WACO INDEPENDENT SCHOOL DISTRICT
REGULAR MEETING

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

Thursday, June 18, 2026 - 6:00 PM

A Regular Meeting of the Board of Trustees of Waco Independent School District will be held June 18, 2026, 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. Fine Arts Earns National Honor
   - 4.C. State Visual Arts Scholastic Event Qualifiers
   - 4.D. State 4-H Roundup
   - 4.E. State Track Meet
   - 4.F. State Speech Contest
   - 4.G. Lone Star Investment Pool Board of Trustees Appointment
   - 4.H. Community Partner Award
5. **Superintendent's Report**
   - 5.A. Introduction of Kendrick Elementary School Principal
   - 5.B. Introduction of G.W. Carver Middle School Principal
   - 5.C. Superintendent's Super Hero Run and Family Fest
   - 5.D. Back-to-School Employee Convocation - Culture of Joy
6. **Information Items/Reports**
   - 6.A. Monthly and Quarterly Financial Reports for the Period Ended May 31, 2026
   - 6.B. Intent to Apply for Federal Every Student Succeeds Act (ESSA) Funds
   - 6.C. School Health Advisory Council (SHAC) Annual Progress Report
   - 6.D. First Reading of Policy Update 127

6.E. Report on Gifts to Waco ISD

7. **Consent Agenda: Consider and Take Appropriate Action**
   - 7.A. Amendments to the 2025-2026 Budget
   - 7.B. Bid Award for Maintenance Supplies, Equipment and Services
   - 7.C. Bid Award of Educational Consultants, Professional Development and Other Student-Based Contracted Services
   - 7.D. Bid Award for Local Retailers' General Merchandise
   - 7.E. Bid Award for Educational Software and Other School District Related Software
   - 7.F. Amendment to the Interlocal Agreement between the McLennan County Juvenile Probation Department and Waco ISD for Child Nutrition Services for the 2026-2027 School Year
   - 7.G. Child Nutrition Services Amendment to Adult Meal Pricing for the 2026-2027 School Year
   - 7.H. Memorandum of Understanding Between Economic Opportunities Advancement Cooperation (EOAC) Head Start and Waco ISD for the 2026-2027 School Year
   - 7.I. Memorandum of Understanding Between the Waco ISD and Partner Independent School Districts for Tuition and Building Fee Rates for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2026-2027 School Year
   - 7.J. Purchases in Excess of $50,000 Under Pre-Existing Bids, Purchasing Cooperatives or Allowed Professional Services
   - 7.K. Financial Advisory Services Engagement
   - 7.L. Reading Academy Stipend
   - 7.M. School District Teaching Permit for Selected Teacher Candidates to Teach a Non-Core Academic CTE Course
   - 7.N. 2026-2027 Student Handbook
   - 7.O. 2026-2027 Student Code of Conduct
   - 7.P. YMCA MOU Amendment
   - 7.Q. Acceptance of Gifts Over $50,000
   - 7.R. Library Books Purchase
   - 7.S. Hiring of an Employee Related to a Current Administrator
   - 7.T. Resolution for the Historic Lofts of Waco High Development
   - 7.U. Board of Trustees Meeting Minutes
     - 7.U.1. April 29, 2026 - Special Meeting
     - 7.U.2. May 14, 2026 - Regular Meeting
     - 7.U.3. May 14, 2026 - Special Meeting
     - 7.U.4. June 2, 2026 - Workshop Meeting
     - 7.U.5. June 9, 2026 - Special Meeting
     - 7.U.6. June 9, 2026 - Workshop Meeting
8. **Review and Discuss Budget Update**
   Presenter: Sherry Smith
9. **Review, Discuss and Take Appropriate Action Regarding the 2026-2027 Compensation Manual**
   Presenter: Dr. Ronnita Carridine
10. **Review, Discuss and Take Appropriate Action on Strategic District Enhancements Funding from General Fund**
    Presenter: Jerry Allen

11. **Public Hearing to Evaluate the Effectiveness of Accelerated Instruction/Interventions**
    Presenter: Kournti Parnell
12. **Review and Discuss Priority 3 - 3.3 Strategic Communication and Branding**
    Presenter: Jill Anderson
13. **Review, Discuss and Take Appropriate Action on Amendment to Optional Flexible Day School (OFSDP) Program**
    Presenter: Dr. Deena Cornblum
14. **Review, Discuss and Take Appropriate Action Regarding Hazardous Routes**
    Presenter: Monique Brock
15. **Announcements**
16. **Review and Discuss Potential Contracts on Real Property**
17. **Consideration of Personnel**
    17.A. Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
    17.B. Hear a Complaint or Charge Against an Officer or Employee
18. **Adjournment**

If, during the course of the meeting, the Board may lawfully conduct a closed meeting as to all or part of any item on the agenda, then, in accordance with applicable law, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). The Board shall not conduct a closed meeting unless a quorum of the Board first convenes in an open meeting for which proper notice has been given. Before any closed meeting is conducted, the presiding officer will publicly identify the section or sections of the Open Meetings Act or other applicable law authorizing the closed meeting. All final votes, actions, or decisions regarding any matter deliberated in a closed meeting shall only be taken in open meeting for which proper notice has been given. (See BEC(LEGAL))

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Jill Anderson

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 Waco ISD Board of Trustees' regular business meeting. For June, we have the pleasure of welcoming G. W. Carver Middle School students, Alaiyah Peller and Jaleya Davis.

Fine Arts Earns National Honor

We are pleased to announce that the Waco ISD Fine Arts Department has been named a National Association of Music Merchants Foundation "Best Communities for Music Education" for 2026. Congratulations to all the musicians, singers, and all of their wonderful directors!

State Visual Arts Scholastic Event Qualifiers

Congratulations to University High School students Lluvia Vega, Gabriella Suarez, Naila Jamshid, and Danna Villareal, and Waco High students Brittany Leija and Miguel Davila, for qualifying for the State VASE competition.

State 4-H Roundup

Congratulations to Torian Barnett for winning FIRST place at the State 4-H Roundup with an impactful championship speech addressing student apathy! Karyme Reyes secured second place in the photography competition, while Lilly Rose placed ninth in the Open Educational Presentation Category for her speech on Eco Bricks. These talented students dedicated countless hours of hard work and passion to compete at the state level, and their efforts truly paid off. Congratulations on your amazing achievement.

State Track Meet

Congratulations to University High School student Rogelio Enriquez, who participated in the 2026 UIL State Track Meet in Austin. Rogelio participated in the Boys Shot Put 5A finals and earned 9th place at the State competition!

State Speech Contest

Congratulations to University High School student Damari West on an incredible accomplishment at the 2026 UIL State Speech Contest! In his first-ever State appearance, Damari earned 4th place in the preliminary round, advancing to the Top 8 in Texas for Prose Oral Interpretation.

Lone Star Investment Pool Board Of Trustees Appointment

Dr. Spicer has been appointed to the Lone Star Investment Pool Board of Trustees, a thirteen-member statewide organization where she will provide fiscal stewardship and investment support. In this capacity, she will be responsible for financial management, including refining investment policies, conducting audit analyses, and maintaining high operational standards.

Her term concludes in February 2029, with eligibility for up to three additional three-year reappointments. Dr. Spicer looks forward to representing the community and safeguarding the resources that support local schools. The Waco ISD Board of Trustees formally supported her acceptance of this appointment through a resolution in May 2026.

Community Partner Award

Waco ISD is excited to honor VOICE as our community partner for May. VOICE forged a strong partnership with our district through various initiatives aimed at enhancing student well-being, academic achievement, and community engagement.

Central to VOICE's efforts is the implementation of evidence-based curricula promoting healthy behaviors and essential life skills for K–12 students. They also conduct educational presentations for students, staff, and families to enhance awareness of behavioral health and reduce stigma.

VOICE supports families in truancy court and participates in programs like the Strengthening Families Program to improve student outcomes. They engage in national prevention initiatives, such as the Red Ribbon Campaign, and host community events to strengthen school-community ties. Their coalition, VASA, collaborates with schools to combat vaping by providing disposal boxes and educational signage.

Furthermore, VOICE is active in Campus Decision-Making Committees at local high schools and contributes to district-wide events like the Family Back-to-School Bash. Through these collective efforts, VOICE is committed to fostering educational success and promoting overall wellness in the community.

We are deeply grateful for the lasting impact that VOICE has made on the Waco community. Thank you for your unwavering support!

Fiscal Implications:
None

Administration Recommendations:
For discussion only

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person: Sherry Smith**

RE: Monthly and Quarterly Financial Reports for the Period Ended May 31, 2026

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Background Information:

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

General Fund
Food Service Fund
Debt Service Fund
Internal Services Fund

Also attached are the May quarterly reports for the following:

Tax Collection Report
Cash and Investment Report
Cash Flow Projection

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 project 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 Recommendation(s):

The administration recommends that the Board of Trustees accept the monthly and quarterly financial reports for the periods ending May 31, 2026, as presented.

BUSINESS &
FINANCIAL SERVICES

Waco Independent School District
Business & Financial Services

Sherry Smith
Chief Financial Officer

P.O. Box 27, Waco, Texas 76703
Phone: 254-755-9452

June 10, 2026

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 May 31, 2026 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 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, 2026.
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, 2026. Outstanding encumbrances are included on the "Encumbrances and Expenditures by Fund, Function, and Object" schedule, only.
Beginning Fund Balance:	Represents August 31, 2025 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.

Sherry Smith
Chief Finance Officer

Comparison of Fiscal Year 2025-2026 Revenues and Expenditures to Previous Fiscal Year as of May 31, 2026

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 May have decreased $2,129,356 over last year and, as a percent of estimated revenue, are below last year's collections by approximately 1.11%. The decrease in revenue is due to the decrease in the levy amount and collections as the M&O tax rate for is unchanged between the 2024 and 2025 tax years. Even more significant is that, even though the appraised values of properties increased 1.8%, the new exemptions resulted in a decrease in taxable value of 4.7%. The cumulative value adjustments to the initial levy have been substantial causing decreased tax collections. This is offset by an increase in State Foundation School Program Revenue (see 5810, below).

5730 Tuition and Fees – Tuition for ineligible prekindergarten students is down $90,200. This is mainly due to district teachers no longer having to pay for their children to attend PK at Waco ISD.

5750 Extracurricular Activities – Revenues shown on the May report have decreased $11,486 from last year or 39.9%. This decrease is primarily in football gate receipts and concession sales.

5810 Per Capita and Foundation School Program Revenue – Revenue has increased $9.4 million over last year. Although last year's revenue was reduced to settle the overpayment in the 2023-2024 school year, most of this increase is due to the shift in funding from local property tax collections to state funding resulting from the increases in exemptions.

5830 TRS On-behalf/Medicare Part D- In Texas, school districts must record "on-behalf" payments made by the State of Texas to the Teacher Retirement System (TRS) as equal revenues and expenditures. This accounting treatment is required by GASB Statement No. 24, where the state contributions to TRS act as an expenditure for the district and offsetting revenue. Net impact to the district is zero.

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 increase of $5.0 million is primarily due to the significant increase in teacher pay funded through the Teacher Retention Allotment.

12 Instructional Resources & Media – Expenditures have increased $46,320 over last year. This is a result of transferring library staff out of ESSER funding and back into the general fund as of October 1, 2024.

13 Curriculum & Instructional Staff Development – Most of the $132,573 increase is due to the purchase of Franklin Covey's Leader in Me instructional framework of $62,745.

31 Guidance, Counseling & Evaluation Services – Increases in the identification of students as special needs continues to drive costs of diagnostic and evaluation services. At the end of May total expenses comparing year to year have increased $238,825 over last year.

34 Student Transportation Services – Expenditures have declined $1,180,704 from 2024-2025. This decrease is due to start-up costs incurred last fall as the District transitioned to an in-house transportation program.

51 Plant Maintenance and Operations – Expenditures have increased $1,795,427 over last year. A number of factors are contributing to the increase including, increased utility costs and increased property insurance costs as well as the work on projects not completed in 2025. These increases were anticipated in developing the 2025-2026 budget, as the Board committed $2.7 million in projects for Plant Maintenance and Operations at the August 28, 2025 board meeting.

53 Data Processing Services – Expenditures have decreased $364,700, as compared to the previous year.

61 Community Services – The decrease of $586,428 is twofold, partially due to the termination of the wrap-around services with Transformation Waco and the timing of payments for Community in Schools.

Child Nutrition Fund

Revenues:

5750 Extracurricular Activities – Revenues from catering and ala carte meals has decreased $140,092 or 24% from last year through May. Several factors have contributed to the decrease. Ala carte sales are down due the required pricing increase and a number of campuses did not start selling snacks until later in the school year or are restricting snack purchases to Fridays. Additionally, non-compliant drinks and food are no longer sold in the coffee kiosk at University High School and the new or revamped coffee kiosks at both high schools did not start at the beginning of the school year.

5900 Federal Sources Revenue – Federal reimbursements for meals breakfast and lunch meal reimbursement have decreased in the amount of $215,641, or 2.2%. As a participant in the Community Eligibility Program, 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 May 1st. The reimbursement rate has for the 2025-2026 school year was once again set at 100%.

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 decreased $397,559 from last year. The decrease is primarily due to timing issues in paying Sodexo's monthly charges due to billing issues that needed to be resolved prior to payment.

Debt Service Fund

Revenues:

5710 Local Property Taxes – Property tax collections at the end of May have decreased $2,581,542 in comparison to last year, whereas the budget only decreased $1.9 million from last year. As explained in the General Fund's local property revenue section of this comparison, adjustments to the initial levy have been substantial causing a decrease in collections. Collections as a percent of budget have decreased 2.83%.

5820 Other State Program Revenue – Because the increased property tax exemptions had to have voter approval in November, the Texas Education Agency was delayed in its calculation of the Additional State Aid for Homestead Exemptions until December. Revenue has increased by $240,985 from last year.

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 increased from the prior year in the amount of $1,713.

Proprietary Fund – Governmental Activities – Internal Service Fund

The District utilizes an Internal Services Fund to account for its self-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 May 31, 2026, revenues have exceeded expenditures by $80,647. This improvement is due to the increase in employer contributions. Annual medical claims increased $1,204,798 compared to annual medical claims through May 2025 and prescription drug claims decreased $431,541 compared to the previous year. The following chart reflects net operations for the various programs accounted for in the fund:

Program	Revenues	Expenses	Net
Group Health Insurance	$ 12,892,940	$ 13,131,406	$ (238,465)
Unemployment Compensation	55,253	47,228	8,025
Workers' Compensation	602,244	291,156	311,088
Total	$ 13,550,437	$ 13,469,790	$ 80,647

Unemployment reflects claims for the quarter ended December 31, 2025. The May 30, 2026 claims has not yet been billed and we have reached out to the Texas Workforce Commission in regards to not receiving an invoice for the quarter ending March 31.

Workers' compensation claims expenditures have decreased $66,378 from last year. TASB's administrative fee was paid at the beginning of the year and totals $123,068, an increase of $2,552.

Reserves for estimated incurred-but-not-reported (IBNR) claims for the fully self-funded health insurance plan totaled $1,413,000 for medical claims with no run-out for prescription drugs, at August 31, 2025. This is an increase of $751,000. Additionally, reserves for the estimated allocated loss adjustment expense (ALAE) for the partially self-funded workers' compensation plan totaled $249,336, a decrease of $24,093. In total estimated liabilities for incurred-but-not-reported claims were $1,662,336. The beginning net position at September 1, 2025 was $2,042,014. This is an estimated increase of $401,764 over last year's beginning fund balance.

Waco Independent School District

BALANCE SHEET

GENERAL FUND

As of May 31, 2026

ASSETS		
Cash and Temporary Investments		114,641,749
Property Taxes Receivable, Net of Allowance of $1,362,782		1,942,709
Due from Other Governments		3,729,867
Accrued Interest		92,371
Other Receivables		81,135
Inventories		335,240
Deferred Expenditures		2,578
Total Assets	$	120,825,650
LIABILITIES		
Accounts Payable	$	1,260,050
Other Current Liabilities		
Payroll Withholdings and Contributions Payable		1,398,189
Accrued Wages Payable		16,142,600
Due to Other Funds		4,837,130
Due to Other Governments		-
Unearned Revenue		796
Total Liabilities	$	23,638,764
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	1,942,709
Total Deferred Inflows of Resources	$	1,942,709
FUND BALANCES		
Nonspendable Fund Balance	$	337,818.76
Committed Fund Balance		316,660
Unassigned Fund Balance		94,589,698
Total Fund Balances	$	95,244,176
Total Liabilities and Fund Balances	$	120,825,650

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE

BUDGET AND ACTUAL

For the Period Ended May 31, 2026

GENERAL FUND

		Adopted Budget	Amended Budget	(Memo) Monthly Current 5/31/2026	(Memo) Monthly Prior Year 5/31/2025	(Memo) Year-to-Date Current 5/31/2026	(Memo) Year-to-Date Prior Year 5/31/2025	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5710	Local Property Taxes	$ 64,323,431	64,323,431	229,202	503,767	62,554,540	64,683,896	(1,768,891)	97.25%	96.14%
5720	Services to Other Districts	75,000	75,000	8,366	8,106	79,856	72,937	4,856	106.48%	94.72%
5730	Tuition & Fees	130,000	130,000	9,855	19,615	89,866	179,889	(40,134)	69.13%	119.93%
5740	Other Local Revenue	3,306,080	2,449,004	449,231	344,655	4,146,260	3,244,676	1,697,256	169.30%	91.31%
5750	Extracurricular Activities	535,100	535,100	12,663	14,814	480,870	492,356	(54,230)	89.87%	129.77%
5760	Intermediate Source (C.E.D.)	342,600	342,600	-	-	377,372	401,567	34,772	110.15%	105.40%
	Total Local Sources	$ 68,712,211	67,855,135	709,317	890,957	67,728,764	69,075,320	(126,371)	99.81%	96.17%
STATE SOURCES										
5810	Per Capita & FSP Act	$ 82,770,806	82,408,309	4,454,755	3,912,634	55,477,824	46,048,529	(26,930,485)	67.32%	63.74%
5820	Other State Program (TEA)	-	-	-	-	2,173		2,173	0.00%	0.00%
5830	Other State Program	8,022,521	8,022,521	593,595	601,705	5,383,147	5,347,767	(2,639,374)	67.10%	69.09%
	Total State Sources	$ 90,793,327	90,430,830	5,048,350	4,514,339	60,863,144	51,396,296	(29,567,686)	67.30%	64.25%
FEDERAL SOURCES										
5900	Federal Sources Revenue	2,969,400	2,969,400	115,125	76,895	1,096,423	4,274,895	(1,872,977)	36.92%	92.19%
	Total Revenues	$ 162,474,938	161,255,365	5,872,792	5,482,190	129,688,331	124,746,512	(31,567,034)	80.42%	79.74%
EXPENDITURES										
11	Instruction	$ 93,906,052	94,094,386	7,434,119	7,261,060	75,246,118	70,202,692	18,848,268	79.97%	78.95%
12	Instructional Resources & Media	1,730,627	1,730,627	133,546	151,930	1,285,243	1,238,923	445,384	74.26%	82.83%
13	Curriculum & Staff Development	3,296,964	3,299,514	279,291	264,042	2,373,529	2,240,956	925,985	71.94%	68.11%
21	Instructional Leadership	3,236,966	3,246,798	273,361	281,693	2,399,270	2,397,789	847,528	73.90%	70.28%
23	School Leadership	9,450,823	9,822,293	893,921	876,878	7,601,779	7,165,294	2,220,514	77.39%	74.77%
31	Guidance, Counseling & Evaluation	7,661,768	7,673,947	659,885	677,483	6,001,587	5,762,762	1,672,360	78.21%	78.17%
32	Social Work Services	403,668	437,501	37,344	38,615	330,100	324,667	107,401	75.45%	72.25%
33	Health Services	1,651,775	1,682,448	131,459	138,946	1,303,752	1,364,600	378,696	77.49%	80.54%
34	Student Transportation	4,017,993	3,998,286	329,961	401,341	2,830,438	4,011,142	1,167,848	70.79%	66.73%
35	Food Service	-	-	-	-	-	21,157	-	0.00%	100.00%
36	Extracurricular Activities	5,770,086	6,114,639	370,492	392,117	4,522,154	4,377,505	1,592,485	73.96%	72.11%
41	General Administration	6,089,657	6,106,269	454,741	498,681	4,245,741	4,651,288	1,860,528	69.53%	68.07%
51	Plant Maintenance & Operations	20,563,018	26,982,487	1,326,060	1,415,162	16,593,074	14,797,648	10,389,413	61.50%	63.68%
52	Security & Monitoring Services	4,351,661	4,403,224	317,389	321,722	3,290,786	3,266,929	1,112,438	74.74%	75.62%
53	Data Processing Services	3,559,527	3,949,077	171,099	162,051	3,337,411	3,702,111	611,666	84.51%	76.70%
61	Community Services	581,856	254,756	9,500	86,074	178,212	764,640	76,544	69.95%	73.09%
71	Debt Service	480,710	681,814	28,882	28,436	449,382	341,790	232,432	65.91%	107.48%
93	Shared Services Arrangements	325,000	325,000	-	-	-	-	325,000	0.00%	0.00%
95	Juvenile Justice Program	708,000	708,000	-	54,653	608,229	641,535	99,771	85.91%	84.97%
97	Payments to Tax Increment Fund	108,580	108,580	-	144	99,503	76,965	9,077	91.64%	43.98%
99	Other Intergovernmental Charges	985,546	985,546	234,626	218,355	922,233	861,976	63,313	93.58%	92.19%
	Total Expenditures	$ 168,880,277	176,605,192	13,085,675	13,269,382	133,618,540	128,212,368	42,986,652	75.66%	74.95%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (6,405,339)	(15,349,827)	(7,212,883)	(7,787,192)	(3,930,210)	(3,465,856)	11,419,617		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	1,425,448	-		32,797,233	278,302	31,371,785		
8900	Other Uses	(298,171)	(298,171)	-	-	-	-	(298,171)		
	Total Other Financing Source (Uses)	$ (298,171)	1,127,277	-	-	32,797,233	278,302	31,073,614		
	Total Changes in Fund Balances	$ (6,703,510)	(14,222,550)	(7,212,883)	(7,787,192)	28,867,023	(3,187,553)	43,089,573		
Fund Balances, Beginning		50,940,275	66,377,153			66,377,153	65,148,265	-		
Fund Balances, Ending		$ 44,236,765	52,154,603			95,244,176	61,960,712	43,089,573		

