comprehensive on-site needs assessment; or
 - b. A targeted on-site needs assessment relevant to an area of insufficient performance of the campus; and
2. Recommend appropriate actions as provided by Education Code 39A.054.

An on-site needs assessment must determine the factors resulting in the campus's low performance and lack of progress, including the contributing education-related factors.

In conducting a comprehensive on-site needs assessment, the campus intervention team shall use each of the guidelines and procedures at Education Code 39A.053(c) and 19 Administrative Code 97.1061(e).

In conducting a targeted on-site needs assessment, the campus intervention team shall use the appropriate guidelines and procedures described above relevant to each area of insufficient performance.

Education Code 39A.053; 19 TAC 97.1061(e)

Recommendations

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

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

Education Code 39A.054

*Targeted
Improvement
Plan*

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

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

Education Code 39A.055; 19 TAC 97.1061(e)(3)–(4)

Notice of Public
Meeting

The campus intervention team must provide written notice of the public meeting to the parents of students attending the campus and post notice of the meeting on the campus's internet website. The notice must include the date, time, and place of the meeting.
Education Code 39A.056

	<p>The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus. <i>19 TAC 97.1061(e)(3)(A)(ii)</i></p>
Public Hearing	<p>After a targeted improvement plan or an updated targeted improvement plan is submitted to the board, the board shall conduct a hearing to:</p> <ol style="list-style-type: none">1. Notify the public of:<ol style="list-style-type: none">a. The insufficient performance of the campus;b. The improvements in performance expected by TEA; andc. The intervention measures or sanctions that may be imposed under Education Code Chapter 39A if the performance does not improve within a designated period; and2. Solicit public comment on the targeted improvement plan or updated targeted improvement plan. <p>The board must post the targeted improvement plan on the district's internet website before the hearing.</p> <p>The board may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan.</p> <p><i>Education Code 39A.057</i></p>
Submission to Commissioner	<p>The board shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner. <i>Education Code 39A.058</i></p>
Executing Plan	<p>In executing the targeted improvement plan, the campus intervention team shall, if appropriate:</p> <ol style="list-style-type: none">1. Assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;2. Provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

3. Require the district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus.

Education Code 39A.059

*Continuing Duties
of the Campus
Intervention
Team*

For each year a campus is assigned an unacceptable performance rating, the campus intervention team shall:

1. Assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and
2. Submit each updated targeted improvement plan to the board.

Education Code 39A.060

Local Improvement
Plan

A district or campus that is assigned a rating of D that is considered acceptable [see AIA] shall develop and implement a local improvement plan.

A local improvement plan must be presented to the board.

Education Code 39A.065(a)–(b)

Campus Planning
and Site-Based
Decision-Making

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

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

Education Code 39A.061

Submission of
Campus
Improvement Plan

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

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Compliance
Through Federal
Accountability

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

**Campus Turnaround
Plan**

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

Updated Targeted
Improvement Plan

A campus intervention team shall assist the campus in:

1. Developing an updated targeted improvement plan, including a campus turnaround plan to be implemented by the campus;
2. Submitting the updated targeted improvement plan to the board for approval and presenting the plan in a public hearing as provided by Education Code 39A.057;
3. Obtaining approval of the updated plan from the commissioner; and
4. Executing the updated plan on approval by the commissioner.

The updated targeted improvement plan submitted to the board must include all plans and details that are required to execute the campus turnaround plan without any additional action or approval by the board.

Education Code 39A.101

Public Notice

Within 60 days of receiving a campus's preliminary accountability rating, the district must notify parents, community members, and stakeholders that the campus received an unacceptable rating for two consecutive years and request assistance in developing the campus turnaround plan in accordance with 19 Administrative Code 97.1064. *19 TAC 97.1064(d)*

Submission and
Approval

Upon approval of the board, the district must submit the campus turnaround plan electronically to TEA by March 1 unless otherwise specified. Not later than June 15 of each year, the commissioner must either approve or reject any campus turnaround plan prepared and submitted by a district. *19 TAC 97.1064(g)-(h); Education Code 39A.103-.104*

Implementation,
Modification, and
Withdrawal

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

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

*Change in
Circumstances*

A campus may modify its campus turnaround plan with commissioner approval if it is determined that due to a change in circumstances occurring after the plan's approval under Education Code 39A.107 a modification of the plan is necessary to achieve the plan's objectives.

A change in circumstance may be the following, but not limited to:

1. A campus that has written a turnaround plan but has not yet been ordered to implement it and has received a Not Rated; Declared State of Disaster rating for two consecutive years prior to receiving its next F rating; or
2. A campus that has implemented its turnaround plan for no more than one year prior to receiving a Not Rated; Declared State of Disaster rating for two consecutive years.

A campus that has modified its turnaround plan under this provision may only request additional modifications to the plan based on circumstances that have changed since the last commissioner-approved modification.

*Commissioner
Authority*

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

19 TAC 97.1064(j)–(m)

Required Contents

A campus turnaround plan must include:

1. Details on the method for restructuring, reforming, or reconstituting the campus;
2. A detailed description of the academic programs to be offered at the campus, including:
 - a. Instructional methods;
 - b. Length of school day and school year;

- c. Academic credit and promotion criteria; and
- d. Programs to serve special student populations;
- 3. If a district charter is to be granted for the campus under Education Code 12.0522:
 - a. The term of the charter; and
 - b. Information on the implementation of the charter;
- 4. Written comments from:
 - a. The campus-level committee established under Education Code 11.251, if applicable;
 - b. Parents; and
 - c. Teachers at the campus;
- 5. A detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources; and
- 6. A detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees under Education Code 11.1515.

Education Code 39A.105(a) [Acts of the 85th Legislative Session, Senate Bill 1566, amended former Education Code 39.107(b-1) to include the information provided at Subsection (6)]

Implementing
Entities

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

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

The commissioner shall appoint a conservator to a district unless and until each campus in the district for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year or the commissioner determines a conservator is not necessary.

In making appointments, the commissioner shall consider individuals who have demonstrated success in managing campuses with

student populations similar to the campus at which the individual appointed will serve.

Education Code 39A.102, .108

Effective Date

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

Commissioner
Approval or
Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

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

Assistance and Partnerships A district may:

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

Education Code 39A.109

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

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

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

The commissioner may authorize modification of an approved campus turnaround plan if the commissioner determines that due to a change in circumstances occurring after the plan's approval, a modification of the plan is necessary to achieve the plan's objectives.

Education Code 39A.110

Continued Unacceptable Performance Rating If a campus is considered to have an unacceptable performance rating for five consecutive school years, the commissioner shall order:

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

Education Code 39A.111

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

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

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

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

Repurposing of
Closed Campus

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

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

Student Enrollment
and Assignment

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

	<p>The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll.</p>
<p><i>Noncontracted Repurposed Campus</i></p>	<p>The majority of students assigned to a campus that has been closed and repurposed may not have attended that campus in the previous school year if the campus was repurposed to serve a majority of grade levels not served at the original campus.</p>
<p><i>Enrollment Provision in Contract</i></p>	<p>A contract approved by the school board with a nonprofit organization must provide that a student residing in the attendance zone of the campus immediately before the campus was repurposed shall be admitted for enrollment at the repurposed campus.</p> <p><i>Education Code 39A.113</i></p>
<p>Targeted Technical Assistance</p>	<p>If the commissioner determines that the basis for the unacceptable performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the district to contract for the appropriate technical assistance. <i>Education Code 39A.114</i></p>
<p>Alternative Management</p>	<p>The commissioner shall appoint a monitor, conservator, management team, or board of managers whenever such action is required, as determined by 19 Administrative Code 97.1073. Action under any other section of 19 Administrative Code Chapter 97, Subchapter EE is not a prerequisite to acting under this section. <i>19 TAC 97.1073</i></p>
<p>Solicitation of Proposals</p>	<p>If the commissioner orders alternative management of a campus, the commissioner shall solicit proposals from qualified nonprofit entities to assume management of the campus or appoint a school district as provided below. The commissioner may solicit proposals from qualified for-profit entities if a nonprofit entity has not responded to the commissioner's request for proposals.</p> <p>The commissioner may appoint a school district to assume management of the campus if the district:</p> <ol style="list-style-type: none">1. Is not the district in which the campus is located; and2. Is located within the boundaries of the same regional education service center as the campus. <p>If a school district is appointed, the district shall assume management of the campus in the same manner as a qualified entity or in accordance with commissioner rule.</p>

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

Education Code 39A.151

Qualifications of
Managing Entity

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

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

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

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

Education Code 39A.152

Contract with
Managing Entity

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

The management contract must include:

1. A provision describing the district's responsibilities in supporting the operation of the campus; and

2. Provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

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

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

Education Code 39A.153; 19 TAC 97.1067

*Extension of
Management
Contract*

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

*Evaluation of
Managing Entity*

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

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

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

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

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

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

Education Code 39A.155

ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

AIC
(LEGAL)

<i>Cancellation of Management Contract</i>	If a campus receives an unacceptable performance rating for two consecutive school years after a managing entity assumes management of the campus, the commissioner shall cancel the contract with the managing entity. <i>Education Code 39A.156</i>
Return of Management to District	Unless a campus has an unacceptable performance rating for three consecutive school years [see Continued Unacceptable Performance Rating, above], at the end of a management contract term or on the cancellation of a management contract, the board shall resume management of the campus. <i>Education Code 39A.157</i>
Applicability of Accountability Provisions	Each campus operated by a managing entity is subject to Education Code Chapters 39 and 39A in the same manner as any other campus in the district. <i>Education Code 39A.158</i>
Funding	The funding for a campus operated by a managing entity may not be less than the funding of the other campuses in the district on a per student basis so that the managing entity receives at least the same funding the campus would otherwise have received. <i>Education Code 39A.159</i>
Open Meetings and Public Information	With respect to the management of a campus by a managing entity: <ol style="list-style-type: none">1. A managing entity is considered to be a governmental body for purposes of Government Code Chapter 551 (Open Meetings Act) and Government Code Chapter 552 (Public Information Act); and2. Any requirement in the Open Meetings Act or Public Information Act that applies to a school district or the board of trustees of a district applies to a managing entity. <i>Education Code 39A.160</i>
Board of Managers General Powers and Duties	Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, a board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation. A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to the commissioner's order, including amending the district's budget, reassigning staff, or relocating academic programs. The commissioner may adopt rules necessary to implement this subsection. <i>Education Code 39A.201</i>

Board of Managers of District	<p>Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, if the commissioner appoints a board of managers to govern a district:</p> <ol style="list-style-type: none">1. The powers of the board are suspended for the period of the appointment; and2. The commissioner shall appoint a district superintendent. <p>A board of managers appointed to govern a school district may amend the budget of the district.</p> <p>Education Code Chapter 39A applies to a school district governed by a board of managers in the same manner it applies to any other district.</p> <p><i>Education Code 39A.202</i></p>
Composition of Board of Managers	<p>A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. <i>Education Code 39A.204</i></p>
Training of Board of Managers	<p>The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. <i>Education Code 39A.205</i></p> <p>The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. <i>19 TAC 97.1073(h)</i></p>
Compensation	<p>The commissioner may authorize payment of a board of managers from TEA funds.</p> <p>A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner.</p> <p><i>Education Code 39A.206</i></p>
Replacement of Member of Board of Managers	<p>The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. <i>Education Code 39A.207</i></p>
Expiration of Appointment	<p>A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.</p>

Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees.

If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

On the expiration of the appointment of the board of managers, the board of trustees assumes all of the powers and duties assigned to a board of trustees by law, rule, or regulation.

Following the expiration of the period of appointment of a board of managers for a school district, the commissioner shall provide training in effective leadership strategies to the board of trustees.

Education Code 39A.208; 19 TAC 97.1073

Removal of Board
of Managers

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

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

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

Education Code 39A.209; 19 TAC 97.1073

**Challenge of
Intervention or
Sanction**

Review of
Sanctions by SOAH

A district must appeal under this provision if the district intends to challenge the commissioner's decision to close the district or a campus, pursue alternative management of a campus, appoint a board of managers to the district, or appoint a conservator or management team to the district.

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

Notwithstanding other law:

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

Education Code 39A.301

Appeals

If an order, decision, or determination is described as final in Education Code Chapter 7, 11, 12, 39, or 39A, an interlocutory or intermediate order, decision, report, or determination made or reached before the final order, decision, or determination may be appealed only as specifically authorized by the Education Code or a rule adopted under the Education Code. *Education Code 5.003*

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906*

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)–(b)

**Intervention
Programs**

ACE Turnaround
Plan

A campus may submit an accelerated campus excellence (ACE) turnaround plan. The plan must meet the requirements of Education Code 39A.105(b). *Education Code 39A.105(b)–(c)*

Resource Campus

An eligible campus may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students. To apply to be designated as a resource campus, the campus must have received an overall performance rating of F for four years over a ten-year period of time. *Education Code 29.934(a)–(b)*

Strong Foundations
Intervention

Notwithstanding when a D rating is considered acceptable or any other law, the commissioner may require a district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 at a campus that:

1. Includes students at any grade level from prekindergarten through fifth grade;
2. Is assigned an overall performance rating of D or F; and
3. Is in the bottom five percent of campuses in the state based on student performance on the grade three state reading assessment during the previous school year, as determined by the commissioner.

Education Code 39A.064(a)

Miscellaneous Provisions

Acquisition of Professional Services

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

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

Education Code 39A.902

Costs Paid by District

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

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

Education Code 39A.903

Immunity from Civil Liability

An employee, volunteer, or contractor acting on behalf of the commissioner, or a member of a board of managers appointed by the commissioner, is immune from civil liability to the same extent as a professional employee of a district under Education Code 22.051.

Education Code 39A.904

Campus Name Change

In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the commissioner may not require that the name of the campus be changed. *Education Code 39A.905*

Special Program Performance Determination

The commissioner shall assign districts an annual determination level based on performance levels of certain special populations student groups under 19 Administrative Code 97.1005 (Results Driven Accountability) [see AIB] according to the criteria and requirements in 19 Administrative Code 97.1071.

The commissioner shall notify in writing each district identified for review under this section as a result of assigned determination level or cyclical selection prior to requiring a district to implement or

participate in any activities included in 19 Administrative Code 97.1071(f)(1)–(6).

Actions taken under this section are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1005 and 74.28 and Education Code sections 28.006 and 38.003 and do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

19 TAC 97.1071(c), (g), (h)

Intervention Pause

Except as otherwise provided by 19 Administrative Code 97.1062 and unless extended by the commissioner, TEA will cease to enforce the interventions under Education Code 39A.101–39A.111 until conclusion of the second consecutive school year of operation under:

1. A partnership as defined by 19 Administrative Code 97.1077(a)(2), (b), or (c) of this title [see ELA]; or
2. Designation as a mathematics innovation zone under Education Code 28.020 and applicable rules.

Any intervention or sanction not covered by the provision above shall continue.

If a campus ceases to qualify for the intervention pause at any point during a school year, TEA will resume previously ordered interventions and sanctions, order interventions and sanctions based on the rating from that school year, and count that rating for purposes of consecutive years of performance.

19 TAC 97.1062

Failure to Submit
Emergency
Operations Plan

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

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

Student Board
Member

Notwithstanding Education Code 11.051(b) (number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. A student trustee may not participate in a closed session of a board meeting [see BEC] in which any issue related to a personnel matter is considered. *Education Code 11.0511(a)–(f)*

**Special
Investigations**

The commissioner may authorize a special investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to the Texas Education Agency (TEA) of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;
7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;
14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;
15. When ten percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Education Code 28.0258;
16. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;
17. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers; or
18. As the commissioner otherwise determines necessary.

The commissioner may authorize special investigations to be conducted in response to repeated complaints submitted to the agency concerning imposition of excessive paperwork requirements on classroom teachers.

Education Code 39.003(a), (c)

TEA shall adopt written procedures for conducting special accreditation investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.004*

Note: The procedures for conducting a special investigation, holding a hearing following an investigation, the process for commissioner determinations, and judicial appeal are described in Education Code 39.004–.007.

Commissioner
Action

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

1. Take appropriate action under Education Code Chapter 39A, [see AIC];

2. Lower the district's accreditation status or a district's or campus's performance rating; or
3. Take action under both items 1 and 2 above.

Education Code 39.003(d)

At any time before issuing a report with the TEA's final findings, the commissioner may defer taking the above action until:

1. A person who is a third party, selected by the commissioner, has reviewed programs or other subjects of a special investigation and submitted a report identifying problems and proposing solutions;
2. A district completes a corrective action plan developed by the commissioner; or
3. The completion of actions under both items 1 and 2 above.

Education Code 39.003(e)

Based on the results of an action taken above, the commissioner may decline to take the deferred action. *Education Code 39.003(f)*

Note: The procedures for an informal review or hearing following an investigation are described in 19 Administrative Code Chapter 157, Subchapter EE.

Monitoring Reviews

In accordance with Education Code 7.028(a), TEA may monitor compliance with requirements applicable to a process or program provided by a district, campus, or program, only as necessary to ensure:

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

The board has primary responsibility for ensuring that the district complies with all applicable requirements of state educational programs.

Education Code 7.028

**Compliance
Monitoring Activities**

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation and review of program implementation and effectiveness within certain special populations of students.

Activities may include:

1. Random, targeted, or cyclical reviews authorized under Education Code 39.056 (monitoring reviews), conducted remotely or on-site to identify problems implementing state and federal requirements and to provide support for development of reasonable and appropriate strategies to address identified problems; and/or
2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.057 (redesignated to Education Code 39.003, special investigations).

Activities described in item 1, above, are applicable for compliance with requirements for reading diagnosis in Education Code 28.006 [see EKC] and dyslexia and related disorders in Education Code 38.003 and 19 Administrative Code 74.28 [see EHB].

19 TAC 97.1071(a)–(b)

Notice

TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. *Education Code 39.056(d)*

Conducting the
Review

A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary. *Education Code 39.056(c), (g)*

Converting to a
Special
Investigation

The commissioner may at any time convert a monitoring review to a special investigation under Education Code 39.003, provided the commissioner promptly notifies the district of the conversion. *Education Code 39.056(h)*

Improvements

TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to

seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. *Education Code 39.056(e)–(f)*

Appeals

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906* [See AIC]

**Compliance
Investigation**

A compliance investigation is an investigation by TEA of a state education grant recipient to determine compliance with the statutory or rule requirements of a state education program. A compliance investigation is not a special accreditation investigation subject to the provisions described above. *19 TAC 102.1401(a)*

BOARD MEMBERS
ELECTIONS

BBB
(LOCAL)

Membership	The Board shall consist of seven members.
Method of Election	Election of Board members shall be a combination of at large and by single-member districts.
Election Date	General election of Board members shall be on the May uniform election date.
Terms and Election Schedule	Two Board members shall be elected at large for three-year terms, with elections conducted annually, as follows:
At Large	The election of one Board member shall be held in 2024, 2027, 2030, and in three-year intervals thereafter.
	The election of one Board member shall be held in 2023, 2026, 2029, and in three-year intervals thereafter.
Single-Member Districts	Five Board members shall be elected by single-member districts for three-year terms, with elections conducted annually, as follows:
<i>Districts 1 and 2</i>	The election for single-member district numbers 1 and 2 shall be held in 2024, 2027, 2030, and in three-year intervals thereafter.
<i>District 3</i>	The election for single-member district number 3 shall be held in 2023, 2026, 2029, and in three-year intervals thereafter.
<i>Districts 4 and 5</i>	The election for single-member district numbers 4 and 5 shall be held in 2025, 2028, 2031, and in three-year intervals thereafter.
Method of Voting	The at-large candidates receiving the highest number of votes for the number of seats with expiring terms shall be elected.
At Large	
<i>Plurality</i>	
Single-Member Districts	To be elected, a single-member district candidate must receive more votes than any other candidate for the single-member district.
<i>Plurality</i>	

**Open Meetings Act
Training**

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

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

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

Gov't Code 551.005

**Public Information
Act Training**

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

**SBOE-Required
Training**

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

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

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

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

A regional education service center (ESC) board member continuing education program shall be open to any interested person, in-

cluding a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members. *19 TAC 61.1(f)*

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

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

19 TAC 61.1(k), (l)

Verification

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

Reporting

At the last regular board meeting before an election of trustees, the board president shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any board member under SBOE rule. The minutes of the last regular board meeting held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable. The president shall cause the minutes to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's internet website within ten business days of the meeting and maintain the posting until the trustee meets the requirements. *19 TAC 61.1(j); Education Code 11.159(b)*

Local District
Orientation

Each board member shall complete a local district orientation session. The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.

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

The orientation shall:

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

Each board member should be made aware of the continuing education requirements of 19 Administrative Code 61.1 and those of the following:

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

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

19 TAC 61.1(b)(1)

Education Code
Orientation

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

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

The orientation shall be at least three hours in length. Topics shall include, but not be limited to, Education Code Chapter 26 (Parental

Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction).

The orientation shall:

1. Be provided by an ESC.
2. Be open to any board member who chooses to attend.

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

19 TAC 61.1(b)(2)

Legislative Update

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

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

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

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

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

19 TAC 61.1(b)(3)

Team Building

The entire board shall participate with their superintendent in a team-building session.

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

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

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

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

19 TAC 61.1(b)(4)

Additional
Continuing
Education (Based
on Assessed
Needs)

In addition to the continuing education requirements set out above, each board member shall complete additional continuing education based on the framework for governance leadership. [See BBD(EXHIBIT)]

The purpose of continuing education is to address the continuing education needs referenced at Team Building above.

The continuing education shall be completed annually.

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

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

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

First Year

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

*Subsequent
Years*

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

Board President

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

19 TAC 61.1(b)(5)

Evaluating Student
Academic
Performance

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

The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in Education Code 11.1515. [See BAA]

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

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

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

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

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

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

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

19 TAC 61.1(b)(6)

Identifying and
Reporting Abuse

Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with Education Code 11.159(c)(2).

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

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

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

The training required by this provision shall include, at a minimum:

1. Instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;
2. Instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and
3. Instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.

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

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

19 TAC 61.1(b)(7)

School Safety

The SBOE shall require a trustee to complete training on school safety. *Education Code 11.159(b-1)*

The continuing education required under Education Code 11.159(b-1) applies to each member of an independent school district board of trustees.

Each member shall complete the training on school safety adopted by the SBOE. The training requirement shall be fulfilled by completing the online course adopted by the SBOE and made available by the commissioner of education. The training shall be completed every two years.

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

A district shall maintain verification of completion for each trustee.

19 TAC 61.3

Training Provider

*Registered
Provider*

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

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

19 TAC 61.1(c)

*Authorized
Provider*

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

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

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

19 TAC 61.1(d)

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

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

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. <i>Gov't Code 551.0035(b)</i>
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. <i>Gov't Code 551.001(6); 311.013(b)</i>
<i>Disaster Exception</i>	Notwithstanding any other law, a quorum is not required for the board to act if: <ol style="list-style-type: none">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; and2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster. <i>Gov't Code 418.1102</i>
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. <i>Gov't Code 551.001(7)</i>
Prohibited Series of Communications	A board member commits an offense if the member: <ol style="list-style-type: none">1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by the Open Meetings Act and that concern an issue within the jurisdiction of the board in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and2. Knew at the time the member engaged in the communication that the series of communications:<ol style="list-style-type: none">a. Involved or would involve a quorum; andb. Would constitute a deliberation once a quorum of members engaged in the series of communications. <i>Gov't Code 551.143</i>

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 the Open Meetings Act. *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 the Open Meetings Act. 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 the Open Meetings Act 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 the Open Meetings Act. 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.

Notice of Location

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.

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**

“Videoconference call” or “videoconference” means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through audio and video signals transmitted over a telephone network, a data network, or the internet. *Gov't Code 551.001(8); 1 TAC 209.1(5)*

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 minimum standards specified by the Department of Information Resources (DIR). 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)

Minimum Standards

No requirements found in subchapter B of 1 Administrative Code Chapter 209 (minimum standards for meetings held by videoconference by governmental bodies) shall be interpreted to overrule any section of the Open Meetings Act or any rules adopted or opinions issued by the Office of the Attorney General interpreting the Open Meetings Act. *1 TAC 209.4*

Boards conducting open or closed meetings by videoconference call shall review and consider any applicable guidelines promulgated by DIR. *1 TAC 209.5(b)*

Computer-Based Videoconferencing Applications

“Computer-based videoconferencing application” means a commercially available application designed to facilitate videoconferencing between a personal computer to another personal computer or mobile device either one-to-one or in a group environment. *1 TAC 209.1(1)*

All computer-based videoconferencing applications shall employ a minimum bandwidth transmission speed and/or adequate data compression algorithm to produce a sufficient quality for audio and video such that audio volume and clarity and video clarity are sufficient to hear and view all speaking participants on the videoconference clearly.

Computer-based videoconferencing applications may specify unique minimum requirements for computer central processing units, memory, and video capability to run the computer-based videoconferencing application. A board shall comply with these minimum requirements.

If the videoconference call hosts a public audience at a location or locations specified by the official notice of the open meeting posted in compliance with Open Meetings Act requirements, then the dis-

trict shall establish a minimum of one host computer at the location(s) that will run the computer-based videoconferencing application. This host computer shall then be connected to:

1. Either a separate video monitor of size proportional to the room and clearly visible to all in the room or multiple video monitors so that all attendees may clearly view the video stream; and
2. External speakers of suitable volume and sound quality such that all meeting attendees at the host location may clearly hear the meeting.

Any personal computer used by a board member for the purpose of videoconferencing for an open meeting subject to the Open Meetings Act shall contain a camera and speakers of sufficient quality to permit all meeting attendees to see the individual who is using the personal computer and for the individual to hear all speaking attendees.

1 TAC 209.10

Dedicated Video Room Environments

If a board uses a dedicated video room environment (DVRE) for dedicated camera and speaker equipment but is using a computer-based videoconferencing application that is not part of a proprietary DVRE setup, then the district must comply with all minimum standards for computer-based application software, above, and is not subject to the DIR requirements for a DVRE. *1 TAC 209.11(e)*

Note: The minimum standards for videoconference meetings hosted between dedicated video room environments are outlined in 1 Administrative Code 209.1 and 209.11.

Security Requirements

Each board subject to the Open Meetings Act shall review and comply with any additional internal security requirements of their district that may apply to a meeting held by videoconference. *1 TAC 209.12(a)*

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**

Required Recording

A board shall:

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

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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)*

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CCGA
(LEGAL)

Portability of Tax Limitation	If an individual who receives a tax limitation, including a surviving spouse, discussed below, subsequently qualifies a different residence homestead for the same exemption, a district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes calculated in accordance with Tax Code 11.26(g). <i>Tax Code 11.26(g)</i>
Surviving Spouse	If an individual who qualifies for the exemption at Persons 65 or Older or Disabled, above, dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. <i>Tax Code 11.26(i)</i>
<i>Local Options</i> All Taxpayers	In addition to other exemptions in Tax Code 11.13, an individual is entitled to an exemption from taxation by a district of a percentage of the appraised value of the individual's residence homestead if the exemption is adopted by the board before July 1 in the manner provided by law for official action by the board. If the percentage set by the district produces an exemption in a tax year of less than \$5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of \$5,000 of the appraised value. The percentage adopted by the district may not exceed 20 percent. <i>Tax Code 11.13(n)</i>
Disabled or 65 or Older	An individual who is disabled or 65 or older is entitled to an exemption from taxation by a district of a portion of the appraised value of the individual's residence homestead if the exemption is adopted either by the board or by a favorable vote of a majority of the qualified voters of the district at an election called by the board, and the board shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the district.
<i>Amount</i>	The amount of an exemption adopted as provided at Disabled or 65 or Older is \$3,000 of the appraised value of the residence homestead unless a larger amount is specified by the board if the board authorizes the exemption or the petition for the election if the exemption is authorized through an election. Once authorized, an exemption adopted may be repealed or decreased or increased in amount by the board or by the petition and election procedure. In the case of a decrease, the amount of the exemption may not be reduced to less than \$3,000 of the market value. <i>Tax Code 11.13(d)–(f)</i>

<i>Continuation of Exemption during Construction</i>	If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135. <i>Tax Code 11.135(a), .26(n); 34 TAC 9.416</i>
<i>Surviving Spouse of First Responder</i>	The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615 as determined by the Employees Retirement System of Texas and has not remarried since the first responder's death. <i>Tax Code 11.134</i>
<i>Veteran Exemptions 100 Percent Disabled</i>	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. <i>Tax Code 11.131(b)</i>
<i>Partially Disabled with Donated Residence</i>	A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, or at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date of the donation. <i>Tax Code 11.132(b)</i>
<i>Surviving Spouse of Veteran</i>	The surviving spouse of a disabled veteran, as defined by Tax Code 11.22(h)(3), is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if it had been in effect on the date of death if: <ol style="list-style-type: none">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

Discounts

Option 1

The board may adopt, by official action, one or both of the discount options below. *Tax Code 31.05(a)*

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)*

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

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<i>Rescission</i>	<p>The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. <i>Tax Code 31.05(d)</i></p>
Split Payments	<p>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.</p> <p>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.</p> <p><i>Tax Code 31.03</i></p> <p>This payment option does not apply to taxes that are calculated too late for it to be available. <i>Tax Code 31.04(c)</i></p>
<i>In Certain Counties</i>	<p>The board of a district located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide, by official action, that the split-payment option does not apply to the district's taxes collected by the other taxing unit. <i>Tax Code 31.03(d)</i></p>
Installment Payments <i>Certain Homesteads</i>	<p>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. <i>Tax Code 31.031</i></p>
<i>Disaster or Emergency Area</i> Property Damaged — Automatic	<p>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.</p> <p>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.</p> <p><i>Tax Code 31.032</i></p>

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CCGA
(LEGAL)

Property Not Damaged — Board Option	<p>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.</p> <p>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.</p> <p><i>Tax Code 31.033; 34 TAC 9.3061(b), (c)</i></p>
Definitions	<p>“Disaster” has the meaning assigned by Government Code 418.004.</p> <p>“Emergency” means a state of emergency proclaimed by the governor under Government Code 433.001.</p> <p><i>Tax Code 31.032(g), .033(a); 34 TAC 9.3061(a)</i></p>
Services in Lieu of Paying Taxes	<p>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. <i>Tax Code 31.035, .036, .037</i></p>
<i>Persons 65 and Over</i>	<p>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. <i>Tax Code 31.035(a), (g)</i></p>
<i>Teaching Services</i>	<p>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:</p> <ol style="list-style-type: none"><li data-bbox="561 1789 1435 1852">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/>

Accounting System	A board must adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. The accounting system must meet at least the minimum requirements prescribed by the commissioner of education, subject to review and comment by the state auditor. <i>Education Code 44.007(a), (b)</i>
Financial Accountability System Resource Guide	The rules for financial accounting are described in the official Texas Education Agency (TEA) publication, <i>Financial Accountability System Resource Guide</i> , Version 18.0, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. <i>19 TAC 109.1, .41, .5001</i>
Report of Revenues and Expenditures	A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA on or before the date set by the State Board of Education. <i>Education Code 44.007(c), (d)</i>
Financial Statement	The board shall prepare an annual financial statement showing for each fund subject to the board's authority during the fiscal year: <ol style="list-style-type: none">1. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived;2. The total disbursements of the fund, itemized by the nature of the expenditure; and3. The balance in the fund at the close of the fiscal year. <i>Local Gov't Code 140.005</i>
Publication	The board president shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the district, the financial statement shall be published in a newspaper in each county in which the district or any part of the district is located. If a district is located in more than one county, the financial statement may be published in a newspaper that has general circulation in the district. If a newspaper is not published in the county, the financial statement may be published in a newspaper in an adjoining county.