Unaudited

6/10/2026

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

GENERAL FUND

For the Period Ended May 31, 2026

		Payroll Costs	Purchased & Contracted Services	Supplies & Materials	Other Operating Costs	Debt Services	Capital Outlay	Total Year-to-Date 5/31/2026	*(Memo)* Total Year-to-Date 5/31/2025
		6100	6200	6300	6400	6500	6600	6000	6000
11	Instruction	$ 69,957,519	3,704,073	1,636,161	418,933	-	6,820	75,723,507	70,850,644
12	Instructional Resources & Media	1,205,765	-	75,469	10,708	-	-	1,291,942	1,245,374
13	Curriculum & Staff Development	2,093,243	175,641	36,831	148,999	-	-	2,454,713	2,285,935
21	Instructional Leadership	2,263,528	24,914	69,467	84,264	-	-	2,442,173	2,420,988
23	School Leadership	7,408,941	88,869	80,364	115,983	-	-	7,694,157	7,224,912
31	Guidance, Counseling & Evaluation	5,766,602	102,469	114,666	31,683	-	-	6,015,420	5,782,527
32	Social Work Services	325,218	-	1,352	5,445	-	-	332,015	324,667
33	Health Services	1,289,398	3,476	44,440	4,282	-	-	1,341,596	1,372,962
34	Student Transportation	2,724,061	96,358	578,870	(489,987)	-	11,736	2,921,039	4,191,900
35	Child Nutrition	-	-	-	-	-	-	-	21,157
36	Co/Extracurricular Activities	2,518,040	1,077,940	503,732	944,282	-	-	5,043,995	4,799,374
41	General Administration	3,058,735	648,045	226,159	381,373	-	-	4,314,313	4,777,664
51	Plant Maintenance & Operations	7,479,128	10,540,427	1,232,988	2,082,843	-	380,550	21,715,937	16,855,844
52	Security & Monitoring Services	2,448,185	409,026	262,368	40,225	-	337,094	3,496,898	3,488,776
53	Data Processing Services	1,231,844	244,839	1,482,411	16,816	-	458,885	3,434,795	4,180,654
61	Community Services	78,065	95,838	2,944	6,903	-	-	183,750	777,745
71	Debt Service	-	-	-	-	449,382	-	449,382	341,790
81	Facilities Acquisition & Construction	-	-	-	-	-	-	-	-
93	Shared Services Arrangements	-	-	-	-	-	-	-	-
95	Juvenile Justice Program	-	-	-	662,156	-	-	662,156	641,535
97	Payments to Tax Increment Fund	-	-	-	99,503	-	-	99,503	76,965
99	Other Intergovernmental Charges	-	922,233	-	-	-	-	922,233	861,976
	Total Expenditures & Encumbered Funds	$ 109,848,272	18,134,149	6,348,224	4,564,411	449,382	1,195,085	140,539,524	132,523,388

Unaudited

6/10/2026

Waco Independent School District

BALANCE SHEET

CHILD NUTRITION FUND

As of May 31, 2026

ASSETS		
Cash and Temporary Investments	$	9,007,288
Due from Other Governments		751,575
Accrued Interest		89,944
Due from Other Funds		1,098,118
Other Receivables		12,718
Total Assets	$	10,959,643
LIABILITIES		
Accounts Payable	$	1,474,350
Accrued Wages Payable		436,318
Total Liabilities	$	1,910,668
FUND BALANCES		
Restricted Fund Balance	$	9,048,975
Total Fund Balances	$	9,048,975
Total Liabilities and Fund Balances	$	10,959,643

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended May 31, 2026

CHILD NUTRITION FUND

		Adopted Budget	Amended Budget	Monthly (Memo) Current 5/31/2026	Monthly (Memo) Prior Year 5/31/2025	Year-to-Date (Memo) Current 5/31/2026	Year-to-Date (Memo) Prior Year 5/31/2025	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5740	Other Local Revenue	$ 186,370	186,370	30,339	98,026	214,037	334,422	27,667	114.84%	514.50%
5750	Extracurricular Activities	650,435	650,435	39,958	51,048	451,889	591,981	(198,546)	69.47%	107.63%
	Total Local Sources	$ 836,805	836,805	70,297	149,074	665,926	926,403	(170,879)	79.58%	150.63%
STATE SOURCES										
5820	Other State Program (TEA)	$ 42,235	42,235	-	-	42,046	42,235	(189)	99.55%	108.29%
	Total State Sources	$ 42,235	42,235	-	-	42,046	42,235	(189)	99.55%	108.29%
FEDERAL SOURCES										
5900	Federal Sources Revenue	$ 10,763,972	10,763,972		844,897	9,531,928	9,747,569	(1,232,044)	88.55%	89.96%
	Total Revenues	$ 11,643,012	11,643,012	70,297	993,971	10,239,900	10,716,207	(1,403,112)	87.95%	93.27%
EXPENDITURES										
35	Food Services	$ 11,643,012	13,264,195	1,028,924	925,499	9,416,781	9,814,340	3,847,414	70.99%	63.67%
	Total Expenditures	$ 11,643,012	13,264,195	1,028,924	925,499	9,416,781	9,814,340	3,847,414	70.99%	63.67%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ -	(1,621,183)	(958,628)	68,472	823,119	901,867	2,444,302		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	-			10,661	49,927	10,661		
8900	Other Uses	-	-	-	-	-	-	-		
	Total Other Financing Sources (Uses)	$ -	-	-	-	10,661	49,927	10,661		
	Total Changes in Fund Balances	$ -	(1,621,183)	(958,628)	68,472	833,779	951,794	2,454,962		
Fund Balances, Beginning		7,320,007	8,215,196			8,215,196	7,704,506	-		
Fund Balances, Ending		$ 7,320,007	6,594,013			9,048,975	8,656,300	2,454,962		

Unaudited

6/10/2026

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

CHILD NUTRITION FUND

For the Period Ended May 31, 2026

	Payroll Costs	Purchased & Contracted Services	Supplies & Materials	Other Operating Costs	Capital Outlay	Total Year-to-Date 5/31/2026	*(Memo)* Total Year-to-Date 5/31/2025
	6100	6200	6300	6400	6600	6000	6000
35 Food Services	$ 3,465,767	4,252,694	1,115,672	132,474	1,755,333	10,721,940	10,735,436
Total Expenditures & Encumbered Funds	$ 3,465,767	4,252,694	1,115,672	132,474	1,755,333	10,721,940	10,735,436

Waco Independent School District

BALANCE SHEET

DEBT SERVICE FUND

As of May 31, 2026

ASSETS		
Cash and Temporary Investments	$	22,095,199
Property Taxes Receivable, Net of Allowance of $423,355		565,184
Due from Other Governments		46,957
Total Assets	$	22,707,340
LIABILITIES		
Accounts Payable		
Due to Other Funds	$	1,250
Due to Other Governments		-
Total Liabilities	$	1,250
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	565,184
Total Deferred Inflows of Resources	$	565,184
FUND BALANCES		
Restricted Fund Balance	$	22,140,906
Total Fund Balances	$	22,140,906
Total Liabilities and Fund Balances	$	22,707,340

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended May 31, 2026

DEBT SERVICE FUND

		Adopted Budget	Amended Budget	Monthly (Memo) Current 5/31/2026	Monthly (Memo) Prior Year 5/31/2025	Year-to-Date (Memo) Current 5/31/2026	Year-to-Date (Memo) Prior Year 5/31/2025	Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5710	Local Property Taxes	$ 21,584,124	21,584,124	77,651	179,475	21,236,770	23,818,312	(347,354)	98.39%	101.22%
5740	Other Local Revenue	454,261	454,261	67,343	82,353	442,782	514,208	(11,479)	97.47%	485.10%
	Total Local Sources	$ 22,038,385	22,038,385	67,343	261,828	21,679,553	24,332,520	(358,832)	98.37%	102.94%
STATE SOURCES										
5820	Other State Program (TEA)	$ 3,873,340	3,873,340	-	-	2,806,498	2,593,259	(1,066,842)	72.46%	109.94%
	Total State Sources	$ 3,873,340	3,873,340	-	-	2,806,498	2,593,259	(1,066,842)	72.46%	109.94%
	Total Revenues	$ 25,911,725	25,911,725	67,343	261,828	24,486,051	26,925,779	(1,425,674)	94.50%	103.57%
EXPENDITURES										
71	Debt Service	$ 26,115,742	26,115,742	1,650	400	7,932,796	8,057,346	18,182,946	30.38%	31.05%
97	Payments to Tax Increment Fund	33,526	33,526	-	43	35,334	33,621	(1,808)	105.39%	73.09%
	Total Expenditures	$ 26,149,268	26,149,268	1,650	443	7,968,130	8,090,967	18,181,138	30.47%	31.12%
	Total Changes in Fund Balances	$ (237,543)	(237,543)	65,693	261,385	16,517,920	18,834,812	16,755,463		
Fund Balances, Beginning		5,334,388	5,622,986			5,622,986	3,964,079	-		
Fund Balances, Ending		$ 5,096,845	5,385,443			22,140,906	22,798,891	16,755,463		

Waco Independent School District

Statement of Net Position

Proprietary Fund

As of May 31, 2026

	Governmental Activities Internal Service Fund
Assets	
Current assets:	
Due from other funds	$ 3,376,151
Other receivables	-
Prepaid items-health insurance	607,312
Total assets	$ 3,983,463
Liabilities	
Current liabilities:	
Accounts payable	198,465
Other current liabilities	$ 1,662,336
Total current liabilities	$ 1,860,801
Total liabilities	$ 1,860,801
Net position	
Unrestricted net position	$ 2,122,661
Total net position	$ 3,983,463

Waco Independent School District
Statement of Revenues, Expenses, and Changes in Net Position
Budget and Actual
For the Period Ended May 31, 2026

Proprietary Fund
Governmental Activities - Internal Service Fund

	Budget	Monthly (Memo) Current 5/31/2026	Monthly (Memo) Prior Year 5/31/2025	Year-to-Date (Memo) Current 5/31/2026	Year-to-Date (Memo) Prior Year 5/31/2025	Difference Budget to Current Year-to-Date	CY YTD As % of Budget	PY YTD As % of Budget
Operating revenues:								
Employee contributions:								
Group health	$ 3,882,886	306,472	$ 313,592	2,719,199	$ 2,815,387	(1,163,687)	70.03%	74.25%
Assessments to other funds:								
Group health	11,514,055	1,019,774	942,454	8,811,834	7,823,538	(2,702,221)	76.53%	71.72%
Unemployment	66,387	6,099	7,285	55,253	67,863	(11,134)	83.23%	94.12%
Workers compensation	781,564	67,279	77,292	602,244	698,206	(179,320)	77.06%	83.33%
Wellness Program	-	-	-	50,500	43,758	50,500	0.00%	87.52%
Prescription drug rebates	2,971,655	-	-	1,298,452	1,478,949	(1,673,203)	43.69%	66.36%
Insurance recovery	-		-	12,956	6,846	12,956	0.00%	0.00%
Total operating revenues	$ 19,216,547	1,399,623	1,340,623	13,550,437	12,934,547	(5,666,110)	70.51%	72.31%
Operating expenses:								
Administrative fees	$ 1,281,156	138,146	121,915	1,080,964	956,000	200,192	84.37%	69.30%
Claims expense:								
Medical claims	7,477,484	725,457	552,492	5,811,915	4,607,117	1,665,569	77.73%	63.61%
Prescription drug claims	8,186,098	560,920	516,030	4,695,607	5,127,148	3,490,491	57.36%	77.27%
Unemployment	75,177	-	-	47,228	40,714	27,949	62.82%	50.89%
Workers compensation	604,550	1,772	29,241	168,088	234,326	436,462	27.80%	37.85%
Stop-loss insurance	2,129,264	198,828	155,735	1,665,987	1,430,453	463,277	78.24%	76.03%
Wellness Program	-	-	-	-	38,478	-	0.00%	76.96%
Total operating expenses	$ 19,753,729	1,625,124	1,375,413	13,469,790	12,434,236	6,283,939	68.19%	69.51%
Change in net position	$ (537,182)	(225,500)	(34,790)	80,647	500,311	617,829		
Net position:								
Net position, beginning	$ 3,005,465			2,042,014	1,640,250	(963,451)		
Net position, ending	$ 2,468,283			2,122,661	2,140,561	(345,622)		

Waco Independent School District

Statement of Cash Flows

For the Period Ended May 31, 2026

Proprietary Fund

	Governmental Activities Internal Service Fund
Cash flows from operating activities:	
Cash received from employee contributions	$ 306,472
Cash received from assessments to other funds	1,318,652
Cash received from prescription drug rebates	-
Cash received from insurance recoveries	-
Cash received from insurance for wellness plan	-
Cash payments for claims	(1,288,150)
Cash payments for stop loss premiums	(198,828)
Cash payments for professional and contracted services	(138,146)
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 gain (loss)	$ (225,500)
Effects of increases and decreases in current assets and liabilities:	
Decrease in receivables	(1,280,528)
Decrease in prepaid items	(5,025)
Decrease in accounts payable	1,511,053
Net cash provided by operating activities	$ (0)

Waco Independent School District

TAX COLLECTION REPORT

For the Quarter Ended May 31, 2026

	Year-to-Date	
	Current	**Prior Year**
	5/31/2026	**5/31/2025**
Certified Taxable Value	$ 8,786,598,844	$ 9,220,525,177
Cumulative Value Adjustments	(117,731,970)	(101,448,127)
Adjusted Taxable Value	$ 8,668,866,874	$ 9,119,077,050
Tax Rate	$ 1.026600	$ 1.048940
Paid Accounts	39,508	39,685

	Quarter		Year-to-Date	
	Current	**Prior Year**	**Current**	**Prior Year**
	5/31/2026	**5/31/2025**	**5/31/2026**	**5/31/2025**
Collections / (Refunds):				
Current Year	$ 2,009,070	$ 1,947,070	82,842,301	87,698,769
Prior Years	(91,453)	50,812	397,010	229,368
Penalties & Interest	328,774	328,234	686,836	684,658
Other	104,067	87,884	340,775	285,871
Total Collections	$ 2,350,458	$ 2,414,000	84,266,923	88,898,665
Disbursements:				
Payments to Tax Increment Fund	$ -	$ (187)	7,111	22,557
Attorney Fees	(104,067)	(87,884)	(340,775)	(285,871)
Appraisal Commission Fees	(173)	(381)	(5,047)	(6,463)
Total Disbursements	$ (104,240)	$ (88,451)	(338,711)	(269,777)
Net Cash Inflow	$ 2,246,218	$ 2,325,549	83,928,212	88,628,889
Collections as a Percent of Original Levy:				
Current Collections	2.3%	2.2%	94.4%	95.9%
Total Collections	2.2%	2.1%	94.8%	96.1%

	Current Year's Levy	**Prior Years' Levies**	**Total**
Taxes Receivable at Period End:			
Beginning Balance	$ -	4,294,031	4,294,031
Tax Levy	87,758,964	-	87,758,964
Levy Adjustments	(2,001,578)	(978,219)	(2,979,797)
Levy (Paid) / Refunded	(82,842,301)	(397,010)	(83,239,312)
Ending Balance	$ 2,915,085	2,918,801	5,833,886

BUSINESS & FINANCIAL SERVICES

Sherry Smith
Acting Chief Financial Officer

P.O. Box 27, Waco, Texas 76703
Phone: 254-755-9452

June 10, 2026

Board of Trustees
Waco Independent School District
Waco, Texas

Following is the quarterly summary of cash and investments held by the school district as of May 31, 2026. As of that date, the District had approximately $15.3 million in on demand deposits at Extraco Bank. Another $24.2 million was deposited in other FDIC insured investments including: $4.9 million in the Texas Range Certificate of Deposit program, $11.8 million in a TFNB Insured Deposit Program, and $7.6 million in a Landing Rock Funds account. The Landing Rock Fund is a liquid investment alternative that combines no risk (100% FDIC insured) with a higher yield than we were achieving through the insured cash shelter account. The District's investments in public funds investment pools totaled $118 million.

As of the end of May, accrued interest on investments totaled $174,790.

Total cash and investments for the District as of May 31, 2026 was $173.3 million. This is down $26 million from total cash and investments at the end of the last quarter. During the quarter, the District expended approximately $3.3 million in capital projects funds. Approximately $22.1 million of the total cash and investments is restricted for debt service, $8.9 million for Child Nutrition Services, and $24.8 million for capital projects funds.

Also attached is the cash flow projection for the quarter ending May 31, 2026. If you have any questions, please do not hesitate to call.

Sherry Smith
Acting Chief Finance Officer
Business and Financial Services

Waco Independent School District

CASH AND INVESTMENT REPORT

For the Quarter Ended May 31, 2026

REPORT OF INVESTMENT ACTIVITY

Description	Coupon or Average Rate of Return	Weighted Average Maturity or Maturity Date	Market Value 2/28/2026	Book Value 2/28/2026	Interest Earnings	Purchases & Transfers In	Sales & Transfers Out	Changes in Market Value	Market Value 5/31/2026	Book Value 5/31/2026	Accrued Interest
CASH IN DEPOSITORY (EXTRACO):											
Operating Revenues	3.300%		$ 4,666,382	$ 4,666,382	$ 12,252				$ 538,891	$ 538,891	$ -
Accounts Payable	3.300%		4,551,539	4,551,539	$ 22,314				1,752,228	1,752,228	-
Payroll	3.300%		185,639	185,639	$ 6,682				14,458	14,458	-
District Activity	3.300%		802,934	802,934	$ 6,625				796,872	796,872	-
Child Nutrition Services	3.300%		3,331,708	3,331,708	$ 24,588				1,969,098	1,969,098	-
Capital Projects 2022	3.300%		950,780	950,780	$ 18,516				2,852,358	2,852,358	-
Capital Projects 2022B	3.300%		1,566,004	1,566,004	$ 14,835				1,896,373	1,896,373	
Capital Projects 2023	3.300%		1,371,668	1,371,668	$ 27,294				5,472,742	5,472,742	
Total Cash in Depository (Extraco)			17,426,653	17,426,653	133,106				15,293,021	15,293,021	-
FDIC INSURED INVESTMENTS:											
Texas Range-Certificate of Deposit Program											
General Fund			3,587,000	3,587,000	-	$ 2,162,000	$ (2,868,000)	$ -	2,881,000	2,881,000	21,727
Child Nutrition Services			2,000,000	2,000,000	-	-	-	-	2,000,000	2,000,000	66,480
Landing Rock-FDIC Insured Deposit Program											
General Fund	3.500%		6,426,844	6,426,844	44,522	-	(2,000,000)	-	4,471,366	4,471,366	-
Debt Service Fund	3.500%		3,067,940	3,067,940	26,836	-	-	-	3,094,776	3,094,776	-
TFNB-FDIC Insured Deposit Program	3.666%		8,194,519	8,194,519	75,877	-	-	-	8,270,396	8,270,396	-
TFNB-FDIC Insured Deposit Program	3.666%		3,497,091	3,497,091	32,590	-	-	-	3,529,681	3,529,681	-
Total Other FDIC Insured Investments			26,773,393	26,773,393	179,825	2,162,000	(4,868,000)	-	24,247,218	24,247,218	88,206
PUBLIC FUNDS INVESTMENT POOLS											
LONE STAR: (S&P Rating = AAAm)											
General Fund Corporate Overnight Plus	3.826%	68	30,008,348	30,008,348	289,109	-	-	-	30,297,456	30,297,456	-
General Fund Corporate Overnight Fund	3.758%	51	3,114,914	3,114,914	29,694	-	-	-	3,144,608	3,144,608	-
Government Overnight Fund											
General Fund	3.610%	42	625,096	625,096	5,747	-	-	-	630,844	630,844	-
Capital Projects 2022	3.610%	42	4,539,776	4,539,776	26,093	-	(2,500,000)	-	2,065,869	2,065,869	
TEXAS CLASS: (S & P AAAm)											
General Fund	3.549%	26	3,086,729	3,086,729	29,438	-	-	-	3,116,166	3,116,166	-
Capital Projects 2022B	3.549%	26	314,979	314,979	555	-	(315,535)	-	0	0	-
TEXASDAILY: (S&P Rating = AAAm)											
General Fund	3.610%	54	14,887,826	14,887,826	75,210	2,992,037.39	(14,423,380.72)	-	3,531,693	3,531,693	-
Child Nutrition Services	3.610%	54	4,286,705	4,286,705	18,705	758,230	(5,000,000)	-	63,640	63,640	-
Capital Projects 2023	3.610%	54	53,261	53,261	167	-	(53,261)	-	167	167	
Capital Projects 2023	3.610%	54	19,276,343	19,276,343	145,832	53,261	(7,000,000)		12,475,436	12,475,436	
Debt Service Fund	3.610%	54	2,203	2,203	20	-	-		2,224	2,224	
TEXPOOL: (S&P Rating = AAAm)											
General Fund	3.624%	46	56,610,694	56,610,694	451,301	19,084,861	(32,465,000)	-	43,681,855	43,681,855	-
Debt Service Fund	3.624%	46	18,255,320	18,255,320	172,207	629,463	(38,291)	-	19,018,699	19,018,699	-
Total for Public Funds Investment Pools			155,062,195	155,062,195	1,244,078	23,517,852	(61,795,467)	-	118,028,658	118,028,658	-
Total Cash and Cash Equivalents			199,262,241	199,262,241	1,557,009	25,679,852	(66,663,467)	-	157,568,897	157,568,897	88,206

Waco Independent School District

CASH AND INVESTMENT REPORT

For the Quarter Ended May 31, 2026

REPORT OF INVESTMENT ACTIVITY

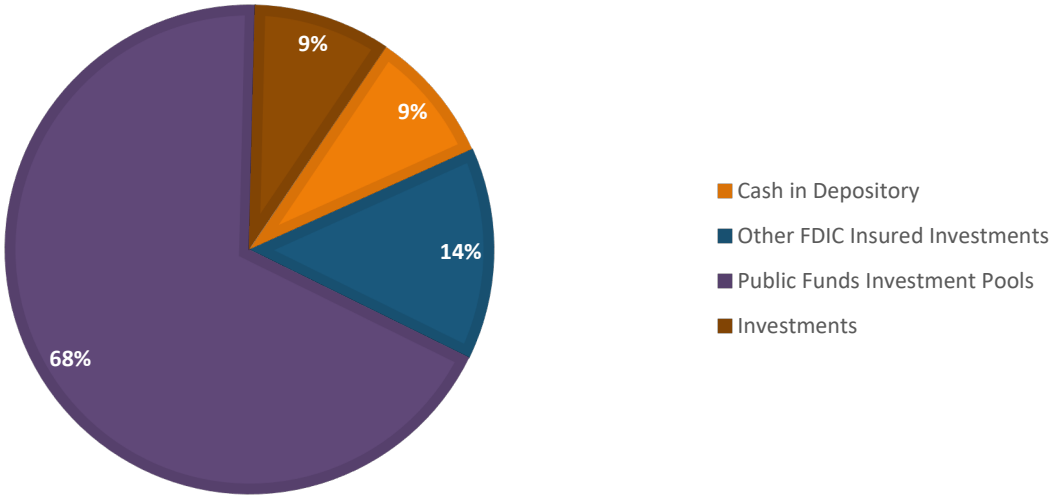
Description	Coupon or Average Rate of Return	Weighted Average Maturity or Maturity Date	Market Value 2/28/2026	Book Value 2/28/2026	Interest Earnings	Purchases & Transfers In	Sales & Transfers Out	Changes in Market Value	Market Value 5/31/2026	Book Value 5/31/2026	Accrued Interest
INVESTMENTS by Net Asset Value (NAV)											
Texas TERM Dec 26-General Fund	0.987%	4/15/2026	-	-	-	4,000,000	-	(52,000)	3,948,000	3,948,000	36,325
Texas TERM Dec 26-Child Nutrition Services	0.987%	4/15/2026	-	-	-	2,000,000	-	(26,000)	1,974,000	1,974,000	18,163
Texas TERM Dec 27-General Fund	0.977%	4/15/2026	-	-	-	7,000,000	-	(161,000)	6,839,000	6,839,000	26,793
Texas TERM Dec 27-Child Nutrition Services	0.977%	4/15/2026	-	-	-	3,000,000	-	(69,000)	2,931,000	2,931,000	5,302
Total Investments by Net Asset Value			-	-	-	16,000,000	-	(161,000)	15,692,000	15,692,000	86,583
Total Cash, Cash Equivalents, and Investments			$ 199,262,241	$ 199,262,241	$ 1,557,009	$ 41,679,852	$ (66,663,467)	$ (161,000)	$ 173,260,897	$ 173,260,897	$ 174,790

We believe the data presented for the quarter ended May 31, 2026 are accurate in all material respects, and are presented in a manner that fairly sets forth the investment standing of the Waco Independent School District. This report was prepared in compliance with the Waco Independent School District's Investment Policy and the Public Funds Investment Act of the State of Texas.

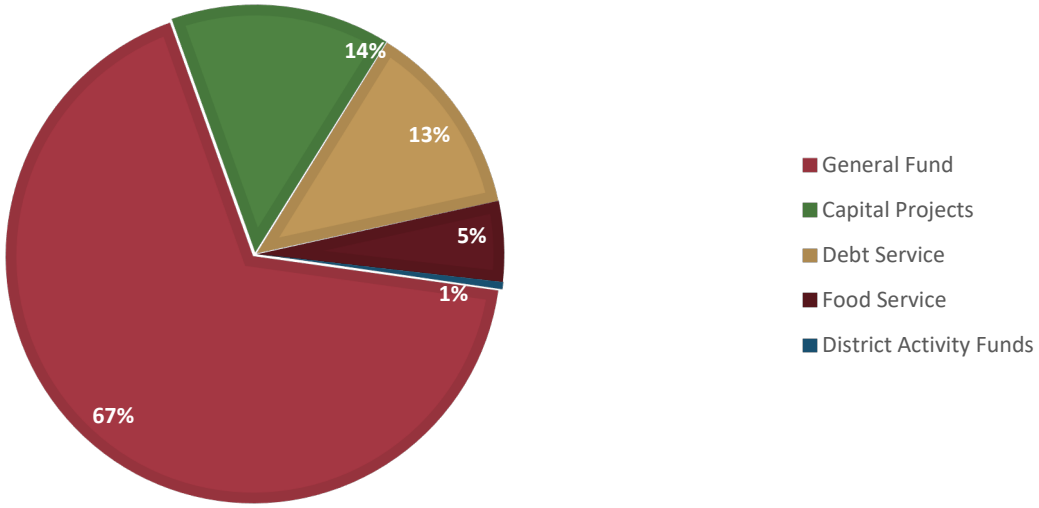
Sherry Smith — 6/10/2026
Sherry Smith — Date
Acting Chief Financial Officer

Clara Eppel — 6/10/2026
Clara Eppel — Date
Accounting Director

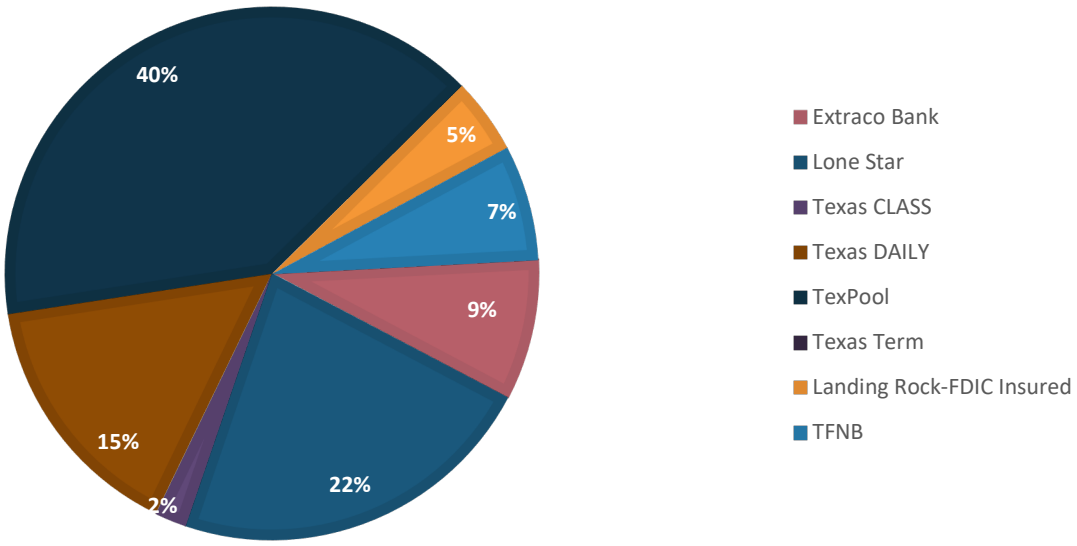
PORTFOLIO COMPOSITION BY INVESTMENT



PORTFOLIO COMPOSITION BY FUND



INTEREST EARNINGS BY ISSUER



Waco Independent School District

CASH FLOW PROJECTIONS

For the next quarter ending August 31, 2026

	June	July	August
Cash and Cash Equivalents, Beginning Balance	***$ 157,568,897***	***$ 183,572,844***	***$ 211,613,109***
Tax Revenue	*428,321*	*388,518*	*197,912*
Investment Earnings Revenue	*519,003*	*519,003*	*519,003*
Other Local Revenue	*2,544,533*	*1,748,900*	*3,277,804*
State Revenue	*6,652,906*	*8,678,503*	*10,025,167*
Federal Revenue	*793,170*	*1,628,079*	*3,112,487*
Payroll Disbursements	*(7,246,625)*	*(7,618,183)*	*(8,762,790)*
Accounts Payable Disbursements	*(7,819,389)*	*(7,459,079)*	*(8,627,360)*
Cash and Cash Equivalents, Ending Balance	*183,572,844.02*	*$ 211,613,109*	*$ 246,135,631*

2025 Actual Tax Collections (Net of TIF Pass-Through)

	Current Year's Levy	Prior Years' Levy	Penalty & Interest	Total
September, 2024	-	143,664	55,689	199,353
October	1,304,098	(110,616)	48,818	1,242,301
November	5,612,134	119,276	34,161	5,765,571
December	24,702,931	53,713	28,809	24,785,454
January, 2025	40,493,640	(35,646)	26,806	40,484,800
February	13,638,896	8,163	162,140	13,809,199
March	953,585	22,784	140,284	1,116,653
April	473,015	(36,314)	89,334	526,035
May	520,471	64,342	98,617	683,429
June	378,076	(11,237)	73,031	439,870
July	296,915	16,235	85,844	398,994
August	102,923	39,288	61,037	203,248
Total Collections	$ 88,476,683	$ 273,652	$ 904,570	$ 89,654,906

2026 Actual and Projected Tax Collections (Net of TIF Pass-Through)

	Current Year's Levy	Prior Years' Levy	Penalty & Interest	Total
September, 2025	-	112,249	57,250	169,498
October	2,349,191	96,447	49,145	2,494,782
November	4,501,062	(73,276)	30,092	4,457,877
December	24,028,072	144,573	54,513	24,227,158
January, 2026	25,984,764	89,783	24,532	26,099,080
February	23,970,142	118,687	142,531	24,231,360
March	1,265,273	10,888	181,328	*1,457,489*
April	420,292	(18,025)	79,782	*482,048*
May	323,506	(84,316)	67,664	*306,854*
June	*368,149*	*(10,942)*	*71,114*	*428,321*
July	*289,119*	*15,808*	*83,590*	*388,518*
August	*100,221*	*38,257*	*59,434*	*197,912*
Total Collections	*$ 83,599,790*	*$ 440,134*	*$ 900,974*	*$ 84,940,897*

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Kourtni Parnell

RE: Intent to Apply for Federal Every Student Succeeds Act (ESSA) Funds
==========

Background Information:
Each year Waco ISD submits an application for the Every Student Succeeds Act (ESSA) Consolidated Federal Grant through the Elementary and Secondary Education (ESEA) Act. The Texas Education Agency has notified the District of its grant entitlements for 2026-27. An application will be submitted for each of the following entitlements:

Title I, Part A – Improving the Academic Achievement of Students
Planning Amount: $6,815,785

Purpose: Provide all children a significant opportunity to receive a fair, equitable, and high–quality education to close educational achievement gaps.

Title II, Part A – Preparing, Training, and Recruiting High-Quality Teachers and Principals
Planning Amount: $845,672

Purpose: Provide educators (teachers, principals and school leaders) support in their work to improve the overall quality of instruction and ensure equity of educational opportunity for all students.

Title III, Part A – Language Instruction for English Learners and Immigrant Students
Planning Amount: $313,744
Purpose: Provide English learners, including immigrant children and youth, the necessary support to attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

Title IV, Part A – Student Support and Academic Enrichment
Planning Amount: $505,936
Purpose: Provide access to opportunities for a well-rounded education for all students, improve school conditions for student learning in order to create a

healthy and safe school environment; and improve access to personalized learning experiences supported by technology and professional development for the effective use of technology.

Fiscal Implications:

Funding entitlements are included in campus and district budgets for planning purposes.

Administrative Recommendation(s):

Report Only

Waco Independent School District

Board of Trustee Meeting Agenda

Date: June 18, 2025 Contact Person: Dr. Kimberly Winters

RE: School Health Advisory Council (SHAC) Annual Progress Report
==========

Background Information:
Policy BDF (Legal) states the SHAC shall submit to the Board, at least annually, a written report that includes the following information:

- Any SHAC recommendation concerning the district's health education, curriculum, and instruction or related matters that have not previously been submitted to the board.
- Any suggested modification to a SHAC recommendation previously submitted to the board.
- A detailed explanation of the SHAC's activities between the date of the current report and the date of the last prior written report.
- Any recommendations made by the physical activity and fitness planning subcommittee.

Since Section 28.004 established the SHAC, the responsibilities and importance of positively impacting student health and learning have grown significantly. This document fulfills the legislative requirement that SHACs submit a written report to the Board at least once annually.

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

Administrative Recommendation(s):

Report Only.

Waco ISD

School Health Advisory Council Annual Progress Report to the Board of Trustees

June 2026

As Required by the Texas Education Code, Section 28.004

Table of Contents

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Goals 2024-2025 5
Conclusion **6**

Background

A School Health Advisory Council (SHAC) is a group appointed by the school district to serve at the district level. Texas law [*Texas Education Code, Title 2, Subtitle F, Chapter 28, Subchapter A, §Section 28.004*] requires the establishment of a local school health education advisory council. Members of the SHAC come from different areas of the community and from within the school district. Most members must be parents who are not employed by the district.

Under TEC Section 28.004, the SHAC's duties include recommending policies, procedures, curriculum, and strategies for health education appropriate for specific grade levels. SHACs can advise the district on how to advance student academic performance by promoting, practicing, and coordinating school health education and services. If utilized, the SHAC's contributions to coordinated school health programming can have a more significant positive impact on student health and learning. The SHAC is required to meet at least four times each year.

The Texas Department of State Health Services has developed a guide titled School Health Advisory Council: A Guide for Texas School Districts. This document provides school staff and community members with basic information about the SHAC's value in creating a healthy school environment for students. The Waco ISD SHAC utilizes this document to help reach district goals.

SHAC Organization

Waco ISD has designated Dr. Kimberly Winters, Executive Director for Student Support Services, as the district SHAC coordinator. Dr. Winters works closely with multiple school district members to ensure that SHAC meets the BDF (LEGAL) standards and complies with all SHAC-related policies and mandates.

Dr. Winters, along with the SHAC parent chair(s), schedules SHAC meetings, creates agendas, assists SHAC leadership, and promptly posts all necessary information to the SHAC webpage.

SHAC leadership consists of the Chair and Co-Chair (if elected). During meetings or events, the Executive Director of Student Support Services serves in a consultative role to ensure that meetings and events are policy-compliant and meet the district's needs. A Child Nutrition representative and other District Leadership representatives assist SHAC leadership as needed.

2025-2026 SHAC Membership

The composition of SHAC membership complies with district policy BDF (LEGAL), which states: *The board shall appoint at least five members to the SHAC. Most members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the SHAC.*

The current SHAC consists of 13 members, nine of whom are parents of WISD students. Additionally, two parent members (not employed by the district as outlined in the policy) were elected as Co-Chairs, Sarah Pedrotti and Hope Balfa.

Fr. Kimbelry Winters is the SHAC Coordinator responsible for logging meeting attendance, meeting minutes, and other documentation as necessary. Dr. Winters ensured that the necessary SHAC information was posted to the SHAC website and publicly posted at the district administrative offices and campuses on time.