The statement shall be published in accordance with the accounting method required by TEA not later than the 150th day after the date the fiscal year ends.

Local Gov't Code 140.006

Annual Local Debt Report

A district shall annually compile and report certain financial information ("Annual Local Debt Report") in the manner prescribed by Local Government Code 140.008 and 34 Administrative Code 10.1–.6. *Local Gov't Code 140.008(b); 34 TAC 10.2(a)*

The Annual Local Debt Report must include the following financial information:

1. Regarding total authorized debt obligations:
 - a. The amount of all authorized debt obligations;
 - b. The principal of all outstanding debt obligations;
 - c. The combined principal and interest required to pay all outstanding debt obligations on time and in full;
 - d. The amount of all authorized debt obligations secured by property taxes;
 - e. The principal of all outstanding debt obligations secured by property taxes;
 - f. The combined principal and interest required to pay all outstanding debt obligations secured by property taxes on time and in full;
 - g. The amount of all authorized debt obligations secured by property taxes expressed as a per capita amount;
 - h. The principal of all outstanding debt obligations secured by property taxes expressed as a per capita amount;
 - i. The combined principal and interest required to pay all outstanding debt obligations on time and in full for all obligations secured by property taxes expressed as a per capita amount; and
 - j. The current credit rating on total debt obligations given by any nationally recognized credit rating organization.
2. Regarding each authorized debt obligation:
 - a. The principal of each outstanding debt;

- b. The principal of each outstanding debt obligation secured by property taxes expressed as a per capita amount;
 - c. The combined principal and interest required to pay each outstanding debt obligation on time and in full;
 - d. The combined principal and interest required to pay each outstanding debt obligation on time and in full expressed as a per capita amount;
 - e. The issued and unissued amounts, the spent and unspent amounts, the maturity date and the stated purpose for which each debt obligation was authorized; and
 - f. The current credit rating on each debt obligation given by any nationally recognized credit rating organization.
3. Any other information considered relevant or necessary to explain the above required data elements, such as explanations of payment sources for different kinds of debt or projections of per capita amounts of ad valorem taxation-secured obligations as of the last day of the maximum term of the most recent debt obligation issued by the district.

34 TAC 10.2; Local Gov't Code 140.008(b)

Submission to
Comptroller

The comptroller shall provide a location on the comptroller's internet website where a district may submit the financial information described above and any other related information required or requested by the comptroller for the Annual Local Debt Report.

The comptroller shall prescribe the form and manner in which financial information, financial documents, and related information must be submitted under these provisions. These instructions and other information related to local government debt reporting will be provided on the comptroller's internet website.

34 TAC 10.3

Reporting
Requirement

On an annual basis and within 180 days of the end of the most recently completed fiscal year, a district shall, in accordance with the reporting requirements set forth under Local Government Code 140.008, either:

1. Submit an Annual Local Debt Report to the comptroller as described at Submission to Comptroller, above, in the form and in the manner prescribed by the comptroller and, if the district maintains an internet website, continually maintain a link from its website to the location on the comptroller's website where the district's financial information may be viewed; or

2. Post its contact information and the information required in an Annual Local Debt Report on the district's own internet website and make the report available for inspection by any person in accordance with other law.

A district that elects to post a report of its financial information on its own internet website as described in item 2 above shall provide upon request an electronic link to the location on the district's website where the information can be viewed to facilitate compliance with the requirements of this provision and to enable the comptroller to maintain a searchable database of local debt information that is comprehensive, accurate, and complete.

34 TAC 10.4; Local Gov't Code 140.008(c), (d), (f)

Definitions

The phrases, words, and terms used in the foregoing provisions shall have the meanings set out in 34 Administrative Code 10.1, unless the context clearly indicates otherwise. *34 TAC 10.1*

**School FIRST
Annual Financial
Management Report**

Each district is required to report information and financial accountability ratings to parents, taxpayers, and other stakeholders by implementing the reporting procedures below. *19 TAC 109.1001(q)*

Report
Requirements

Each district must prepare and distribute an annual financial management report in accordance with 19 Administrative Code 109.1001(q). *19 TAC 109.1001(q)(1)*

The annual financial management report for a district must include:

1. A description of its financial management performance based on a comparison, provided by TEA, of its performance on the indicators established by the commissioner and reflected in 19 Administrative Code 109.1001. The report will contain information that discloses:
 - a. State-established standards; and
 - b. The district's financial management performance under each indicator for the current and previous year's financial accountability ratings [see CFC];
2. Any descriptive information required by the commissioner, including:
 - a. A copy of the superintendent's current employment contract or other written documentation of employment if no contract exists. This must disclose all compensation and benefits paid to the superintendent. The district may publish the superintendent's employment contract on its website instead of publishing it in the annual financial management report;

- b. A summary schedule for the fiscal year (12-month period) of expenditures paid on behalf of the superintendent and each board member and total reimbursements received by the superintendent and each board member. This includes transactions on the district's credit card(s), debit card(s), stored-value card(s), and any other similar instrument(s) to cover expenses incurred by the superintendent and each board member. The summary schedule must separately report reimbursements for meals, lodging, transportation, motor fuel, and other items. The summary schedule of total reimbursements should not include reimbursements for supplies and materials that were purchased for the operation of the district;
- c. A summary schedule for the fiscal year of the dollar amount of compensation and fees received by the superintendent from an outside school district or any other outside entity in exchange for professional consulting or other personal services. The schedule must separately report the amount received from each entity;
- d. A summary schedule for the fiscal year of the total dollar amount of gifts that had a total economic value of \$250 or more received by the executive officers and board members.
 - (1) This reporting requirement applies only to:
 - (a) Gifts received by the district's executive officers and board members (and their immediate family as described by Government Code Chapter 573, Subchapter B, Relationships by Consanguinity or by Affinity) from an outside entity that received payments from the district in the prior fiscal year, and
 - (b) Gifts from competing vendors that were not awarded contracts in the prior fiscal year;
 - (2) This reporting requirement does not apply to reimbursement by an outside entity for travel-related expenses when the purpose of the travel was to investigate matters directly related to an executive officer's or board member's duties or to investigate matters related to attendance at education-related conferences and seminars with the primary purpose of providing continuing education (this exclusion does not apply to trips for entertainment purposes or pleasure trips);

- (3) This reporting requirement excludes an individual gift or a series of gifts from a single outside entity that had a total economic value of less than \$250 per executive officer or board member; and
 - e. A summary schedule for the fiscal year of the dollar amount received by board members for the total amount of business transactions with the district. This reporting requirement is not to duplicate the items disclosed in the summary schedule of reimbursements received by board members; and
 3. Any other information the board of the district determines to be useful.

19 TAC 109.1001(q)(3)

Public Hearing

Each district must provide the public with an opportunity to comment on the report at a public hearing. *19 TAC 109.1001(q)(2)*

The board must hold a public hearing on the report within two months after receiving a final financial accountability rating. The public hearing must be held at a location in the district's facilities.

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

19 TAC 109.1001(q)(4), (5); Education Code 39.083(d)

Notice

The board must give notice of the hearing to owners of real property in the geographic boundaries of the district and to parents of district students.

In addition to other notice required by law, the board must provide notice of the hearing:

1. To a newspaper of general circulation in the geographic boundaries of the district in one posting prior to holding the public meeting, providing the time and place of the hearing. The notice in the newspaper may not be earlier than 30 days or later than ten days before the date of the hearing. If no newspaper is published in the county in which the district's central administration office is located, then the board must publish the notice in the county nearest to the county seat of the county in which the district's central administration office is located; and

2. Through electronic mail to the mass communication media serving the district, including, but not limited to, radio and television.

19 TAC 109.1001(q)(4); Education Code 39.083(d)

Dissemination After the hearing, the report shall be disseminated in the district in the manner prescribed by the commissioner. *Education Code 39.083(e)*

Records Retention The district must retain the annual financial management report for at least three years after the public hearing and make it available to parents and taxpayers upon request. *19 TAC 109.1001(q)(6)*

Corrective Action Plan Each district that received an F rating must file a corrective action plan with TEA, prepared in accordance with instructions from the commissioner, within one month after the district's public hearing. *19 TAC 109.1001(q)(7); Education Code 39.0824*

Projected Deficit If the commissioner, based on the indicators adopted under Education Code 39.082 [see CFC], projects a deficit for a district general fund within the following three school years, TEA shall provide the district interim financial reports, including projected revenues and expenditures, to evaluate the district's current budget status.

TEA may require a district to submit additional information needed to produce a financial report. If a district fails to provide information requested or if the commissioner determines that the information submitted by a district is unreliable, the commissioner may order the district to acquire professional services under Education Code 39A.902 [see AIC].

Education Code 39.0823

Annual Audit

The board shall have its district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.

The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education (SBOE), subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).

Education Code 44.008(a), (b)

Audit Requirements
and Procedures

A district must file with the Texas Education Agency (TEA) an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by TEA, including review of auditors' working papers, in accordance with the *Financial Accountability System Resource Guide*, as adopted by reference in 19 Administrative Code 109.41.

The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.

*Independent
Auditor*

The district must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.

The independent auditor must:

1. Be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy or a state licensing agency from another state;
2. Be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under Education Code 44.008; and
3. Adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the U.S. Government Accountability Office, as amended.

The CPA firm must:

1. Be a member of the AICPA Governmental Audit Quality Center (GAQC);

2. Adhere to GAQC's membership requirements; and
3. Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:
 - a. Texas public school district environment;
 - b. Public sector; or
 - c. Nonprofit sector.

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the required standards, the division may require the district to change its audit firm.

19 TAC 109.23

Financial
Accountability
System Resource
Guide

The rules for financial accounting are described in the official TEA publication *Financial Accountability System Resource Guide*, Version 18.0, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. *19 TAC 109.41, .5001*

Filing of Report

A copy of the annual audit report, approved by the board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If a board declines or refuses to approve its auditor's report, it shall nevertheless file with TEA a copy of the audit report with its statement detailing reasons for failure to approve the report. *Education Code 44.008(d)*

Internet Posting of
Audit

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18, including the district's most recent financial audit, in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for other required information that must be posted.]

Note: For information on the efficiency audit required before a district may hold an election to seek voter approval to adopt a maintenance and operations tax rate, see CCG.

Financial Records

Each treasurer receiving or having control of any school fund of any district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer's hands. The treasurer's records of the district's itemized accounts and records shall be available to audit. *Education Code 44.008(c)*

**Financial
Accountability
Rating System
(School FIRST)**

TEA will assign a financial accountability rating to each district as required by Education Code 39.082.

TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner. Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year.

A financial accountability rating remains in effect until replaced by a subsequent rating.

19 TAC 109.1001(b), (e), (l)

Issuance of Ratings

TEA will issue a preliminary financial accountability rating to a district on or before August 8 of each year. TEA will not delay the issuance of a preliminary or final rating if a district fails to meet the statutory deadline under Education Code 44.008 for submitting the annual financial report (AFR). Instead, the district will receive an F rating for substandard achievement.

Appeals

A district may appeal its preliminary financial accountability rating through the appeals process described at 19 Administrative Code 109.1001(n).

If TEA receives an appeal of a preliminary rating, TEA will issue a final rating to the district no later than 60 days after the deadline for submitting appeals. If TEA does not receive an appeal of a preliminary rating, the preliminary rating automatically becomes a final rating 31 days after issuance of the preliminary rating.

A final rating issued by TEA may not be appealed under Education Code 7.057 or any other law or rule.

19 TAC 109.1001(m)–(o)

[For information on the reporting requirements regarding a district's financial accountability rating, see CFA.]

Mandatory Drills

Each district shall conduct emergency safety drills in accordance with Education Code 37.114. Drills do not include persons role playing as active aggressors or other simulated threats.

Definitions

The following words and terms related to drills and exercises shall have the following meanings, unless the context clearly indicates otherwise. These definitions do not apply to an active threat exercise, which is defined in Education Code 37.1141 [see Active Threat Exercises, below].

Active aggressor: An individual actively engaged in killing or attempting to kill people in a confined and populated area.

Drill: A set of procedures that test a single, specific operation or function. Drills do not include persons role playing as active aggressors or other simulated threats. Drill examples include evacuating for a fire or locking down from an internal threat.

Evacuation drill: A response action schools take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.

Exercise: An instrument to train for, assess, practice, and improve performance in mitigation, prevention, preparedness, response, and recovery in a risk-free environment. While drills and exercises may overlap in some aspects, discussion-based and operation-based exercises are often more in depth and multi-faceted.

Fire evacuation drill: A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.

Full-scale exercise: Typically the most complex and resource-intensive type of exercise. It involves multiple agencies, organizations, and jurisdictions and validates many facets of preparedness. This exercise often includes many players operating under cooperative systems such as the Incident Command System (ICS) or Unified Command. Resources and staff are mobilized as needed. All actions are taken as if the emergency is real. A full-scale exercise is the most time-consuming activity in the exercise continuum and is a multiagency, multijurisdictional effort in which all resources are deployed. A full-scale exercise tests collaborations among the agencies and participants, public information systems, communication systems, and equipment. An Emergency Operations Center is established by either law enforcement or fire services, and the ICS is activated. Because of all the logistics and resources needed for

a full-scale exercise, it often takes a year to plan and is not held often. Usually, a school district is not the organizer of such an exercise, but the district or school would play a critical role in both function and potential facility use.

Functional exercise: Designed to validate and evaluate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions. A functional exercise is typically focused on exercising plans, policies, procedures, and staff members involved in management, direction, command, and control functions. It allows participants to practice their specific roles or functions in an emergency. This type of exercise is conducted in a realistic, real-time simulated environment and often includes simulators (individuals who assist with the facilitation of the exercise) and follows a master scenario events list that dictates additional information, occurrences, or activities that affect the exercise scenario.

Lockdown drill: A response action schools take to secure interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all school students, staff, and visitors are secured away from immediate danger.

Secure drill: A response action schools take to secure the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. This type of drill uses the security of the physical facility to act as protection to deny entry.

Seminar exercise: A discussion-based exercise designed to orient participants to new or updated plans, policies, or procedures through informal discussions. Seminar exercises are often used to impart new information and formulate new ideas.

Shelter-in-place for hazardous materials (hazmat) drill: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Examples of a shelter-in-place for hazmat drill include train derailment with chemical release or smoke from a nearby fire.

Shelter for severe weather drill: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

Tabletop exercise: A small group discussion that walks through a scenario and the courses of action a school will need to take before, during, and after an emergency to lessen the impact on the school community. Participants problem-solve together through a detailed discussion of roles, responsibilities, and anticipated courses of action. A tabletop exercise leverages a defined scenario to direct discussion and may need an experienced facilitator depending on the complexity and objectives of the exercise.

Workshop exercise: A type of discussion-based exercise focused on increased participant interaction and achieving or building a product (e.g., plans or policies). A workshop exercise is typically used to test new ideas, processes, or procedures; train groups in coordinated activities; and obtain consensus. A workshop exercise often uses breakout sessions to explore parts of an issue with smaller groups.

Frequency

Education Code 37.114(2) requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither 19 Administrative Code 103.1209, nor the law, precludes a district from conducting more drills as deemed necessary and appropriate by the district. Following is the required minimum frequency of drills by type:

1. Secure drill — One per school year.
2. Lockdown drill — Two per school year (once per semester).
3. Evacuation drill — One per school year.
4. Shelter-in-place for hazmat drill — One per school year.
5. Shelter for severe weather drill — One per school year.
6. Fire evacuation drill — Districts should consult with their local fire marshal and comply with their local fire marshal's requirements and recommendations. If a district does not have a local fire marshal, it shall conduct four per school year (two per semester).

Best Practices

For more information about best practices for conducting drills and exercises, refer to Texas School Safety Center (TxSSC) guidance.

Drills and exercises should be designed and conducted in accordance with guidance and best practice resources provided by the TxSSC.

Drill and exercise design should include purpose, goals, and objectives that are stated in plans for each type of drill. Purpose, goals,

and objectives should be developed with input from all sectors of the school community. Input in planning should be sought from multiple stakeholder perspectives for each type of drill and exercise, including from:

1. The district School Safety and Security Committee;
2. First responders;
3. Mental and behavioral health professionals;
4. Students and families; and
5. Staff, including nontraditional teachers, coaches, trade instructors, custodians, and food service workers.

Drill and exercise design elements should include:

1. Physical and psychological safety for all participants;
2. Planning in a trauma-informed manner to maximize learning and to minimize potential trauma for students and staff;
3. Providing advance notification of drills and exercises;
4. Planning for post-drill or after-action reviews of each drill and exercise; and
5. Ensuring drills and exercises are age and developmentally appropriate with the understanding that more complex drills and exercises will require a hierarchy of learning to achieve or obtain more advanced goals or objectives.

Exercises tend to be more complex than drills and should be conducted in accordance with guidance and resources provided by the TxSSC. It is imperative that districts conduct exercises that match their experience and capabilities. It is usually best to start with discussion-based exercises and work up to operation-based exercises over time. Discussion-based exercises include seminar exercises, tabletop exercises, and workshop exercises. Operation-based exercises include functional exercises and full-scale exercises. Exercises can be used for:

1. Testing and validating policies, plans, procedures, training, equipment, and interagency agreements;
2. Clarifying and training personnel in roles and responsibilities;
3. Improving interagency coordination and communications;
4. Identifying gaps in resources;
5. Improving individual performance; and

6. Identifying opportunities for improvement.

19 TAC 103.1209; Education Code 37.114

Active Threat Exercises

Not Mandatory

A district that elects to conduct an active threat exercise, defined as any exercise that includes a simulated active aggressor or an active shooter simulation, shall do so in accordance with Education Code 37.1141 and 19 Administrative Code 103.1211.

Districts are not required to conduct active threat exercises.

Districts may consider using a tabletop exercise as defined in 19 Administrative Code 103.1209 [see Mandatory Drills, above] to achieve the purpose, goals, and objectives of the exercise rather than using a functional or full-scale active threat exercise.

Districts may consider conducting an active threat exercise during a noninstructional time when nonparticipants are not present in the facility.

19 TAC 103.1211(a)(1), (2)

Adequate Notice

Prior to conducting an active threat exercise, a district must:

1. Provide adequate notice of the exercise directly to individuals participating in the exercise, parents of students participating in the exercise, and all other individuals impacted by the exercise. Adequate notice of the active threat exercise shall also be posted through multiple distribution networks, including, but not limited to, the district's website and social media platforms.
 - a. To be considered adequate notice, notice shall be provided and posted at least two weeks prior to the exercise.
 - b. The notice shall include the following required elements specified in Education Code 37.1141(a)(1):
 - (1) The date on which the exercise will occur;
 - (2) The content, form, and tone of the exercise; and
 - (3) Whether the exercise will include a live simulation that mimics or appears to be an actual shooting incident.
 - c. The notice shall be provided to parents in the parents' native language to the greatest extent practicable; and
2. Make an audible announcement over the campus public address system immediately prior to the commencement of the

exercise to signal the start of the exercise to the participants, noting that it is only an exercise and not a real emergency. If applicable, the announcement must state that the exercise will include a live simulation that mimics or appears to be an actual threat, such as a shooting incident.

19 TAC 103.1211(b)(1), (2); Education Code 37.1141(a)(1), (2)

Notice to First
Responders and
Creation of Safe
Zone

Before a district may conduct an active threat exercise, a district shall ensure that:

1. First responder organizations that would likely respond in the event of a false report or alarm are notified regarding the exercise; and
2. A safe zone is created around the area in which the exercise will be conducted to keep out actual firearms, ammunition, and other weapons, other than firearms, ammunition, or other weapons carried by a peace officer, school resource officer, or school marshal or any other person authorized by the district to carry those items on school grounds.

Item 2 above may not be construed to prohibit a parent, legal guardian, or other person acting on a parent's or legal guardian's behalf from transporting or storing in the person's motor vehicle a firearm, ammunition, or other weapon that the person is legally authorized to possess while the person is picking up a child from school.

Education Code 37.1141(a)(3), (4)

Content

Before a district may conduct an active threat exercise, a district shall ensure that the content of the exercise:

1. Is age appropriate and developmentally appropriate;
2. Has been developed by a team of school administrators, teachers, school-based mental health professionals, and law enforcement officers, with input from parents and students; and
3. Is designed to support the well-being of students who participate in the exercise before, during, and after the exercise is conducted.

A district must ensure that the content of the exercise, which includes planning and execution of the exercise, addresses the following elements:

1. Input from multiple stakeholder perspectives in the design of the exercise;

2. The physical and psychological safety of all participants before, during, and after the exercise, including:
 - a. Planning in a trauma-informed manner to minimize potential trauma for students, staff, and other participants;
 - b. The development and communication of a predetermined method for participants to withdraw from the exercise before or during the exercise; and
 - c. Access to mental health supports before, during, and after the exercise; and
3. The developmental appropriateness of the exercise, which includes a comprehensive perspective that supports the cognitive and emotional well-being of each individual and considers the impact that prior trauma, grief, and crisis experiences have had on a participant's development prior to the exercise. Developmental appropriateness considerations include the needs of special populations, including students with disabilities and emergent bilingual students.

Education Code 37.1141(a)(5); 19 TAC 103.1211(b)(3)

Data Collection

In accordance with Education Code 37.1141(c), data regarding the efficacy and impact of an active threat exercise shall be collected and submitted to the TxSSC using the methods developed by the TxSSC. *19 TAC 103.1211(c); Education Code 37.1141(a)(6), (c)*

Eye and Face Protection

Required Devices

Each teacher and student shall wear industrial-quality eye-protective devices in appropriate situations as determined by district policy. *Education Code 38.005*

Recommended Guidelines

For selection and use of face and eye protection in public schools, the Texas Department of State Health Services (TDSHS) recommends the guidelines entitled "Eye and Face Protection," available at 29 C.F.R. 1910.133.

For hazard assessment and face and eye protective equipment selection in public schools, TDSHS recommends the guidelines entitled "Non-mandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection," available at 29 C.F.R. Part 1910, Subpart I, Appendix B.

Application

The guidelines are applicable to all staff members, students, and visitors within Texas public schools participating in educational activities and programs that involve:

1. The use of hazardous chemicals;
2. The use of hot liquids or solids;

3. The use of molten materials;
4. Performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
5. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
6. Heat treatment, tempering, or kiln firing of any metal or other materials;
7. Cutting, welding, or brazing operations;
8. The use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
9. Repair or servicing of any vehicle; or
10. Any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

25 TAC 295.141–.142

**Emergency
Operations Plan**

The Superintendent shall ensure updating of the District's emergency operations plan and ongoing staff training.

As required by law, the emergency operations plan shall include the District's procedures addressing:

1. Reasonable security measures when District property is used as a polling place;
2. Response to an active shooter emergency;
3. Response to a nearby train derailment, as applicable; and
4. Access to campus buildings and materials necessary for a substitute teacher to carry out the duties of a District employee during an emergency or an emergency drill.

Note: For provisions regarding selection and adoption of instructional materials, see EFA.

**Instructional
Materials and
Technology**

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)–(b)*

Allotment

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

No Appeal

The amount of the allotment determined by the commissioner is final and may not be appealed. *19 TAC 66.1307(d)*

**Delayed Publisher
Payment Option**

A district may requisition and receive state-adopted instructional materials before allotment funds for those materials are available. The total cost of delayed-payment-option materials requisitioned may not exceed 80 percent of the district's expected allotment for the subsequent biennium.

When a district submits a requisition for instructional materials under this provision, the Texas Education Agency (TEA) will expend a district's existing allotment balance before applying the delayed payment option. TEA will make payment for any remaining balance for a district's order as the allotment funds become available and

will prioritize payment for requisitions under this provision over reimbursement of purchases made directly by a district.

19 TAC 66.1312(a)–(e)

The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. *Education Code 31.0215(d)*

Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline individual orders or orders from individual districts. *19 TAC 66.1312(f); Education Code 31.0215(d)*

Government Code Chapter 2251 (payments for goods and services) does not apply to requisitions under this provision. *Education Code 31.0215(e); 19 TAC 66.1312(g)*

Allotment
Adjustment
*Change in
Enrollment*

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

*High Enrollment
Growth*

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

High-enrollment growth adjustments will be based on the difference between the district's percentage of enrollment growth and that of the state. Enrollment growth calculations will be determined each fiscal year based on fall Texas Student Data Systems Public Education Information Management System (TSDS PEIMS) enrollment data. The amount of the adjustment determined by the commissioner is final and may not be appealed.

If sufficient funds are available, high-enrollment growth adjustments will be granted once each fiscal year. Notwithstanding this, a district that experiences an unexpected growth:

1. Of at least two percent due to a natural or man-made disaster or catastrophic event may apply for additional allotment funding at any time during a fiscal year.
2. In its bilingual population of at least ten percent in any school year may apply for additional bilingual allotment funding at any time during a fiscal year.

Any additional funding will be dependent on the availability of funds.

The per-student high-enrollment growth adjustment granted in the second year of a biennium shall not exceed one-half of the per-student amount established as the biennial allotment.

19 TAC 66.1309

Permitted
Expenditures

Each district's allotment funds must be expended according to the following priorities established in Education Code 31.0211:

1. First, instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Education Code 28.002; and
2. Then, any other instructional materials or allowed technological equipment.

Maintaining the priorities above, the allotment funds may be used to pay for:

1. Instructional materials on the list adopted by the commissioner under Education Code 31.0231;
2. Instructional materials on the list adopted by the State Board of Education (SBOE) under Education Code 31.024;
3. Non-adopted instructional materials;
4. Consumable instructional materials;
5. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
6. Versions of non-adopted instructional materials that are fully accessible to students with disabilities;
7. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;

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CMD
(LEGAL)

8. Supplemental instructional materials, as provided by Education Code 31.035;
9. State-developed open-source instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
10. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
11. Activities related to the local review and adoption of instructional materials;
12. Technological equipment that contributes to student learning, including equipment that supports the use of instructional materials;
13. Training educational personnel directly involved in student learning in the appropriate use of instructional materials;
14. Providing access to technological equipment for instructional use;
15. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning;
16. Inventory software or systems for storing, managing, and accessing instructional materials;
17. Software for analyzing the use and effectiveness of instructional materials;
18. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;
19. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment to ensure internet access; and
20. Training for personnel in the electronic administration of assessment instruments.

The allotment funds may not be used to pay for:

1. Services for installation;
2. The physical conduit that transmits data such as cabling and wiring or electricity, except to the extent allotment funds are

necessary to pay for allowable expenses under items 18 and 19, above;

3. Office and school supplies;
4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;
5. Travel expenses; or
6. Equipment used for moving or storing instructional materials.

19 TAC 66.1307(e)–(g); Education Code 31.0211(c)

*Technological
Equipment*

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and
2. Consider the long-term cost of ownership and flexibility for innovation.

Education Code 31.0211(d-1)

Certification of
Allotment

A district shall annually certify to the commissioner that the district's allotment has been used only for permitted expenses. *Education Code 31.0213*

**Instructional
Materials and
Technology Account**

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

A district may also use funds in the district's account to purchase electronic instructional materials or technological equipment. The district shall submit to the commissioner a request for funds for this purpose from the district's account in accordance with the commissioner's rules.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

Education Code 31.0212

Access to Allotment

The allotment for each biennium will be made available for district use through the state’s online instructional material ordering system as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated. A district may access its allotment for any upcoming school year upon completion of:

1. Submission to the commissioner certification that:
 - a. The district has instructional materials that cover all the required Texas Essential Knowledge and Skills (TEKS), except those for physical education, as required by Education Code 31.004 [see Certification of Instructional Materials, below]; and
 - b. The district has used its allotment for only allowable expenditures [see Permitted Expenditures and Certification of Allotment Use, above]; and
2. Preparation by TEA of the state ordering system for the new school year with the new allotment amounts.

Upon completion of these requirements, a district may access its funds by correctly providing all information required in the state ordering system.

19 TAC 66.1307(h)–(j)

Online Requisition System

The commissioner shall maintain an online requisition system for districts to requisition instructional materials to be purchased with the district’s allotment. *Education Code 31.101(f)*

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Requisitions, Use, and Distribution

A district shall make a requisition for instructional materials using the online requisition program maintained by the commissioner. A district may requisition instructional materials on the SBOE instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)–(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

Supplemental
Instructional
Materials

A district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list adopted under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Education Code 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*

Availability of Open
Education Resource
Instructional
Materials

A district that selects open education resource instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Employee Training

The board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the allotment and the use of the instructional materials ordering system known as EMAT. Training shall be completed prior to ordering instructional materials for the first time and again each time the district is notified by TEA that the training has been updated. The district shall maintain documentation of the completion of the required training. *19 TAC 66.107(d)*

**Special Instructional
Materials**

All laws and rules applying to instructional materials provided to students with no disabilities that are not in conflict with Education Code 31.028 or 19 Administrative Code 66.1311 shall apply to the distribution and control of special instructional materials. Special instructional materials include braille, large-print, and audio books and any other formats designed specifically to provide equal access to students with disabilities.

Requisitions for special instructional materials shall be based on actual student enrollment but may include up to two copies per student if necessary to meet individual need.

Special instructional materials are the property of the state. A district is responsible for replacing or reimbursing the state for lost, stolen, or damaged special instructional materials.

For Teachers Adopted instructional materials needed by a teacher with a print disability to carry out his or her instructional duties shall be furnished in the required format without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed.

For Parents Adopted instructional materials in a specialized format that are requested by a parent with a print disability shall be furnished without cost by the state. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws, including those that forbid reproduction of the files and their transfer to other parties. All specialized instructional material formats and electronic files that have been provided must be returned to the local school district at the end of the school year.

19 TAC 66.1311(a)–(d), (h), (j)

**Bilingual
Instructional
Materials**

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. The commissioner shall determine the amount of the allotment for bilingual education based on TSDS PEIMS bilingual enrollment data from the fall collection of the school year preceding the first year of each biennium. *Education Code 31.029; 19 TAC 66.1307(c)*

**Certification of
Instructional
Materials**

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that for each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level, the district provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level. The certification shall be submitted in a format approved by the commissioner and can be based on both state-adopted and non-state-adopted materials.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Materials adopted or purchased by the commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;
3. Open education resource instructional materials submitted by eligible institutions and adopted by the SBOE;

4. Open education resource instructional materials made available by other public schools;
5. Instructional materials developed or purchased by the district; and
6. Open education resource instructional materials and other electronic instructional materials included in the repository under Education Code 31.083.

Each district shall certify, in a format approved by the commissioner, that the district protects against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 U.S.C. 254(h)(5)(B) and (C). [See CQ]

The certifications shall be ratified by the board in a public, noticed meeting.

Education Code 31.004; 19 TAC 66.105

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which open education resource instructional material that a district does not intend to use for another student is distributed, the printed copy of the open education resource instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the

student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(d), (e), (h); 19 TAC 66.107(c) [See also EF]

Acceptable
Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
(LEGAL)

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged
Instructional
Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of open education resource instructional material. *Education Code 31.104*

Sale or Disposal

The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale

The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.

Use of Proceeds

Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal

The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

Education Code 31.105

Annual Inventory

A district shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by and delivered to the district. The results of the inventory shall be recorded in the district's files. *19 TAC 66.107(a)*

**Local Handling
Expenses**

School districts shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(d)*

**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 district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]
9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]
10. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]
11. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]
12. A district shall post an election notice required under Election Code 85.007. [See BBBA]
13. A district shall post election information under Election Code 4.009. [See BBBA]
14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]
15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]
16. A district shall post election results under Election Code 65.016. [See BBBB]
17. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]

18. A district 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]
19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]
20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]
21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]
22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]
23. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]
24. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]
25. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]
26. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]
27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]
28. 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]

29. 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]
30. 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]
31. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]
32. 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]
33. 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]
34. 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]
35. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]
36. 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]
37. 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]
38. 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]

39. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]
40. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]
41. 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]
42. 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]
43. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]
44. 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]
45. 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]
46. 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]
47. 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]
48. 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]

49. 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]
50. 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]
51. 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]
52. 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]
53. 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]
54. 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]
55. 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]
56. 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]
57. 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]
58. 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]

59. 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]
60. 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

¹ TDSHS Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis:

<https://www.dshs.texas.gov/schoolhealth/pdf/FoodAllergyGuide.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:
1. Is currently employed by a district;
 2. Is employed in a position that is eligible for membership in TRS; and
 3. Is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under the Texas Employees Group Benefits Act (Insurance Code Chapter 1551), or the State University Employees Uniform Insurance Benefits Act (Insurance Code Chapter 1601) or the Texas Public School Retired Employees Group Benefits Act (Insurance Code Chapter 1575, also known as TRS-Care).

An individual who is eligible to Medicare, and meets the criteria in 1 and 2, above, will be considered a full-time employee.

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 the Texas Employees Group Benefits Act (Insurance Code Chapter 1551) or the State University Employees Uniform Insurance Benefits Act (Insurance Code Chapter 1601) or the Texas Public School Retired Employees Group Benefits Act (Insurance Code Chapter 1575, also known as TRS-Care).

An individual who is eligible to Medicare, and who meets the criteria of 1 and 2, above, will be considered a part-time employee.

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

TRS-ActiveCare

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)*

*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.

<i>District Contribution</i>	<p>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.</p> <p><i>Insurance Code 1579.253</i></p> <p>A district shall make contributions for the program as provided by Insurance Code Chapter 1581. <i>Insurance Code 1579.252</i> [See District Required Minimum Effort, below]</p>
Other Health Coverage Programs	<p>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] <i>Education Code 22.004(c)</i></p>
District Required Minimum Effort	<p>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. <i>Insurance Code 1581.052(a)</i></p>
Designation of Compensation for Benefits	<p>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] <i>Education Code 22.103(a), (c)</i></p>
Use	<p>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. <i>Education Code 22.106</i></p>
Written Election	<p>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. <i>Education Code 22.105</i></p>
Continuation Coverage After Resignation	<p>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:</p> <ol style="list-style-type: none">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

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

Districts are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills at least once in the following grade bands: kindergarten–grade 2, grades 3–5, grades 6–8, and grades 9–12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.3(a), .5(a), .7(a), .9(a)

Local Credit

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

Local Instructional Plan

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and 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

The Texas Education Agency (TEA) shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and

3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Student/Teacher
Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

Classification for
Physical Education

A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted — not limited in activities.
2. Restricted — excludes the more vigorous activities. Restricted classification is of two types:
 - a. Permanent — A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
 - b. Temporary — Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial — specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

**School Health
Advisory Council**

A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements.]

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
 - a. Health education in kindergarten through grade 8; and
 - b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
 - a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
 - b. Physical education and physical activity;
 - c. Nutrition services;
 - d. Parental involvement;
 - e. Instruction on substance abuse prevention;
 - f. School health services, including mental health services;
 - g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
 - h. A safe and healthy school environment; and
 - i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:

- a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;
 - b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
 - c. A safe and healthy school environment; and
 - d. School employee wellness;
5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;
 6. Strategies to increase parental awareness regarding:
 - a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
 - b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.
 7. Appropriate grade levels and curriculum for instruction regarding 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

Adoption of Instructional Materials

Any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking shall be selected by the board with the advice of the local SHAC.

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. The policy must require:

1. The board to adopt a resolution convening the SHAC for the purpose of making recommendations regarding the curriculum materials;

2. The SHAC to:
 - a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
 - b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the SHAC's recommendations, to take action on the adoption of the recommendations by a record vote at a public meeting.

Board Selection

Before adopting curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

The board shall determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including the essential knowledge and skills addressing these topics developed by the 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

Essential Knowledge and Skills

A district that offers kindergarten through grade 5 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1 (Essential Knowledge and Skills).

A district shall ensure that sufficient time is provided for teachers to teach and students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English.

19 TAC 74.2

Daily Physical Activity

A district shall require students in kindergarten through grade 5 to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of the district's physical education program or through structured activity during a campus's daily recess.

If a district determines, for any particular grade level, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

A district must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

Education Code 28.002(l)

Grade 6 Fine Arts

A district that provides instruction for grade 6 in a self-contained elementary class as part of elementary school shall provide instruction for students in grade 6 in all of the Middle School 1 TEKS for art, dance, music, and theatre as specified in 19 Administrative Code Chapter 117. *Education Code 28.002(c-1); 19 TAC 74.2(b)*

Kindergarten–Grade 3 Reading Program

Each district shall adopt a phonics curriculum for kindergarten–grade 3 in accordance with 19 Administrative Code 74.2001. A phonics program that does not meet all criteria in 19 Administrative Code 74.2001(b)(1) may be used by a district if the program has a strong evidence base and is used in conjunction with a phonics program that meets all criteria. *19 TAC 74.2001; Education Code 28.0062(a)(1)*

A district shall certify to the Texas Education Agency (TEA) that the district prioritizes placement of highly effective teachers in kindergarten through second grade and has integrated reading instruments used to diagnose reading development and comprehension

Waco ISD
161914

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ELEMENTARY)

EHAB
(LEGAL)

to support each student in prekindergarten through third grade. *Education Code 28.0062(a)(3)* [See DMA for early literacy personnel requirements]

Courses in the foundation and enrichment curriculum in grades 6–12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. A district is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

Grades 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

Physical Activity
Requirements

A district shall require students in grades 6–8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum.

A district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

Exemptions

A district must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

A district may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The board must certify the activity; and

3. The student must provide proof of participation in the activity.

A “structured activity” is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and
2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the board.

Education Code 28.002(l)–(l-1); 19 TAC 103.1003

Fine Arts
Requirement

The school district must ensure that, beginning with students who enter grade 6 in the 2010–11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students. *19 TAC 74.3(a)(3)*

Instruction in High
School, College,
and Career
Preparation

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;
2. The distinguished level of achievement described by Education Code 28.025(b-15);
3. Each endorsement described by Education Code 28.025(c-1);
4. College readiness standards; and
5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board

of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

**High School Courses
at Earlier Grades**

A district may offer courses designated for grades 9–12 in earlier grade levels. *19 TAC 74.26(b)*

**Grades 9–12 Course
Offerings**

A district that offers grades 9–12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. A district shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

A district shall offer the courses listed below in grades 9–12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV, and at least one additional advanced English course.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Principles of Engineering.
 - a. The requirement to offer two additional courses may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.
 - b. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.
4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, Economics with Emphasis on the Free Enterprise System and Its Benefits, and Personal Financial Literacy and Economics. The requirement to offer both Economics with Emphasis on the Free En-

terprise System and Its Benefits and Personal Financial Literacy and Economics may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.

5. Physical education — at least two courses selected from:
 - a. Lifetime Fitness and Wellness Pursuits;
 - b. Lifetime Recreation and Outdoor Pursuits; or
 - c. Skill-Based Lifetime Activities.
6. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:
 - a. Art I, II, III, IV;
 - b. Music I, II, III, IV;
 - c. Theatre I, II, III, IV; or
 - d. Dance I, II, III, IV.
7. Career and technical education [see EEL] — three or more career and technical education courses for four or more credits with at least one advanced course aligned with a specified number of Texas Education Agency (TEA)-designated programs of study determined by enrollment as follows:
 - a. One program of study for a district with fewer than 500 students enrolled in high school;
 - b. Two programs of study for a district with 501–1,000 students enrolled in high school;
 - c. Three programs of study for a district with 1,001–2,000 students enrolled in high school;
 - d. Four programs of study for a district with 1,001–5,000 students enrolled in high school;
 - e. Five programs of study for a district with 5,001–10,000 students enrolled in high school; and
 - f. Six programs of study for a district with more than 10,000 students enrolled in high school.
8. Languages other than English — Levels I, II, and III or higher of the same language.
9. Computer science — one course selected from Fundamentals of Computer Science, Computer Science I, or Advanced Placement (AP) Computer Science Principles.

10. Speech — Communication Applications.

19 TAC 74.3(b)(2)

A district must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If a district will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact.

A district shall teach any course a student is specifically required to take for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, a district shall either teach the course every year or use alternate delivery systems, as described in 19 Administrative Code Chapter 74, Subchapter C, to enable students to earn credit for the course and shall maintain evidence thereof.

19 TAC 74.3(b)(4)

A district may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements.

19 TAC 74.3(b)(3)

A district may allow a student to enroll concurrently in Algebra I and geometry. *Education Code 28.025(b-6)*

**Personal Financial
Literacy**

Each district shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit, using materials approved by the SBOE. The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the Department of Education. In fulfilling the requirement to provide financial literacy instruction, a district may use an existing state, federal, private, or nonprofit program that provides students without charge the described instruction. *Education Code 28.0021(b)*

Applied Courses

A school district may offer the foundation curriculum in an applied manner. The courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument. *Education Code 28.025(b-4)*

**Research Writing
Component**

For students entering grade 9 beginning with the 2007–08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced/Distinguished Achievement High School Programs include a research writing component. *19 TAC 74.3(b)(5)*

Parenting Awareness Program	A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.
High School	
Middle and Junior High School	A district may use the program in the district's middle or junior high school curriculum.
Program Requirements	<p>Implementation of this requirement shall comply with the requirement that the board establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction.</p> <p>A district may add elements at its discretion but must include the following areas of instruction:</p> <ol style="list-style-type: none">1. Parenting skills and responsibilities, including child support;2. Relationship skills, including money management, communication, and marriage preparation; and3. Skills relating to the prevention of family violence, only if the district's middle, junior high, or high schools do not have a family violence program. <p>At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.</p>
Local Programs and Materials	<p>A district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in:</p> <ol style="list-style-type: none">1. Child development;2. Parenting skills, including child abuse and neglect prevention; and3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
Parent Permission	<p>A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.</p> <p><i>Education Code 28.002(p); 19 TAC 74.35(a)</i></p>
Alcohol Awareness Instruction	<p>A district shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.</p> <p>A district shall choose an evidence-based alcohol awareness program to use in the district's middle school, junior high school, and</p>

high school health curriculum from a list of programs approved by the commissioner for this purpose.

“Evidence-based alcohol awareness program” means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

CPR Instruction

For all students who entered grade 7 in the 2010–11 school year and thereafter, a district shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation from high school.

CPR instruction must include training that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association; otherwise, an instructor is not required to be certified in CPR.

Waivers for
Students with
Disabilities

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR requirement must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code Chapter 29, Subchapter A; or
2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Education Code 28.0023 (c)–(e), (g); 19 TAC 74.38

Donations

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR. A district may accept other donations, including donations of equipment, for use in providing CPR instruction. *Education Code 29.903*

**Proper Interaction
with a Peace Officer**

For any student entering grade 9 in the 2018–19 school year and thereafter, a district shall provide instruction in one or more courses to students in grades 9–12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction may be provided as part of any course or courses and must be provided to each student at least once before graduation from high school.

The instruction must include all the information required by 19 Administrative Code 74.39(b). A district shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the SBOE, and TEA. A district may tailor the instruction developed under this section as appropriate for the district’s community. In tailoring the instruction, the district shall solicit input from local law enforcement agencies, driver training schools, and the community.

A district shall clearly indicate on the transcript or academic achievement record the year in which the instruction was provided to the student.

19 TAC 74.39; Education Code 28.012

**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 the Texas Education Agency (TEA) under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

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 is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:

- a. The placement of the student in a different educational setting;
 - b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
 - c. A pattern of unexcused absences; or
 - d. An unauthorized, unsupervised departure from an educational setting; or
2. The safety of the student or others.

19 TAC 89.1055(g); 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)

**Procedural
Safeguards**

A district shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). *20 U.S.C. 1415(a)*

These procedures shall include the following:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 C.F.R. 300.501*
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 C.F.R. 300.502*
3. Protecting the rights of a child when no parent can be identified, a district cannot locate the parents, or the child is a ward of the state, which may include the assignment of an individual to act as a surrogate parent. *34 C.F.R. 300.519*
4. Prior written notice to the parents when a district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 C.F.R. 300.503* [See Prior Notice and Consent, below]
5. Procedures to allow parties to resolve disputes through a mediation process. *34 C.F.R. 300.506*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. [See Dispute Resolution, below] *34 C.F.R. 300.507*
7. Procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which shall remain confidential). *34 C.F.R. 300.508*

Consent

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, the district is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 C.F.R. 300.9

Language of Notices

The procedural safeguards and prior notices described below must be written in language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 C.F.R. 300.503(c), .504(d)*

Electronic Delivery of Notices

A parent may elect to receive the procedural safeguards notice, prior notice, or notice of due process complaint by electronic mail if a district makes that option available. *34 C.F.R. 300.505*

Notice of Procedural Safeguards

A district shall provide a copy of the procedural safeguards to parents only one time a year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

A district may place a current copy of the procedural safeguards notice on its website, if it has one.

Contents of Notice

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;

5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
 - a. The time period in which to file a complaint;
 - b. The opportunity for the district to resolve the complaint; and
 - c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

20 U.S.C. 1415(a)–(b), (d); 34 C.F.R. 300.504

Prior Notice and Consent

A district shall provide prior written notice to the parents a reasonable time before the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of FAPE to the child. *34 C.F.R. 300.503(a)*

Notice must be provided to the parent in the parent's native language or other mode of communication at least five school days before the school district proposes or refuses the action unless the parent agrees to a shorter time frame. *19 TAC 89.1050(h)*

Contents of Notice

The notice must include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the district proposes or refuses to take the action;

3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Act (IDEA) rules;
6. A description of other options the admission, review, and dismissal (ARD) committee [see EHBAB] considered and the reasons why those options were rejected; and
7. A description of other factors that are relevant to the district's proposal or refusal.

34 C.F.R. 300.503(b)

Consent to Initial Evaluation	Before a district conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation the district proposes to conduct, and obtain informed consent for the evaluation from the parents. <i>20 U.S.C. 1414(a)(1)(D), (E); 34 C.F.R. 300.304(a)</i>
Consent to Services	A district shall seek informed consent from the parent before providing special education and related services to a child. <i>20 U.S.C. 1414(a)(1)(D)</i> [See EHBAA]
Consent to Reevaluation	A district shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the district can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. <i>20 U.S.C. 1414(c)(3)</i>
Psychological Examinations and Tests	<p>On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, a district shall provide to the child's parent:</p> <ol style="list-style-type: none">1. The name and type of the examination or test; and2. An explanation of how the examination or test will be used to develop an appropriate individualized education program (IEP) for the child. <p>If a district determines that an additional examination or test is required for the evaluation of a child's need for special education, the district shall provide the information above to the parent regarding</p>

the additional examination or test and shall obtain additional consent for the examination of test.

Education Code 29.0041(a), (b)

Dispute Resolution

The possible options for resolving disputes that arise between a parent and a school district relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by the district, under 19 Administrative Code 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to the district's policies, with the campus principal, special education director, superintendent, or board;
4. Requesting state IEP facilitation in accordance with 19 Administrative Code 89.1197;
5. Requesting mediation through the Texas Education Agency (TEA) in accordance with 19 Administrative Code 89.1193;
6. Filing a complaint with TEA in accordance with 19 Administrative Code 89.1195; or
7. Requesting a due process hearing through TEA in accordance with 19 Administrative Code 89.1151–.1191.

19 TAC 89.1150

**Due Process
Complaint**

Whenever a due process complaint has been received by a district, the parent or the district shall have an opportunity for an impartial due process hearing, which shall be conducted by an impartial hearing officer selected by TEA. [For TEA rules on due process hearings, see 19 Administrative Code 89.1151–.1191.] *20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(a), .1170(a)*

Timeline

Beginning September 1, 2022, a parent or a district must request a hearing within two years of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled, as described below.

Prior to September 1, 2022, a parent or public education agency must request a hearing within one year of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled

pursuant to 50 U.S.C. 3936, as set forth in 19 Administrative Code 89.1151(e), below.

19 TAC 89.1151(c)

Tolled Timeline

TEA will include in the Notice of Procedural Safeguards a statement that the statute of limitations for the parent of a student to request an impartial due process hearing may be tolled if:

1. The parent is an active-duty member of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the United States Public Health Service; and
2. 50 U.S.C. 3936 (statute of limitations for military service) applies to the parent.

19 TAC 89.1151(e)

*Timeline
Exception*

This timeline shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by a district that it had resolved the problem forming the basis of the complaint; or
2. A district's withholding of information from the parent that the district was required by the IDEA to provide.

20 U.S.C. 1415(f)(3)(D); 34 C.F.R. 300.511(f), 19 TAC 89.1151(d)

"Stay Put"

During the pendency of any proceeding conducted under IDEA part B (except proceedings to challenge a disciplinary change of placement or manifestation determination), the child shall remain in the then-current educational placement unless the district and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 C.F.R. 300.518, .533*

Exception

When a due process hearing has been requested by a parent or district concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 C.F.R. 300.533 [See FOF]*

Resolution Process

Within 15 calendar days of receiving notice of a parent's due process complaint, and before initiating a due process hearing, a district shall convene a meeting with the parent and the relevant

member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute.

The meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use the mediation process.

If the district has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's request for a hearing.

34 C.F.R. 300.510, 19 TAC 89.1183

Transfer of Rights to Adult Students

Not later than one year before the 18th birthday of a student with a disability, the district at which the student is enrolled shall:

1. Provide to the student and the student's parents:
 - a. Written notice regarding the transfer of rights; and
 - b. Information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code Chapter 1357, and other supports and services that may enable the student to live independently; and
2. Ensure that the student's IEP includes a statement that the district provided the required notice, information, and resources.

If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the district, the district shall provide to the student or parent information and resources on supported decision-making agreements under Estates Code Chapter 1357.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code Chapter 31 shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Education Code Chapter 29, Subchapter A or 20 U.S.C. 1415 transfer to the student.

34 C.F.R. 300.520; Education Code 29.017(a), (c), (c-1), (c-2); 19 TAC 89.1049(a)

Notice

When a student reaches the age of 18, a district shall provide written notice to the student and the student's parents of the transfer of parental rights. This notice is separate and distinct from the requirement that, beginning at least one year before the student reaches the age of 18, the student's IEP include a statement regarding transfer of parental rights.

The notice must include information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement, and other supports and services that enable the student to live independently. The notice must also provide contact information for the parties to use in obtaining additional information.

34 C.F.R. 300.520(a)(3); Education Code 29.017(c); 19 TAC 89.1049(c)

**Special Education
Decision-Making for
Children in Foster
Care**

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. Section 1415(b) and its subsequent amendments, if:

1. The Department of Family and Protective Services (DFPS) is appointed as the temporary or permanent managing conservator of the child;
2. The rights and duties of the department to make decisions regarding education provided to the child under Family Code 153.371 have not been limited by court order; and
3. The foster parent agrees to:
 - a. Participate in making special education decisions on the child's behalf; and
 - b. Complete a training program that complies with minimum standards established by agency rule.

Training

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled ARD committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

A district may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. DFPS;

2. A school district;
3. An education service center; or
4. Any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent by a school district may file a complaint with TEA in accordance with federal law and regulations.

Not later than the fifth day after the date a child with a disability is enrolled in a school, DFPS must inform the appropriate school district if the child's foster parent is unwilling or unable to serve as a parent.

Education Code 29.015; 19 TAC 89.1047

**Appointment of
Surrogate Parent for
Certain Children**

These provisions apply to a child with a disability for whom:

1. DFPS is appointed as the temporary or permanent managing conservator of the child; and
2. The rights and duties of the department to make decisions regarding the child's education under Family Code 153.371 have not been limited by court order.

A school district must appoint an individual to serve as the surrogate parent for a child if the district is unable to identify or locate a parent for a child with a disability or the foster parent of a child is unwilling or unable to serve as a parent for the purposes of this subchapter.

Education Code 29.0151(a)–(b)

**Eligibility and Duties
of a Surrogate
Parent**

A surrogate parent appointed by a school district may not be an employee of TEA, the school district, or any other agency involved in the education or care of the child; or have any interest that conflicts with the interests of the child.

A surrogate parent appointed by a district must:

1. Be willing to serve in that capacity;
2. Exercise independent judgment in pursuing the child's interests;
3. Ensure that the child's due process rights under applicable state and federal laws are not violated;
4. Complete a training program that complies with minimum standards established by agency rule within the time specified in Education Code 29.015(b);

5. Visit the child and the school where the child is enrolled;
6. Review the child's educational records;
7. Consult with any person involved in the child's education, including the child's:
 - a. Teachers;
 - b. Caseworkers;
 - c. Court-appointed volunteers;
 - d. Guardian ad litem;
 - e. Attorney ad litem;
 - f. Foster parent; and
 - g. Caregiver; and
8. Attend meetings of the child's ARD committee.

The district may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate, as provided under Section 107.031(c), Family Code, as the child's surrogate parent.

Education Code 29.0151(c)–(d); 19 TAC 89.1047

Notice of
Appointment

As soon as practicable after appointing a surrogate parent, a district shall provide written notice of the appointment to the child's educational decision-maker and caseworker as required under Education Code 25.007(b)(10)(H) [see FFC]. *Education Code 29.0151(e-1)*

Failure to Properly
Perform

If a court appoints a surrogate parent for a child with a disability under Family Code 263.0025, and the school district determines that the surrogate parent is not properly performing the duties, the district shall consult with DFPS regarding whether another person should be appointed to serve as the surrogate parent for the child. *Education Code 29.0151(f); 19 TAC 89.1047*

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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)*

If a student is changing campuses, the committee must include the receiving principal or designee, the sending principal or designee, the receiving content teacher or designee, and the sending content teacher or designee. *19 TAC 104.1001(e)(1)*

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
Determination for
Grades 3, 5, and 8*

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)*

SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES

EHBC
(LEGAL)

Students Who Meet Criteria for the Alternative Assessment

The ARD committee must serve as the accelerated learning committee for students who meet the criteria for participation in alternative assessment instruments under Education Code 39.023(b) [see EKB], who do not perform satisfactorily on a mathematics or reading assessment instrument in grade 3, 5, or 8. The ARD committee must determine the manner in which the student will participate in supplemental accelerated instruction; however, the requirements for supplemental accelerated instruction described by 19 Administrative Code 104.1001(b) do not apply.

ARD Committee Responsibilities

In serving as the accelerated learning committee for a student served by special education, the ARD committee must meet and develop a plan [see Education Plan, above] to determine the manner in which the student will participate in supplemental accelerated instruction, and this meeting must include the required members of a properly constituted ARD committee [see EHBAB].

When the ARD committee for a student served by special education serves as the accelerated learning committee, efforts must be taken to ensure parental participation as specified within the requirements of 19 Administrative Code 89.1050(d) and 34 Code of Federal Regulations 300.322 [see EHBAB].

The ARD committee, serving as the accelerated learning committee, must document decisions regarding supplemental accelerated instruction in writing and a copy must be provided to the student's parent or guardian. This documentation may either be included in ARD deliberations or as a supplemental attachment to the student's individualized education program.

Dispute Resolution

A parent or guardian of a student served by special education may use a dispute resolution mechanism specified in 19 Administrative Code 89.1150 [see EHBAE] to resolve any dispute between the parent and a public education agency relating to the identification, evaluation, or educational placement of or the provision of a free appropriate public education (FAPE) to a student with a disability. If a parent or guardian of a student served by special education does not agree with the decision of the ARD committee serving as the accelerated learning committee regarding supplemental accelerated instruction, the parent or guardian may follow the district grievance policy [see FNG].

19 TAC 104.1001(f)

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); 19 TAC 104.1001(g)*

*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].

Education Code 28.0211(a-1)

*Participation
Requirements*

Supplemental accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. *19 TAC 104.1001(c)*

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 [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.

Education Code 28.0211(a-3)

The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for supplemental accelerated instruction. [See Supplemental Instruction Requirements for Certain Funding, item 3, below.]

19 TAC 104.1001(c)

*ARD Committee
Determination*

For a student served by special education who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) [see EKB], the student's admission, review, and dismissal (ARD) committee must determine the manner in which the student will engage in supplemental accelerated instruction. ARD committees must consider the individual needs of a student with a disability when determining the manner in which supplemental accelerated instruction is to be provided to the student. If supplemental accelerated instruction is to be provided to the student, the supplemental accelerated instruction must meet the requirements outlined in this subsection unless the ARD committee specifically determines that some or all of the requirements for supplemental accelerated instruction would deny the student access to a FAPE. *19 TAC 104.1001(b)(3)*

*Supplemental
Instruction
Requirements for
Certain Funding*

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-4)

*General
Accelerated
Instruction
Requirements*

Supplemental accelerated instruction shall be based on, but not limited to, targeted instruction in the essential knowledge and skills for the applicable grade levels and subject areas and be provided by a person with training in the applicable instructional materials for the supplemental accelerated instruction and under the oversight of the school district. Supplemental accelerated instruction shall be provided as outlined in items 2–5 and 8 (above), 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. *19 TAC 104.1001(d)*

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)*

No Available Test
Score

The superintendent of each district shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis. *19 TAC 104.1001(b)(4)*

**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. <i>Education Code 28.0213</i>
College Preparatory Courses	Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed: <ol style="list-style-type: none">For students at the 12th grade level whose performance on:<ol style="list-style-type: none">An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; orCoursework, 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; andTo prepare students for success in entry-level college courses. <p>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.</p>
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)*

**Student
Advancement**

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. [See EI]

In determining promotion, a district shall consider:

1. The recommendation of the student's teacher;
2. The student's grade in each subject or course;
3. The student's score on an assessment instrument administered under Education Code 39.023(a), (b), or (l), to the extent applicable; and
4. Any other necessary academic information, as determined by the district.

Education Code 28.021(a), (c)

**Advancement
Requirements**

By the start of the school year, a district shall make public the requirements for student advancement under Education Code 28.021. *Education Code 28.021(d)*

**Retention After
Assessment**

A district is not precluded from retaining, in accordance with state law or board policy, a student who performs satisfactorily on a grade advancement test. *Education Code 28.0211(g)*

**Parental Option to
Retain**

A parent or guardian may elect for a student to:

1. Repeat prekindergarten;
2. Enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Education Code 29.153(b) [see EHBG] and the student has not yet enrolled in kindergarten;
3. Repeat kindergarten;
4. Enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or
5. For grades 1 through 3, repeat the grade in which the student was enrolled during the previous school year.

An election made by a parent or guardian shall be made in writing to a district.

**Retention
Committee**

If a district disagrees with the election, the district must convene a retention committee and meet with the parent or guardian to discuss retention. The meeting shall be conducted in person unless an alternative means is agreeable to the parent or guardian. A student may not be retained for a grade or retake a course under this

provision if the parent or guardian does not meet with the retention committee.

A retention committee shall be composed of:

1. The principal or the principal's designee;
2. The student's parent or guardian;
3. The teacher who taught the grade or course for which the parent wants the student retained or repeated; and
4. Additional teachers at the discretion of the principal, if the student will potentially repeat multiple courses.