The following individuals are members of the 2025-2026 WISD SHAC, as reported in the board meeting on September 25, 2024:

- Rob Ward (HPDS)
- Alfred Monroe (Kendrick & CCMS)
- Hope Balfa (LAMM & TMS)
- Sarah Pedrotti (UHS and Communities in Schools)
- Matthew Polk (HPDS and Waco Family Medicine)
- Fernando Arroyo (Tennyson, WHS, and Waco Family Medicine)
- Mary Danielson (LAMM)
- Misty Burks (LAMM)
- Stephanie Pieper (LAMM)
- Maria Sardaneta (UHS)
- Ruth Lara (WMCPHD)
- April Strickland (AgriLife)
- Erin Hughley (Oceans Behavioral Hospital)
- Rhiannon Settles, Director of Health Services
- Dr. Suzanne Hamilton, Assistant Superintendent for Student Services & Support
- Dr. Kimberly Wnters, Executive Director of Student Support Services
- Sara Miller, Coordinator of Counseling and SEL
- Sarah Hodde, CNS Specialist
- Craig Goodman, Waco ISD Chief of Police

SHAC Webpage

Coordinated School Health (CSH) is a systematic approach to advancing student academic performance by promoting, practicing, and coordinating school health education and services for the benefit and well-being of students in establishing healthy behaviors designed to last a lifetime. All Texas schools are required by Section 38.014 to implement a CSH program in grades K-8.

The SHAC has a district web page maintained by the WISD Student Services Department. The page can be found under the District's Student Services and Support tab at https://www.wacoisd.org/Page/4216. It also includes SHAC agendas, public postings, and minutes, as well as SHAC bylaws and meeting dates. The page provides required information, resources available to the district community, and mitigation plans.

Information about the District Wellness Plan and Immunization Requirements is available on the Health Services page: https://www.wacoisd.org/Page/4152.

Annual Reporting Criteria

According to BDF LEGAL of the District's wellness plan, the SHAC shall submit to the board, at least annually, a written report that includes the following:

1. Any SHAC recommendation concerning the district's health education curriculum and instruction or related matters that the SHAC has not previously submitted to the board.

2. Any suggested modification to a SHAC recommendation previously submitted to the board.

3. A detailed explanation of the SHAC's activities between the date of the current report and the date of the last prior written report.

4. Any recommendations made by the physical activity and fitness planning subcommittee.

Legislative Bills & Meeting Dates

The WISD School Health Advisory Council met four times during the 2025-2026 school year as required by district policy BDF (LEGAL) and Texas Education Code 28.004(a).

Legislative Functions:

- House Bill 18 - Relating to consideration of the mental health of public school students in training requirements for certain school employees, curriculum requirements, counseling programs, educational programs, state and regional programs, and services, and health care services for students, and to mental

health first aid program training and reporting regarding local mental health authority and school district personnel.

- House Bill 1525—Relating to updated procedures for recommending human sexuality instruction curriculum and changes in meeting requirements to include posting a meeting notice, recording the meeting, and posting minutes to the school district website.
- Senate Bill 9 (Special Session) – Updated procedures recommending child abuse, family violence, dating violence, and sex trafficking curriculum.
- Senate Bill 11 - Relating to policies, procedures, and measures for public school safety and mental health promotion and creating the Texas Child Mental Health Care Consortium.
- Senate Bill 435 - Relating to recommendations by local school health advisory councils regarding opioid addiction and abuse education in public schools.

Meeting dates:

- October 1, 2025
- December 10, 2025
- February 4, 2026
- May 13, 2026

Required BDF (LEGAL) Board Updates

1. **Update Requirement** | WISD SHAC 2025-2026 continues with the recommendation to incorporate the requirements of Senate Bill 9 through the Departments of Curriculum and Instruction and Student Services and Support. SB 9 requires schools to provide education on prevention related to child abuse, family violence, dating violence, and human trafficking.
2. **Update Requirement** | WISD SHAC 2025-2026 did not wish to modify the recommended Health/Sex Ed (TEKS) curriculum materials presented to the board during the Curriculum and Instruction presentation on June 23, 2023. This topic will be revisited in the 2026-2027 school year.

Goals 2025-2026

Goal #1

WISD SHAC will provide board recommendations that align with the Senate Bill 9 requirements for the instruction/education of presentations related to child abuse, family violence, dating violence, and human trafficking.

Goal #2

Continue to increase collaboration and build stronger community partnerships through SHAC to expand the school district's role in health education throughout the community.

Goal #3

SHAC will assist with health and wellness messaging within the community. The current members of SHAC are dedicated to building a sustainable group of involved parents and community members to meet policy standards and improve the health and wellness of our students.

Accomplishments and Activities

- The SHAC website was continuously updated to comply with FFA (LOCAL) and BDF (LEGAL).
- In the end-of-year self-assessment, SHAC focused on re-establishing the rules and regulations governing SHAC, including bylaws and structure.
- SHAC began brainstorming additional activities for 2026-2027, including increasing parent and student awareness of vaping intervention and resources.

Conclusion

Since the establishment of SHACs under Section 28.004, their responsibilities and importance in positively impacting student health and learning have grown significantly. This document fulfills the legislative requirement that SHACs submit a written report to the Board at least once annually. We hope that with this report, the Board and SHAC can continue to work together to support students' health and well-being.

This concludes the 2026-2027 report.

Waco Independent School District
Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Elizabeth Cox

RE: First Reading of Board Policy Update 127

==========

Background Information
Board Policy Update 127 includes revisions to legal framework documents based in large part on changes resulting from the 89th Regular Legislative Session. Corresponding changes to local policies offered for consideration address the following topics:

- BJCF(Local): Superintendent - Nonrenewal
- CAA(Local): Fiscal Management Goals And Objectives - Financial Ethics
- DC(Local): Employment Practices
- DH(Local): Employee Standards Of Conduct
- DP(Local): Personnel Positions
- DPA(Local): Personnel Positions - Principals
- DPB(Local): Personnel Positions - Other Personnel Positions
- EHBB(Local): Special Programs - Gifted And Talented Students
- FFF(Local): Student Welfare - Student Safety

See the Explanatory Notes included in this packet for a description of the specific changes for each policy.

Fiscal Implications
None

Administrative Recommendation(s):
At this time, Board Policy Update 127 is presented for first reading and consideration only. The second reading and proposed adoption will be part of the agenda for the board meeting on August 8, 2026.

Instruction Sheet
TASB Localized Policy Manual Update 127

Waco ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
BAA	(LEGAL)	Replace policy	Revised policy
BJA	(LEGAL)	Replace policy	Revised policy
BJCF	(LOCAL)	Replace policy	Revised policy
CAA	(LOCAL)	Replace policy	Revised policy
CBB	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CFB	(LOCAL)	No policy enclosed	See explanatory note
CHE	(LEGAL)	Replace policy	Revised policy
CKEA	(LEGAL)	Replace policy	Revised policy
CKEB	(LEGAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CNC	(LEGAL)	Replace policy	Revised policy
COA	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DC	(LEGAL)	Replace policy	Revised policy
DC	(LOCAL)	Replace policy	Revised policy
DCA	(LEGAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DF	(LEGAL)	Replace policy	Revised policy
DFBA	(LEGAL)	Replace policy	Revised policy
DFE	(LEGAL)	Replace policy	Revised policy
DH	(LEGAL)	Replace policy	Revised policy
DH	(LOCAL)	Replace policy	Revised policy
DH	(EXHIBIT)	DELETE exhibit	See explanatory note
DHA	(LEGAL)	ADD policy	See explanatory note
DHB	(LEGAL)	Replace policy	Revised policy
DHC	(LEGAL)	Replace policy	Revised policy
DK	(LEGAL)	Replace policy	Revised policy

Waco ISD

Code	Type	Action To Be Taken	Note
DP	(LEGAL)	DELETE policy	See explanatory note
DP	(LOCAL)	DELETE policy	See explanatory note
DPA	(LEGAL)	ADD policy	See explanatory note
DPA	(LOCAL)	ADD policy	See explanatory note
DPB	(LEGAL)	Replace policy	Revised policy
DPB	(LOCAL)	ADD policy	See explanatory note
DPC	(LEGAL)	ADD policy	See explanatory note
EB	(LEGAL)	Replace policy	Revised policy
EC	(LEGAL)	Replace policy	Revised policy
EEB	(LEGAL)	Replace policy	Revised policy
EFA	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBB	(LEGAL)	Replace policy	Revised policy
EHBB	(LOCAL)	Replace policy	Revised policy
EHBCA	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
FA	(LEGAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FEC	(LEGAL)	Replace policy	Revised policy
FED	(LEGAL)	Replace policy	Revised policy
FFAC	(LEGAL)	Replace policy	Revised policy
FFEB	(LEGAL)	Replace policy	Revised policy
FFF	(LOCAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
FOA	(LEGAL)	Replace policy	Revised policy
GKA	(LEGAL)	Replace policy	Revised policy
GKD	(LEGAL)	Replace policy	Revised policy
GNC	(LEGAL)	Replace policy	Revised policy

Waco ISD

ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

All changes to the legal framework provided in this update are currently effective unless otherwise indicated in the explanatory note for that code.

AIA(LEGAL) ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Revisions throughout the A-F Performance Ratings section of this legal framework are due to House Bill 8 from the Second Special Session of the 89th Legislature.

AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

Citations have been updated in accordance with redesignated Administrative Code rules.

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Revisions to this legal framework are due to House Bill 8 from the Second Special Session of the 89th Legislature. This legislation repealed some provisions and amended others.

BAA(LEGAL) BOARD LEGAL STATUS: POWERS AND DUTIES

An obsolete cross-reference has been deleted at Discretionary Powers and Duties.

BJA(LEGAL) SUPERINTENDENT: QUALIFICATIONS AND DUTIES

A cross-reference has been updated due to recoding material in the DP series of policies.

BJCF(LOCAL) SUPERINTENDENT: NONRENEWAL

Recommended revisions to this local policy on nonrenewal of a superintendent align with language at DFBB(LOCAL) relating to accommodations of disability and the addition of two nonrenewal reasons included in Update 126 that were related to Senate Bill 12 from the 89th Legislature.

CAA(LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES: FINANCIAL ETHICS

A cross-reference in the Note has been updated to reflect changes to the DH series of policies, which are described in more detail below.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

The Federal Acquisition Regulation has increased the micro-purchase threshold limit to $15,000 and increased the simplified acquisition threshold to $350,000. The language under Procurement Methods has been adjusted accordingly.

CE(LEGAL) ANNUAL OPERATING BUDGET

Revisions at Authorized Expenditures are due to House Bill 8 from the Second Special Session of the 89th Legislature. Section 3.006 of the bill amends Education Code 45.105(c-1).

CFB(LOCAL) ACCOUNTING: INVENTORIES

As of July 1, 2025, TEA increased the capitalization threshold to $10,000 to align with changes to the federal definition of equipment. The Financial Accountability System Resource Guide (FASRG) is in the process of being updated to reflect this change to rule 1.2.4.3 Capitalization of Assets.

Our records indicate that the district's capitalization threshold in CFB(LOCAL) is less than $10,000. Districts may continue to use the lower threshold; however, if, after consultation with your auditor and other

Waco ISD

advisors, your district wishes to increase the threshold, please contact your policy consultant for assistance with updates.

CHE(LEGAL) PURCHASING AND ACQUISITION: VENDOR DISCLOSURES AND CONTRACTS

Citations in the Required Contract Provisions section relating to Energy Companies have been updated after redesignation of the material by House Bill 4595 and to correct a typographical error.

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

Substantive revisions are due to rule changes. For readability, additional margin notes have been included. A note has been added under the Required Policies section to point the reader to TCOLE model policies and forms available on the TCOLE website.

CKEB(LEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS

The citation has been corrected at Fit for Duty Review.

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

19 Administrative Code 67.1001(e) has been amended. On page 4, the list at Permitted Expenditures adds items to implement Senate Bill 13 from the 89th Texas Legislature by updating the allowable expenditures from a district's instructional materials and technology allotment.

CNC(LEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY

Language has been added from the Texas Administrative Code. The amended provisions regarding safety standards changed requirements that were once placed on manufacturers of school buses to now be requirements for school districts. The citation to the Transportation Code has been removed, as it is not necessary.

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

A citation has been corrected at Procurement Training.

CPC(LEGAL) OFFICE MANAGEMENT: RECORDS MANAGEMENT

13 Administrative Code 7.125 has been repealed, and separate rules for each retention schedule have been adopted. Citations relating to the TSLAC Retention Schedules have been updated accordingly.

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

The Required Website Postings section has been revised to reflect new statutory and rule requirements for postings, and the format has been modified to provide a clear citation to each requirement. The Note preceding the list has been revised to provide information regarding why the requirements are posted in the order that has been chosen by TASB.

D(LEGAL) PERSONNEL

Restructuring of codes in the DH section and the DP section necessitates an update to the D section table of contents.

Waco ISD

DC(LEGAL) EMPLOYMENT PRACTICES

A cross-reference in the Employment Policies section has been updated to reflect changes to the DP series of policies.

DC(LOCAL) EMPLOYMENT PRACTICES

The cross-reference at Employment Assistance Prohibited has been updated to reflect changes to the DH series of policies. Standard policy language at BJA(LOCAL) notes that the superintendent may delegate responsibilities to other employees of the district but shall remain accountable to the board for the performance of all duties, delegated or otherwise. For this reason, TASB recommends removing "or designee" from the Posting Vacancies section.

DCA(LEGAL) EMPLOYMENT PRACTICES: PROBATIONARY CONTRACTS

The note at the top of this legal framework has been updated to remove the hyperlink to the district's innovation plan. The hyperlink to the district's innovation plan is located in AF(LOCAL), and a cross-reference to that code has been included.

DEAA(LEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

House Bill 2, Article 2.20(b) from the 89th Legislature repealed Education Code 48.114 effective September 1, 2026. TASB has opted to include this repeal with Update 127, as it will be the Update closest in time to the effective date.

DF(LEGAL) TERMINATION OF EMPLOYMENT

The cross-reference at Report to Superintendent has been updated to reflect changes to the DP series of policies. We have also updated the cross-reference at Prohibited Classroom Instruction to reflect policy EMB.

DFBA(LEGAL) TERM CONTRACTS: SUSPENSION/TERMINATION DURING CONTRACT

The cross-reference at Report by Principal has been updated to reflect changes to the DP series of policies.

DFE(LEGAL) TERMINATION OF EMPLOYMENT: RESIGNATION

The cross-reference at Report by Principal has been updated to reflect changes to the DP series of policies.

DH(LEGAL) EMPLOYEE STANDARDS OF CONDUCT

Because DHA(LEGAL) has been created to focus on educator ethics, the section by that name has been deleted from this code. In addition, the Duty to Report section of this legal framework has been bolstered with additional text around the duty to report child abuse or neglect.

DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT

The two cross-references to DH(EXHIBIT) have been revised to reflect changes to the DH series of policies, which are described in more detail below.

DH(EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT

This exhibit is being deleted from the manual, and the Educators' Code of Ethics is being recoded to DHA(LEGAL).

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DHA(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: EDUCATOR CODE OF ETHICS

This new legal framework has been created to house information relating to the Educators' Code of Ethics. This material has been recoded to clarify that elements 3.8 and 3.9 of the Code of Ethics now form the basis of the reporting requirements for educator misconduct that changed during the 89th Legislature. Prior to Update 127, the Educators' Code of Ethics was housed as an exhibit to the manual at DH(EXHIBIT). Because the definitions relating to inappropriate communication and boundaries are from the Code of Ethics, they are now in this new legal framework.

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

The cross-reference at Deadline to Report After Termination or Resignation has been updated to reflect changes to the DP series of policies.

DHC(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY

The cross-reference at Deadline to Report has been updated to reflect changes to the DP series of policies. A citation has been corrected in the Contents of Report section.

DK(LEGAL) ASSIGNMENT AND SCHEDULES

The note at the top of this legal framework has been updated to remove the hyperlink to the district's innovation plan. The hyperlink to the district's innovation plan is located in AF(LOCAL), and a cross-reference to that code has been included.

DP(LEGAL) PERSONNEL POSITIONS

Material at DP(LEGAL) is being recoded to DPA, regarding principals, and DPB, regarding other personnel positions, as the requirements specific to principals have expanded sufficiently to warrant a separate legal framework.

DP(LOCAL) PERSONNEL POSITIONS

To accommodate the restructuring of the DP series due to the requirements specific to principals, this local policy is recommended for deletion. Materials regarding principal qualifications have been moved to a new code at DPA(LOCAL), and the language relating to school counselors has been moved to DPB(LOCAL).

DPA(LEGAL) PERSONNEL POSITIONS: PRINCIPALS

Information relating to principals previously found at DP has been relocated to this new code. In addition, a note relating to the requirement to report child abuse or neglect has been added so all reporting requirements for principals are housed in one location for clarity.

DPA(LOCAL) PERSONNEL POSITIONS: PRINCIPALS

This new code specifically related to principals now houses principal qualification language that was previously at DP(LOCAL). Minor revisions have been made to the text at Qualifications to align with the model job description provided by TASB HR Services. Any posting for a principal position would, at minimum, include the items provided in this list. Other qualifications may be included as provided by the last item in the list.

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DPB(LEGAL) PERSONNEL POSITIONS: OTHER PERSONNEL POSITIONS

All information previously at DP(LEGAL) that is not related to principals (now at DPA) and substitutes (now at DPC) has been moved to this legal framework. The School Psychological Services section has been amended to reflect changes in 22 Administrative Code 465.38(b)-(c).

DPB(LOCAL) PERSONNEL POSITIONS: OTHER PERSONNEL POSITIONS

This new policy now houses text relating to school counselors that was previously at DP(LOCAL).

DPC(LEGAL) PERSONNEL POSITIONS: SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

This new legal framework now houses information formerly in DPB(LEGAL) relating to substitute positions.

EB(LEGAL) SCHOOL YEAR

The note at the top of this legal framework has been updated to remove the hyperlink to the district's innovation plan. The hyperlink to the district's innovation plan is located in AF(LOCAL), and a cross-reference to that code has been included.

EC(LEGAL) SCHOOL DAY

The note at the top of this legal framework has been updated to remove the hyperlink to the district's innovation plan. The hyperlink to the district's innovation plan is located in AF(LOCAL), and a cross-reference to that code has been included.

EEB(LEGAL) INSTRUCTIONAL ARRANGEMENTS: CLASS SIZE

The note at the top of this legal framework has been updated to remove the hyperlink to the district's innovation plan. The hyperlink to the district's innovation plan is located in AF(LOCAL), and a cross-reference to that code has been included.

EFA(LEGAL) INSTRUCTIONAL RESOURCES: INSTRUCTIONAL MATERIALS

Substantive revisions are due to amendments to 19 Administrative Code 67.1501 and 67.1502 regarding TEA standards for review of instructional materials. Additional revisions have been made for organization and to margin notes to improve clarity and readability.

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

Changes to this policy regarding course offerings in grades 9-12 were needed after amendments to 19 Administrative Code 74.3. Citations have also been updated to conform with the new amendments.

EHBB(LEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Revisions to this legal framework are due to amendments to 19 Administrative Code 89.1.

EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Recommended changes at Identification Criteria are the result of amendments to 19 Administrative Code 89.1.

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

Revisions to this legal framework are due to House Bill 8 from the Second Special Session of the 89th Legislature. Please note that the English II end-of-course (EOC) assessment is still a requirement for the 2026 and 2027 graduating classes.

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

The FAST Program section has been revised due to amendments to 19 Administrative Code 13.503(a)-(b). Deletions throughout are due to repealed provisions from the Administrative Code.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Revisions throughout this legal framework are due to changes from House Bill 8 from the Second Special Session of the 89th Legislature.

FA(LEGAL) PARENT RIGHTS AND RESPONSIBILITIES

A section prohibiting infringement on parental rights has been added after voters approved Senate Joint Resolution 34 from the 89th Legislature.

FEA(LEGAL) ATTENDANCE: COMPULSORY ATTENDANCE

Districts have the authority to permit additional excused higher education visits without including an exemption in an innovation plan; therefore, the note at the top of the legal framework has been removed.

FEB(LEGAL) ATTENDANCE: ATTENDANCE ACCOUNTING

The note at the top of this legal framework has been updated to remove the hyperlink to the district's innovation plan. The hyperlink to the district's innovation plan is located in AF(LOCAL), and a cross-reference to that code has been included.