A retention committee shall:

1. Discuss the merits of and concerns with advancement and retention; and
2. Review and consider the student's grade in each subject or course, the results of any formative or summative assessments administered to the student, and any other available academic information to determine the student's academic readiness for the next grade or a given course.

If established, after the parent or guardian has participated in a retention committee meeting, the parent or guardian shall decide whether the student should be retained or retake a grade or course. The district must abide by the decision of the parent or guardian.

Retention
Considerations

Except as provided by this provision or other law, retention of a student pursuant to a parent's or guardian's election under this provision shall be considered the same as retention of a student by a district.

Transfer of Rights

The rights of a parent or guardian under this provision transfer to a student if the student is 18 years of age or older or has had the disabilities of a minor removed, unless the student is under a form of guardianship imposed by law or court order that continues after the student turns 18 years of age.

Education Code 28.02124

**Students with
Dyslexia**

In measuring the academic achievement or proficiency of a student who has dyslexia, the student's potential for achievement or proficiency in the area must be considered. *Education Code 28.021(b)* [See policies at EHB, EKB, and FB]

**Optional Extended-
Year Program**

An optional extended year program may extend the day, the week, or the year to provide additional support and instruction for eligible

students. The program shall be conducted beyond the required instructional days, which may include intercessions for year-round programs. *19 TAC 105.1001(b)*

A student is eligible for services in accordance with Education Code 29.082(a)(1)–(2). A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services. *19 TAC 105.1001(c); Education Code 29.082(a)(1)–(2)*

A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the school counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or school counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the district shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.

If a district provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Education Code 29.082(e)–(f) [See EHBC]

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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)*

*Emergent
Bilingual
Students*

For provisions related to an IGC and emergent bilingual students, see EKBA.

Students Who
Entered Grade 9
Before the 2011–12
School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);
4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and

5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

<i>District Determination</i>	The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. <i>19 TAC 74.1027(b)</i>
<i>Alternative Requirements</i>	The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).
<i>Local Alternative Requirements</i>	With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. <i>19 TAC 74.1027(d)</i>
<i>Appeals</i>	A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. <i>19 TAC 74.1027(e); Education Code 28.02541</i>
<i>Documentation</i>	The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. <i>19 TAC 74.1027(f)</i>
Special Education	A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. <i>19 TAC 101.3023(a)</i> [See Graduation of Students Receiving Special Education Services, below, and EKB]
Posthumous Diploma	Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.
<i>Exception</i>	A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Penal Code Title 5 or

6 or adjudicated as having engaged in conduct constituting a felony offense under Penal Code Title 5 or 6.

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); 19 TAC 21.52(a)

The notice must include information about the requirement that a student must provide an official copy of their assessment results

and transcripts, as applicable, to receive credit for the assessments and credits required to receive early graduation from the program. *19 TAC 21.54*

Personal Graduation Plan

Junior High or
Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

*Students
Receiving
Special
Education
Services*

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The

PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)* [See FMH, FNG]

**State Graduation
Requirements**

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering
Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, in grade 8 or higher, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

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 110–117, 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 than English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the

two credits required in a language other than English. 19 TAC
74.12(b)(5)(G)

*Physical
Education
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 <i>Minimum High School Program</i>	<p>All credit for graduation must be earned no later than grade 12. <i>19 TAC 74.61(b), .71(b)</i></p> <p>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:</p> <ol style="list-style-type: none">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); or3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.
Students with Disabilities	<p>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.</p>
Applicability	<p>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.</p> <p><i>19 TAC 74.61(c), (d), .71(c), (d)</i></p>
Requirements	<p>A student must earn at least 22 credits to complete the Minimum High School Program.</p> <p>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.</p> <p>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.</p> <p><i>Education Code 28.025; 19 TAC 74.62, .72</i></p>
<i>Recommended High School Program</i>	<p>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</p>

the program requirements listed at 19 Administrative Code 74.73.
Education Code 28.025; 19 TAC 74.63, .73

*Advanced /
Distinguished
Achievement
High School
Program*

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*

Substitutions

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP or IB Courses

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

Reading

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(h), .71(f)

College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

*Physical
Education
Substitutions*

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

*Other Physical
Activity*

1. Athletics;
2. JROTC; and

3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
 - b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

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)*

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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 the following in order to provide timely and full notification of graduation requirements:

1. Notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7–12 new to the district and his or her parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

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 not required to be administered to the student.

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) in order to be eligible to receive a Texas diploma, except as described below at Exceptions, Credits Earned Prior to Enrollment, Individual Graduation Committee, and Special Education.

The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career.

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 emergent bilingual students who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

19 TAC 101.3022(a)–(c)

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)*

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)*

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A district shall determine whether the student took each required EOC assessment or an approved substitute assessment. For purposes of this provision only, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an individual graduation committee.

Notwithstanding any action taken by a student's individual graduation committee, a district must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c) if the student has not previously achieved satisfactory performance on

an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

19 TAC 101.3022(e)(1), (3)

For provisions related to an IGC and emergent bilingual students, see EKBA.

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. [See EIF]

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)

For more information on graduation requirements for special education students, see EIF.

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 charter school or private school. The scoring contractor will provide districts with the results of the machine-scorable assessments within a 21-day period following the close of the testing window. 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(a)–(d)

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), 39.023(e)*

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(e)

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)–(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 39.003(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration
Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a)(3)–(d)

Disciplinary Action
and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)–(b), (g)(8)

Minimize Disruptions

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to

school operations and the classroom environment. *Education Code 39.0301(a-1)*

Confidentiality of Results

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Note: The terms English language learner, English learner, limited English proficient student, and emergent bilingual student are used interchangeably.

Language Proficiency Assessment Committee (LPAC)

The language proficiency assessment committee (LPAC) [see EHBE] shall select the appropriate assessment option for English language learners, as defined by Education Code Chapter 29, Subchapter B, as a student of limited English proficiency (LEP), in accordance with 19 Administrative Code 101.1005. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by the Texas Education Agency (TEA).

Documentation

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005; and
3. In conjunction with the admission, review, and dismissal (ARD) committee, the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c)

Definitions

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. *Education Code 39.027(g)*

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
 - a. An asylee as defined by 45 C.F.R. 400.41; or
 - b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and

3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

Education Code 39.027(a-1); 19 TAC 101.1005(c)

“Inadequate schooling outside the United States” is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

English Language Proficiency Tests

In kindergarten through grade 12, an English learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state assessment requirements under Education Code Chapter 39, Subchapter B, [see EKB] and federal requirements. *19 TAC 101.1003(a)*

Limitations on Exemptions

First Year After Enrollment

An emergent bilingual student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of an emergent bilingual student. *Education Code 39.027(a)(1)*

Subsequent Years

An emergent bilingual student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student’s initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student’s academic progress in a valid, reliable manner.

Minimum Days for Enrollment	<p>Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).</p> <p><i>Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g)</i></p>
Testing in Grades 3–8	<p>An English language learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.</p>
Spanish-Version Assessment	<p>A Spanish-speaking English language learner in grades 3–5 may be administered the state’s Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student’s academic progress.</p>
Linguistically Accommodated Assessments	<p>An English language learner in grade 3 or higher may be administered the linguistically accommodated English version of the state’s mathematics, science, or social studies assessment if:</p> <ol style="list-style-type: none">1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student’s academic progress;2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above]; and3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less [see Definitions, above].
Exemption for Asylee or Refugee	<p>An unschooled asylee or refugee who meets the criteria at Spanish-Version Assessment and Linguistically Accommodated Assessments above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.</p> <p><i>19 TAC 101.1005(b), (c)</i></p>
Refusal of Services	<p>An English language learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made</p>

available to English language learners on the basis of limited English proficiency. *19 TAC 101.1005(f)*

End-of-Course Assessments

An English language learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

An English language learner shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

Exception

If an English language learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above] and has been enrolled in U.S. schools for three school years or less, or qualifies as an un-schooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

Individual Graduation Committees

An emergent bilingual student who qualifies for the English I special exception in 19 Administrative Code 101.1007, above, may graduate without an individual graduation committee (IGC) if the student achieves satisfactory performance on the remaining end-of-course (EOC) assessments that the student is required to take.

The qualifying emergent bilingual student becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

If a qualifying emergent bilingual student does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

19 TAC 101.3022(e)(2)

Non-LEP Students

School districts may administer the assessment of academic skills in Spanish to a student who is not identified as limited English proficient but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(g)*

Special Education

Selecting
Assessments

For each English language learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP).

19 TAC 101.1005(a)

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English learner who receives special education services to participate in the general required English language proficiency assessment [see English Language Proficiency Tests, above] for reasons associated with the student's particular disability. Students with the most significant cognitive disabilities who cannot participate in the general English language proficiency assessment, even with allowable accommodations, shall participate in the alternate English language proficiency assessment to meet federal requirements. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*

In the case of an English learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*

Alternative
Assessment
Instruments

In certain cases, an English learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. *19 TAC 101.1005(b)*

An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*

Testing
Accommodations

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*

Nondiscrimination	<p>A district shall provide equal opportunities to all individuals within its jurisdiction or geographic boundaries. <i>Education Code 1.002(a)</i></p> <p>No officer or employee of a district shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin. <i>Civ. Prac. & Rem. Code 106.001</i></p> <p>A district may not deny services to any individual eligible to participate in its special education program, but it shall provide individuals with disabilities special educational services as authorized by law. <i>Education Code 1.002(b)</i></p>
Federal Funding Recipients	<p>No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination by any district that receives federal financial assistance, on the basis of any of the following protected characteristics:</p> <ol style="list-style-type: none">1. Sex.2. Race, color, or national origin.3. Disability, or relationship or association with an individual with a disability. [See EHB, EHBA series, and GA]4. Age. <p><i>20 U.S.C. 1681 (Title IX); 42 U.S.C. 2000d (Title VI); 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act); 29 U.S.C. 794 (Section 504); 42 U.S.C. 12132 (Americans with Disabilities Act [ADA]); 42 U.S.C. 6101 et. seq. (Age Discrimination Act of 1975)</i></p>
Sexual Harassment	<p>Sexual harassment of students in an education program or activity is discrimination on the basis of sex under Title IX. <u><i>Franklin v. Gwinnett County Schools</i></u>, 503 U.S. 60 (1992)</p> <p>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. <i>34 C.F.R. 106.45(a)</i></p> <p>[See also DIA and FFH]</p>
Grievance Procedures	<p>A district must adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging any action that would be prohibited by these provisions. <i>34 C.F.R. 106.8 (Title IX), 104.7(b) (Section 504)</i> [See FFH]</p>
Retaliation	<p>A district shall not coerce, intimidate, threaten, retaliate or discriminate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation</p>

and enforcement proceedings under these laws. *34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)* [See FFH]

Students with Learning Difficulties

The Texas Education Agency shall produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Education Code 29.004 or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Each school year, a district shall provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means. *Education Code 26.0081(c)*

Disability Discrimination

ADA

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by the district. *42 U.S.C. 12132; 28 C.F.R. 35.130*

Section 504

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. *29 U.S.C. 794(a)*

Designation of Responsible Employee

A district shall designate at least one employee to coordinate its efforts to comply with Section 504 and the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated. *34 C.F.R. 104.7(a), 28 C.F.R. 35.107*

Definitions

Student with a Disability

A "student with a disability" is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of 6 months or less.

29 U.S.C. 705(20)(B), 42 U.S.C. 12102(1), (3)–(4)

Qualified Individual with a Disability

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2)*

Major Life Activities

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. “Major life activity” also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. *42 U.S.C. 12102(2)*

Reasonable Modification

A district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7)*

Direct Threat

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below. *28 C.F.R. 35.104*

The ADA does not require a district to permit an individual to participate in or benefit from the services, programs, or activities of that district when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, a district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

Free Appropriate
Public Education
(FAPE)

A district shall provide a free appropriate public education to each qualified student with a disability within the district's jurisdiction, regardless of the nature or severity of the student's disability.

A student with a disability is "qualified" if he or she is between the ages of three and 21, inclusive. *20 U.S.C. 1412(a)(1); 34 C.F.R. 104.3(l)(2)*

An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

34 C.F.R. 104.33(b)

Implementation of an individualized education program (IEP) under IDEA is one means for providing FAPE. *34 C.F.R. 104.33(b)(2)*

Note: See EHBA series for policies regarding the provision of special education to students with disabilities under IDEA who require special education in order to benefit from a free appropriate public education.

Educational Setting

A district shall place a student with a disability in the regular educational environment, unless the district demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. *34 C.F.R. 104.34(a)*

In providing or arranging for nonacademic and extracurricular services and activities, a district shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. *34 C.F.R. 104.34(b), 104.37*

Evaluation and
Placement

A district shall conduct an evaluation of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

*Evaluation
Procedures*

A district shall establish standards and procedures for the evaluation and placement which ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

*Placement
Procedures*

In interpreting evaluation data and in making placement decisions, a district shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

4. Ensure that the placement decision is made in conformity with 34 C.F.R. 104.34.

Reevaluation

A district shall establish procedures for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act [now IDEA] is one means of meeting this requirement.

34 C.F.R. 104.35

Military Dependents

In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–12165), the district shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, § C [See FDD]*

Procedural Safeguards

A district shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. *34 C.F.R. 104.36*

Children Who Are Homeless

A district shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status. [See FDC]

Liaison

A district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FFC]

42 U.S.C. 11432(g)(1)(J)(i), (ii), (g)(6)(B)

Religious Freedom

A district may not substantially burden a student's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering

	that interest. <i>Civ. Prac. & Rem. Code 110.003</i> [See also DAA and GA]
Adverse Action Prohibited	Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. <i>Gov't Code 2400.002</i> [See GA]
Discrimination on the Basis of Sex	No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by any district receiving federal financial assistance. <i>20 U.S.C. 1681(a)</i> [See FFH for information regarding Title IX coordinator designation, policy notification, and complaint procedures.]
Title IX	A district shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. <i>34 C.F.R. 106.34</i> [See FFH for information on sexual harassment that may constitute discrimination on the basis of sex under Title IX.]
Separate Facilities	A district may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. <i>34 C.F.R. 106.33</i>
Human Sexuality Classes	Portions of classes in elementary and secondary school that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.
Vocal Music Activities	A district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex. <i>34 C.F.R. 106.34</i>
Single-Sex Programs	A district shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the district. <i>34 C.F.R. 106.35</i>
Pregnancy and Marital Status	A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. <i>34 C.F.R. 106.40</i> [See FND]

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LEGAL)

Physical Education Classes A district may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

Skills Assessment Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, a district shall use appropriate standards that do not have such effect.

Contact Sports A district may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

34 C.F.R. 106.34, .43

Athletic Programs A district shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

Single-Sex Teams A district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

Equal Athletic Opportunities A district that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The following factors shall be considered in determining whether a district provides equal athletic opportunities:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms and practice and competitive facilities;
8. Provision of medical and training facilities and services;

9. Provision of housing and dining facilities and services; and
10. Publicity.

34 C.F.R. 106.41

Wellness Policy

Each district must establish a local school wellness policy for all schools participating in the National School Lunch Program and/or School Breakfast program under the jurisdiction of the district. The local school wellness policy is a written plan that includes methods to promote student wellness, prevent and reduce childhood obesity, and provide assurance that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum federal standards. *7 C.F.R. 210.31(a)*

School Day

“School day” means the period from the midnight before, to 30 minutes after the end of the official school day. *7 C.F.R. 210.11(a)(5)*

School Campus

“School campus” means all areas of the property under the jurisdiction of the school that are accessible to students during the school day. *7 C.F.R. 210.11(a)(4)*

Contents

At a minimum, a local school wellness policy must contain:

1. Specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing these goals, a district must review and consider evidence-based strategies and techniques;
2. Standards for all foods and beverages provided, but not sold, to students during the school day on each participating school campus under the jurisdiction of the district;
3. Standards and nutrition guidelines for all foods and beverages sold to students during the school day on each participating school campus under the jurisdiction of the district that:
 - a. Are consistent with applicable requirements set forth in *7 C.F.R. 210.10* (meal requirements for lunches and after-school snacks) and *220.8* (meal requirements for breakfasts);
 - b. Are consistent with the nutrition standards set forth under *7 C.F.R. 210.11* (competitive food service and standards);
 - c. Permit marketing on the school campus during the school day of only those foods and beverages that meet the nutrition standards under *7 C.F.R. 210.11*; and
 - d. Promote student health and reduce childhood obesity;
4. Identification of the position of the district or school official(s) responsible for the implementation and oversight of the local

school wellness policy to ensure each school's compliance with the policy;

5. A description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy; and
6. A description of the plan for measuring the implementation of the local school wellness policy, and for reporting local school wellness policy content and implementation issues to the public as required below.

Public Involvement
and Notification

A district must:

1. Permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy.
2. Inform the public about the content and implementation of the local school wellness policy, and make the policy and any updates available to the public annually.
3. Inform the public about progress toward meeting the goals of the local school wellness policy and compliance with the local school wellness policy by making the triennial assessment, as required at item 2 under Implementation Assessments and Updates below, available to the public in an accessible and easily understood manner.

Implementation
Assessments and
Updates

A district must:

1. Designate one or more district or school officials to ensure that each participating school complies with the local school wellness policy.
2. At least once every three years, assess schools' compliance with the local school wellness policy, and make assessment results available to the public. The assessment must measure the implementation of the local school wellness policy, and include:

- a. The extent to which schools under the jurisdiction of the district are in compliance with the local school wellness policy;
 - b. The extent to which the district's local school wellness policy compares to model local school wellness policies; and
 - c. A description of the progress made in attaining the goals of the local school wellness policy.
3. Make appropriate updates or modifications to the local school wellness policy, based on the triennial assessment.

Recordkeeping

A district must retain records to document compliance with the requirements of this policy. These records include, but are not limited to:

1. The written local school wellness policy;
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public as required at Implementation Assessments and Updates above; and
3. Documentation of the triennial assessment of the local school wellness policy for each school under its jurisdiction.

Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, sec. 204, 124 Stat. 3183 (2010) [42 U.S.C. 1758b]; 7 C.F.R. 210.31(c)–(f)

[See CO for requirements relating to food services management, EHAA for state law requirements relating to health education, and FJ for requirements relating to food and beverage fundraisers.]

Change in Health Services

Before a district or a school may expand or change the health-care services available at a school in the district from those that were available on January 1, 1999, the board must:

1. Hold a public hearing at which the board provides an opportunity for public comment and discloses all information on the proposed health-care services, including:
 - a. All health-care services to be provided;
 - b. Whether federal law permits or requires any health-care service provided to be kept confidential from parents;
 - c. Whether a child's medical records will be accessible to the parent;

- d. Information concerning grant funds to be used;
 - e. The titles of persons who will have access to the medical records of a student; and
 - f. The security measures that will be used to protect the privacy of students' medical records.
2. Approve the expansion or change by a record vote.

Education Code 38.012

[For information regarding school-based health centers, see FFAE.]

School-Based Health Centers

A district may, if it identifies the need, design a model for the delivery of cooperative health-care programs for students and their families and may compete for grants to provide such programs. The model program may provide for delivery of conventional health services and disease prevention of emerging health threats that are specific to a district.

On the recommendation of an advisory council [see Advisory Council, below] or on the initiative of the board, a district may establish a school-based health center at one or more campuses to meet the health-care needs of students and their families. A district may contract with a person to provide services at a school-based health center.

Education Code 38.051

Programs Goals

All health-care programs should be designed to meet the following goals:

1. Reducing student absenteeism;
2. Increasing a student's ability to meet the student's academic potential; and
3. Stabilizing the physical well-being of a student.

Education Code 38.063(c)

Consent Required

A school-based health center may provide services to a student only if a district or the provider with whom a district contracts obtains the written consent of the student's parent or guardian or another person having legal control of the student. The student's parent or guardian or another person having legal control of the student may give consent to receive ongoing services or may limit consent to one or more services provided on a single occasion. The consent form must list every service the center delivers in a format that complies with all applicable state and federal laws and allows a person to consent to one or more categories of services.

Education Code 38.053

Permissible Services

The permissible categories of services are:

1. Family and home support;
2. Physical health care, including immunizations;
3. Dental health care;
4. Health education;
5. Preventive health strategies;

6. Treatment for mental health conditions [see FFEB]; and
7. Treatment for substance abuse.

Education Code 38.054

Services Not
Permitted

Reproductive services, counseling, or referrals may not be provided through a school-based health center using grant funds awarded under Education Code Chapter 38, Subchapter B. Any service provided using grant funds must be provided by an appropriate professional who is properly licensed, certified, or otherwise authorized under state law to provide the service. *Education Code 38.055–.056*

The staff of a school-based health center and the person who consents to treatment shall jointly identify any health-related concerns of a student that may be interfering with the student's well-being or ability to succeed in school.

If it is determined that a student is in need of a referral for physical health services or mental health services, the staff of the center shall notify the person whose consent is required under Education Code 38.053 verbally and in writing of the basis for the referral. The referral may not be provided unless the person provides written consent for the type of service to be provided and provides specific written consent for each treatment occasion or for a course of treatment that includes multiple treatment occasions of the same type of service.

Education Code 38.057

Advisory Council

A board may establish and appoint members to a local health education and health-care advisory council to make recommendations on the establishment of school-based health centers and to assist a district in ensuring that local community values are reflected in the operation of each center and in the provision of health education.

A majority of the members must be parents of students enrolled in the district. In addition to the appointees who are parents, a board shall also appoint at least one classroom teacher, one administrator, one school counselor, one licensed health-care professional licensed or certified to practice in this state, one member of the clergy, one person from law enforcement, one member of the business community, one senior citizen, and one student.

Education Code 38.058

A district may seek assistance in establishing and operating a school-based health center from any public agency in the community. *Education Code 38.059*

If a district is located in a county with a population not greater than 50,000 or that has been designated under state or federal law as a health professional shortage area, a medically underserved area, or a medically underserved community, the district and advisory council shall make a good-faith effort to identify and coordinate with existing providers.

The district shall keep a record of efforts made to coordinate with existing providers.

Education Code 38.060

Primary Care
Physician

If a person receiving a medical service from a school-based health center has a primary care physician, the staff of the center shall provide notice of the service to that physician. Before delivering service to a person with a primary care physician under the state Medicaid program, a state children's health plan program, or a private health insurance or health benefit plan, the staff of the center shall notify that physician to share medical information and obtain authorization for delivering the medical service. *Education Code 38.061*

Funding

A district shall comply with the funding requirements and limitations set out in Education Code 38.062-.063 and with rules adopted by the commissioner of state health services. *Education Code 38.062-.063*

Standards for State-Funded Centers

If a district receives a grant from the Texas Department of State Health Services (TDSHS) to assist with the costs of operating school-based health centers, it must comply with TDSHS standards for funded centers. *25 TAC 37.531, .538*

Note: For information regarding the expansion or change to the health-care services available at a school in the district from those that were available on January 1, 1999, see FFA.

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 Human Resources Code Chapter 42.

Family Code 261.001(5)

**Reporting Abuse,
Neglect, or
Exploitation in a
JJAEP**

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

**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. See 40 Administrative Code Chapter 707, Subchapter B for more information regarding investigations of abuse or neglect in a school setting.

Investigations

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the

abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

Interference with Investigation A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 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/>

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint
Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with the EF series.

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11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.
14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

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General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling
Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's email address of record, or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating
Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

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Untimely Filings	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
Costs Incurred	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
Complaint and Appeal Forms	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.</p> <p>A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refile is within the designated time for filing.</p>

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students and parents shall file Level One complaints with the campus principal.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The

written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or par-

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ent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Note: This local policy has been revised in accordance with the District's [innovation plan](#).¹

**Campus Behavior
Coordinator**

In accordance with the District's innovation plan, the District shall be exempt from the state law requiring that a single person at each campus be designated to serve as the campus behavior coordinator (CBC).

Every campus administrator shall be designated to serve as a campus behavior coordinator on his or her campus.

**Student Code of
Conduct**

The District's rules of discipline are maintained in the Board-adopted Student Code of Conduct and are established to support an environment conducive to teaching and learning.

Rules of conduct and discipline shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.

At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:

1. Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and
2. Made available on the District's website and/or as a hard copy to students, parents, teachers, administrators, and others on request.

Revisions

Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.

**Extracurricular
Standards of
Behavior**

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property.

A student shall be informed of any extracurricular behavior standards at the beginning of each school year or when the student first begins participation in the activity. A student and his or her parent shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.

“Parent” Defined

Throughout the Student Code of Conduct and discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

General Discipline Guidelines

A District employee shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student’s behavior, to maintain order, or to protect other students, school employees, or property.
2. A student shall be treated fairly and equitably. Discipline shall be based on an assessment of the circumstances of each case. Factors to consider shall include:
 - a. The seriousness of the offense;
 - b. The student’s age;
 - c. The frequency of misconduct;
 - d. The student’s attitude;
 - e. The potential effect of the misconduct on the school environment;
 - f. Requirements of Chapter 37 of the Education Code; and
 - g. The Student Code of Conduct adopted by the Board.
3. Before a student under 18 is assigned to detention outside regular school hours, notice shall be given to the student’s parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Corporal Punishment

The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or subjected to other physical force as a means of discipline for violations of the Student Code of Conduct.

Physical Restraint

Note: A District employee may restrain a student with a disability who receives special education services only in accordance with law. [See FOF(LEGAL)]

Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Protect property from serious damage.
4. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.

Video and Audio Monitoring

Video and audio recording equipment shall be used for safety purposes to monitor student behavior on District property.

The District shall post signs notifying students and parents about the District's use of video and audio recording equipment. Students shall not be notified when the equipment is turned on.

Use of Recordings

The principal shall review recordings as needed, and evidence of student misconduct shall be documented. A student found to be in violation of the District's Student Code of Conduct shall be subject to appropriate discipline.

Access to Recordings

Recordings shall remain in the custody of the campus principal and shall be maintained as required by law. A parent or student who wishes to view a recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]

¹ Innovation Plan: <https://www.wacoisd.org>

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)*

ARD Committee Required

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004(a)–(b)*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

DAEP Placement Not Solely for Educational Purposes

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)–(d)*

Removal for 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); 19 TAC 89.1050(k)

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)*

STUDENT DISCIPLINE
STUDENTS WITH DISABILITIES

FOF
(LEGAL)

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*

STUDENT DISCIPLINE
STUDENTS WITH DISABILITIES

FOF
(LEGAL)

*Services During
Removal*

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)–(2)

For a student with a disability who was expelled under a discretionary expulsion under Education Code 37.007, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the district of specific concerns that the student's education or behavioral needs cannot be met in JJAEP.

The district must invite the JJAEP administrator or the administrator's designee to the meeting and must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP may participate in the meeting to the extent that the meeting relates to the student's continued placement in JJAEP.

19 TAC 89.1052

Manifestation

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the

student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)

**Special
Circumstances**

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the Texas Education Agency (TEA) or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

**Services During
Removal**

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)

Appeals

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. *20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151 [See EHBAE]*

STUDENT DISCIPLINE
STUDENTS WITH DISABILITIES

FOF
(LEGAL)

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 provision and any rules or procedures adopted under this provision apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a district; or
2. Provides, as a school resource officer, a regular police presence on a district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h); 19 TAC 89.1053(l)

STUDENT DISCIPLINE
STUDENTS WITH DISABILITIES

FOF
(LEGAL)

Exceptions Education Code 37.0021 (use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by Education Code 37.0021(i) [see Restraint, Documentation, below];
2. Juvenile probation, detention, or corrections personnel; or
3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

*Law Enforcement
Duties*

“Law enforcement duties” means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)

Further, Education Code 37.0021 does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, “weapon” includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

Education Code 37.0021(f)

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a)*

Seclusion

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

“Seclusion” means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

Restraint

“Restraint” means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student’s body. *19 TAC 89.1053(b)(2)*

The following provisions do not apply to the use of physical force or a mechanical device that does not significantly restrict the free movement of all or a portion of the student’s body. Restraint that involves significant restriction as referenced above does not include:

1. Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
2. Limited physical contact with a student to promote safety (e.g., holding a student’s hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
3. Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the IEP as required by 34 C.F.R. 300.324(a)(2)(i) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
4. Seat belts and other safety equipment used to secure students during transportation.

19 TAC 89.1053(f)

*Limitations on
Use of Restraint*

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

19 TAC 89.1053(c)

Emergency

“Emergency” means a situation in which a student’s behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or

2. Imminent, serious property destruction.

19 TAC 89.1053(b)(1)

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 and notification requirements set forth at 19 Administrative Code 89.1053(e).

A district shall report electronically to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.

Education Code 37.0021(i)

Time-Out

“Time-out” means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

19 TAC 89.1053(b)(3)

*Limitations on
Use of 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 behavior improvement plan or behavioral intervention plan if it is utilized on a recurrent basis to increase or decrease targeted behavior.

3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

19 TAC 89.1053(g)

Training

Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

Documentation

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP and/or behavior improvement plan or behavioral intervention plan. If a student has a behavior improvement plan or behavioral intervention plan, the district must document each use of time-out prompted by a behavior of the student specified in the student's behavior improvement plan or behavioral intervention plan, including a description of the behavior that prompted the time-out. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

19 TAC 89.1053(i)

Waco Independent School District

Board of Trustee Meeting Agenda

Date: February 23, 2023

Contact Person: Dr. Josie Gutierrez

RE: Approve the Addition of Attendance Goals to the Amended Performance Contract Between Waco ISD and Transformation Waco

=====

Background Information:

The performance contract between Waco ISD and Transformation Waco was amended at the April 28, 2022, school board meeting. The amended contract did not include performance goals for attendance because the 2021-2022 attendance data was not available at that time. On January 23, 2023, the Transformation Waco Board was presented with proposed attendance goals to add to the 2022-2024 amended performance contract. The proposed goals were approved as presented and each school’s annual attendance goal is provided in the chart below.