FEC(LEGAL) ATTENDANCE: ATTENDANCE FOR CREDIT

The note at the top of this legal framework has been updated to remove the hyperlink to the district's innovation plan. The hyperlink to the district's innovation plan is located in AF(LOCAL), and a cross-reference to that code has been included.

FED(LEGAL) ATTENDANCE: ATTENDANCE ENFORCEMENT

Changes regarding sanctions as they relate to truancy prevention measures are due to revisions at 19 Administrative Code 129.1047.

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

13 Administrative Code 7.125, which contained all the TSLAC retention schedules, was repealed and replaced with 13 Administrative Code 7.126-.137. Each rule now contains a single retention schedule. The Records of Public School Districts schedule is now located at 13 Administrative Code 7.131. The revision at Records in the section on the Maintenance and Administration of Epinephrine Delivery Systems reflects this change. Related revisions also appear in CPC(LEGAL).

FFEB(LEGAL) COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

The cross-reference in the Exception: Court Order section has been updated to reflect changes to the DP series of policies.

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FFF(LOCAL) STUDENT WELFARE: STUDENT SAFETY

The definition of misconduct has been amended to include provisions from Senate Bill 571 from the 89th Legislative Session. The misconduct definition has also been reformatted to improve readability.

FM(LEGAL) STUDENT ACTIVITIES

In the Limits on Participation and Practice section, "one activity" has been revised to "two activities" due to amendments to 19 Administrative Code 76.1001(d).

FOA(LEGAL) STUDENT DISCIPLINE: REMOVAL BY TEACHER OR BUS DRIVER

At Appeals, a citation error has been corrected, and margin notes have been added to assist with clarity and readability.

GKA(LEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

A citation in the Tobacco and E-Cigarettes section has been updated after 20 U.S.C. 7183 was redesignated to 20 U.S.C. 7973.

GKD(LEGAL) COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES

Substantial revisions have been made regarding Facilities Use by Religious Organizations based on Senate Bill 2986 from the 89th Legislature.

GNC(LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES: COLLEGES AND UNIVERSITIES

19 Administrative Code 9.141-9.144, 9.146, and 9.147 have been repealed, which led to substantive changes to this legal framework. Provisions that are duplicative of those in EHDD(LEGAL) have been deleted.

Accreditation

Each district must be accredited by Texas Education Agency (TEA). A district that is not accredited may not receive funds from TEA or hold itself out as operating a public school of this state. *Education Code 11.001, 39.052(f)*

District accreditation is determined in accordance with Education Code Chapter 39, Subchapter C and rules adopted by the commissioner of education at 19 Administrative Code, Chapter 97, Subchapter EE (Accreditation Status, Standards, and Sanctions). *Education Code 39.051*

Statuses

The commissioner shall determine criteria for the following accreditation statuses:

1. Accredited. Accredited means TEA recognizes the district as a public school of this state that meets the standards determined by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1059; and is not currently assigned an accreditation status of Accredited-Warned or Accredited-Probation;

2. Accredited-Warned. Accredited-Warned means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(b), that, if not addressed, will lead to probation or revocation of its accreditation status;

3. Accredited-Probation. Accredited-Probation means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(c), that must be addressed to avoid revocation of its accreditation status; and

4. Not Accredited-Revoked. Not Accredited-Revoked means TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1055(d).

Education Code 39.051; 19 TAC 97.1055(a)(1)

Annual Evaluation

Each year, the commissioner shall determine the accreditation status of each district. In determining the accreditation status of a district, the commissioner:

1. Shall evaluate and consider performance:

   a. On achievement indicators under Education Code 39.053 [see Performance Indicators, below]; and

b. Under the financial accountability rating system developed under Education Code, Chapter 39, Subchapter D [see CFA].

2. May evaluate and consider:

a. The district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education that relate to:

(1) Reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;

(2) High school graduation requirements; or

(3) Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs;

b. The effectiveness of the district's programs for special populations; and

c. The effectiveness of the district's career and technology program.

Based on a district's performance, the commissioner shall assign each district an accreditation status or revoke the accreditation of the district and order closure of the district.

A district's accreditation status may be raised or lowered based on the district's performance or may be lowered based on the performance of one or more campuses in the district that is below a standard required by Education Code Chapter 39, Subchapter C.

Education Code 7.056(e)(3)(C)-(I), 39.052; 19 TAC 97.1055

For additional information on the commissioner process for assigning accreditation status, see 19 Administrative Code 97.1055.

Notice of Status

The commissioner shall notify a district if the district has received an accreditation status of accredited-warned or accredited-probation, or a campus's performance is below standard. *Education Code 39.052(e)*

To Parents and Property Owners

A district assigned an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked shall notify the parents of students enrolled in the district and property owners in the district as specified in 19 Administrative Code 97.1055. The district's notice must contain information about the accreditation status, the implications of such status, and the steps the district is tak-

ing to address the areas of deficiency identified by the commissioner. The district's notice shall use the format and language determined by the commissioner.

The district's notice must:

1. Not later than 30 calendar days after the accreditation status is assigned, appear on the home page of the district's website, with a link to the required notification, and remain until the district is assigned the accredited status; and

2. Appear in a newspaper of general circulation, as defined in 19 Administrative Code 97.1051 (Definitions), in the district for three consecutive days as follows:

   a. From Sunday through Tuesday of the second week following assignment of the status; or

   b. If the newspaper is not published from Sunday through Tuesday, then for three consecutive issues of the newspaper beginning the second week following assignment of the status; or

3. Not later than 30 calendar days after the status is assigned, be sent by first class mail addressed individually to each parent of a student enrolled in the district and each property owner in the district; or

4. Not later than 30 calendar days after the status is assigned, be presented as a discussion item in a public meeting of the board of trustees conducted at a time and location that allows parents of students enrolled in the district and property owners in the district to attend and provide public comment.

To TEA

A district required to act under this subsection shall send the following to TEA via certified mail, return receipt requested:

1. The universal resource locator (URL) for the link to the notification required above; and

2. Copies of the notice in the newspaper showing dates of publication, or a paid invoice showing the notice content and its dates of publication; or

3. Copies of the notice sent by mail and copies of all mailing lists and postage receipts; or

4. Copies of the notice presented at a public meeting and copies of the board of trustees meeting notice and minutes for the

board meeting in which the notice was presented and publicly discussed.

19 TAC 97.1055(f)

Performance Indicators

The commissioner shall adopt a set of indicators of the quality of learning and achievement, including three domains of achievement indicators. [See Achievement Indicators, below] *Education Code 39.053(a)*

The indicators must measure and evaluate districts and campuses with respect to:

1. Improving student preparedness for success in subsequent grade levels and entering the workforce, the military, or post-secondary education;
2. Reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and
3. Informing parents and the community regarding campus and district performance.

Education Code 39.053(a-1)

Achievement Indicators

Districts and campuses must be evaluated based on indicators of achievement grouped in three domains:

1. Student achievement domain;
2. School progress domain; and
3. Closing the gaps domain.

Education Code 39.053(c)

Performance on the achievement indicators in the three domains shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status. *Education Code 39.053(b)*

Each school district shall submit the data required for the indicators to the commissioner. *Education Code 39.053(i)*

A-F Performance Ratings

Except when the commissioner determines the assignment of an overall performance rating would be inappropriate [see Assignment of Not Rated, below], the commissioner shall adopt rules to evaluate district and campus performance and, each school year, assign each district and campus an overall performance rating of A, B, C, D, or F.

In addition to the overall performance rating, each school year, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Education Code 39.053(c) [see Achievement Indicators, above].

An overall or domain performance rating of:

A reflects exemplary performance.

B reflects recognized performance.

C reflects acceptable performance.

D reflects performance that needs improvement.

F reflects unacceptable performance.

A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F.

For purposes of assigning districts and campuses an overall and a domain performance rating, the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

Except as provided below, not later than August 15 of each year, the following information shall be made publicly available as provided by rules adopted by the commissioner:

1. The performance ratings for each district and campus; and
2. If applicable, the number of consecutive school years of unacceptable performance ratings for each district and campus.

The commissioner shall make the information above available as soon as reasonably possible in years in which the standards are modified or recalibrated or in which a new assessment instrument is offered.

Education Code 39.054(a), (a-3), (b), (c)

Assignment of Not Rated

Reasons for Assignment

Notwithstanding any other law, the commissioner may assign a district or campus an overall performance rating of “Not Rated” if the commissioner determines that the assignment of a performance rating of A, B, C, D, or F would be inappropriate because:

1. The district or campus is located in an area that is subject to a declaration of a state of disaster under Government Code Chapter 418 and due to the disaster, performance indicators for the district or campus are difficult to measure or evaluate

and would not accurately reflect quality of learning and achievement for the district or campus;

2. The district or campus has experienced breaches or other failures in data integrity to the extent that accurate analysis of data regarding performance indicators is not possible;

3. The number of students enrolled in the district or campus is insufficient to accurately evaluate the performance of the district or campus; or

4. For other reasons outside the control of the district or campus, the performance indicators would not accurately reflect quality of learning and achievement for the district or campus.

Education Code 39.054(a-4)

No Statewide Assignment

The commissioner may not assign an overall performance rating of "Not Rated" to all school districts or all campuses on a statewide basis. *Education Code 39.054(a-6)*

Calculating Consecutive Years

Notwithstanding any other law, an overall performance rating of "Not Rated" is not included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings for purposes of any provision of the Education Code. *Education Code 39.054(a-5)*

Continuation of Interventions or Sanctions

Any interventions or sanctions to which a district or campus is subject under Education Code Chapter 39A shall continue during a period in which the district or campus is assigned an overall performance rating of "Not Rated." *Education Code 39.054(a-5)*

Acceptable Performance

A reference in law to an acceptable performance rating or acceptable performance includes an overall or domain performance rating of A, B, or C or performance that is exemplary, recognized, or acceptable. A reference in law to an unacceptable performance rating or unacceptable performance includes an overall or domain performance rating of F. For the purposes of public reporting requirements, an overall or domain performance rating of D shall be referred to as performance that needs improvement. *Education Code 39.0543(a)*

D Rating

A reference in law to an acceptable performance rating or acceptable performance for a district or campus includes an overall performance rating of D if, since previously receiving an overall performance rating of C or higher, the district or campus has not previously received more than one overall performance rating of D or has not received an overall performance rating of F. *Education Code 39.0543(b)*

Appeal and Revision

The process and timeline by which a district or campus may appeal ratings are based upon the requirements described in the *Accountability Ratings Appeals Process and Timeline* adopted under 19 Administrative Code 97.1002 and apply to all accountability rating appeals from 2023 and beyond until otherwise updated. The calendar dates for the accountability year will be announced in conjunction with the release of preliminary accountability ratings. *19 TAC 97.1002(b)*

Ratings may be revised as a result of investigative activities by the commissioner as authorized under Education Code 39.003. *19 TAC 97.1002(c)*

Local Accountability System

The local accountability system standards established by the commissioner under Education Code 39.0544 shall be used by districts to develop a plan to locally evaluate the performance of their campuses. *19 TAC 97.1003(a)*

Local Accountability Plan

A local accountability plan created by a district must include domain performance ratings assigned by the commissioner under Education Code 39.054, and performance ratings based on locally developed domains or sets of accountability measures. *19 TAC 97.1003(b)*

A district must create its local accountability plan based on school type. The four school types are elementary school, middle school, high school, and kindergarten-grade 12. The plan must include all campuses within a school type. The district may also request to identify an additional school group within a school type for which to customize its local accountability plan. Otherwise, all campuses within a school type must be evaluated on a common set of components determined by the district. A district may also request to identify a campus rated under alternative education accountability provisions as a unique school type. *19 TAC 97.1003(b)(4)*

Plan Components

A locally developed domain or set of accountability measures is referred to as a plan component. Plan components must describe each item and the reason for its inclusion in the plan. A district must assign each component to one of the following five domains: academics, culture and climate, extra- and co-curricular, future-ready learning, and locally determined. The weight of all plan components must equal 100 percent. *19 TAC 97.1003(b)(1)*

A district may assign weights to each plan component, as determined by the district, provided that the plan components must in the aggregate account for no more than 50 percent of the combined overall performance rating. A local accountability plan may include no fewer than two and no more than 10 components weighted between 5 percent and 60 percent. *19 TAC 97.1003(c)*

Each plan component must contain levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels that are aligned to a letter grade of A, B, C, D, or F and meet the requirements of 19 Administrative Code 97.1003(d)(1)-(3). *19 TAC 97.1003(d)*

Each plan component measure must meet standards for reliability and validity as required by 19 Administrative Code 97.1003(e)(1)-(3). *19 TAC 97.1003(e)*

Campuses without STAAR or State Ratings

For the purposes of assigning state accountability ratings, a campus that does not serve any grade level for which a State of Texas Assessments of Academic Readiness (STAAR) examination is administered is paired with a campus in its district that serves grade levels for which STAAR examinations are administered.

A campus not rated under the state accountability system is not eligible to combine state and local ratings. Local accountability data for a campus without state ratings may be displayed on TEA, district, and campus websites but will not be combined with state accountability data. The state accountability manual adopted under 19 Administrative Code 97.1001 (Accountability Rating System) provides information about campus ratings and eligibility for applicable years.

19 TAC 97.1003(b)(3)

Campus Performance Ratings

A district authorized to assign campus performance ratings shall evaluate the performance of each campus and assign each campus a performance rating of A, B, C, D, or F for overall performance and for each locally developed domain or set of accountability measures. Not later than a date established by the commissioner, the district shall:

1. Report the performance ratings to the agency; and
2. Make the performance ratings available to the public as provided by commissioner rule.

Education Code 39.0544(e)

Each campus with an approved district plan is eligible to receive a local accountability rating. A campus with an overall state accountability rating of C or higher based on ratings derived from student performance at the campus is eligible to combine an overall local accountability rating with the overall state accountability rating to determine the combined rating. *19 TAC 97.1003(b)(2); Education Code 39.054(a)*

Submission and Audit Standards

Calculations for each plan component and overall performance ratings must be capable of being audited by a third party.

A district must use a one-to-one correspondence when converting campus grades based on plan component measures to a standard scale of 30-100 where A=90-100, B=80-89, C=70-79, D=60-69, and F=30-59.

Categorical data, or data not on a continuous scale, must be converted to the standard scale of A=90-100, B=80-89, C=70-79, D=60-69, and F=30-59 by assigning the maximum value for each scaled score interval with the corresponding category used in the campus rating scale.

A district is required to submit a local accountability plan that includes components, domains, and overall scaled scores and ratings to TEA on a timeline determined by the commissioner. The timeline will be published on the TEA website.

All scaled scores and letter grades submitted by a school district are subject to audit. Any data discrepancies or any indication that data have been compromised may result in verification and audit of district and campus data used to assign local accountability ratings. The audit process may include requests for data used for campus-level calculation of component and domain scaled scores.

On an annual basis, TEA will randomly select districts for local accountability audits, and, for each such audit, TEA will randomly select components for review. Selected districts must submit the requested data for review within the timeframe specified. A district must maintain documentation of its local accountability plan, along with all associated data used to assign campus ratings, for two years after the end of the plan implementation period.

Responsibility for the accuracy and quality of data used to determine local accountability ratings rests with each district. Superintendent certification of data accuracy during the ratings submission process shall include an assurance that calculations have been verified to ensure that all data were included as appropriate for all components.

19 TAC 97.1003(f)(1)-(6)

Scorecard and Website

A district must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings. The campus scorecard shall include, at a minimum, the scaled score and rating for each component and domain along with the overall rating. A link to the local accountability ratings posted by the district must be pro-

vided to TEA and may be included on the agency-developed school report card. *19 TAC 97.1003(g)*

Appeal and Revision

An appeal of a local accountability rating may be submitted by the superintendent once ratings are released. The local accountability appeals timeline follows the appeal deadline dates and processes as described in the state accountability manual adopted under 19 Administrative Code 97.1001 of this title for the applicable year. *19 TAC 97.1003(f)(7)*

Ratings may be revised as a result of investigative activities by the commissioner as authorized under Education Code 39.057(d) and (e) (redesignated to Education Code 39.003). *19 TAC 97.1003(h)*

Distinction Designations for Outstanding Performance

The commissioner shall award distinction designations for outstanding performance. A distinction designation awarded to a district or campus shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the A-F performance ratings.

A district or campus may not be awarded a distinction designation unless the district or campus has acceptable performance under the A-F performance ratings.

Education Code 39.201

Academic Distinction

The commissioner shall establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness based on the commissioner's adopted criteria. *Education Code 39.202*

Campus Distinction

The commissioner shall award a campus a distinction designation for outstanding performance in:

1. Improvement in student achievement;
2. Closing student achievement differentials; and
3. Academic achievement in English language arts, mathematics, science, or social studies.

Education Code 39.203

The commissioner may award a distinction designation for outstanding performance in advanced middle or junior high school student achievement. *Education Code 39.203(d)*

Excellence Exemptions

Except as listed below, a district or campus that is rated A (exemplary) is exempt from requirements and prohibitions imposed under the Education Code, including regulations adopted under the Education Code.

An exemplary campus or district is not exempt from:

1. A prohibition on conduct that constitutes a criminal offense;
2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
3. A requirement, restriction, or prohibition relating to:
    a. Curriculum essential knowledge and skills or high school graduation requirements;
    b. Public school accountability;
    c. Extracurricular activities;
    d. Health and safety;
    e. Purchasing;
    f. Elementary class size limits;
    g. Removal of a disruptive student from the classroom;
    h. At-risk programs;
    i. Prekindergarten programs;
    j. Rights and benefits of school employees;
    k. Special education programs; or
    l. Bilingual education programs.

The commissioner may exempt an exemplary campus from class size limits if the campus submits a written plan showing steps that will be taken to ensure that the exemption will not be harmful to the academic achievement of the students on the school campus. If granted, the exemption remains in effect until the commissioner determines that achievement levels of the campus have declined.

Education Code 39.232

District Annual Report

The board shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner of education. *Education Code 39.306(a)*

Texas Academic Performance Report (TAPR)

The performance report provided by the Texas Education Agency (TEA) under Education Code 39.306 shall be termed the Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

The district may not alter the report provided by TEA. However, the district may concurrently provide additional information to the public that supplements or explains information in the TAPR.

19 TAC 97.1008(a)-(b), (e); Education Code 39.306(d)

Other Annual Report Information

The annual report must also include:

1. Campus performance objectives established under Education Code 11.253 and the progress of each campus toward those objectives, which shall be available to the public;
2. Information indicating the district's accreditation status and identifying each district campus awarded a distinction designation or considered an unacceptable campus under Education Code Chapter 39A;
3. The district's current special education compliance status with the agency;
4. A statement of the number, rate, and type of violent or criminal incidents that occurred on each district campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);
5. Information concerning school violence prevention and violence intervention policies and procedures that the district is using to protect students;
6. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and

8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

Education Code 39.306(a)

The report must include a statement of the amount, if any, of the district's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents. *Education Code 39.306(g)*

The report must also include the number of school counselors providing counseling services at each campus. *Education Code 39.306(d-1)*

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;

2. Financial information, including revenues and expenditures;

3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held; teacher and administrator salaries; and teacher turnover;

4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and

5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Education Code 39.306(e)

Supplemental information to be included in the reports shall be determined by the board. *Education Code 39.306(b)*

Public Hearing

The board shall hold a hearing for public discussion of the report. The board shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notice of hearing must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district. *Education Code 39.306(c)*

A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. *19 TAC 97.1008(c)*

Publication

The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. *19 TAC 97.1008(d)*

The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. *Education Code 39.306(c); 19 TAC 97.1008(f)*

Report Uses

The information in the annual report shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. *Education Code 39.307*

Campus Performance Report

Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.

Distribution

The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.

The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.

The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.

Education Code 39.305; 19 TAC 97.1007

Performance of Students Receiving Special Education Services

At least once each year, the board shall include during a public meeting a discussion of the performance of students receiving special education services at the district.