Proposed Goals for 2022-2024 Contract			
	<i>2021-2022</i>	<i>2022-2023</i>	<i>2023-2024</i>
Alta Vista ES	92.68	93.68	94.68
Brook Avenue ES	94.29	94.29	95.29
J.H. Hines ES	89.12	90.12	91.12
G.W. Carver MS	84.28	85.28	86.28
Indian Spring MS	88.24	89.24	90.24

When the attendance performance goals were set in the first contract, the goal was set to 97% which was based on school attendance data from the 2017-2018 school year. According to background information provided by Transformation Waco, stakeholders set the newly proposed contract goals for 2022-2024 school year that fall below 97% because that goal was no longer realistic and attainable based on post COVID-19 effects on attendance rates.

For all schools, including Transformation Waco, the overall district attendance rate for the 2021-2022 school year was 88.55%. In order to align the new attendance goals with current trends during the first two months of school and projections based on past years, Transformation Waco proposed the lower targets. To provide a current comparison for the 2022 fall semester, Waco ISD elementary schools have an average attendance of 93.66 and middle schools have an average attendance rate of 92.48. These data points provide insight on the growth that is needed to get all Transformation Waco schools on track to meet or exceed district averages.

Fiscal Implications:

None

Administrative Recommendations:

Approve the addition of the proposed attendance goals for the 2022-2024 amended performance contract between Waco ISD and Transformation Waco as presented.

**AGREEMENT BETWEEN WACO ISD AND TRANSFORMATION WACO
(BY WAY OF ASSIGNMENT FROM PROSPER WACO)
AMENDMENT 2**

This amendment (the “Amendment”) is made by and between Waco Independent School District (“WISD”) and Transformation Waco (“OP”), parties to the Agreement originally between WISD and Prosper Waco (the “Agreement”) with a Commencement Date of April 30, 2018, and subsequently assigned by Prosper Waco to Transformation Waco on June 20, 2018. WISD and OP hereby amend the Agreement as follows:

**ARTICLE II.
PURPOSE OF AGREEMENT**

~~2.04 Continuation of Agreement for the Benefit of Students. The Parties intend that this Agreement shall continue for an initial three (3) year term, with automatic renewal for one (1) year terms each year thereafter subject to the requirement for a public hearing or other requirements of this Agreement under Section 16.05 and unless terminated in accordance with the provisions of Article XVI. Such termination must be initiated through notice by a Party no less 180 days prior to the expiration of the agreement.~~

**ARTICLE XVI.
TERM AND TERMINATION**

16.01 Term. The term of this Agreement shall begin on the Commencement Date and end on June 15th, 2024. This Agreement is subject to the termination provisions below.

16.04 Probation and Possible Termination Related to Academic Performance. If any of the Schools operated by OP under this Agreement receives an accountability rating of D or F for two consecutive years, OP shall be deemed to be placed on probationary status with regard to such School or Schools. While in probationary status, OP shall be required to submit an improvement plan to WISD and shall consent to additional oversight and accountability by WISD in order to monitor progress against the specific goals of such improvement plan relating to such School or Schools. WISD may terminate this Agreement or unilaterally alter Addendum 5 to remove one or more School from the list of schools operated by OP if such School or Schools operated by OP under this Agreement receives an accountability rating of D or F for three or more consecutive years in which it is operated by OP or such School or Schools fail to substantially achieve the student outcome goals specified in Addendum 3, attached, after the third year of Schools’ operation under this Agreement. Only Schools failing to meet student outcome goals may be unilaterally removed from Addendum 5, and in the event the Parties do not agree about whether academic performance warrants termination of the entire Agreement or removal of one or more School from Addendum 5, the dispute-resolution process described in Article XVII applies. A termination under this section shall be effective at the end of the then-current school year so long as notice of such termination is provided no later than one hundred eighty (180) days prior to the end of the then current

school year. For the purpose of calculating consecutive years as specified in this Section 16.04, OP and WISD agree to use the same methodology utilized by the Texas Education Agency to determine consecutive years of unacceptable ratings for purposes of accountability interventions and sanctions as described in the 2021 Accountability Manual for Texas Public School Districts and Campuses.

16.05 Termination Right to a Public Hearing. WISD may not terminate this Agreement under Section 16.03 if the Schools successfully achieves the student outcome goals specified in Addendum 3, attached, without a public hearing at least 30 days prior to any District action to terminate this Agreement.

Addendum 3 (attached to the Agreement) is hereby deleted in its entirety and replaced with the Addendum 3 attached hereto.

Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier amendment, the terms of this Amendment will prevail.

Signed and made Effective on this 28th day of April, 2022.

Waco ISD:



By Angela Tekell, Board President

May 3, 2022
Date

Transformation Waco:

By

Date

**AGREEMENT BETWEEN WACO ISD AND TRANSFORMATION WACO
(BY WAY OF ASSIGNMENT FROM PROSPER WACO)
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Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier amendment, the terms of this Amendment will prevail.

Signed and made Effective on this ____ day of ____, 2022.

Waco ISD:

By Angela Tekell, Board President

Date

Transformation Waco:


By M. P. Duncan
Board Pres.

5/2/22

Date

ADDENDUM 3: PERFORMANCE CONTRACT METRICS

CAMPUS RATING

Performance Measure #1				
		2021-2022	2022-2023	2023-2024
Campus Rating	Alta Vista Elementary	Not rated	C	C
	Brook Avenue Elementary	Not rated	C	C
	J.H. Hines Elementary	Not rated	C	C
	G.W. Carver Middle	Not rated	C	C
	Indian Spring Middle	Not rated	C	C

For the purpose of calculating consecutive years as specified in 16.04, OP and WISD agree to use the same methodology utilized by the Texas Education Agency to determine consecutive years of unacceptable ratings for purposes of accountability interventions and sanctions as described in the 2021 Accountability Manual for Texas Public School Districts and Campuses.

SCHOOL PROGRESS

Performance Measure #2				
		2021-2022	2022-2023	2023-2024
School Progress Rating (Domain II)	Alta Vista Elementary	Not rated	C	C
	Brook Avenue Elementary	Not rated	C	C
	J.H. Hines Elementary	Not rated	C	C
	G.W. Carver Middle	Not rated	C	C
	Indian Spring Middle	Not rated	C	C

Performance Measure #2, Goal Progress Measure #1				
		2021-2022	2022-2023	2023-2024
Relative Performance Scaled Score	Alta Vista Elementary	60	62	64
	Brook Avenue Elementary	50	52	54
	J.H. Hines Elementary	48	50	52
	G.W. Carver Middle	52	54	60
	Indian Spring Middle	69	71	73

Performance Measure #2, Goal Progress Measure #2				
		2021-2022	2022-2023	2023-2024
Academic Growth	Alta Vista Elementary	53	C	C
	Brook Avenue Elementary	53	C	C
	J.H. Hines Elementary	51	C	C
	G.W. Carver Middle	58	C	C
	Indian Spring Middle	54	C	C

CLOSING THE GAPS

Performance Measure #3				
		2021-2022	2022-2023	2023-2024
Closing the Gaps (Domain III)	Alta Vista Elementary	Not rated	C	C
	Brook Avenue Elementary	Not rated	C	C
	J.H. Hines Elementary	Not rated	C	C
	G.W. Carver Middle	Not rated	C	C
	Indian Spring Middle	Not rated	C	C

Performance Measure #3, Goal Progress Measure #1				
		2021-2022	2022-2023	2023-2024
Academic Achievement Status	Alta Vista Elementary	19%	2022 + 2%	2023 + 2%
	Brook Avenue Elementary	11%	2022 + 2%	2023 + 2%
	J.H. Hines Elementary	16%	2022 + 2%	2023 + 2%
	G.W. Carver Middle	17%	2022 + 2%	2023 + 2%
	Indian Spring Middle	21%	2022 + 2%	2023 + 2%

Performance Measure #3, Goal Progress Measure #2				
		2021-2022	2022-2023	2023-2024
English Language Proficiency Status	Alta Vista Elementary	32%	2022 + 2%	2023 + 2%
	Brook Avenue Elementary	40%	2022 + 2%	2023 + 2%
	J.H. Hines Elementary			
	G.W. Carver Middle	32%	2022 + 2%	2023 + 2%
	Indian Spring Middle	29%	2022 + 2%	2023 + 2%

Performance Measure #3, Goal Progress Measure #3				
		2021-2022	2022-2023	2023-2024
STAAR Grade 3-8 Reading and Math Performance	Alta Vista Elementary	19%	2022 + 2%	2023 + 2%
	Brook Avenue Elementary	13%	2022 + 2%	2023 + 2%
	J.H. Hines Elementary	18%	2022 + 2%	2023 + 2%
	G.W. Carver Middle	17%	2022 + 2%	2023 + 2%
	Indian Spring Middle	23%	2022 + 2%	2023 + 2%

Performance Measure #3, Goal Progress Measure #1 is calculated by averaging the percentage of students in each student subgroup at the meets grade-level standard or above. It is not the percentage of indicators met. As with subsequent measures, the target for 2022-2023 will be determined by adding two percentage points to the actual performance from 2021-2022. Similarly, the target for 2023-2024 will be determined by adding two percentage points to the actual performance from 2022-2023.

In 2020-2021, the number of English Learners at J.H. Hines Elementary was too small to be considered a discrete student group when assessing which student groups met their grade-level performance targets. As a result, **Performance Measure #3, Goal Progress Measure #2** does not include annual targets for J.H. Hines Elementary. In the event that there are enough English Learners at J.H. Hines Elementary to be counted as a student group when assessing grade-level performance targets, the actual performance in

the first such year will establish a baseline and the target for future years will be set by adding two percentage points to the performance from each previous year.

Performance Measure #3, Goal Progress Measure #3 is calculated by averaging the percentage students in each student subgroup at the meets grade-level standard or above for both ELA/Reading and math.

STUDENT GROWTH

Performance Measure #4				
		2021-2022	2022-2023	2023-2024
Students Meeting Growth Target on NWEA MAP ELA and Math Assessments	Alta Vista Elementary	36%	2022 + 2%	2023 + 2%
	Brook Avenue Elementary	40%	2022 + 2%	2023 + 2%
	J.H. Hines Elementary	39%	2022 + 2%	2023 + 2%
	G.W. Carver Middle	47%	2022 + 2%	2023 + 2%
	Indian Spring Middle	44%	2022 + 2%	2023 + 2%

TEACHER SATISFACTION

Performance Measure #5				
		2021-2022	2022-2023	2023-2024
Average of Favorable Responses to Selected Survey Questions	Alta Vista Elementary		2022 + 3% or at least third quartile nationally	2023 + 3% or at least third quartile nationally
	Brook Avenue Elementary		2022 + 3% or at least third quartile nationally	2023 + 3% or at least third quartile nationally
	J.H. Hines Elementary		2022 + 3% or at least third quartile nationally	2023 + 3% or at least third quartile nationally
	G.W. Carver Middle		2022 + 3% or at least third quartile nationally	2023 + 3% or at least third quartile nationally
	Indian Spring Middle		2022 + 3% or at least third quartile nationally	2023 + 3% or at least third quartile nationally

Performance Measure #5 is calculated by averaging the percentage of teachers responding favorably to each of the following questions included in the Panorama School Climate and Culture Survey:

- At your school, how valuable are the professional development opportunities?
- Overall, how supportive has the school been to your growth as a teacher?
- Through working at your school, how many new teaching strategies have you learned?
- Overall, how positive is the working environment at your school?
- How respectful are the relationships between teachers and students?
- How supportive are students in their interactions with each other?

- How positive is the tone that school leaders set for the culture of the school?
- How effectively do school leaders communicate important information to teachers?
- How effective are the school leaders in developing rules for students that facilitate their learning?
- How optimistic are you that your school will improve in the future?

PARENT/GUARDIAN SATISFACTION

Performance Measure #6				
		2021-2022	2022-2023	2023-2024
Average of Favorable Responses to Selected Survey Questions	Alta Vista Elementary	2021 + 3%	2022 + 3%	2023 + 3%
	Brook Avenue Elementary	2021 + 3%	2022 + 3%	2023 + 3%
	J.H. Hines Elementary	2021 + 3%	2022 + 3%	2023 + 3%
	G.W. Carver Middle	2021 + 3%	2022 + 3%	2023 + 3%
	Indian Spring Middle	2021 + 3%	2022 + 3%	2023 + 3%

Performance Measure #6 is calculated by averaging the percentage of parents/guardians responding favorably to each of the following questions included in the Panorama School Climate and Culture Survey:

- How well do you feel your child's school is preparing them for their next academic year?
- How confident are you that teachers are tracking what your student has learned?
- When families have questions, how well can teachers explain the content they are teaching?
- How strong are the relationships your student's teachers build with your student?
- How well do administrators at your child's school create a school environment that helps children learn?
- Overall, how confident are you that you know which campus leader to go to when you need support?
- How easy is it for you to access your school's written practices and policies?
- How likely is it that you would recommend your child's school to a friend or colleague?

STUDENT ATTENDANCE (proposed addition on 2/23/2023)

Performance Measure #7				
		2021-2022	2022-2023	2023-2024
Attendance Rate	Alta Vista Elementary	92.68	93.68	94.68
	Brook Avenue Elementary	94.29	94.29	95.29
	J.H. Hines Elementary	89.12	90.12	91.12
	G.W. Carver Middle	84.28	85.28	86.28
	Indian Spring Middle	88.24	89.24	90.24

For the 2021-2022 school year, **Performance Measure #7** will be calculated by averaging the annual attendance rates of similar WISD campuses not operated by OP. (In other words, the attendance rate target for Alta Vista Elementary in 2021-2022 is to meet or exceed the average attendance rate for WISD elementary campuses excluding those elementary campuses operated by OP.) Following the first six-week

grading period of the 2022-2023 school year, OP and WISD will negotiate and adopt attendance rate targets for each campus for the 2022-2023 and 2023-2024 school years.

FINANCIAL INDICATORS

Performance Measure #8			
	2021-2022	2022-2023	2023-2024
Was the OP’s complete annual financial report (AFR) submitted to the WISD within 30 days of January 28 deadline?	Yes	Yes	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

**WACO INDEPENDENT SCHOOL DISTRICT
BOARD MEETING MINUTES**

Regular Meeting, January 19, 2023 - 6:00 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 6:00 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 comment was made by Mary Jane Waits.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS

Pledge Leaders

Howard Davis and Yilene Sanchez, students from Greater Waco Advanced Manufacturing Academy, led the Pledge of Allegiance.

THSCA Academic All State

To be nominated for the THSCA Academic All State Award a student must be a senior demonstrating good moral character and have an overall grade point average of 92 or above throughout their high school career.

The following students were named THSCA Academic All Star Recipients:

Waco ISD Board Meeting Minutes
January 19, 2023

University High School
Football: Jamarckus Rutledge

Waco High School
Football: Luke Grant, Tyler Black and Jaylen Norwood-Sanders
Cross Country: Benja Burnias, Elite (highest honor, almost perfect scores in all measured categories) and Richard Cambambia

Community Partner Award

The Waco Education Foundation was recognized as the Outstanding Community Partner.

School Board Appreciation Month

Each year, the Texas Association of School Boards encourages districts to celebrate School Board Appreciation Month during the month of January. School board members are volunteers who share a passion for public education. Waco ISD's seven individuals have the common goal of consistently focusing on the success of Waco ISD's students, staff, and the district as a whole. They represent the community and serve as a link between the community and the classroom.

Board members were provided special gifts and participated in a group photo.

SUPERINTENDENT'S REPORT

Texas Association of Future Educators State Qualifiers

Dr. Kincannon reported that 38 Waco ISD students competed at the Texas Association of Future Educators Regional event. They all advanced to the state competition in March.

Tennyson Middle School Groundbreaking Event on February 10, 2023

Dr. Kincannon invited the board and public to the Tennyson Middle School Groundbreaking on Friday, February 10. Dr. Robert Duron, a distinguished Texas public education leader and former Tennyson administrator is scheduled to be the special guest speaker.

G.W. Carver Student Ambassadors

Dr. Kincannon shared that G.W. Carver Student Ambassadors made their second visit to the construction site of their new school and were as excited and impressed as the staff to see the progress. President Korteweg and Trustee Iazzetti joined the group. The next site visit will be February 16.

Middle School Transition Fairs

Dr. Kincannon reported that 8th Grade Transition Fairs will be held once again. These events provide families a chance to speak directly with school counselors and transition specialists to develop student graduation plans. Staff and current high school students involved in special course and career pathway offerings are also on hand to answer questions.

In an effort to empower and support all our students, these Transition Fairs open 30 minutes early to families who have a student in ACHIEVE, ASPIRE or SAIL Special Education classrooms.

INFORMATION ITEMS/REPORTS

- Monthly Financial Reports for the Period Ended December 31, 2022

PUBLIC HEARING REGARDING THE 2021-2022 TEXAS ACADEMIC PERFORMANCE REPORT (TAPR)

The public hearing meeting started at 6:26 p.m.

Denise Bell, Director of Accountability Systems and Data Analysis, presented the 2021-2022 Texas Academic Performance Report (TAPR).

The public hearing meeting ended at 6:53 p.m.

CONSENT AGENDA: CONSIDER AND TAKE APPROPRIATE ACTION

- Amendments to the 2022-2023 Budget
- Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services
- Purchases over \$50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
- Interlocal Agreement between Waco ISD and Education Service Center (ESC), Region 10, to Provide a 457(b) FICA Alternative Plan
- Approval of Change Order #3 for Time Extension for Child Nutrition Services Walk-In Cooler/Freezer Project
- Set Trustee General Election for District 3, Place 3 and At Large, Place 7 for Saturday May 6, 2023, and Approve the Order of Election

Establecer la Eleccion General para el Distrito 3, Lugar 3 y En General, Lugar 7 para el sabado, 1 de may, del 2023, y Aprobar la Orden de le Eleccion

- Board of Trustee Meeting Minutes
- Regular Meeting - December 15, 2022

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

REVIEW AND DISCUSS STUDENT ATTENDANCE UPDATE

Dr. Ricky Edison, Director of Student Attendance and Outreach Services, shared a presentation on the District's efforts to improve attendance. Dr. Edison stated every WISD campus has improved their attendance this year bringing the attendance numbers up 3.12%.

ANNOUNCEMENTS

Elizabeth Cox, Chief of Staff, made the following announcements:

- Filing began for Statewide May general elections
- The 2023-2024 Academic Calendar choices are online and the district is looking for feedback from staff and community members.
- The Mountainview Library rededication is Tuesday, January 24, at 6:00p.m.
- The next board meeting will take place on Thursday, January 26, at noon.
- Elementary and Middle School UIL is coming on January 28.
- The groundbreaking for the new Tennyson Middle School is scheduled for February 10, at 9:00a.m.
- The HEB Celebrity Cook-Off, benefiting The Waco Education Foundation, is scheduled for February 10, at 6:00p.m.

CONSIDERATION OF PERSONNEL

The board entered into closed session at 7:14p.m.

The board reconvened at 8:39p.m.

ADJOURNMENT

The board adjourned at 8:39p.m.

**WACO INDEPENDENT SCHOOL DISTRICT
BOARD MEETING MINUTES**

Special Meeting, January 26, 2023 - 12:00 p.m.
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT

Jose Vidana
Jeremy Davis
Emily Iazzetti
Jonathan Grant
Angelo Ochoa

BOARD MEMBERS ABSENT

Stephanie Korteweg
Keith Guillory

CALL TO ORDER

Jose Vidana, Board Vice President, called the meeting of the Waco Independent School District Board of Trustees to order at 12:00 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

**CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE
2023-2024 INSTRUCTIONAL CALENDAR**

Waco ISD Staff and Community voted on 3 different calendar options for 2023-2024. Dr. Deena Cornblum, Assistant Superintendent for Curriculum and Instruction, presented the calendar with the most votes for the Board's consideration.

Emily Iazzetti made a motion, seconded by Jonathan Grant, to approve the 2023-2024 Instructional Calendar as presented. The motion carried unanimously (5-0).

**REVIEW AND DISCUSS THE 2021-2022 EXTERNAL AUDIT RESULTS AND TAKE
APPROPRIATE ACTION REGARDING THE ANNUAL FINANCIAL REPORT FOR
THE FISCAL YEAR ENDED AUGUST 31, 2022**

Sheryl Davis, Chief Financial Officer and John DeBurro, CPA for Weaver and Tidwell, L.L.P. presented the 2021-2022 External Audit Results for Waco ISD.

Jonathan Grant made a motion, seconded by Jeremy Davis to approve the Annual Financial Report for the Fiscal Year Ended August 31, 2022. The motion carried unanimously (5-0).

ANNOUNCEMENTS

Elizabeth Cox, Chief of Staff, made the following announcements:

- UHS Tax Preparations Services for the public started on January 26
- The GWAHCA Health Fair is February 3, from 9:00-3:00
- The next board meeting is February 16

ADJOURNMENT

The meeting adjourned at 12:36 p.m.

Waco Independent School District
Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: Dr. Daniel Lopez

RE: Consider, Discuss, and Take Appropriate Action Regarding Sign-On Bonuses for Certified Teachers, Counselors, Librarians/Library Media Specialists, Nurses and Police Officers

=====

Background Information:

Waco ISD is experiencing a shortage of fully certified teachers, counselors, librarians/library media specialists, registered nurses and police officers. This shortage is due to a higher-than-state average turnover rate for teachers along with state and national shortages. Additionally, there is greater competition from other public and private entities for registered nurses and police officers. Finally, an increase in the cost of living has added to the difficulty in recruiting from outside of the local area to fill vacant positions.

One of the most pressing issues that schools are facing is the lack of fully certified teachers. This has resulted in classrooms being covered by substitutes (sometimes without a degree), larger class sizes, new teachers hired on an emergency permits, and/or other creative ways to combat the shortage. Waco ISD started this school year with approximately 85 non-experienced classroom teachers with emergency certification.

In order to fill vacancies with qualified candidates, the Administration is recommending the following sign-on bonuses for your consideration:

1. A \$5,000 sign-on bonus for fully certified (or eligible for certification pending graduation) classroom teachers, counselors, and librarians/library media specialists hired on or before June 1, 2023. The sign-on bonus will require a commitment to work for Waco ISD for two years.
2. A sign-on bonus of \$5,000 for police officers hired by August 1, 2023.
3. A sign-on bonus of \$2,500 for nurses hired by August 1, 2023.

Upon approval by the Board, the district will begin to advertise these sign-on bonuses.

Fiscal Implications:

The estimated cost of the proposed sign-on bonuses for teachers, counselors, and librarian/library media specialists is approximately \$500,000, \$12,500 for nurses, and \$25,000 for police officers. All sign-on bonuses will be paid in September 2023 with federal ESSER II grant funds.

Administrative Recommendation(s):

Approve the 2023-2024 sign-on bonuses as presented.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: February 23, 2023

Contact Person: Kourtni Parnell

RE: Review and Discuss Student Achievement Data for Academic Intervention Programs

=====

Background Information:

Response to Intervention (RtI), also referred to as a Multi-Tiered System of Supports (MTSS), is an intervention framework for enhancing the implementation of evidence-based practices to achieve important outcomes for every student. Waco ISD began implementing a systematic structure for interventions beginning with the 2020-2021 school year. Before this, students were not identified for interventions using standard criteria, and intervention services were inconsistent across the district. This resulted in students not being identified or served effectively through interventions.

During the 2021 spring budget planning process, the district reallocated State Comp and Title I funds to ensure every school had teachers to provide pull-out instruction for students who need additional support. The release of federal ESSER funding allowed WISD to add even more positions to expand the number of teachers available for academic interventions. In addition to implementing staffing changes, campus master schedules at all levels have been revised to ensure an appropriate structure for interventions. Furthermore, the Curriculum and Instruction Department has provided professional development, instructional expectations, and resources for Tier II and III interventions.

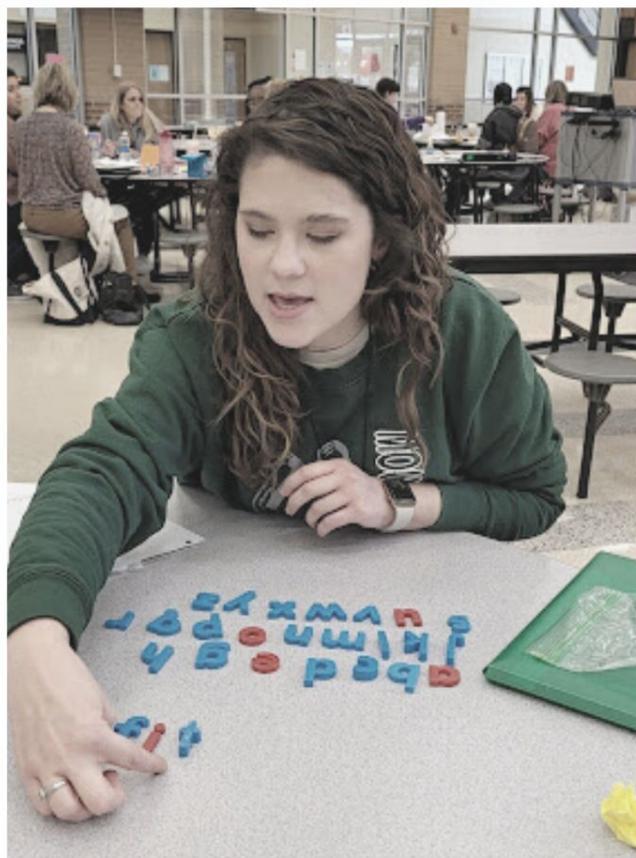
The board will receive a report about RtI tiered intervention systems that have been implemented in Waco ISD, student intervention data, and intervention resources.

Fiscal Implications:

Staffing and intervention resources are funded through State Comp, Title I, and/or ESSER funding.

Administrative Recommendation(s):

Report Only



WACO ISD

Academic Intervention Programs

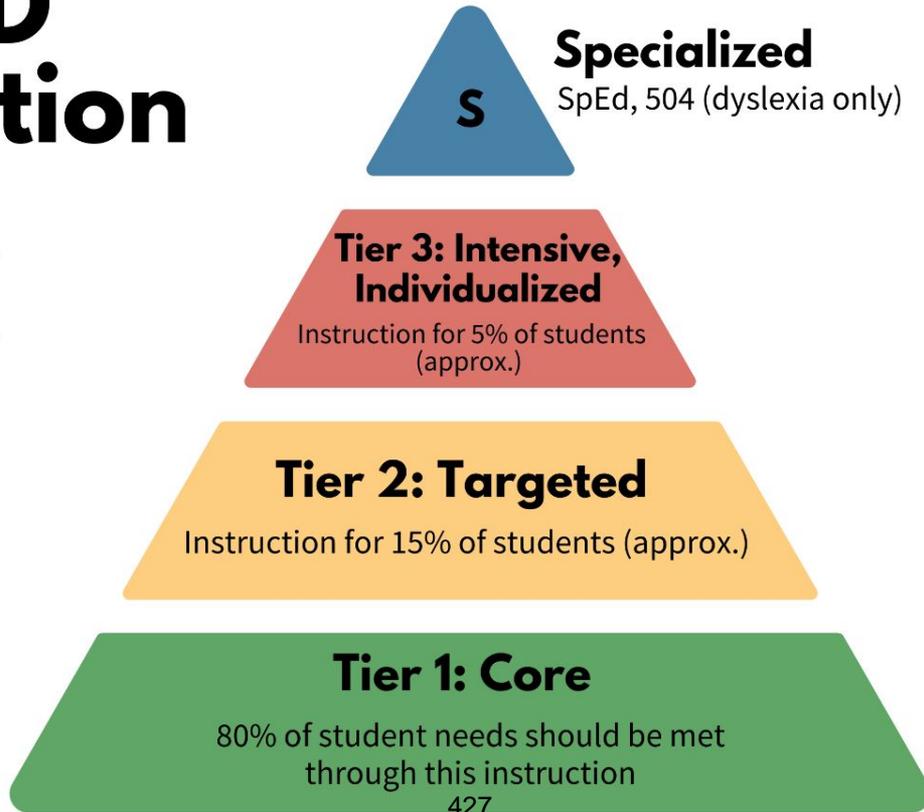
FEBRUARY 23, 2023

RTI: Response to Intervention

RTI (Response to Intervention) is a proactive approach to providing students supplemental instruction by identifying students at risk using a universal screener and other data points.

The data determines what type of intervention or “tier” the student will receive.

Waco ISD Intervention System Pyramid





Tier 1 Student

- Above 26th percentile on screener
- Passed STAAR/TCAs
- Instruction provided by classroom teacher with core curriculum & differentiation



Tier 2 Student

- Below 25th-10th percentile on screener
- Failed one year of STAAR, 1 -1.5 years below grade level
- Provided by classroom teacher in small groups in classroom or WIN with flexible grouping

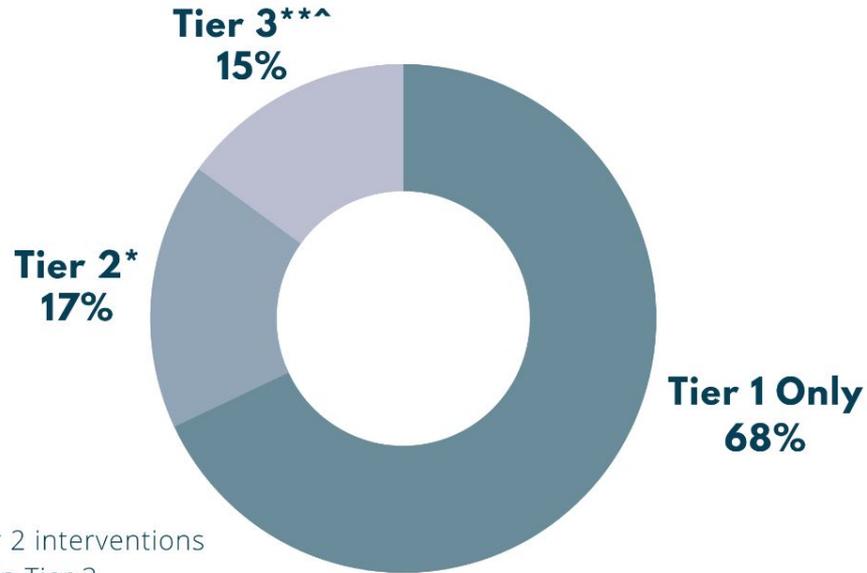


Tier 3 Student

- Below 10th percentile on screener
- Failed two or more years of STAAR, 2 or more years below grade level
- Provided by interventionist in a small group setting

Waco ISD Reading Intervention

2022-2023



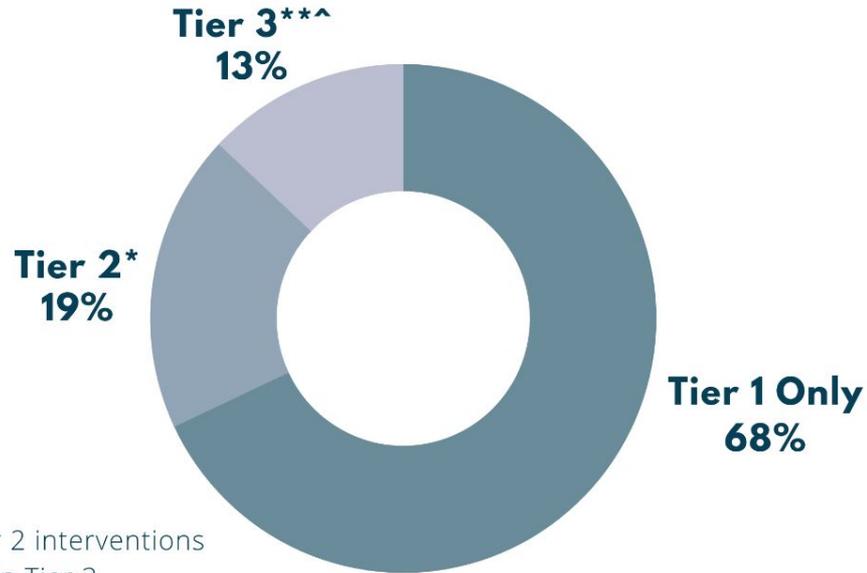
*in addition to Tier 1 Instruction

**in addition to Tier 1 Instruction + Tier 2 interventions

^ideally only 5% of students should be in Tier 3

Waco ISD Math Intervention

2022-2023



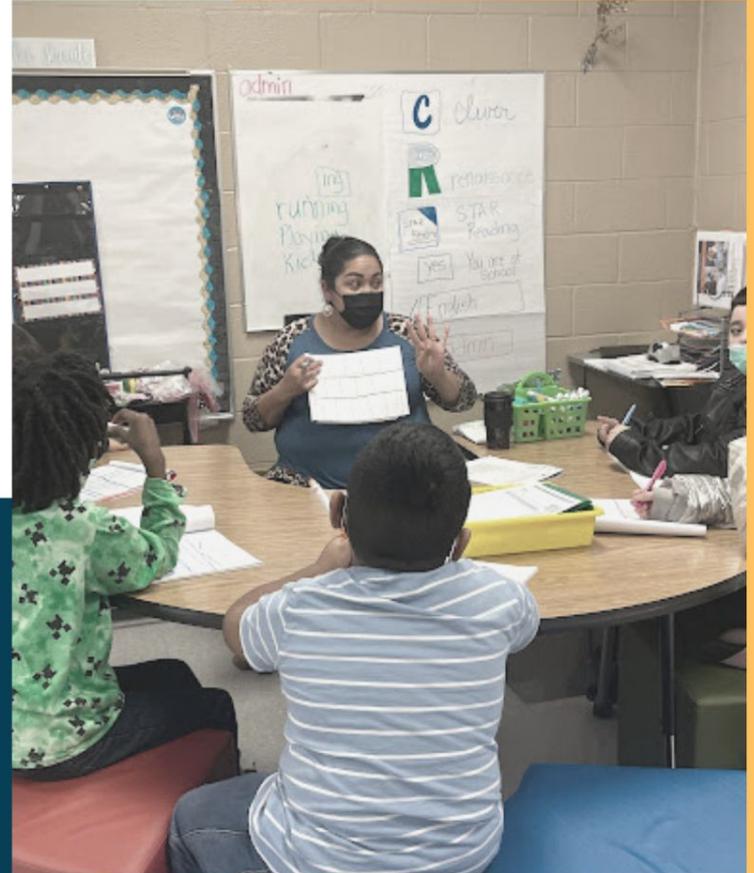
*in addition to Tier 1 Instruction

**in addition to Tier 1 Instruction + Tier 2 interventions

^ideally only 5% of students should be in Tier 3

What is Tier 3 Intervention?

Intensive instruction provided in a small group setting using explicit instructional techniques.





SIT (Supplemental Instruction Teacher)

Waco ISD has 42 Reading SITs and 30 Math SITs funded through State Compensatory Education Funds, Title I and ESSER funds.

Intervention in 2019



IDENTIFICATION CRITERIA WAS NOT SYSTEMATIC



STAFFING FOR INTERVENTIONS NOT EQUITABLE CAMPUS TO CAMPUS



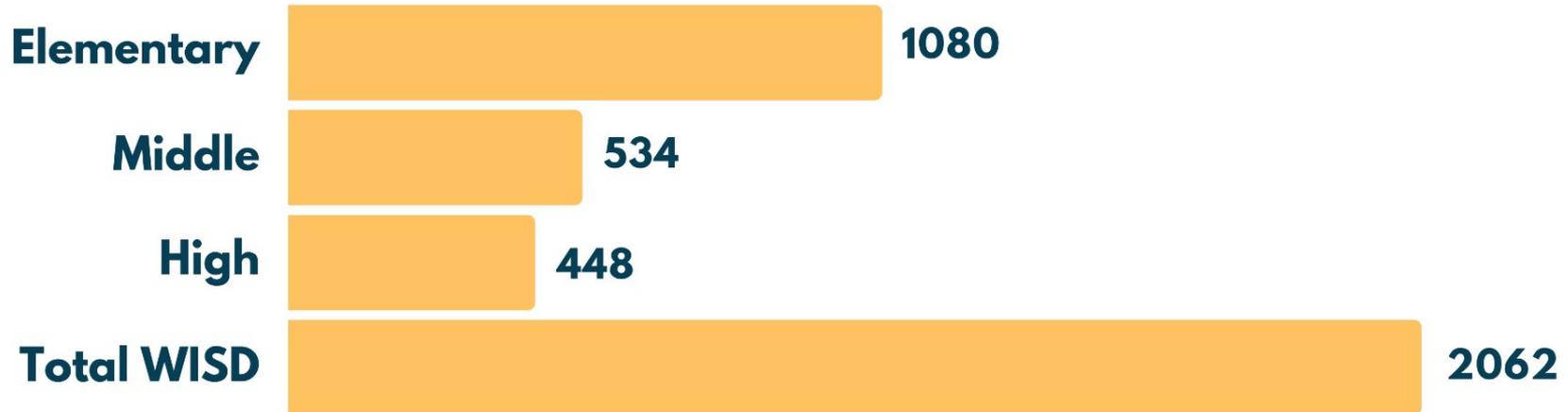
688 MATH STUDENTS AND 1032 READING STUDENTS IDENTIFIED AND SERVED IN FALL 2019



LACK OF SYSTEMS AND CRITERIA RESULTED IN STUDENTS NOT BEING IDENTIFIED OR SERVED CONSISTENTLY

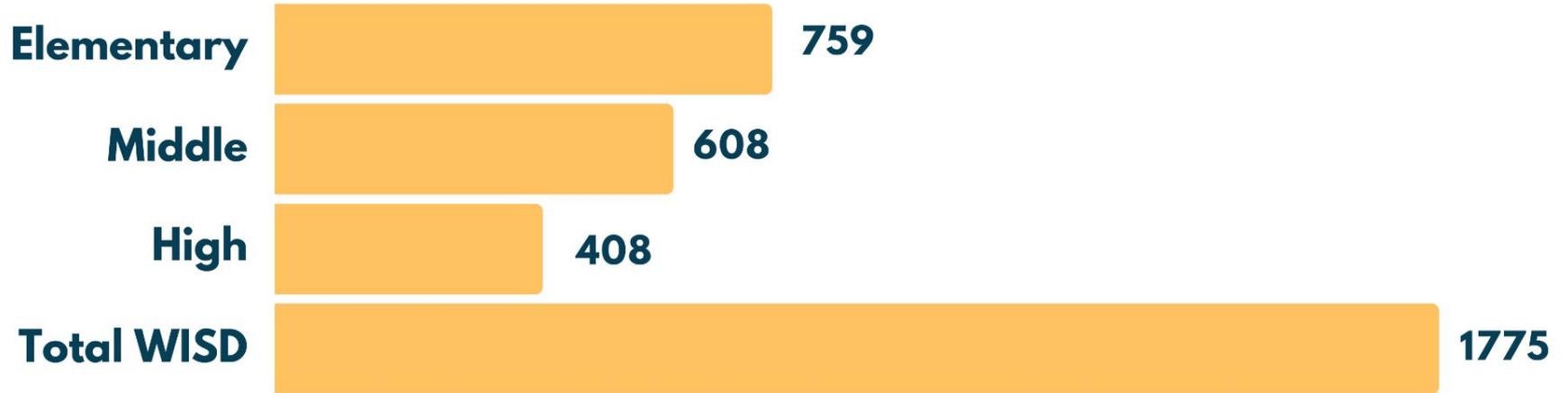
WISD Students Currently Served in Tier 3 READING

2022-2023



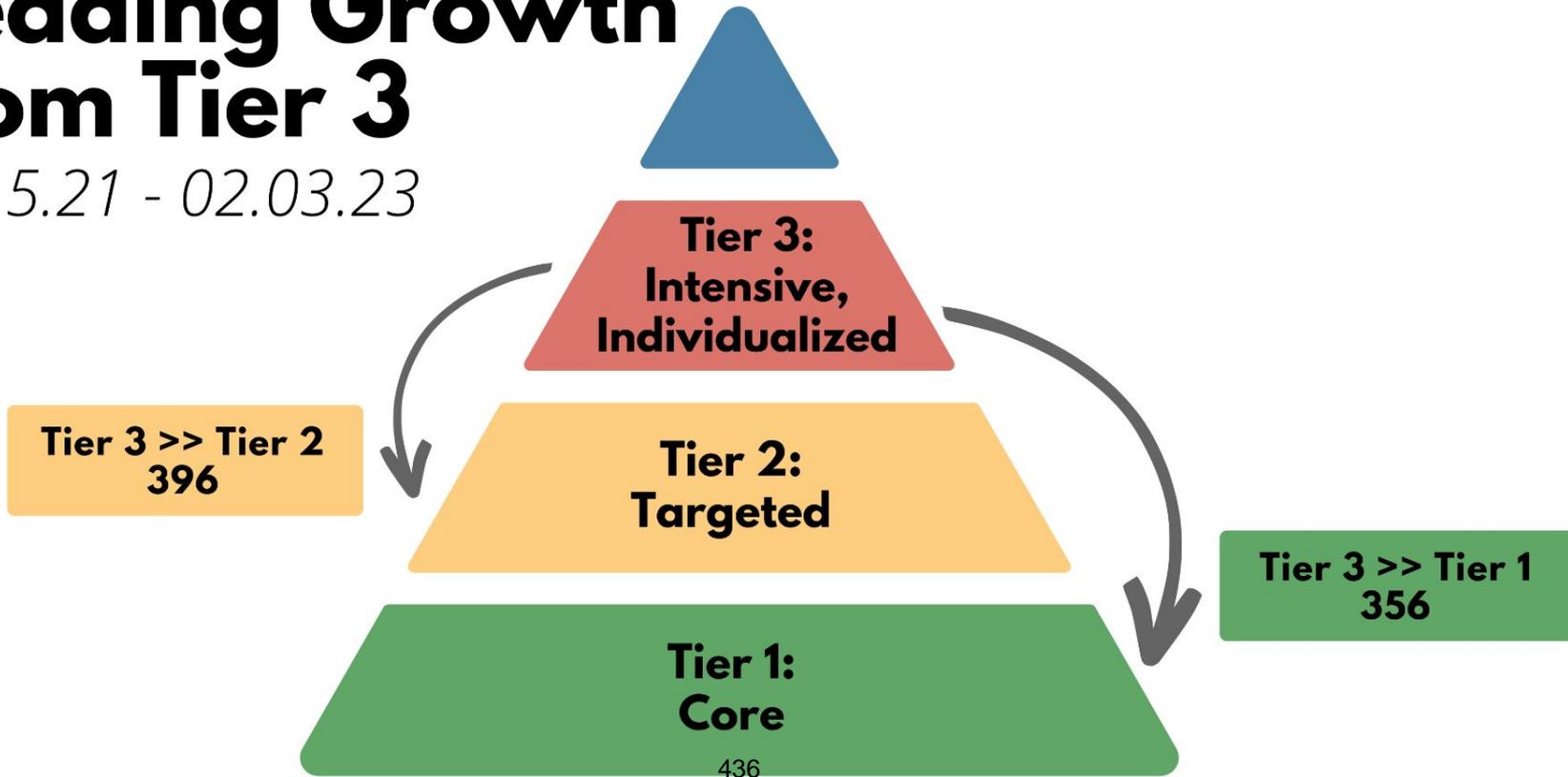
WISD Students Currently Served in Tier 3 MATH

2022-2023



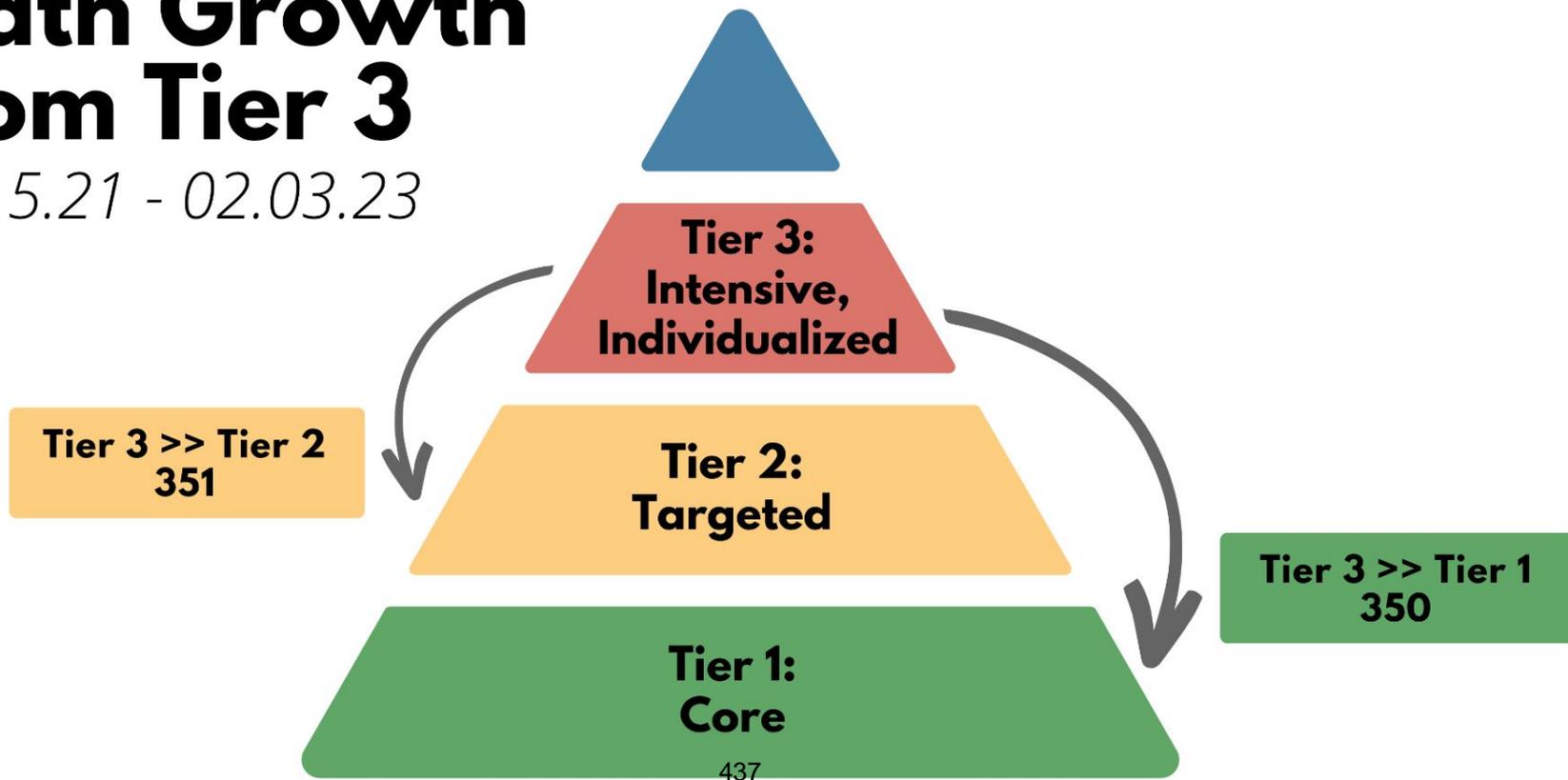
Reading Growth from Tier 3

09.15.21 - 02.03.23



Math Growth from Tier 3

09.15.21 - 02.03.23



STAR Renaissance BOY to MOY Growth Comparison

Sept - Dec 2022

	ELEMENTARY: Grades 1-5	
	READING	MATH
Overall AVERAGE Growth of Students	7 months	8 months
0-3 Months Growth	19%	20%
3-6 Months Growth	28%	22%
6-12 Months Growth	33%	29%
1-2 Years Growth	18%	28%
2-3 Years Growth	2%	1%
3 -3.5 Years Growth	0.06%	0.02%

438

STAR Renaissance BOY to MOY Growth Comparison

Sept - Dec 2022

	MIDDLE: Grades 6-8	
	READING	MATH
Overall AVERAGE Growth of Students	7 months	9 months
0-3 Months Growth	28%	20%
3-6 Months Growth	22%	21%
6-12 Months Growth	24%	27%
1-2 Years Growth	25%	23%
2-3 Years Growth	1%	1%
3 -3.5 Years Growth	0% 439	2%

STAR Renaissance/Reading Plus BOY to MOY Growth Comparison

Sept - Dec 2022

	HIGH: Grades 9-10	
	READING (9-10)	MATH (9)
Overall AVERAGE Growth of Students	1.8 years	1.2 years
0-3 Months Growth	6%	20%
3-6 Months Growth	8%	18%
6-12 Months Growth	15%	26%
1-2 Years Growth	29%	23%
2-3 Years Growth	22%	6%
3 -3.5 Years Growth	19%	6%

Tier 3 Students Who Met Growth Measure on the Fall Interim

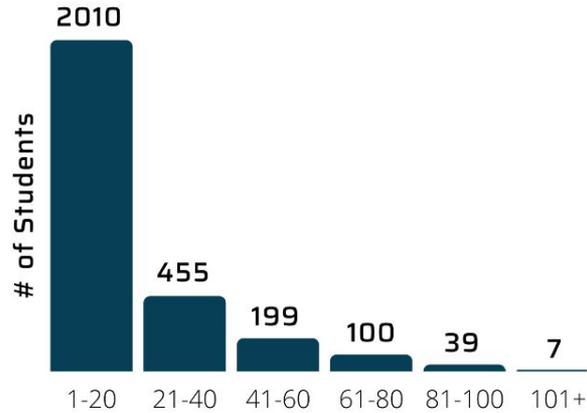
	READING	MATH
4th Grade	46%	67%
5th Grade	66%	73%
6th Grade	50%	60%
7th Grade	86%	79%
8th Grade	71%	91%
9th Grade	42%	52%
10th Grade	40%	

441

Reading Plus Fall Growth for the District

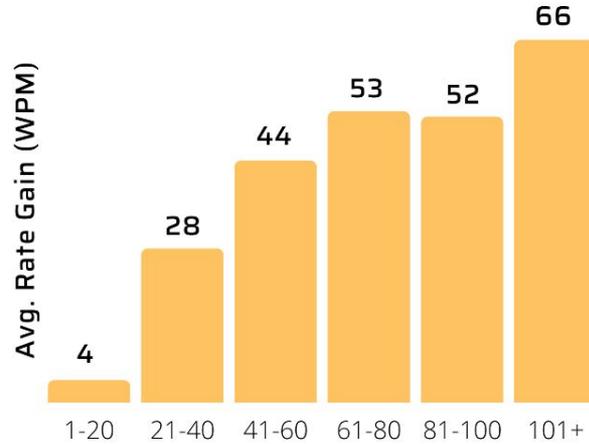
USE

6471 Students Enrolled
2810 Students Active



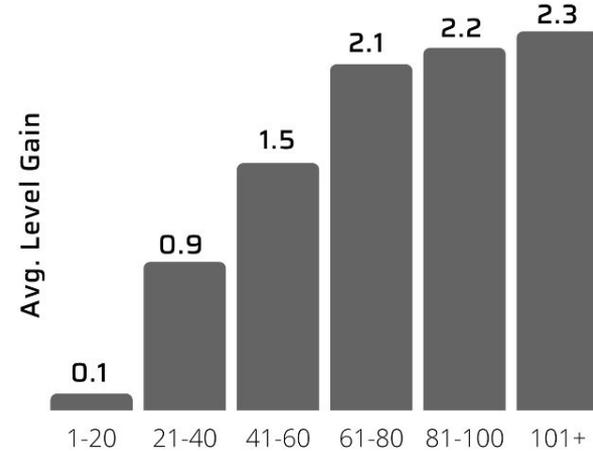
SILENT READING FLUENCY GAINS

+13 WPM Average Rate Gain
8% Reading At/Above Rate Target



READING LEVEL GAINS

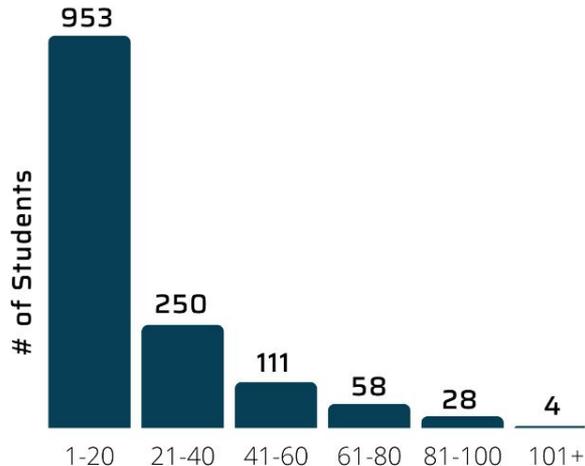
7% Reading At/Above Grade
4% Reading One Level Below Grade



Reading Plus Fall Growth for MIDDLE SCHOOLS

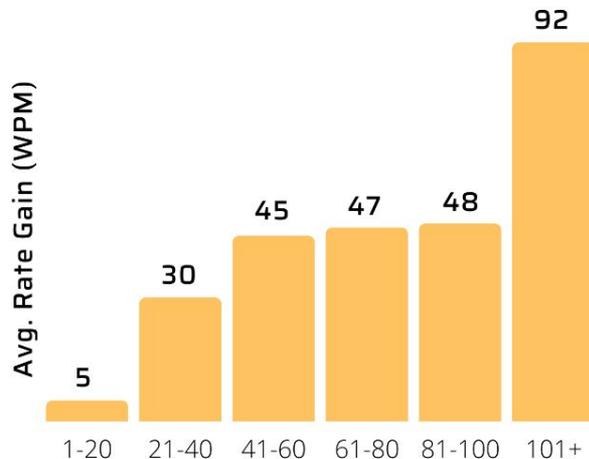
USE

6471 Students Enrolled
1404 Students Active



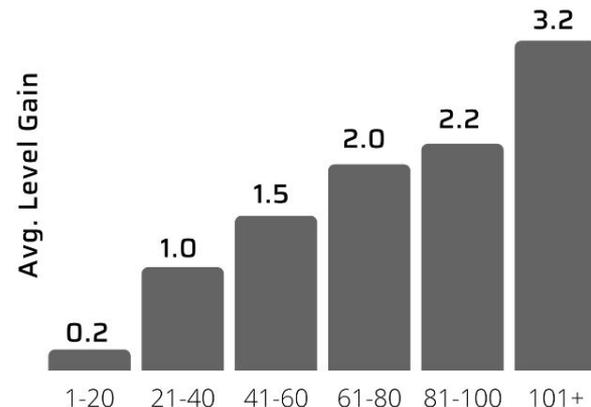
SILENT READING FLUENCY GAINS

+15 WPM Average Rate Gain
12% Reading At/Above Rate Target



READING LEVEL GAINS

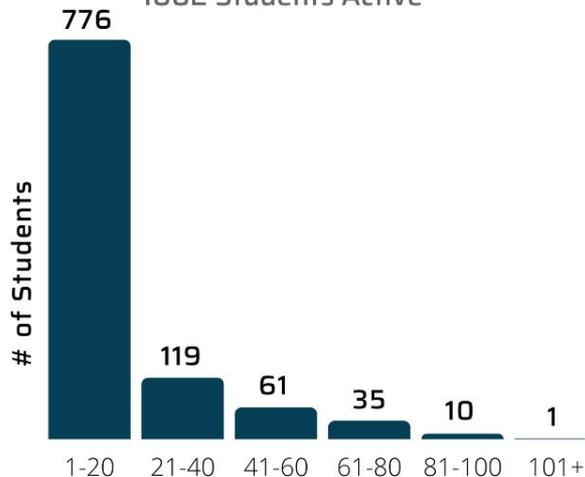
10% Reading At/Above Grade
6% Reading One Level Below Grade



Reading Plus Fall Growth for HIGH SCHOOLS

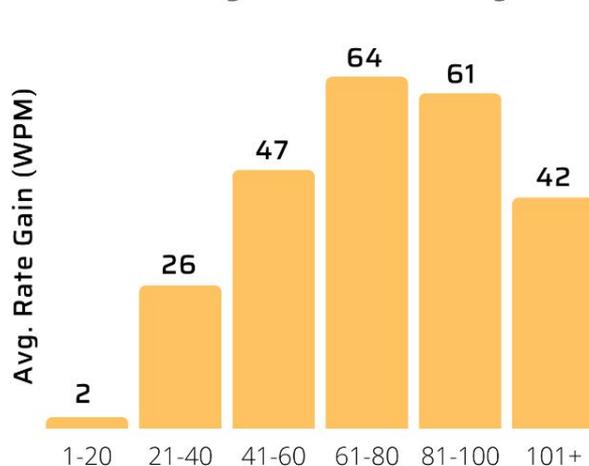
USE

6471 Students Enrolled
1002 Students Active



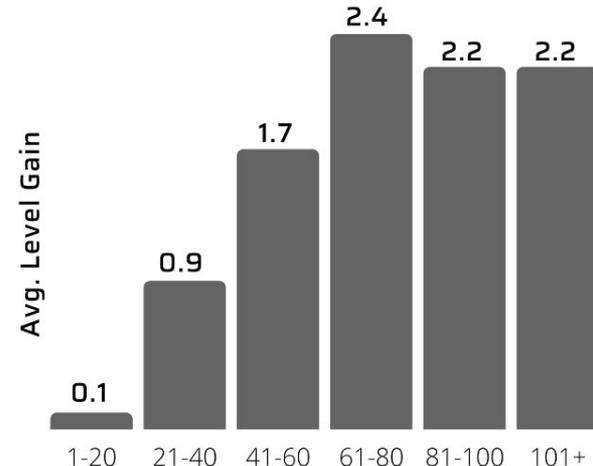
SILENT READING FLUENCY GAINS

+11 WPM Average Rate Gain
5% Reading At/Above Rate Target

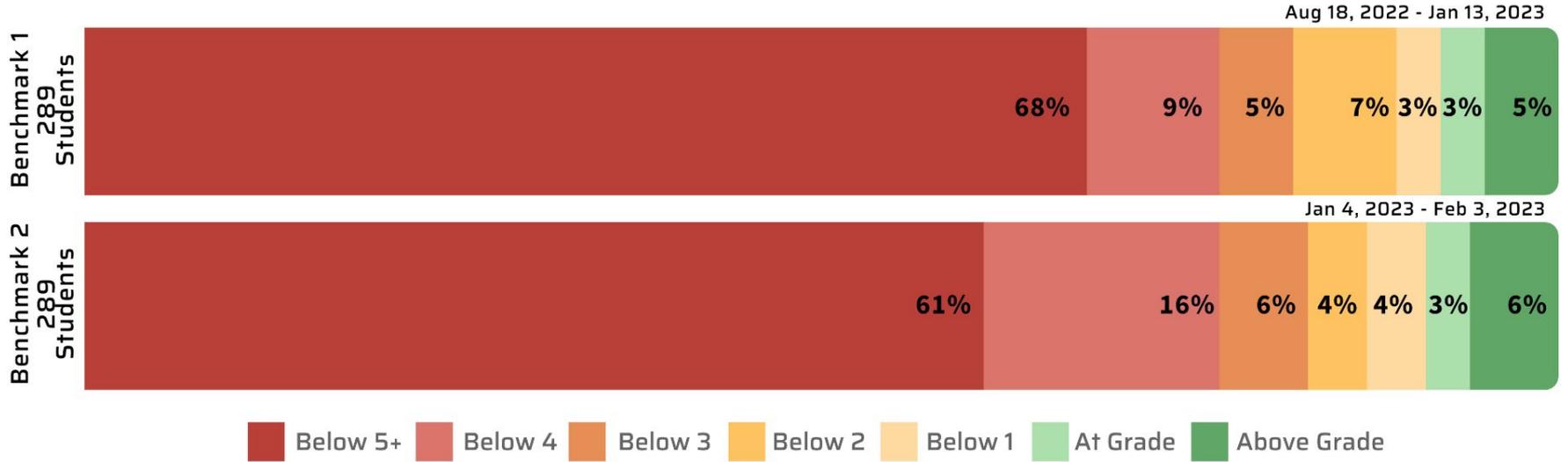


READING LEVEL GAINS

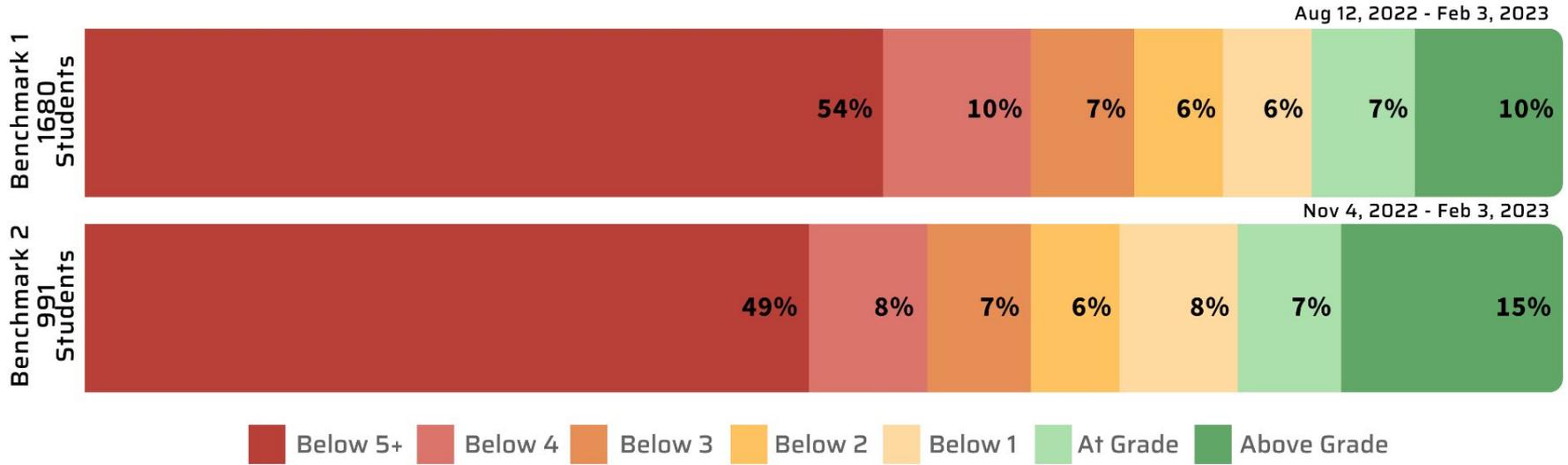
4% Reading At/Above Grade
3% Reading One Level Below Grade