TEA shall adopt a set of performance indicators for measuring and evaluating the quality of learning and achievement for students receiving special education services at the district to be considered at a meeting held under this section. The indicators must include performance on the college, career, or military readiness outcomes described by Education Code 48.110.

Education Code 29.0012

Website Notices

Not later than the 10th day after the first day of instruction of each school year, a district that maintains an internet website shall make the following information available:

1. The information in the most recent campus report card for each campus in the district;
2. The information contained in the most recent performance report for the district;
3. The most recent accreditation status and performance rating of the district; and
4. A definition and explanation of each accreditation status, based on commissioner rule.

Education Code 39.362

Student Performance Report

Each year, TEA shall report to a district whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, .302*

Notice to Parents

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the district shall include in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

Notice to Teachers and Students

A district shall prepare a report of the annual improvement information and provide the report at the beginning of the school year to:

1. Each teacher for all students, including incoming students, who took a state assessment; and

2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement.

Education Code 39.304

Quality of Learning Indicators

The commissioner shall also adopt indicators of the quality of learning for the purpose of preparing performance reports. Performance on the indicators shall be evaluated in the same manner provided for evaluation of the achievement indicators under Education Code 39.053(c) [see Achievement Indicators, AIA].

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];

2. The results of the SAT, ACT, and certified workforce training programs;

3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;

4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;

5. The percentage of students, aggregated by grade level, provided accelerated instruction under Education Code 28.0211 [see EHBC] after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the subsequent school year on the state assessments;

6. The percentage of students of limited English proficiency exempted from the administration of an assessment;

7. The percentage of students in a special education program assessed through alternative assessment instruments;

8. The percentage of students who satisfy the college readiness measure;

9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;

11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301(a)-(c)

Federal Report Card

A district that receives Title I funding shall prepare and disseminate an annual federal report card that includes information on the district as a whole and each school within the district.

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

Minimum Requirements

The federal report card shall include the information required in the annual state report card described at 20 U.S.C. 6311(h)(1)(C), as applied to the district and each school served by the district, including:

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;

2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and

3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

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

District Data on Academic Achievement

On request by the board, TEA shall create a website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

The website must:

1. Include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:
    a. Student academic achievement and growth;
    b. Teacher and student attendance; and
    c. Student discipline records; and
2. Be updated at least once each quarter of the school year.

The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

A district must provide requested information to the commissioner for the creation of the website. Confidential information received by the commissioner remains confidential. The commissioner shall design the website to ensure that public information is made available to the public, and information submitted by districts noted as confidential is not made available to the public.

A request for public information under this provision shall be submitted to the district that provides the agency with the information. TEA may not release information submitted by a district that is noted as confidential information.

Education Code 11.1516

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Interventions and Sanctions for School Districts

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:

Grounds for Commissioner Action

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

Education Code 39A.001

Authorized Commissioner Actions

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

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

7. Appoint a conservator to oversee the operations of the district;

8. Appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;

9. Authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance; or

10. Order the use of the board improvement and evaluation tool as provided by Education Code 11.182 [see BG].

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of Accreditation

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

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

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

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

Education Code 39A.005

Intervention to Improve High School Completion Rate

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

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

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

Education Code 39A.007

Interventions after Certain D Ratings

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

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

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

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

Education Code 39A.118

Certain D-Rating Improvement Plans

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

The district or campus shall:

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

a. Input must be gathered from the principal; campus-level committee established under Education Code 11.251 [see BQB]; parents; and community members, prior to the development of the local improvement plan, using the following steps.

(1) The campus must hold a public meeting at the campus. The campus shall take reasonable steps to conduct the meeting at a time and in a manner that would allow a majority of stakeholders to attend and participate. The campus may hold more than one meeting if necessary.

(2) The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus.

(3) All input provided by family and community members should be considered in the development of the final local improvement.

b. The completed local improvement plan must be presented at a public hearing and approved by the board.

19 TAC 97.1061(b)

Management of a Campus

Actions Based on Campus Performance

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

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

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

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

3. If applicable under the strong foundations intervention under Education Code 39A.064, require the district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 for the campus; or

4. Any combination of the actions described by items 1 through 3 above.

Education Code 39A.051

District Action Required

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

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

1. For a second consecutive year, the campus must engage in the processes outlined in this provision, and the campus must develop a campus turnaround plan to be approved by the commissioner.

2. For a third or fourth consecutive year, the campus must engage in the processes outlined in this provision, and the campus must implement the commissioner-approved campus turnaround plan as described in 19 Administrative Code 97.1064.

3. For a fifth consecutive year, the commissioner shall order the appointment of a board of managers to govern the district or the closure of the campus.

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

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

19 TAC 97.1061(a), (d), (f)-(j)

Campus Intervention Team

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

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

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

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

19 TAC 97.1063(b)-(c)

On-Site Needs Assessment

A campus intervention team shall:

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

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

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

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

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

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*

The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspa-

pers or other media that reach the general public, and the parent liaison, if present on the campus. *19 TAC 97.1061(e)(3)(A)(ii)*

Public Hearing

After a targeted improvement plan or an updated targeted improvement plan is submitted to the board, the board shall conduct a hearing to:

1. Notify the public of:
    a. The insufficient performance of the campus;
    b. The improvements in performance expected by TEA; and
    c. The intervention measures or sanctions that may be imposed under Education Code Chapter 39A if the performance does not improve within a designated period; and
2. Solicit public comment on the targeted improvement plan or updated targeted improvement plan.

The board must post the targeted improvement plan on the district's internet website before the hearing.

The board may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan.

Education Code 39A.057

Submission to Commissioner

The board shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner. *Education Code 39A.058*

Executing Plan

In executing the targeted improvement plan, the campus intervention team shall, if appropriate:

1. Assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;
2. Provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

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

Education Code 39A.059

Continuing Duties of the Campus Intervention Team

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

1. Assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and

2. Submit each updated targeted improvement plan to the board.

Education Code 39A.060

Local Improvement Plan

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

A local improvement plan must be presented to the board.

Education Code 39A.065(a)-(b)

Campus Planning and Site-Based Decision-Making

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

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

Education Code 39A.061

Submission of Campus Improvement Plan

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

Compliance Through Federal Accountability

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

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;
3. Operation of the campus by an entity with which the district contracts under Education Code 11.174; or
4. Closure of the campus.

Education Code 39A.107; 19 TAC 97.1065

Preparation

Unless the district is not required to implement the district’s campus turnaround plan [see Subsequent Acceptable Performance Rating, below], following approval of a campus turnaround plan by

the commissioner, the district, in consultation with the campus intervention team, shall take any actions needed to implement 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

Subsequent Acceptable Performance Rating

If a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating subsequent to the order, the district is no longer required to implement the campus turnaround 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 commis-

sioner order specific authorized action other than the specific action requested in the parents' petition and a written explanation of the basis for the board's request, the commissioner may order the action requested by the board.

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

Repurposing of Closed Campus

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

1. Serves a majority of grade levels not served at the original campus; or

2. Is operated under a contract, approved by the school board, with a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986 that:

    a. Has a governing board that is independent of the district;

    b. Has a successful history of operating school district campuses or open-enrollment charter schools:

        (1) That cumulatively serve 10,000 or more students; and

        (2) A majority of which have been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year; and

    c. Has been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year.

Student Enrollment and Assignment

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

The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll.

Noncontracted Repurposed Campus

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.

Enrollment Provision in Contract

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.

Education Code 39A.113; 19 TAC 97.1066

Targeted Technical Assistance

If the commissioner determines that the basis for the unacceptable performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the district to contract for the appropriate technical assistance. *Education Code 39A.114*

Alternative Management

The commissioner shall appoint a monitor, conservator, management team, or board of managers whenever such action is required, as determined by 19 Administrative Code 97.1073. Action under any other section of 19 Administrative Code Chapter 97, Subchapter EE is not a prerequisite to acting under this section. *19 TAC 97.1073*

The superintendent, upon appointment, immediately assumes all powers, duties, rights, and responsibilities of the superintendent of the district to which the superintendent is appointed.*19 TAC 97.1073(f)*

Solicitation of Proposals

If the commissioner orders alternative management of a campus, the commissioner shall solicit proposals from qualified nonprofit entities to assume management of the campus or appoint a school district as provided below. The commissioner may solicit proposals from qualified for-profit entities if a nonprofit entity has not responded to the commissioner's request for proposals.

The commissioner may appoint a school district to assume management of the campus if the district:

1. Is not the district in which the campus is located; and
2. Is located within the boundaries of the same regional education service center as the campus.

If a school district is appointed, the district shall assume management of the campus in the same manner as a qualified entity or in accordance with commissioner rule.

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

Education Code 39A.151

Qualifications of Managing Entity

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

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

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

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

Education Code 39A.152

Contract with Managing Entity

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

The management contract must include:

1. A provision describing the district's responsibilities in supporting the operation of the campus; and
2. Provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

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

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

Education Code 39A.153; 19 TAC 97.1067

Extension of Management Contract

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

Evaluation of Managing Entity

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

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

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

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

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

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

Education Code 39A.155

Cancellation of Management Contract

If a campus receives an unacceptable performance rating for two consecutive school years after a managing entity assumes management of the campus, the commissioner shall cancel the contract with the managing entity. *Education Code 39A.156*

Return of Management to District

Unless a campus has an unacceptable performance rating for three consecutive school years [see Continued Unacceptable Performance Rating, above], at the end of a management contract term or on the cancellation of a management contract, the board shall resume management of the campus. *Education Code 39A.157*

Applicability of Accountability Provisions

Each campus operated by a managing entity is subject to Education Code Chapters 39 and 39A in the same manner as any other campus in the district. *Education Code 39A.158*

Funding

The funding for a campus operated by a managing entity may not be less than the funding of the other campuses in the district on a per student basis so that the managing entity receives at least the same funding the campus would otherwise have received. *Education Code 39A.159*

Open Meetings and Public Information

With respect to the management of a campus by a managing entity:

1. A managing entity is considered to be a governmental body for purposes of Government Code Chapter 551 (Open Meetings Act) and Government Code Chapter 552 (Public Information Act); and

2. Any requirement in the Open Meetings Act or Public Information Act that applies to a school district or the board of trustees of a district applies to a managing entity.

Education Code 39A.160

Board of Managers

General Powers and Duties

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, a board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to the commissioner's order, including amending the district's budget, reassigning staff, or relocating academic programs. The commissioner may adopt rules necessary to implement this subsection.

Education Code 39A.201

Board of Managers of District

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, if the commissioner appoints a board of managers to govern a district:

1. The powers of the board are suspended for the period of the appointment; and

2. The commissioner shall appoint a district superintendent.

A board of managers appointed to govern a school district may amend the budget of the district.

Education Code Chapter 39A applies to a school district governed by a board of managers in the same manner it applies to any other district.

Education Code 39A.202

Composition of Board of Managers

A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. *Education Code 39A.204*

Training of Board of Managers

The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. *Education Code 39A.205*

The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. *19 TAC 97.1073(i)*

A board member appointed under 19 Administrative Code 97.1073(h)(4) must complete the training required in this provision prior to or within 10 days of the appointment. Failure to do so may result in the removal of the board of trustees member from the board of managers. *19 TAC 97.1073(j)*

Compensation

The commissioner may authorize payment of a board of managers from TEA funds.

A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner.

Education Code 39A.206

Replacement of Member of Board of Managers

The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. *Education Code 39A.207*

Expiration of Appointment

A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

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

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

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

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

Education Code 39A.208; 19 TAC 97.1073

Removal of Board of Managers

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

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

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

Education Code 39A.209; 19 TAC 97.1073

Challenge of Intervention or Sanction

Review of Sanctions by SOAH

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

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

Notwithstanding other law:

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

Education Code 39A.301

Appeals

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

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

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)-(b)

Intervention Programs

ACE Turnaround Plan

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

Resource Campus

An eligible campus may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students. To apply to be designated as a resource campus, the campus must have received an overall performance rating of D or F, or an overall performance rating under Education Code 39.054(a-4)(1) (following declaration of disaster) or 39.0546 (COVID-19 recovery) of "Not Rated," for three years over a 10-year period of time. *Education Code 29.934(a)-(b)*

Strong Foundations Intervention

Notwithstanding 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 language arts assessment during the previous school year, as determined by the commissioner.

Education Code 39A.064(a)

Miscellaneous Provisions

Acquisition of Professional Services

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

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

Education Code 39A.902

Costs Paid by District

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

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

Education Code 39A.903

Immunity from Civil Liability

An employee, volunteer, or contractor acting on behalf of the commissioner, or a member of a board of managers appointed by the commissioner, is immune from civil liability to the same extent as a professional employee of a district under Education Code 22.051. *Education Code 39A.904*

Campus Name Change

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

Special Program Performance Determination

The commissioner shall assign districts an annual determination level based on performance levels of certain special populations student groups under 19 Administrative Code 97.1001 [see AIA] according to the criteria and requirements in 19 Administrative Code 97.1071(e)-(g).

In addition to determination levels, the commissioner shall develop a system of cyclical monitoring to ensure every district participates in general supervision activities. Based on a district’s assigned de-

termination level, as part of its cyclical monitoring process, or as part of compliance monitoring activities, a district may be required to implement and/or participate in:

1. Focused self-analysis of district data and program effectiveness;
2. Focused remote and/or on-site review;
3. Required stakeholder engagement;
4. Focused compliance reviews;
5. Strategic support and continuous improvement planning; and/or
6. Corrective action plan development.

The commissioner shall notify in writing each district identified for review under this provision as a result of assigned determination level or cyclical selection prior to requiring a district to implement or participate in any activities included in items 1-6 above.

Actions taken under this provision are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1001 and 74.28 and Education Code sections 28.006, 29.062 and 38.003 do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

Actions taken under this provision do not preclude or substitute for other responses to or consequences of program ineffectiveness or noncompliance identified by TEA, such as those described in 19 Administrative Code 89.1076 (relating to Interventions and Sanctions) and expanded oversight, including, but not limited to, frequent follow-up contacts with the district, submission of documentation verifying implementation of intervention activities and/or an improvement plan, and submission of district/program data.

19 TAC 97.1071(e)-(k)

[See AIE for information regarding TEA's process for investigating and issuing findings regarding credible allegations of violations of the Individuals with Disabilities Education Act (IDEA), Part B, and other supervision and monitoring activities under 19 Administrative Code 97.1071(a)-(b).]

Intervention Pause

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

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

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

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

19 TAC 97.1062

Failure to Submit Emergency Operations Plan

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

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

Student Board Member

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

Note: This policy addresses many of the powers and duties of the board set forth in Education Code Chapter 11, Subchapter D. For other powers and duties of the board not listed below, see the applicable policy codes.

Governance

A district is governed by a board of trustees who, as a body corporate, shall oversee the management of the district and ensure that the superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of district operations. *Education Code 11.051(a)*

General Powers and Duties

The trustees constitute a body corporate and in the name of the district may acquire and hold real and personal property, sue and be sued, and receive bequests and donations or other moneys or funds coming legally into their hands.

Except as provided by Education Code 39A.201 and 39A.202 [see AIC], the trustees as a body corporate have the exclusive power and duty to govern and oversee the management of the public schools of the district. All powers and duties not specifically delegated by statute to the Texas Education Agency (TEA) or the State Board of Education are reserved for the board, and TEA may not substitute its judgment for the lawful exercise of those powers and duties by the trustees.

The trustees may adopt rules and bylaws necessary to carry out these powers and duties.

Education Code 11.151(a), (b), (d)

Specific Powers and Duties

In addition to powers and duties under Education Code 11.151 above or other law, the board has the powers and duties provided by Education Code 11.1511(b) below, except as otherwise provided by Education Code 39A.201 or 39A.202. *Education Code 11.1511(a)*

The board shall:

1. Seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community.
2. Adopt a vision statement and comprehensive goals for the district and the superintendent, and monitor progress toward those goals. [See AE]
3. Establish performance goals for the district concerning the academic and fiscal performance indicators under Education

Code Chapter 39, Subchapters C, D, and J, and any performance indicators adopted by the district. [See AI series]

4. Provide oversight regarding student academic achievement and strategic leadership for maximizing student performance. *Education Code 11.1515* [See AIB]

5. Ensure that the superintendent is accountable for achieving performance results, recognizes performance accomplishments, and takes action as necessary to meet performance goals. [See BJA]

6. Collaborate with the superintendent as set forth at Education Code 11.1512(b). *Education Code 11.1512* [See BJA]

7. Adopt a policy to establish a district- and campus-level planning and decision-making process as required under Education Code 11.251. [See BQ series]

8. Publish an annual educational performance report as required under Education Code 39.306. [See AIB, BQ series]

9. Adopt an annual budget for the district as required under Education Code 44.004. [See CE]

10. Adopt a tax rate each fiscal year as required by Tax Code 26.05. [See CCG]

11. Monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records. [See CF series]

12. Ensure that district fiscal accounts are audited annually as required by Education Code 44.008. [See CFC]

13. Publish an end-of-year financial report for distribution to the community. [See CFA]

14. Conduct elections as required by law. [See BBB series]

15. By rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint. [See DGBA, FNG, and GF]

16. Make decisions relating to terminating the employment of district employees employed under a contract to which Education Code Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies. [See DF series]

17. Select the internal auditor if a district employs an internal auditor. The internal auditor shall report directly to the board. *Education Code 11.170* [See DC]

18. Adopt a policy providing for the employment and duties of district personnel. *Education Code 11.1513* [See BJ series, DC series, and DEA series]

19. Limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare. The board shall review paperwork requirements imposed on classroom teachers and transfer to existing non-instructional staff a reporting task that can reasonably be accomplished by that staff. *Education Code 11.164* [See DLB]

20. Adopt a cybersecurity policy. *Education Code 11.175* [See CQB]

21. Adopt early childhood literacy and mathematics proficiency plans. *Education Code 11.185* [See EA]

22. Adopt college, career, and military readiness plans. *Education Code 11.186* [See EA]

23. Conduct an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of the district at an election held for that purpose. *Education Code 11.184* [See CCG]

24. Carry out other powers and duties as provided by the Education Code or other law.

Education Code 11.1511(b), except as noted

Discretionary Powers and Duties

The board may:

1. Issue bonds and levy, pledge, assess, and collect an annual ad valorem tax to pay the principal and interest on the bonds as authorized under Education Code 45.001 and 45.003. *Education Code 11.1511(c)(1)* [See CCA]

2. Levy, assess, and collect an annual ad valorem tax for maintenance and operation of a district as authorized under Education Code 45.002 and 45.003. *Education Code 11.1511(c)(2)* [See CCG]

3. Employ a person to assess or collect the district's taxes as authorized under Education Code 45.231. *Education Code 11.1511(c)(3)* [See CCG]

4. Enter into contracts as authorized under the Education Code or other law and delegate contractual authority to a superintendent as appropriate. *Education Code 11.1511(c)(4)*

5. Require a district's chief business official or curriculum director or a person holding an equivalent position to appear at an executive session of the board or to testify at a public hearing held by the board. *Education Code 11.1511(d)* [See BJA regarding prohibition of superintendent interference]

6. Contract with a public or private entity for that entity to provide educational services for the district. *Education Code 11.157* [See EEL]

7. Charge fees as set forth at Education Code 11.158. *Education Code 11.158* [See FP]

8. Change the name of the district. *Education Code 11.160* [See AB]

9. Adopt rules that require students at a school in the district to wear school uniforms as set forth at Education Code 11.162. *Education Code 11.162* [See FNCA]

10. Adopt rules to keep school campuses, including school libraries, open for recreational activities, latchkey programs, and tutoring after school hours. *Education Code 11.165*

11. Operate a school or program or hold a class on the campus of an institution of higher education as set forth at Education Code 11.166. *Education Code 11.166* [See GNC]

12. Operate a school or program, including an extracurricular program, or hold a class outside the boundaries of the district. *Education Code 11.167* [See GNA]

13. Use the board evaluation tool developed by the commissioner of education. *Education Code 11.182* [See BG]

Note: For restrictions on a board's authority to use district resources for certain purposes, see CE(LEGAL).