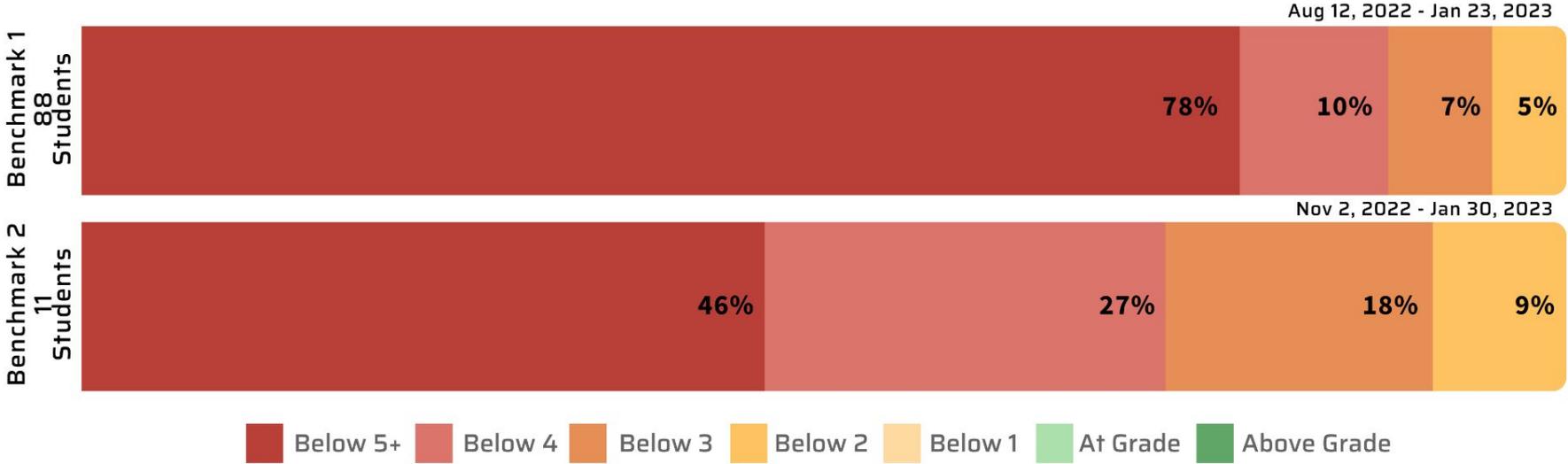
Reading Plus Screening BOY to MOY Comparison MIDDLE SCHOOLS



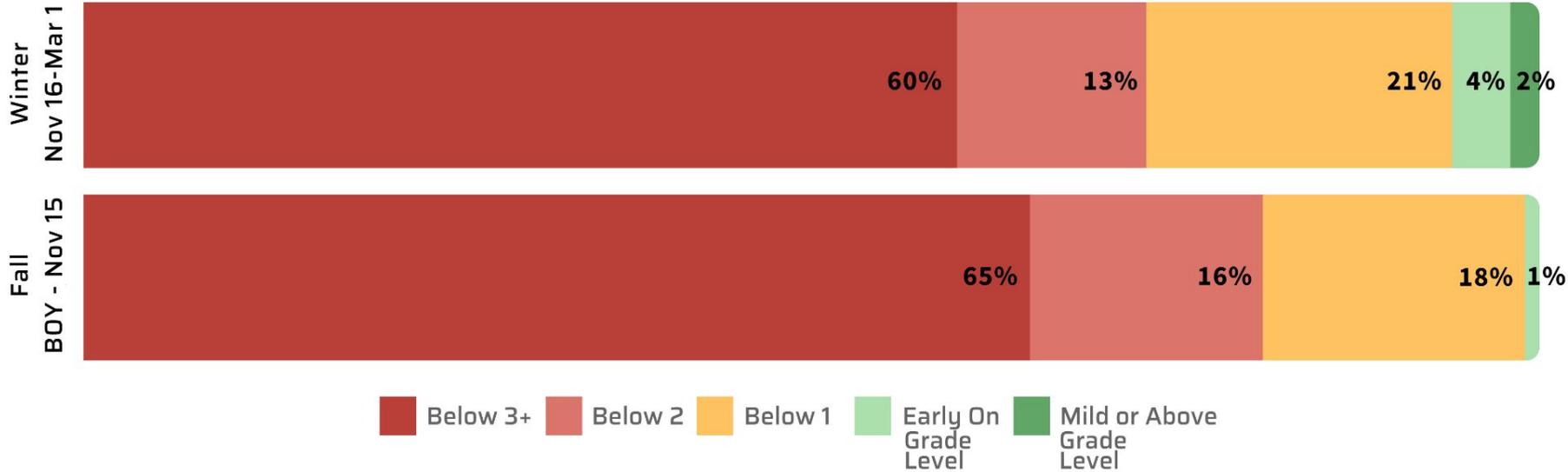
Reading Plus Screening BOY to MOY Comparison HIGH SCHOOLS



Reading Plus Screening BOY to MOY Comparison ALTERNATIVE SCHOOLS



i-Ready Screening BOY to MOY Comparison SECONDARY CAMPUSES



Intervention Focus

2022-2023

4th Grade Reading:

- Current 4th grade students were in first grade during COVID. This population missed critical instruction that taught foundational reading skills known to predict future reading success.

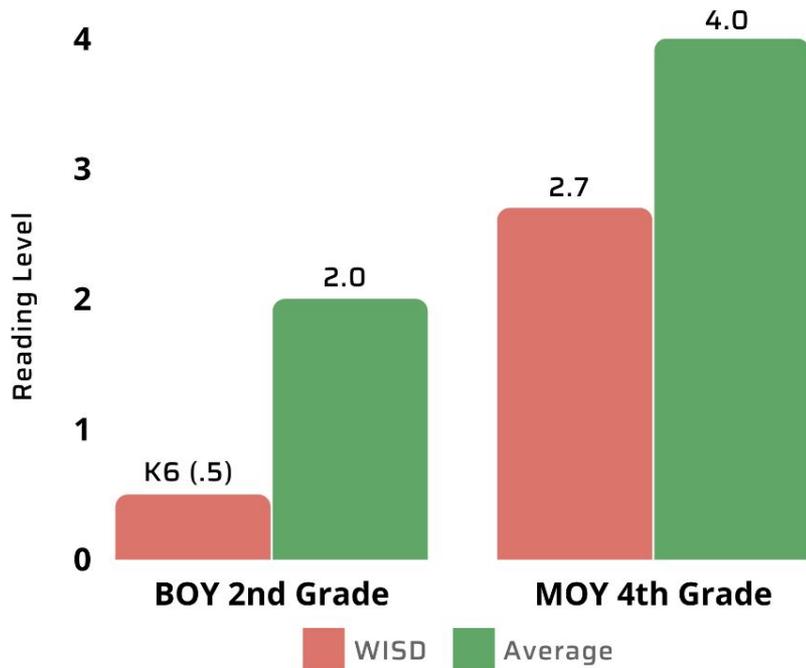
Foundational 1st Grade TEKS:

- Phonological awareness: putting words together, taking words apart, breaking words into syllables
- Phonics and Word Study: combining sounds and letters to form words, consonant blends (/bl//st/), vowel digraphs (/oo//ea/), decoding unfamiliar words in isolation
- Print concepts



Intervention Focus

2022-2023



4th Grade Reading Data:

- Data shows this group of 4th graders was reading at a mid- to end-of-kindergarten level based on screening in 2nd grade.
- Current data shows these **same** students who began T3 intervention in fall 2021 are reading on an average of 2.7 level.
- Data on **all** 4th grade students receiving T3 show an increase of an average of 6 months for 3 months of fall intervention.

Intervention Focus

2022-2023

Elementary:

- Foundational skill deficits caused in large part by the disruption of the pandemic are being addressed.
- Additional phonics instruction embedded in addition to the Leveled Literacy Intervention (LLI) program have been implemented.
- Elementary SIT reading teachers are being coached by expert literacy consultants.
- 13 of 21 Elementary Reading SIT teachers are in the Reading Recovery training program.





Intervention Focus

2022-2023

Middle School:

- Students in T3 receive reading and/or math intervention five days per week.
 - This is an adjustment made since the 2021-2022 school year when students received intervention on a rotation of M-W-F or T-TH.

Intervention Focus

2022-2023

High School:

- Added the Strategic Math Lab for freshmen at both high schools for any student who did not pass 8th grade STAAR Math.
 - This class is an intervention class taken in addition to the core Algebra I class.
- All freshmen students who did not pass 8th grade STAAR Reading are enrolled in Reading Lab I.
- Students who did not pass the English I EOC are placed in Reading Lab II or provided accelerated instruction during WIN time.

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Intervention Focus

2022-2023

Aligning Instruction to Data:

SIT teachers are involved in learning how to effectively use data from universal screening, interim testing, and classroom TCAs to identify the prerequisite skills that need to be taught to close learning gaps. This information is then used to create lessons aligned to the standards associated with the core curriculum.

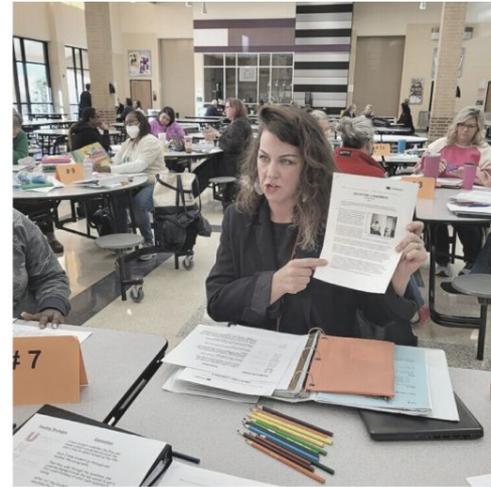


Intervention Focus

2022-2023

Improving Explicit Instruction:

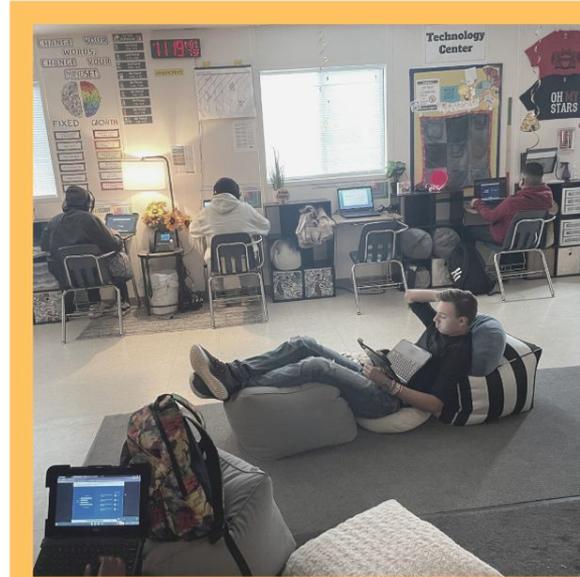
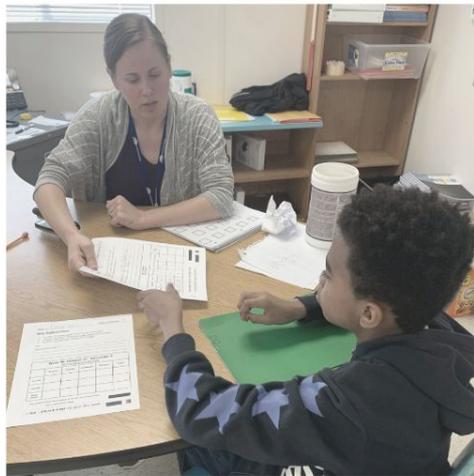
- Practice based professional development has been used to train SIT teacher in using Explicit Instruction Techniques to improve the quality of instruction.



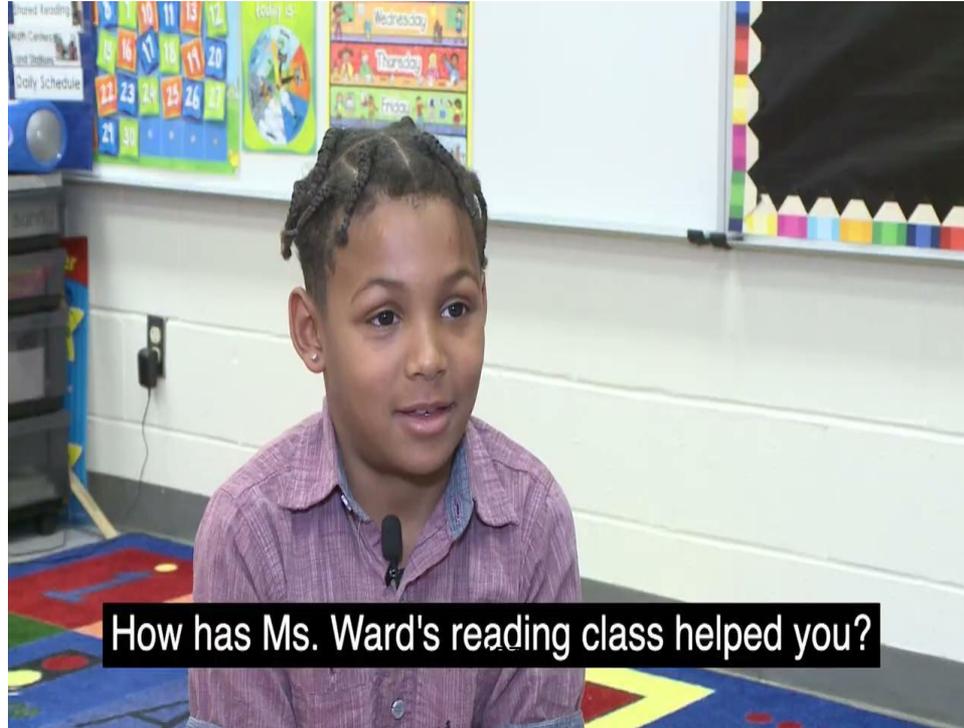
Intervention Focus

2022-2023

- i-Ready resources and diagnostic pathways have been used to increase the rigor of math intervention.
- Instructional resources for T2 interventions supplement Tier 1 resources used in all classrooms.
- Resources provide additional learning opportunities with online lessons and skill practice.



Stories of Success in Waco ISD Intervention



**Waco Independent School District Board of
Trustee Meeting Agenda Item**

Date: February 23, 2024

Contact Person: Denise Bell

**RE: Review and Discuss Changes to the State
Accountability System**

=====

Background Information:

The A-F Accountability System is a statewide rating system used to evaluate the academic performance of Texas public schools. Chapter 39 of the Texas Education Code establishes the rules for creating the accountability system for public schools in Texas and states the following:

39.053(a) "The commissioner periodically shall review the indicators for the consideration of appropriate revisions."

39.053(b) "Performance on the achievement indicators ... shall be compared to state- established standards."

39.053(f) "Annually, the commissioner shall define the state standard for the current school year for each achievement indicator...."

... the commissioner shall establish and modify standards to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure this state is a national leader in preparing students for postsecondary success."

As part of the continuous improvement process, TEA consulted with stakeholders on enhancements to the accountability system. The changes to the A-F accountability framework were made to focus on increasing outcomes for all students.

The board will receive an overview of the changes made to the accountability system.

Fiscal Implications:

None

Administrative Recommendation(s):

Report Only



**Waco ISD School Board Update on Accountability System
(as of February 2023)**



A–F System Refresh Update

Note: TEA has provided public updates since September for transparency. This presentation uses TEA slides that represent final decisions and items/criteria that are still up for consideration.

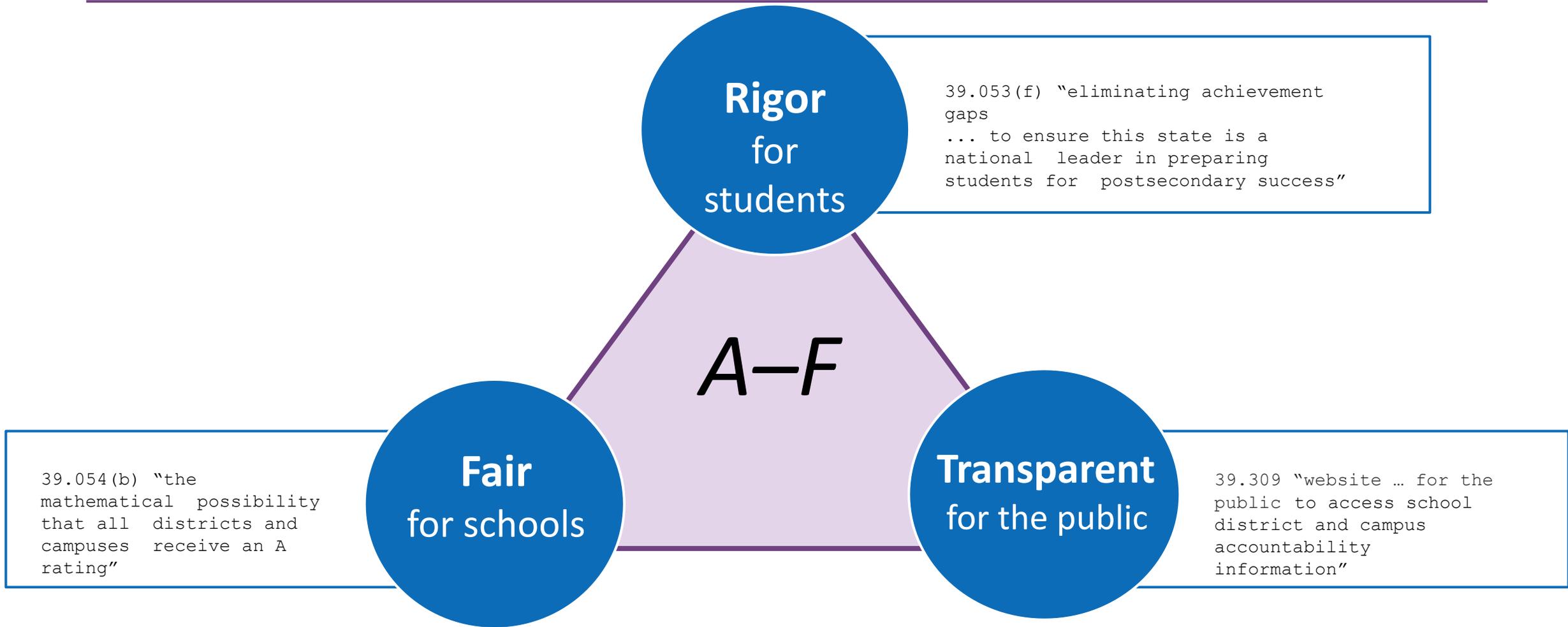
A–F is a tool to help us meet continuously improved goals for children

There are several key design commitments built into A–F to help ensure it works as an effective continuous improvement tool while accurately recognizing performance:

1. Ratings reflect better of achievement or progress
2. Multiple measures are used to evaluate campus performance
 - A. Students can show postsecondary readiness in multiple valid ways
 - B. Progress evaluates growth in multiple ways
3. Ratings are based on defined criteria, not a fixed distribution
 - A. “A” reflects performance consistent with reaching long-term student goals
 - B. “C” reflects average performance for the baseline year
4. The system design & cut points remain static in most years

These commitments remain unchanged for the refresh.

A–F Must Balance Competing Objectives



Continuously Improve Student Performance

“A” represents performance today that is at a level consistent with our long-term goals for students.

“C” represents performance today that is the same as what average was in the baseline year. Feedback so far suggests using a mix of pre- and post-COVID years as a baseline.

	Approach to setting cut points for A (i.e., 90)
STAAR Proficiency	Five years ago, cut scores were anchored to 60%. Given the disruption of COVID, this will remain unchanged.
STAAR Growth	Feedback five years ago recommended a 90% growth rate for an A, but cut scores were set lower than that because of the limited number of campuses performing in that range. Given improvement in growth, the refresh may come closer to that original recommendation, pending final modeling by campus type.
Graduation Rate	Graduation rates have improved in Texas, rising 1-2 percentage points higher than the original A–F baseline. Cut scores are likely to increase by a similar amount pending final modeling.
CCMR	Feedback five years ago recommended 90% as the percentage of CCMR graduates that should generate an A. Very few campuses performed at that level at that time (average performance in the baseline year was 47%), so the cut point was set at 60% which was nominally consistent with the state’s 60x30 goals. CCMR performance has skyrocketed, with average performance now at 65%. Given these improvements and the statutory objective of A–F to make Texas a national leader in preparing students for postsecondary success, cut scores will be anchored to 88% pending final modeling, with analysis suggesting that would ensure 60% of graduates achieve initial postsecondary success.



Delayed Release of STAAR Scores in 2023

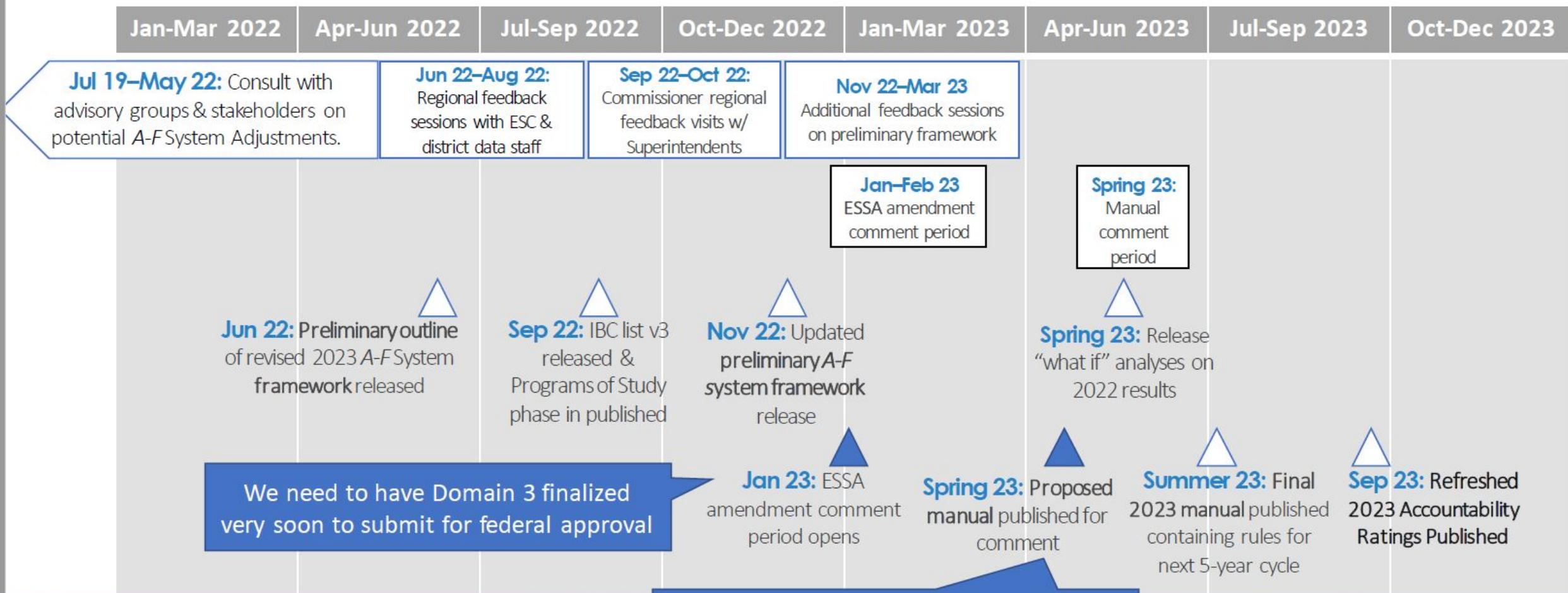
Spring EOC Scores:

- Preliminary scores with TEA guidance on if a student is likely to pass, likely not to pass, or in the “zone of uncertainty” - **5/22/2023**
- Preliminary scores and performance levels that TEA says can be used for graduation decisions will come in on **5/31/2023**
- District Preliminary Reports - **6/27/2023**
- Family Portal Preliminary Reports - **6/30/2023**
- District Final Reports - **8/8/2023**
- Family Final Reports - **8/11/2023**

STAAR Grades 3-8 Scores:

- Early Raw Scores with TEA guidance on if a student is likely to pass, likely not to pass, or in the “zone of uncertainty” - **5/22/2023**
- Preliminary scores (raw score only) - **6/9/2023**
- District Final Reports - **8/11/2023**
- Family Final Reports - **8/16/2023**

2023 A-F Refresh Timeline



Other parts of the refresh will not be fully finalized until the manual is published

Dates for proposed and finalized rules

	Proposed Rule Published	Final Accountability Manual	Ratings Applied
2017	4/14	6/9	August 2017
2018	5/17	7/20	August 2018
2019	5/1	7/19	August 2019
2020	5/4	7/17	August 2020
2021	4/16	7/12	August 2021
2022	5/13	8/5	August 2022
Goal for 2023	May	August	September 2023

Stakeholders are encouraged to provide feedback [here](#) through February 1, 2023 to help inform the proposed rule.

2023 A–F Refresh: Considerations Thus Far

Original 10 considerations from June framework

1. Ensure cut points and targets reflect appropriate goals for students post-COVID.
2. Improve ability to recognize growth.
3. Update CCMR indicators.
4. Narrow focus within Closing the Gaps.
5. Recognize successful learning acceleration. *(now included in consideration #2)*
6. Increase alignment of district outcomes with campus outcomes.
7. Create a unique alternative education accountability system for dropout recovery schools.
8. Improve alignment between A–F accountability and special populations goal setting (Results Driven Accountability [RDA]).
9. Refine Distinction Designations and develop Badges to recognize district efforts.
10. If feasible, incorporate extracurricular leadership.

Additional considerations from feedback since June

11. Give high schools credit for Algebra I accelerated testers.
12. Create an incentive for early graduation.
13. Update overall rating to better align with SB 1365.

Multiple components of this proposal have been adjusted based on feedback

Design Commitment #1: Ratings Reflect the Better of Achievement or Progress

Better of Achievement or
Progress: 70%



Student
Achievement



School
Progress

30%



Closing
the Gaps

This design reflects a
commitment

- to recognize **high student achievement** and
- to recognize the impact of **highly effective educators**,
- while maintaining focus on the **students most in need**.

This design has produced ratings that are not strongly correlated
with poverty.

Student Achievement: Calculating a Score



Elementary Schools

- **100%** STAAR



Middle Schools

- **100%** STAAR



High Schools & K-12s

- **40%** STAAR
- **40%** College, Career, Military Ready (CCMR) (*2022 Grads*)
- **20%** Graduation Rates (*Class of 2022*)

The only changes to Student Achievement are:

- STAAR test formats
- CCMR changes
- Scaled scores for CCMR and graduation rate are increased

The scaling scores (A-F grade) for CCMR and graduation rate are being raised this year.