For the board's authority related to district property, see CDB and CI.

Qualifications

A person may not be employed as a superintendent unless the person holds an appropriate certificate or permit.

The commissioner may waive the requirement for certification of a superintendent if requested by a district as provided by Education Code 7.056 [see BF]. The commissioner may limit the waiver of certification in any manner the commissioner determines is appropriate.

A person who is not certified as a superintendent may not be employed by a district as the superintendent before the person has received a waiver of certification from the commissioner. A person may be designated to act as a temporary or interim superintendent for a district, but the district may not employ the person under a contract as superintendent unless the person has been certified or a waiver has been granted.

Education Code 21.003

Duties

A superintendent is the educational leader and chief executive officer of a district. *Education Code 11.201(a)*

The duties of a superintendent include:

1. Assuming administrative responsibility and leadership for the planning, organization, operation, supervision, and evaluation of the education programs, services, and facilities of a district and for the annual performance appraisal of the district's staff.
2. Except as provided by Education Code 11.202 (duties of principal) [see DK and DPA], assuming administrative authority and responsibility for the assignment, supervision, and evaluation of all personnel of a district other than the superintendent.
3. Overseeing compliance with the standards for school facilities. [See CS]
4. Initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract. [See DF series]
5. Managing the day-to-day operations of a district as its administrative manager, including implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of district operations.
6. Preparing and submitting to a board a proposed budget and administering the budget.

7. Preparing recommendations for policies to be adopted by a board and overseeing the implementation of adopted policies.

8. Developing or causing to be developed appropriate administrative regulations to implement policies established by a board.

9. Providing leadership for the attainment and, if necessary, improvement of student performance in a district based on the state's student achievement and quality of learning indicators and other indicators as may be adopted by the commissioner or the board. [See AIA]

10. Organizing a district's central administration.

11. Consulting with the district-level committee. [See BQA]

12. Ensuring:

    a. Adoption of a Student Code of Conduct [see FO] and enforcement of that Code of Conduct; and

    b. Adoption and enforcement of other student disciplinary rules and procedures as necessary.

13. Submitting reports as required by state or federal law, rule, or regulation, and ensuring that a copy of any report required by federal law, rule, or regulation is also delivered to the Texas Education Agency (TEA).

14. Providing joint leadership with a board to ensure that the responsibilities of the board and superintendent team are carried out; and

15. Performing any other duties assigned by action of a board.

Education Code 11.201(d)

In addition, a superintendent shall, on a day-to-day basis, ensure the implementation of the policies created by the board. *Education Code 11.1512(a)*

Collaboration with the Board

A board and a superintendent shall work together to:

1. Advocate for the high achievement of all district students;

2. Create and support connections with community organizations to provide community-wide support for the high achievement of all district students;

3. Provide educational leadership for a district, including leadership in developing the district vision statement and long-range educational plan [see AE];

4. Establish district-wide policies and annual goals that are tied directly to the district's vision statement and long-range educational plan;

5. Support the professional development of principals, teachers, and other staff; and

6. Periodically evaluate board and superintendent leadership, governance, and teamwork.

Education Code 11.1512(b)

Prohibited Interference

A superintendent may not interfere with an appearance or testimony of specified district personnel required by the board. *Education Code 11.1511(d)* [See BAA]

Certification of Compliance With Certain Laws

Do Not Hire Registry

Each year, the superintendent shall certify to the commissioner that the district has complied with the requirements of Education Code 22A.151 (registry of persons not eligible for employment in or provision of services to educational entities). *Education Code 22A.151(g)*

Diversity, Equity, and Inclusion and Instructional Prohibitions

Not later than September 30 each year, the superintendent shall certify to TEA that the district is in compliance with Education Code 39.008, 11.005, and 28.0022. *Education Code 39.008(a)* [See BT(LEGAL) for provisions related to certification requirements.]

Testimony Before SBOE

If the commissioner finds against a school district under Education Code 7.057 in at least five grievances to which that section applies involving the district during the school year, the superintendent must appear before the SBOE to testify regarding the commissioner's findings and the frequency of grievances against the district. *Education Code 26A.004*

Reasons

The Board's decision not to renew the Superintendent's contract shall not be based on the Superintendent's exercise of Constitutional rights or based unlawfully on race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Reasons for the nonrenewal of the Superintendent's contract shall be:

1. Deficiencies pointed out in evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Insubordination or failure to comply with Board directives.
5. Failure to comply with Board policies or administrative regulations.
6. Failure of the District to make measurable progress toward the goals stated in the District improvement plan. [See BQ]
7. Conducting personal business during school hours when it results in neglect of duties.
8. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on District property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
9. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
10. Failure to meet the District's standards of professional conduct.
11. Failure to report to the Board any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]
12. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
13. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

14. Disability, not otherwise protected by law, that prevents the Superintendent from performing the essential functions of the job, with or without reasonable accommodation.

15. Any activity, school-connected or otherwise, that, because of publicity given it or knowledge of it among students, faculty, or the community, impairs or diminishes the Superintendent's effectiveness in the District.

16. Any breach by the Superintendent of an employment contract or any reason specified in the Superintendent's employment contract.

17. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, staff, or the Board.

18. Behavior that presents a danger of physical harm to a student or other individuals.

19. Assault on a person on District property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.

20. Use of profanity in the course of performing any duties of employment, whether on or off District premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.

21. Falsification of records or other documents related to the District's activities.

22. Falsification or omission of required information on an employment application.

23. Misrepresentation of facts to the Board or other District officials in the conduct of District business.

24. Failure to fulfill or maintain requirements for Superintendent certification, unless granted a waiver by the commissioner of education.

25. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.

26. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.

27. Engaging in or assigning to another individual, whether intentionally or knowingly, an instruction, guidance, activities, or programming prohibited by law. [See EMB]

28. Engaging in or assigning to another individual, whether intentionally or knowingly, diversity, equity, and inclusion duties prohibited by law.

29. Any reason constituting good cause for terminating the contract during its term.

Notice of Proposed Nonrenewal

If the Board determines that the Superintendent's contract should be considered for nonrenewal, the Board shall deliver to the Superintendent written notice of the proposed nonrenewal in accordance with law.

Request for Hearing

If the Superintendent desires a hearing after receiving notice of the proposed nonrenewal, the Superintendent shall notify the Board in writing not later than the 15th day after receiving the notice. When the Board receives a timely request for a hearing on proposed nonrenewal, the hearing shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay. The Superintendent shall be given notice of the hearing date as soon as it is set.

Hearing Procedure

Unless the Superintendent requests that the hearing be open, the hearing shall be conducted in closed meeting with only the members of the Board, the Superintendent, their chosen representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until called to present evidence. The Superintendent and the Board may each be represented by a person designated in writing to act for them. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.

2. The hearing shall begin with the Board's presentation, supported by such proof as it desires to offer.

3. The Superintendent may cross-examine any witnesses for the Board.

4. The Superintendent may then present such testimonial or documentary proofs, as desired, to offer in rebuttal or in general support of the contention that the contract be renewed.

5. The Board may cross-examine any witnesses for the Superintendent and offer rebuttal to the testimony of the Superintendent's witnesses.

6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

Board Decision

The Board may consider only such evidence as is presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the Superintendent's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the Superintendent by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

No Hearing

If the Superintendent fails to request a hearing, the Board shall take the appropriate action and notify the Superintendent in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

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

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

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

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Fraud and Financial Impropriety

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

Definition

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

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

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

Financial Controls and Oversight

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

Fraud Prevention

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

Reports

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

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with

law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

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

Fraud Investigations

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

Response

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

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

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

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

Federal Awards Disclosure

In connection with federal awards, the District shall promptly disclose in writing whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in federal law, including the Civil False Claims Act. This provision applies to any activities or subawards of a federal award. [See CBB]

Analysis of Fraud

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

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The Texas Education Agency (TEA) may enter into an agreement with a federal agency concerning a project related to education, including provision of school lunches and construction of school buildings. TEA, or another state agency designated by the governor, shall coordinate the actions of a district participating in a federal financial assistance program. *Education Code 7.021(b), (c); Gov't Code 742.003*

Retirement and Insurance Contributions

Under the Texas Public School Retired Employees Group Benefits Act, Insurance Code Chapter 1575, a district that applies for money provided by the United States or a privately sponsored source shall, if any of the money will pay part or all of an active employee's salary, also apply for any legally available money to pay state contributions required by Insurance Code Chapter 1575, Subchapter E. *Insurance Code 1575.252*

Such district must comply with the requirements of Insurance Code Chapter 1575, Subchapter F. *Insurance Code 1575.252(2)-.257*

Under the Teacher Retirement System, Government Code, Title 8, Subtitle C, if a district applies for money provided by the United States, an agency of the United States, or a privately sponsored source, and if any of the money will pay part or all of an employee's salary, the district shall apply for any legally available money to pay state contributions required by Government Code 825.404 or 830.201. *Gov't Code 825.406(a)*

Such district must comply with the requirements of Government Code 825.406.

Block Grant Funds

If a district receives more than $5,000 in block grant funds to be used as the district determines is appropriate, it shall provide evidence to TEA that a public meeting or hearing was held in a timely manner solely to seek public comment on the needs or uses of block grant funds received by the district. The board may hold this meeting or hearing in conjunction with another board meeting or hearing if the meeting or hearing to consider block grant funds is clearly noted in an announcement of the other meeting or hearing. *Gov't Code 2105.058*

Education Department General Administrative Regulations (EDGAR)

Note: For information regarding procurement under state law, see the CH policy series regarding Purchasing and Acquisition and the CV series regarding Facilities Construction.

For additional legal requirements applicable to school nutrition procurement, see COA.

EDGAR means the Education Department General Administrative Regulations (34 C.F.R. 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99). *34 C.F.R. 77.1(c)*

Uniform Guidance (2 C.F.R. 200)

The Department of Education (ED) adopts the Office of Management and Budget (OMB) Guidance in 2 C.F.R. Part 200 Uniform Guidance, except for 2 C.F.R. 200.102(a) and 2 C.F.R. 200.207(a). Thus, 2 C.F.R. Chapter XXXIV, Part 3474 gives regulatory effect to the OMB guidance and supplements the guidance as needed for the ED. *2 C.F.R. 3474.1*

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards. *2 C.F.R.200.100(a)(1)*

Note: For more information on EDGAR, the Uniform Guidance, and the federal regulations that apply to federal education grant awards, visit TEA's EDGAR Materials and Resources[1] and the ED's EDGAR website[2] and Uniform Guidance website.[3]

General Compliance

Throughout 2 C.F.R. Part 200, Subparts A through F, the word "must" indicates a requirement. The words "should" or "may" indicate a recommended approach and permit discretion. *2 C.F.R. 200.101(a)(3)*

Mandatory Disclosures

A district must disclose in writing any potential conflict of interest to the federal agency (e.g., ED) or pass-through entity (e.g., TEA) in accordance with the established federal agency policies. *2 C.F.R. 200.112*

A district must promptly disclose whenever, in connection with the federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the federal agency, the agency's Office of Inspector General, and pass-through entity (if applicable). Districts are required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance). *2 C.F.R. 200.113*

Procurement Standards

Documented Procurement Procedures

The district must maintain and use documented procedures for procurement transactions under a federal award or subaward, including for acquisition of property or services. These documented procurement procedures must be consistent with state, local, and tribal laws and regulations and the standards identified in 2 C.F.R. 200.317 through 200.327. [See also 2 C.F.R. 200.501 (Audit Requirements)]

Oversight of Contractors

The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Conflicts of Interest

The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, agent, or board member with real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the federal award. A conflict of interest includes when the employee, officer, agent, or board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. An employee, officer, agent, and board member of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors. However, districts may set standards for situations where the financial interest is not substantial or a gift is an unsolicited item of nominal value. The district's standards of conduct must also provide for disciplinary actions to be applied for violations by its employees, officers, agents, or board members. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]

Procurement Records

The district must maintain records sufficient to detail the history of each procurement transaction. These records must include the rationale for the procurement method, contract type selection, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below]

2 C.F.R. 200.318(a), (b), (c)(1), (i)

[See 2 C.F.R. 200.334 for record retention requirements.]

Financial Management

The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by the terms and conditions; and tracking expenditures to establish that funds have been used in accordance with federal statutes, regulations, and the

terms and conditions of the federal award. [See 2 C.F.R. 200.450 (Lobbying)]

The district's financial management system must comply with 2 C.F.R. 200.302(b). [See 2 C.F.R. 200.334 (Retention requirements for records), .335 (Requests for transfer of records), .336 (Methods for collection, transmission and storage of information), and .337 (Access to records)]

2 C.F.R. 200.302

Internal Controls

The district must:

1. Establish, document, and maintain effective internal control over the federal award that provides reasonable assurance that the district is managing the award in compliance with federal statutes, regulations, and the terms and conditions of the award. These internal controls should align with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
2. Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the federal award.
3. Evaluate and monitor the district's compliance with statutes, regulations, and the terms and conditions of federal awards.
4. Take prompt action when instances of noncompliance are identified.
5. Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information and other types of information. This also includes information the federal agency or pass-through entity designates as sensitive or other information the district considers sensitive and is consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

2 C.F.R. 200.303

"Internal control" for districts means processes designed and implemented by districts to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations;
2. Reliability of reporting for internal and external use; and

3. Compliance with applicable laws and regulations.

2 C.F.R. 200.1

Competition

All procurement transactions under the federal award must be conducted in a manner that provides full and open competition and is consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids must be excluded from competing on those procurements.

The district must have written procedures for procurement transactions. These procedures must ensure that all solicitations meet the requirements of 2 C.F.R. 200.319(d).

The district must ensure that all prequalified lists of persons, firms, or products used in procurement transactions are current and include enough qualified sources to ensure maximum open competition. When establishing or amending prequalified lists, the district must consider objective factors that evaluate price and cost to maximize competition. The district must not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the district, 2 C.F.R. Part 200, Subpart D does not prohibit districts from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. Subpart D also does not prohibit districts from making inquiries of bidders about these subjects and assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable federal statutes and regulations, and the terms and conditions of the federal award.

Noncompetitive procurements can only be awarded in accordance with 2 C.F.R. 200.320(c).

2 C.F.R. 200.319

Procurement Methods

For informal procurement methods (for micro-purchases and simplified acquisitions), formal procurement methods (through sealed bids or proposals), and noncompetitive procurement methods, the district must maintain and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and

200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition). *2 C.F. R. 200.320*

Informal Procurement Methods for Small Purchases

These procurement methods expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under the federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1. The district may also establish a lower threshold. Informal procurement methods include:

Micro-Purchases — Definitions

"Micro-purchase" means an individual procurement transaction for supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a district's small purchases using informal procurement methods as set forth in 2 C.F.R. 200.320.

"Micro-purchase threshold" means the dollar amount at or below which a district may purchase property, or services using micro-purchase procedures. Generally, except as provided below, the micro-purchase threshold for procurement activities administered under federal awards is not to exceed the amount set by the Federal Acquisition Regulations (FAR) at 48 C.F.R. Part 2, Subpart 2.1 [see below], unless a higher threshold is requested by the district and approved by the cognizant agency for indirect costs.

2 C.F.R. 200.1

Micro-purchase threshold means $15,000, except as otherwise provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Micro-Purchase Distribution

The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold. [See the definition of "micro-purchase" above.] To the extent practicable, the district should distribute micro-purchases equitably among qualified suppliers. *2 C.F.R. 200.320(a)(1)(i)*

Micro-Purchase Awards

Micro-purchases may be awarded without soliciting competitive price or rate quotations if the district considers the price reasonable based on research, experience, purchase history, or other information; and maintains documents to support its conclusion. Purchase cards may be used as a method of payment for micro-purchases. *2 C.F.R. 200.320(a)(1)(ii)*

Micro-Purchase Thresholds

The district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the district must be authorized or not prohibited under state, local, or tribal laws or regulations. Districts may establish a threshold higher than the federal

threshold established in the FAR in accordance with 2 C.F.R. 200.320(a)(1)(iv) and (v). *2 C.F.R. 200.320(a)(1)(iii)*

Districts may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of 2 C.F.R. 200.320. The district may self-certify a threshold up to $50,000 on an annual basis and must maintain documentation to be made available to the federal agency or pass-through entity and auditors in accordance with 2 C.F.R. 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

1. A qualification as a low-risk auditee, in accordance with the criteria in 2 C.F.R. 200.520 for the most recent audit.
2. An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
3. For public institutions, a higher threshold is consistent with state law.

2 C.F.R. 200.320(a)(1)(iv)

Micro-purchase thresholds higher than $50,000 must be approved by the cognizant agency for indirect costs. The district must submit a request that includes the requirements in 2 C.F.R. 200.320(a)(1)(iv). The increased threshold is valid until any factor that was relied on in the establishment and rationale of the threshold changes. *2 C.F.R. 200.320(a)(1)(v)*

Simplified Acquisitions — Procedures

The aggregate dollar amount of the procurement transaction is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If simplified acquisition procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. *2 C.F.R. 200.320(a)(2)(i)*

Simplified Acquisitions — Thresholds

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the FAR at 48 C.F.R. Part 2, Subpart 2.1 [see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures, which may be lower than, but must not exceed, the threshold established in the FAR. *2 C.F.R. 200.1, .320(a)(2)(ii)*

Simplified acquisition threshold means $350,000, except as otherwise provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Formal Procurement Methods

Formal procurement methods are required when the value of the procurement transaction under a federal award exceeds the simplified acquisition threshold of the district. Formal procurement methods are competitive and require public notice. The following formal methods of procurement are used for procurement transactions above the simplified acquisition threshold determined by the district in accordance with 2 C.F.R.200.320(a)(2)(ii) [Simplified Acquisitions — Thresholds, above].

Sealed Bids

Sealed bids are a procurement method in which bids are publicly solicited through an invitation and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation and is the lowest in price. The sealed bids procurement method is preferred for procuring construction services.

For sealed bidding to be feasible, the following conditions should be present:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two or more responsible bidders have been identified as willing and able to compete effectively for the business; and
3. The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally based on price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them with sufficient response time prior to the date set for opening the bids. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. For local governments, the invitation for bids must be publicly advertised.
2. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids. For local governments, the bids must be opened publicly.
4. A firm-fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the

invitation for bids, factors such as discounts, transportation cost, and life-cycle costs must be considered in determining which bid is the lowest. Payment discounts must only be used to determine the low bid when the district determines they are a valid factor based on prior experience.

5. The district must document and provide a justification for all bids it rejects.

2 C.F.R. 200.320(b)(1)

Proposals

Proposals are a procurement method used when conditions are not appropriate for using sealed bids. This procurement method may result in either a fixed-price or cost-reimbursement contract. They are awarded in accordance with the following requirements:

1. Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified. Proposals must be solicited from multiple qualified entities. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.

2. The district must have written procedures for conducting technical evaluations and making selections.

3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district considering price and other factors.

4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

2 C.F.R. 200.320(b)(2)

Noncompetitive Procurement

There are specific circumstances in which the district may use a noncompetitive procurement method. The noncompetitive procurement method may only be used if one of the following circumstances applies;

1. The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;

2. The procurement transaction can only be fulfilled by a single source;

3. The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;

4. The district requests in writing to use a noncompetitive procurement method, and the federal agency or pass-through entity provides written approval; or

5. After soliciting several sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Procurement Arrangements Using Strategic Sourcing

When appropriate for the procurement or use of common or shared goods and services, districts are encouraged to enter into state and local intergovernmental agreements or inter-entity agreements for procurement transactions. These or similar procurement arrangements using strategic sourcing may foster greater economy and efficiency. Documented procurement actions of this type (using strategic sourcing, shared services, and other similar procurement arrangements) will meet the competition requirements of 2 C.F.R. Part 200. *2 C.F.R. 200.318(e)*

Small, Minority, Women's, and Veteran-Owned Businesses

When possible, the district should ensure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms (See U.S. Department of Labor's list) are considered as set forth below. Such consideration means:

1. These business types are included on solicitation lists;

2. These business types are solicited whenever they are deemed eligible as potential sources;

3. Dividing procurement transactions into separate procurements to permit maximum participation by these business types;

4. Establishing delivery schedules (for example, the percentage of an order to be delivered by a given date of each month) that encourage participation by these business types;

5. Utilizing organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring a contractor under a federal award to apply items 1 through 5 above to subcontracts.