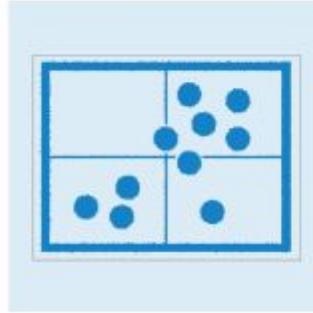
School Progress: Two Aspects of Progress

**Better of
Part A: Academic Growth
or
Part B: Relative Performance**

**Part A:
Academic Growth**



**Part B:
Relative Performance**



The School Progress domain measures district and campus outcomes in two areas:

- The number of students that grew at least one year academically and number of students that were accelerated as measured by STAAR results
- The achievement of students relative to campuses with similar economically disadvantaged percentages

2. Growth: School Progress, Part A: Academic Growth

Measuring Annual Growth **PLUS** Measuring Accelerated Learning

Prior Year	Current Year					
	Low Did Not Meet Grade Level	High Did Not Meet Grade Level	Low Approaches Grade Level	High Approaches Grade Level	Meets Grade Level	Masters Grade Level
Low Did Not Meet Grade Level	0	1	1	1	1	1
High Did Not Meet Grade Level	0	1/2	1	1	1	1
Low Approaches Grade Level	0	0	1/2	1	1	1
High Approaches Grade Level	0	0	0	1/2	1	1
Meets Grade Level	0	0	0	0	1	1
Masters Grade Level	0	0	0	0	0	1

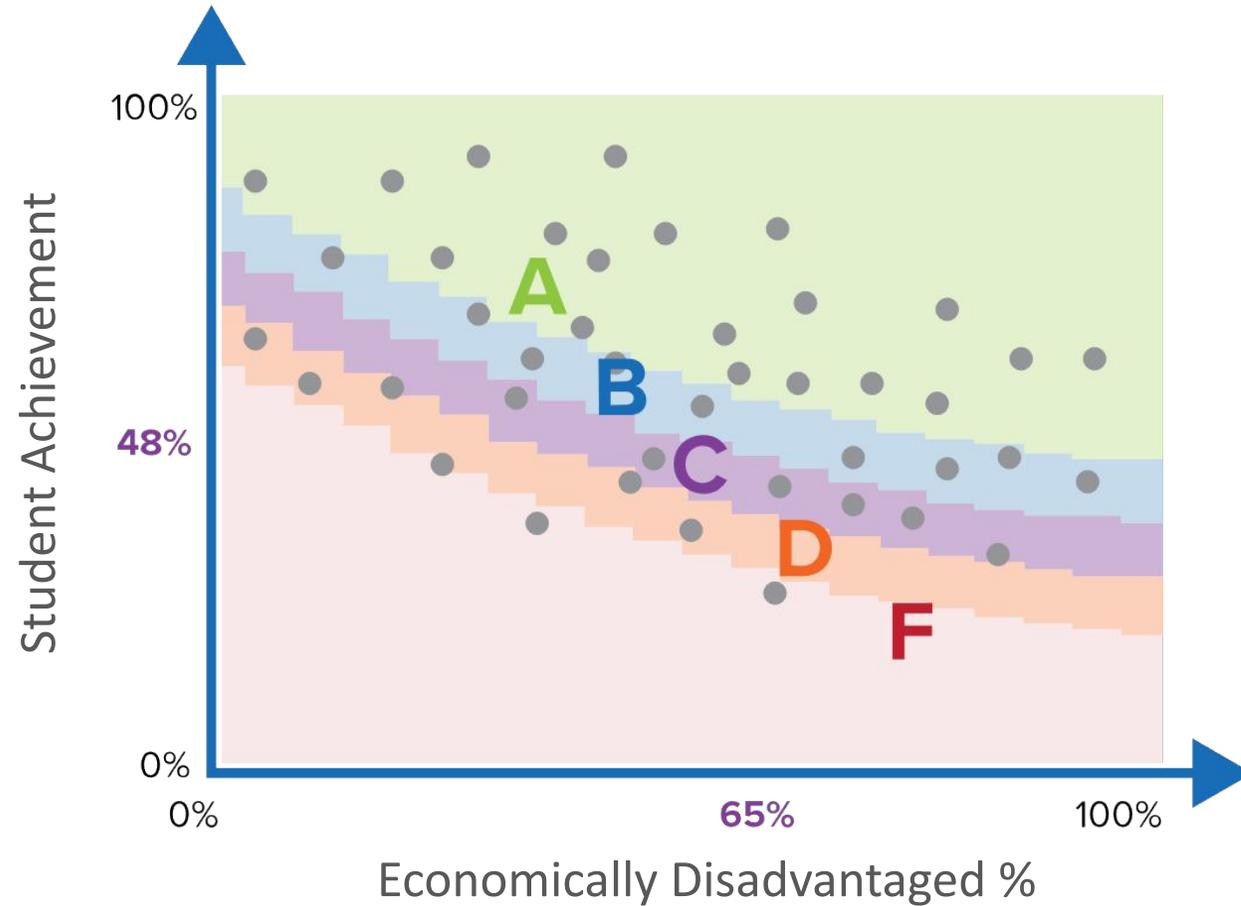
Prior Year	Current Year			
	Did Not Meet Grade Level	Approaches Grade Level	Meets Grade Level	Masters Grade Level
Did Not Meet Grade Level	0	1	1	1

Note: While WISD did not receive the Accelerated Learning points in the 2022 ratings, this was a positive gain for Waco ISD.

For Math, 33% of students who failed in 2021 passed with Approaches or higher in 2022.

For RLA, 36% of students who failed in 2021 passed with Approaches of higher in 2022.

2. D2B, Relative Performance: Adjusted Proficiency



The current approach uses whole school proficiency rates relative to baseline year averages calculated for schools of similar poverty levels.

3. CCMR: Update Components

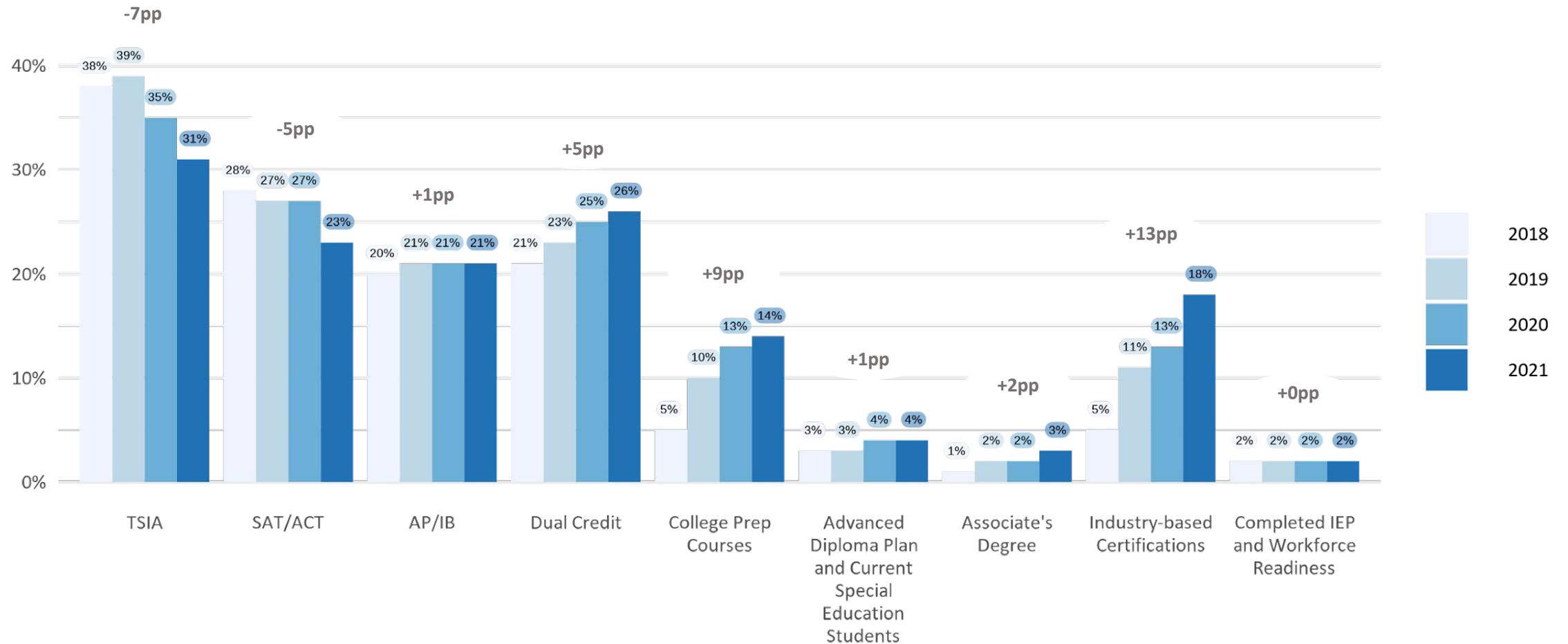
- A. Incorporate programs of study as required by statute, in alignment with industry-based certification updates.
 - [Refreshed IBC list](#) is now available.
 - A [phase-in](#) for aligned programs of study course completion requirements and IBCs was published in September. A phase-in is necessary to give schools time to adjust.
- B. Bring back [military enlistment](#) (both US and TX National Guard) with a reliable data collection.
- C. Evaluate evidence of college readiness indicators on college enrollment & persistence and make any adjustments needed to ensure consistency of the college-readiness standard.

3. CCMR: Update Components

Based on stakeholder feedback and analysis:

- **Continuing analysis on validity differences for IBCs.** Any adjustments for non-sunsetting IBCs would be pursued for future graduating classes.
- Conducting research into subset of high-usage sunsetting IBCs to determine potential adjustment.
- **No changes** to the existing methodology for **AP/IB**
- **No immediate changes** to the existing methodology for **college prep**. TEA is collaborating with THECB to better define college prep course requirements for future graduating classes.

3. Reviewing Statewide Performance: CCMR



3A. Programs of Study

A **Program of Study** is series of progressively advanced TEKS-based courses that lead to preparation in a specific career. They end in an **IBC**.

Concentrator - Student completing and passing 2+ CTE courses for a total of 2 or more credits in the same Program of Study (and not a Completer)

Completer - Student completing and passing 3+ CTE courses for a total of 4+ credits in the same Program of Study, including one level 3 or level 4 course within the same Program of Study

Aligned IBCs to Programs of Study Crosswalk and new Programs of Study Framework documents will be posted in September:

Information Technology Career Cluster

The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.

Networking Systems Statewide Program of Study



The Networking Systems program of study explores the occupations and educational opportunities associated with designing and implementing computer and information networks, such as local area networks (LAN), wide area networks (WAN), intranets, extranets, and other data communications networks. This program of study may also include exploration into analyzing science, engineering, and other data processing problems to implement and improve computer systems.

Secondary Courses for High School Credit

Level 1

- Computer Science I
- Principles of Information Technology
- Technology

Level 2

- Internetworking Technologies I
- Computer Maintenance/Lab
- AP Computer Science Principles

Level 3

- Internetworking Technologies II
- Networking/Lab
- Advanced Cloud Computing

Level 4

- Practicum in Information Technology
- Practicum in Entrepreneurship
- Independent Study in Technology Applications
- Independent Study in Evolving/Emerging Technologies
- Project Based Research
- Career Preparation I

Postsecondary Opportunities

Associates Degrees

- Computer and Information Sciences, General
- Computer Systems Networking And Telecommunications
- Information Technology
- Network and System Administration/ Administrator

Bachelor's Degrees

- Computer and Information Sciences, General
- Computer Systems Networking And Telecommunications
- Computer and Information Systems Security/ Information Assurance
- Computer Engineering, General

Master's, Doctoral, and Professional Degrees

- Computer and Information Sciences, General
- Information Technology

Work-Based Learning and Expanded Learning Opportunities

Exploration Activities

- Join TSA
- Job shadow a computer network architect or support specialist

Work-Based Learning Activities

- Earn an industry-based certification.

Industry-Based Certifications

- Cisco 100-490 RSTech Supporting Cisco Routing and Switching Network Devices
- Cisco CCNA (200-301) Implementing and Administering Cisco Solutions
- CompTIA A+ Certification
- CompTIA Network+
- CompTIA Server+
- Computer Networking Fundamentals - Job Ready
- Google Cloud Certified Professional - Cloud Architect

- Associate of (ISC)*

*IBC sunsetting 8/31/24

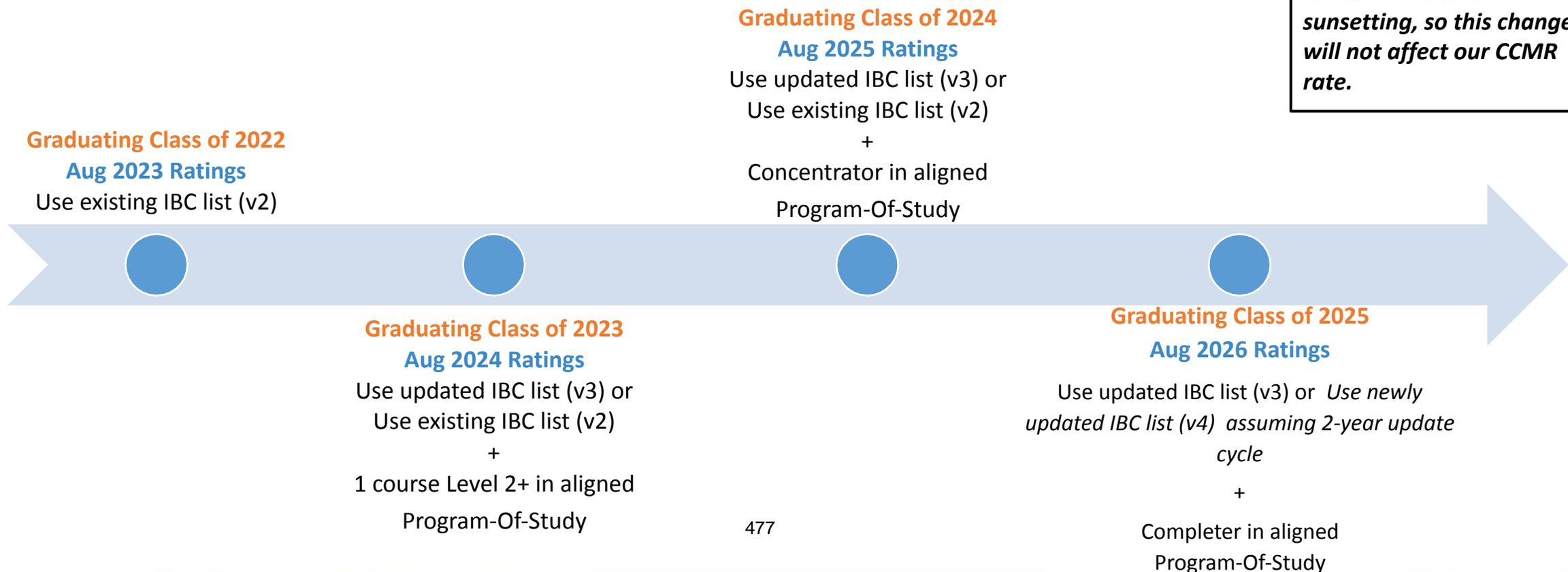




3A. IBC & Programs of Study Accountability Transition

Sunset IBCs (v2) will continue to generate A-F credit for two more upcoming graduating classes, and program-of-study requirements are phased in over three years, to allow school systems to transition their career preparation programs

Note: WISD did not offer the IBCs which are sunsetting, so this change will not affect our CCMR rate.



3B. CCMR: Military Enlistment Data Collection

(2024 accountability)



Beginning with **2023 annual graduates**, TEA will award CCMR credit to graduates for whom the district uploads the required military enlistment documentation.

1. Districts must obtain a **completed DD Form 4 Enlistment/ Reenlistment Document-Armed Forces of the United States** from a student who has enlisted.
2. The DD Form 4 must include **all required signatures** by the student and the enlistment officer.
3. Districts must **submit** the completed DD Form 4 **via a secure upload** process in the spring of 2024 for 2023 graduates.
4. Graduates for whom a completed DD Form 4 is submitted will receive **CCMR credit** for military enlistment in both the academic **accountability** system and in **CCMR Outcomes Bonus** calculations.

Student Achievement: CCMR Scaling

- Increase in CCMR performance over the last several years with average now at 65%.
- Cut score increase to 88% to receive an A.
- Given class of 2021 CCMR rates averaged 65 percent, the agency will use 65 percent as a baseline for a mid-C moving forward.
- Cut points were released January 2, 2023.

Student Achievement: CCMR Scaling (Example)

Table 1: Student Achievement Domain: STAAR and CCMR Components

Student Achievement Domain: STAAR and CCMR Component Score Cut Points						
Rating	STAAR				CCMR	
	Elementary	Middle	HS/K-12	AEA	Non-AEA	AEA
<i>A</i>	60	60	60	*	88	*
<i>B</i>	53	49	53	*	78	*
<i>C</i>	41	38	41	*	64	*
<i>D</i>	35	32	35	*	51	*

*AEA cut points will be available later this month

2023



Table 5.2: Campus Student Achievement Domain: STAAR and CCMR Components

Campus Student Achievement Domain: STAAR and CCMR Component Score Cut Points						
Rating	STAAR				CCMR	
	Elementary	Middle	HS/K-12	AEA	Non-AEA	AEA
<i>A</i>	60	60	60	40	60	24
<i>B</i>	53	49	53	30	48	15
<i>C</i>	41	38	41	20	39	7
NR: Senate Bill 1365	35	32	35	15	26	3

2022



4. Closing the Gaps: Increase Focus

A. Student Groups

B. Gradation of Targets

- Domain 3 changes must be approved by USDE.
- The system used the last 5 years can evaluate a campus with up to 71 different indicators, and each one has been pass/fail.
- USDE has indicated additional flexibility is available, allowing us to narrow the focus on the students most at risk, while also providing partial credit as campuses improve

4A. Closing the Gaps: Super Groups

Will still report out data on all student groups.

X Reminder: previously, there were 14 different student groups:

All Students	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Econ Disadv	EL (Current & Monitored)^	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Highly Mobile
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✓ Update: replace 14 student groups with 6 student groups

All Students	Two Lowest Performing Racial/Ethnic Groups from Prior Year							High Focus (Eco Dis, EB ¹ , SpEd, Highly Mobile)	Special Education (Former)	Continuously Enrolled
	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races			

4B. Closing the Gaps: Gradated Points

- Long-term (10 year) target setting is aligned with significantly reducing achievement gaps.
- Interim (5 year) target setting is based on getting roughly 1/3rd of the way toward the long-term target over the next 5 years.

Closing the Gaps: Proposed 0–4 Methodology	
4	Met Long Term Target
3	Met Interim Target
2	Did Not Meet Interim Target but Showed Expected Growth*
1	Did Not Meet Interim Target but Showed Minimal Growth**
0	Did Not Meet Interim Target and Did Not Show Growth

4. Closing the Gaps: Refresh Methodology

All Students	Two Lowest Performing Racial/Ethnic Groups from Prior Year							High Focus (Eco Dis, EB ¹ , SpEd, Highly Mobile)	Special Education (Former)	Continuously Enrolled
	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races			
Academic Achievement (RLA & Mathematics)										
0-4			0-4		0-4			0-4		
0-4			0-4		0-4			0-4		
Growth or Graduation: Academic Growth in RLA & Mathematics (EL/MS) or Federal Graduation Status (HS/K-12)										
0-4			0-4		0-4			0-4		
0-4			0-4		0-4			0-4		
SQSS: STAAR ONLY (EL/MS) or CCMR (HS/K-12)										
0-4			0-4		0-4			0-4	0-4	0-4
English Language Proficiency ¹										
								0-4		

The max group count declines:
71 to 23

6. District Ratings: Improve Alignment with Campus Ratings

School Type	Grades Served	Total Students	Alt Ed	Eco Dis	Overall Rating	Overall Score
District		2,859	No	73.6%	B	80
Elementary	01 - 02	389	No	80.7%	D	68
Elementary	03 - 04	400	No	77.0%	D	68
Elementary	EE - KG	352	No	85.5%	D	68
Middle School	06 - 08	468	No	72.9%	C	75
Middle School	05 - 06	429	No	76.9%	C	74
High School	09 - 12	821	No	62.1%	C	78

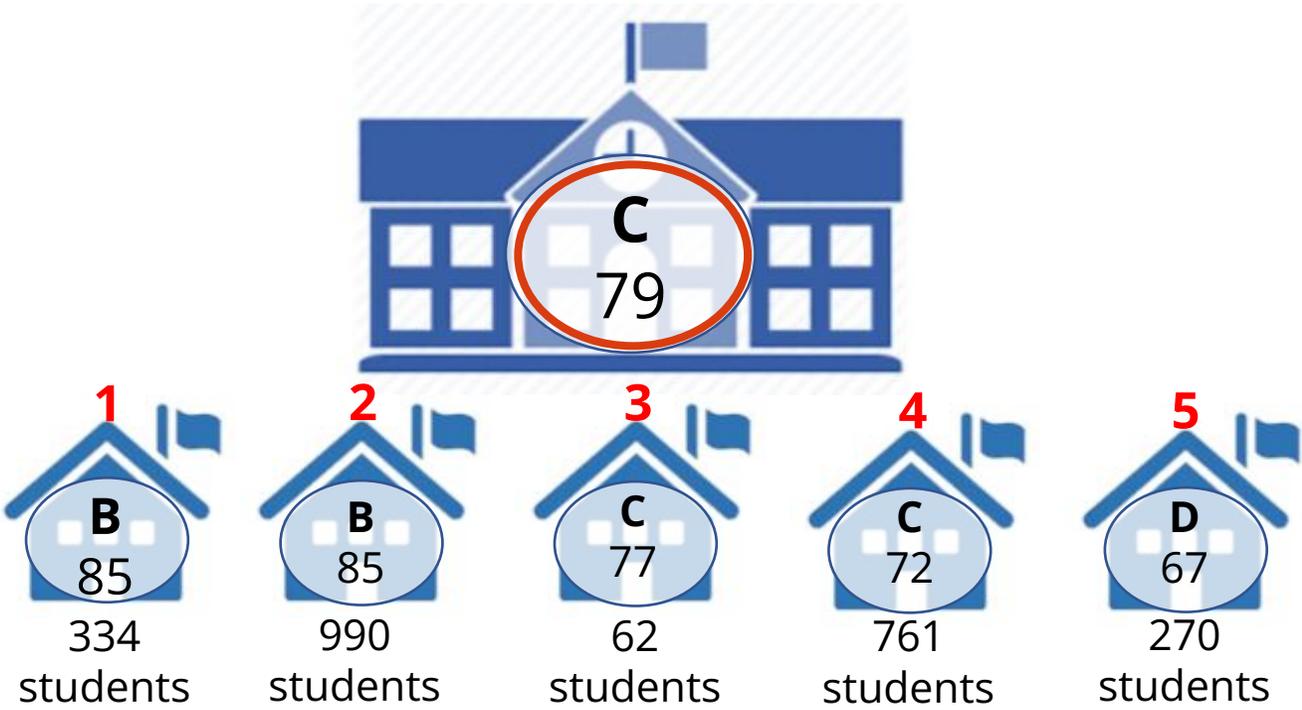
- Currently there is a disconnect between approximately 30 percent of district ratings and their campuses' ratings.
- Existing methodology for districts looks at all students in the district and evaluates it as a single K–12 campus.
- TEA is proposing that we use weighted average of campus ratings.

School Type	Grades Served	Total Students	Alt Ed	Eco Dis	Overall Rating	Overall Score
District		298	No	66.1%	A	90
Elementary	PK - 06	169	No	69.2%	C	76
High School	07 - 12	129	No	62.0%	B	86

District Ratings: Improve Alignment with Campus Ratings

Example using Proportional Weighting Methodology

Campus	3-12 Enrollment	Score	Weight	Points
Campus 1	334	85	13.8%	11.7
Campus 2	990	85	41.0%	34.9
Campus 3	62	77	2.6%	2.0
Campus 4	761	72	31.5%	22.7
Campus 5	270	67	11.2%	7.5
District Domain Rating				79



Why did we not include grades K-2?

Why did we include grades 9-12?

		Highest Grade Level Served →														
		EE	PK	KG	1	2	3	4	5	6	7	8	9	10	11	12
Lowest Grade Level Served ↓	EE	10	78	66	40	74	32	179	1163	113	3	9	0	0	0	27
	PK		47	12	11	36	20	141	1270	162	17	125	6	3	1	177
	KG			8	2	18	20	101	596	77	3	41	1	2	8	56
	1				9	18	10	93	16	1	4	0	0	0	0	5
	2					8	9	5	35	3	1	2	1	0	2	3
	3						2	7	105	5	2	5	1	0	1	9
	4							1	35	30	0	6	0	1	2	4
	5								3	110	3	89	1	2	1	22
	6									29	13	1230	18	9	23	187
	7										5	190	6	12	23	107
	8											14	6	12	20	32
	9												39	29	34	1357
10													18	9	48	
11														14	28	
12															19	

There exists a wide variety of grade configurations on TX campuses related to K-2. The current proposal allows for more uniformity and transparency.

Students in grades 9-12 are working on CCMR and graduation requirements every day.



How will this look for Waco ISD?

** In the 20233-2024 school year, GW Carver MS will be comprised of students from both Carver and ISMS. This weighting will encompass 9.7% of the district's rating.*

CAMPUS	WEIGHT	CAMPUS	WEIGHT
Waco HS	20.0%	South Waco	2.1%
University HS	17.0%	Cedar Ridge	2.1%
Tennyson MS	9.8%	Alta Vista	2.0%
Chavez MS	8.9%	Hillcrest	2.0%
Indian Spring MS*	5.2%	JH Hines	1.9%
GW Carver MS*	4.5%	Crestview	1.9%
LAMM	3.8%	Provident Heights	1.8%
Bell's Hill	3.2%	Mountainview	1.8%
Dean Highland	3.0%	Brook Ave	1.6%
Parkdale	2.6%	West Ave	1.4%
Kendrick	2.3%	Brazos HS	1.2%

Alternative Education Accountability (AEA) System

This would be the accountability system for Brazos HS

AEA Student Achievement (Brazos HS)

STAAR

1 pt Approaches, 2 pts Meets, 3 pts Masters

Number of STAAR Assessments (All Subjects)

CCMR

Annual Graduates PLUS Previous Dropouts who Accomplish CCMR

Annual Graduates MINUS Previous Dropouts

**Completion
Rate**

Completers PLUS Previous Dropouts who Complete

Completers MINUS Previous Dropouts who Return

AEA School Progress (Brazos HS)

Academic Growth

- Maintain Part A: Academic Growth methodology and update with standard accountability Refresh updates.
- Allows AEAs to keep the “better of” methodology afforded to traditional campuses.

Relative Performance

- Add a better of Part A or B by creating a unique AEA Part B: Retest Growth methodology.
- Rate of retests at Approaches Grade Level or above (current AEA bonus points indicator)

1 pt for Approaches or above STAAR EOC retests

Count of STAAR EOC Retests

AEA Closing the Gaps: Components

Academic Achievement

- STAAR RLA at Meets Grade Level
- STAAR mathematics at Meets Grade Level

Graduation Rate

- 4-year federal graduation rate
- If no graduation rate, default to Growth in RLA/mathematics

English Language Proficiency

School Quality/Student Success (SQSS)

- CCMR (HS)

12. Early Graduation: Add an early graduation incentive

- Stakeholder feedback expressed concern that schools may be discouraging students who would benefit from graduating early given other requirements.
- The agency is **examining** creating an early graduation incentive to award additional state graduation rate points for early graduates to encourage schools to allow students to graduate early.
- This proposal would not impact federal graduation rates used in Closing the Gaps and will require data modeling and stakeholder consultation.

Calculating an Overall Rating: Methodology

We use the higher score between *how much students know and can do* (Student Achievement) or *how much better students are doing than last year or than peers in similar districts/campuses* (School Progress) and weight it at 70%.

We then weight *how well districts and campuses are closing performance gaps* among different student groups (Closing the Gaps) at 30%.

Better Of:		Plus:
Student Achievement	School Progress	Closing the Gaps
		
Evaluates the performance across all subjects for all students, on STAAR, College, Career, and Military Readiness (CCMR) indicators, and graduation rates.	Measures outcomes in two areas: number of students that grew at least one year academically and the achievement of students relative to districts or campuses with similar economically disadvantaged percentages.	Uses disaggregated data to demonstrate differentials among racial or ethnic groups, socioeconomic backgrounds and other factors.
70% of Total Grade		30% of Total Grade

Overall Rating: Update

Expand the 3 out of 4 *Fs* rule to include *Ds*.

- This aligns with the emphasis of tracking *Ds* under SB 1365.
- If 3 out of 4 domains are a *D* (or mixture of *Ds/Fs*), overall rating cannot be higher than 69.
- This aligns with the current 3 of 4 *Fs* rule.



If a campus or district earns 3 or more *Ds* (or *Ds* & *Fs*), they cannot earn above 69.



If a campus or district earns 3 or more *Fs*, they cannot earn above 59.

After the “what if” ratings file is available through TEAL, TEA plans to release a public file with scores and ratings by domain

The public file could contain:

- District Name
- District Number
- Campus Name
- Campus Number
- School Type
- % Econ Disadv
- Overall Score
- Overall Grade
- Student Achievement Scaled Score
- Student Achievement Grade
- School Progress Scaled Score
- School Progress Grade
- Closing the Gaps Scaled Score
- Closing the Gaps Grade

District	Campus	Campus Number	School Type	% Econ Disadv	Overall Score	Overall Grade	Student Achievement Score	Student Achievement Grade	School Progress Score	School Progress Grade	Closing the Gaps Score	Closing the Gaps Grade
A W BROWN LEADERSHIP ACADEMY	A W BROWN - F L A EARLY CHILDHOOD	057816102	E	92.2	70	C	57	F	72	C	64	D
A W BROWN LEADERSHIP ACADEMY	AW BROWN-F L A INT CAMPUS	057816101	E	84.5	73	C	58	F	74	C	72	C
A+ ACADEMY	A+ ACADEMY EL	057829001	E	85.3	52	F	54	F	57	F	39	F
A+ ACADEMY	A+ SECONDARY SCHOOL	057829002	S	80.5	79	C	67	D	83	B	68	D
A+ UNLIMITED POTENTIAL	A+ UNLIMITED POTENTIAL	101871041	M	28.4	57	F	57	F	52	F	..	Z
A+ UNLIMITED POTENTIAL	A+UP UNIVERSITY	101871102	M	60.2	44	F	48	F	50	F	30	F
ABBOTT ISD	ABBOTT SCHOOL	109901001	B	23.9	87	B	88	B	79	C	84	B
ABERNATHY ISD	ABERNATHY DAEP	095901003	S	100.0	..	X	..	X	..	X	..	X
ABERNATHY ISD	ABERNATHY EL	095901101	E	59.8	82	B	75	C	82	B	81	B
ABERNATHY ISD	ABERNATHY H S	095901001	S	48.2	94	A	91	A	86	B	100	A
ABERNATHY ISD	ABERNATHY MIDDLE	095901041	M	49.2	60	D	73	C	63	D	30	F
ABILENE ISD	ABILENE H S	221901001	S	69.3	83	B	85	B	85	B	78	C
ABILENE ISD	ACADEMY FOR TECHNOLOGY ENGINEERING	221901010	S	51.8	96	A	94	A	92	A	100	A
ABILENE ISD	AUSTIN EL	221901102	E	49.8	83	B	82	B	83	B	84	B

Note: This will use the data from 2022 rating system to show impact with that data. It is not designed to project our 2023 ratings since most of that data is STAAR.