2 C.F.R. 200.321

Domestic Preference

The district should, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 C.F.R. 200.322 must be included in all subawards, contracts, and purchase orders under federal awards.

For purposes of this provision:

1. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

2. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2 C.F.R. 200.322

Pre-procurement Review

When requested, the district must provide procurement documents (such as requests for proposals, invitations for bids, or independent cost estimates) to the federal agency or pass-through entity for pre-procurement review. The federal agency or pass-through entity may conduct a pre-procurement review when:

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;

2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition, or only one bid is expected to be received in response to a solicitation;

3. The procurement is expected to exceed the simplified acquisition threshold and specifies a "brand name" product;

4. The procurement is expected to exceed the simplified acquisition threshold, and sealed bid procurement is to be awarded to an entity other than the apparent low bidder; or

5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.325(b)

Contract Cost and Price

The district must perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the simplified acquisition threshold. The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, districts should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the district must make independent estimates before receiving bids or proposals.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the district under 2 C.F.R. Part 200, Subpart E. The district may reference its own cost principles as long as they comply with 2 C.F.R. Part 200, Subpart E.

The district must not use the “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting.

2 C.F.R. 200.324

Contract Provisions

The district's contracts must contain the applicable provisions described in appendix II of 2 C.F.R. Part 200. *2 C.F.R. 200.327*

Suspension and Debarment

Districts are subject to the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, as well as 2 C.F.R. Part 180. These regulations restrict making federal awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from receiving or participating in federal awards. *2 C.F.R. 200.214*

Remedies for Noncompliance

The federal agency or pass-through entity may implement specific conditions if the district fails to comply with the U.S. Constitution, federal statutes, regulations, or terms and conditions of the federal award. See 2 C.F.R. 200.208 for additional information on specific conditions. When the federal agency or pass-through entity determines that noncompliance cannot be remedied by imposing specific conditions, the federal agency or pass-through entity may take one or more of the following actions:

1. Temporarily withhold payments until the district takes corrective action.

2. Disallow costs for all or part of the activity associated with the noncompliance of the district.

3. Suspend or terminate the federal award in part or in its entirety.

4. Initiate suspension or debarment proceedings as authorized in 2 C.F.R. Part 180 and the federal agency's regulations, or for pass-through entities, recommend suspension or debarment proceedings be initiated by the federal agency.

5. Withhold further federal funds (new awards or continuation funding) for the project or program.

6. Pursue other legally available remedies.

2 C.F.R. 200.339

Travel Costs

Travel costs include the transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. These costs may be charged on an actual cost basis, on a per diem or mileage basis, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip. The method used must be consistent with those normally allowed in like circumstances in the district's other activities and in accordance with the district's established written policies.

In the absence of an established written policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), by the administrator of general services, or by the president (or their designee) pursuant to any provisions of such subchapter must apply to travel under federal awards [48 C.F.R. 31.205-46(a)].

2 C.F.R. 200.475(a), (d)

Property Standards

Federally Owned Property

Title to federally owned property remains vested in the federal government. The district must submit an inventory listing of federally owned property in its custody to the federal agency or pass-through entity on an annual basis. The district must request disposition instructions from the federal agency of pass-through entity upon completion of the federal award or when the property is no longer needed.

Exempt property means property acquired under the federal award where the federal agency has chosen to vest title to the property to the district without further responsibility to the federal government. The federal agency may only exercise this option when permitted by federal statute and set forth in the terms and conditions of the

federal award. Absent statutory authority and specific terms and conditions of the federal award, the title to exempt property acquired under the federal award remains with the federal government.

2 C.F.R. 200.312(a), (c)

Property Trust Relationship

Real property, equipment, and intangible property acquired or improved with the federal award must be held in trust by the district as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The federal agency or pass-through entity may require the district to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. *2 C.F.R. 200.316*

Real Property

Subject to the requirements and conditions set forth in 2 C.F.R. 200.311, title to real property acquired or improved under the federal award will vest upon acquisition in the district.

Except as otherwise provided by federal statutes or the federal agency, real property must be used for the originally authorized purpose as long as it is needed for that purpose. While the property is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests except as provided by the federal agency. Easements for utility, cable, and similar services that benefit the real property and are consistent with the authorized use are not considered an encumbrance.

When an appraisal of real property is required and obtained by the district, it must be conducted by an independent appraiser (for example, certified real property appraiser or General Services Administration representative) and certified by a responsible official of the district as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) except as provided in the implementing regulations at 49 C.F.R. Part 24, “Uniform Relocation Assistance And Real Property Acquisition For Federal And Federally Assisted Programs.”

When real property is no longer needed for the originally authorized purpose, the district must obtain disposition instructions from the federal agency or pass-through entity. The instructions must specify one of the following disposition methods:

1. Retain title after compensating the federal agency an amount determined under 2 C.F.R. 200.311(c)(1).

2. Sell the property and compensate the federal agency an amount determined under 2 C.F.R. 200.311(c)(2).

3. Transfer title to the federal agency or a third party designated/approved by the federal agency with the federal agency paying the district an amount determined under 2 C.F.R. 200.311(c)(3).

2 C.F.R. 200.311

Equipment

Title and Use

Title to equipment acquired under the federal award will vest upon acquisition in the district subject to the conditions of 2 C.F.R. 200.313. This title must be a conditional title unless a federal statute specifically authorizes the federal agency to vest title in the district without further responsibility to the federal government (and the federal agency elects to do so). A conditional title means a clear title is withheld by the federal agency until conditions and requirements specified in the terms and conditions of a federal award have been fulfilled. Title for equipment vested in a district is subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.

2. While the equipment is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests without the approval of the federal agency or pass-through entity.

3. Use and dispose of the property in accordance with the provisions below.

The district must use equipment for the project or program for which it was acquired and for as long as needed in accordance with 2 C.F.R. 200.313(c).

Regardless of whether equipment is acquired in part or in its entirety under the federal award, the district must manage equipment (including replacement equipment) utilizing procedures that meet the requirements of 2 C.F.R. 200.313(d).

Disposition

If the district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

When equipment acquired under a federal award is no longer needed for the original project, program, or for other activities currently or previously supported by a federal agency, the district must request disposition instructions from the federal agency or pass-through entity if required by the terms and conditions of the federal award. Disposition of the equipment will be made as prescribed in

	2 C.F.R. 200.313(e), in accordance with federal agency or pass-through entity disposition instructions. *2 C.F.R. 200.313*
Supplies	Title to supplies acquired under the federal award will vest upon acquisition in the district. When there is a residual inventory of unused supplies exceeding $10,000 in aggregate value at the end of the period of performance, and the supplies are not needed for any other federal award, the district may retain or sell the unused supplies. Unused supplies means supplies that are in new condition, not having been used or opened before. The federal agency or pass-through entity is entitled to compensation in an amount calculated under 2 C.F.R. 200.314(a). *2 C.F.R. 200.314(a)*
Intangible Property	Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that intangible property for the originally authorized purpose and must not encumber the property without the approval of the federal agency or pass-through entity. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). *2 C.F.R. 200.315(a)*
Foreign Telecommunications Equipment	Recipients and subrecipients are prohibited from obligating or expending loan or grant funds in violation of 2 C.F.R. 200.216(a).
Direct Grant Programs	The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED, except as specified in the regulations for direct formula grant programs, as referenced in 34 C.F.R. 75.1(c)(3). *34 C.F.R. 75.1*
State-Administered Programs	The regulations in 34 C.F.R. Part 76 apply to each state-administered formula grant program of the ED. *34 C.F.R. 76.1*
General Education Provision Act	The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the ED and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

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[1] TEA EDGAR Materials and Resources: https://tea.texas.gov/Finance_and_Grants/Grants/EDGAR_Materials_and_Resources/
[2] ED EDGAR website: https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html
[3] ED Uniform Guidance website: https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html

Authorized Expenditures

A district shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. Civ. App.—Houston [1st Dist.] 1976, no writ)*

A district shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. Nor shall a district pay or authorize the payment of any claim against the district under any agreement or contract made without authority of law. *Tex. Const. Art. III, Sec. 53; Harlingen Indep. Sch. Dist. v. C.H. Page & Bro., 48 S.W.2d 983 (Tex. Comm'n App. 1932)*

The public school funds may not be spent except as provided by Education Code 45.105. The state and county available funds may be used only for the payment of teachers' and superintendents' salaries and interest on money borrowed on short time to pay those salaries that become due before school funds for the current year become available. Loans for the purpose of payment of teachers may not be paid out of funds other than those for the current year.

Local school funds from district taxes, tuition fees of students not entitled to a free education, other local sources, and state funds not designated for a specific purpose may be used for the purposes listed above for state and county available funds and for purchasing appliances and supplies; paying insurance premiums; paying janitors and other employees; buying school sites; buying, building, repairing, and renting school buildings, including acquiring school buildings and sites by leasing through annual payments with an ultimate option to purchase [see CHG]; providing advising support as described by Education Code 48.0035(1) and educating students as described by Education Code 48.0035(2) [see EHDD]; and, except as provided below, for other purposes necessary in the conduct of the public schools as determined by the board.

Exception

Notwithstanding any other law, federal, state, or local funding, including funding under Chapters 46, 48, and 49, may not be used to initiate or maintain any action or proceeding against the state or an agency or officer of the state, including an action or proceeding that includes a claim of ultra vires conduct, except that funds may be used for an action or proceeding that is specifically authorized by a provision of the Education Code or by Government Code 2001.038 (Declaratory judgments under the Administrative Procedures Act).

Education Code 45.105(a)-(c), (c-1)

Fiscal Year

The fiscal year of a district begins on July 1 or September 1 of each year, as determined by the board. *Education Code 44.0011*

Budget Preparation

On or before the date set by the State Board of Education (SBOE), a superintendent shall prepare, or cause to be prepared, a proposed budget covering all estimated revenue and proposed expenditures of a district for the following fiscal year. The budget must be prepared according to generally accepted accounting principles, rules adopted by the SBOE, and adopted policies of the board of trustees. *Education Code 44.002; 19 TAC 109.1(a), .41, .5001*

Funds for Accelerated Instruction

A district that is required to provide accelerated instruction under Education Code 29.081(b-1) [see EHBCA] shall separately budget sufficient funds, including funds under Education Code 48.104, for that purpose. *Education Code 29.081(b-2)*

Itemization of Certain Expenditures

The proposed budget of a district must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for:

1. Notices required by law to be published in a newspaper by the district or a representative of the district; and
2. Directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Government Code 305.002.

Local Gov't Code 140.0045

Public Meeting on Budget and Proposed Tax Rate

When the budget has been prepared, the board president shall call a board meeting for the purpose of adopting a budget for the succeeding fiscal year. Any taxpayer of a district may be present and participate in the meeting. *Education Code 44.004(a), (f)* [See CCG for provisions governing tax rate adoption.]

The meeting must comply with the notice requirements of the Open Meetings Act. *Gov't Code 551.041, .043* [See BE]

Published Notice

The board president shall provide for publication of notice of the budget and proposed tax rate meeting in accordance with Education Code 44.004. [For specific requirements regarding the form, contents, and publication of the notice, see CCG(LEGAL).]

Publication of Proposed Budget Summary

Concurrently with the publication of notice of the budget under Education Code 44.004, a district shall post a summary of the proposed budget on the school district's internet website or, if the district has no internet website, in the district's central administrative office.

The budget summary must include a comparison to the previous year's actual spending and information relating to per student and aggregate spending on:

1. Instruction;
2. Instructional support;
3. Central administration;
4. District operations;
5. Debt service; and
6. Any other category designated by the commissioner.

Education Code 44.0041

Budget Adoption

The board, at the meeting called for that purpose, shall adopt a budget to cover all expenditures for the succeeding fiscal year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(f)-(g)*

Appendix for Tax Rate Calculation Forms

The board shall include as an appendix to the district's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee of the district to calculate the no-new-revenue tax rate and the voter-approval tax rate of the district for the tax year in which the fiscal year begins. *Tax Code 26.04(e-5)* [See CCG]

Districts with July 1 Fiscal Year

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property [see CCG] in preparing the required notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district. *Education Code 44.004(h)-(i)*

Budget Adoption After Tax Rate Adoption

Notwithstanding Education Code 44.004(g), (h), and (i), above, a district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. If a district elects to adopt a tax rate before adopting a budget, the district must publish notice and hold a meeting for the purpose of discussing the proposed tax rate. Following adoption of the tax rate [see CCG], the district must publish notice and hold another public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notices. The district may use the certified

estimate of taxable value in preparing a notice under this provision. *Education Code 44.004(j)*

Publication of Adopted Budget

On final approval of the budget by the board, the district shall post on the district's internet website a copy of the budget adopted by the board. The district's website must prominently display the electronic link to the adopted budget. A district shall maintain the adopted budget on the district's website until the third anniversary of the date the budget was adopted. *Education Code 44.0051*

On or before a date set by the SBOE, the budget must be filed with the Texas Education Agency according to rules established by the SBOE. *Education Code 44.005*

Internet Posting of Tax Rate and Budget Information

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of these provisions. Each district shall post or cause to be posted on the internet website the following information in a format prescribed by the comptroller:

1. The name of each member of the board;
2. The mailing address, email address, and telephone number of the district;
3. The official contact information for each member of the board, if that information is different from the information described by item 2;
4. The district's budget for the preceding two years;
5. The district's proposed or adopted budget for the current year;
6. The change in the amount of the district's budget from the preceding year to the current year, by dollar amount and percentage;
7. The tax rate for maintenance and operations adopted by the district for the preceding two years;
8. The interest and sinking fund tax rate adopted by the district for the preceding two years;
9. The tax rate for maintenance and operations proposed by the district for the current year;
10. The interest and sinking fund tax rate proposed by the district for the current year; and
11. The most recent financial audit of the district.

Tax Code 26.18

Effect of Adopted Budget and Amendment

Public funds of the district may not be spent in any manner other than as provided for in the budget adopted by the board, but the board may amend a budget or adopt a supplementary emergency budget to cover necessary unforeseen expenses. Any amendment or supplementary budget must be prepared and filed in accordance with SBOE rules. *Education Code 44.006*

Spending Violation/Offense

A trustee who votes to approve any expenditure of school funds in violation of a provision of the Education Code, for a purpose for which those funds may not be spent, or in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits an offense. *Education Code 44.052(c)*

Certain Donations

A district may donate funds or other property or service to the adjutant general's department, the Texas National Guard, or the Texas State Guard. *Gov't Code 437.111(b), .252, .304(a)*

Commitment of Current Revenue

A contract for the acquisition, including lease, of real or personal property is a commitment of a district's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to a board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best-efforts attempt by the board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

Prohibited Uses of Resources

Improvements to Real Property

Except as provided below or by Education Code 45.109(a-1), (a-2), or (a-3) [see CX], the board may not enter into an agreement authorizing the use of school district employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the district.

This provision does not prohibit the board from entering into an agreement for the design, construction, or renovation of improvements to real property not owned or leased by the district if the improvements benefit real property owned or leased by the district. Benefits to real property owned or leased by the district include the design, construction, or renovation of highways, roads, streets, sidewalks, crosswalks, utilities, and drainage improvements that serve or benefit the real property owned or leased by the district.

Education Code 11.168

Hotels	The board may not impose taxes; issue bonds; use or authorize the use of district employees; use or authorize the use of district property, money, or other resources; or acquire property for the design, construction, renovation, or operation of a hotel. The board may not enter into a lease, contract, or other agreement that obligates the board to engage in an activity prohibited by this provision or obligates the use of district employees or resources in a manner prohibited by this provision. "Hotel" means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a motel. *Education Code 11.178*
Electioneering	For restrictions on using district funds for electioneering, see BBBD.

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

Required Vendor Disclosures

Disclosure of Interested Parties

A district may not enter into a contract described below with a business entity unless the business entity submits a disclosure of interested parties to the district at the time the business entity submits the signed contract to the district.

The requirement above applies only to a contract of a district that:

1. Requires an action or vote by the board before the contract may be signed;
2. Has a value of at least $1 million; or
3. Is for services that would require a person to register as a lobbyist under Government Code Chapter 305.

Gov't Code 2252.908

A contract does not require an action or vote by the board if the board has legal authority to delegate to its staff the authority to execute the contract, the board has delegated this authority, and the board does not participate in the selection of the business entity with which the contract is entered into. *1 TAC 46.1(c)*

Exclusions

The disclosure requirement does not apply to a contract with:

1. A publicly traded business entity, including a wholly owned subsidiary of the entity;
2. An electric utility, as defined by Utilities Code 31.002; or
3. A gas utility, as defined by Utilities Code 121.001.

Gov't Code 2252.908(c)(4)-(6)

Required Form

The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission (TEC) that includes a list of each interested party for the contract of which the contracting business entity is aware; and a written, unsworn declaration subscribed by the authorized agent of the contracting business entity as true under penalty of perjury that is in substantially the form set out in Government Code 2252.908(e)(2). *Gov't Code 2252.908(e); 1 TAC 46.5(a)*

The certification of filing and the completed disclosure of interested parties form generated by TEC's electronic filing application must be printed, signed by an authorized agent of the contracting business entity, and submitted to the district that is the party to the contract for which the form is being filed. *1 TAC 46.5(b)*

Deadline

A district that receives a completed disclosure of interested parties form and certification of filing shall notify TEC, in an electronic format prescribed by TEC, of the receipt of those documents not later than the 30th day after the date the board receives the disclosure. *1 TAC 46.5(c); Gov't Code 2252.908(f)*

Contract Voidable

A contract subject to this requirement entered into by a district is voidable for failure to provide the required disclosure of interested parties only if:

1. The district submits to the business entity written notice of the business entity's failure to provide the required disclosure; and
2. The business entity fails to submit to the district the required disclosure on or before the 10th business day after the date the business entity receives the written notice.

Gov't Code 2252.908(f-1)

Contract Changes

The disclosure requirements do not apply to a change made to an existing contract, including an amendment, change order, or extension of a contract except as set out below.

The disclosure requirements apply to a change made to an existing contract, including an amendment, change order, or extension of a contract if:

1. A disclosure of interested parties form was not filed for the existing contract; and either the changed contract requires an action or vote by the board or the value of the changed contract is at least $1 million; or
2. The business entity submitted a disclosure of interested parties form to the district that is a party to the existing contract; and either there is a change to the disclosure; or the changed contract requires an action or vote by the board; or the value of the changed contract is at least $1 million greater than the value of the existing contract.

1 TAC 46.4

Definitions

"Contract" means a contract between a board and a business entity at the time it is voted on by the board or at the time it binds the board, whichever is earlier, and includes an amended, extended, or renewed contract. *1 TAC 46.3(a)*

"Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation. The term includes an entity through which business is conducted with a district, regardless of whether the en-

tity is a for-profit or nonprofit entity, and does not include a governmental entity or state agency. *Gov't Code 2252.908(a)(1); 1 TAC 46.3(b)*

"Interested party" means a person who has a controlling interest in a business entity with whom a district contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity. *Gov't Code 2252.908(a)(3); 1 TAC 46.3(d), (e)*

"Controlling interest" means:

1. An ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent;
2. Membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or
3. Service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers. This provision does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

1 TAC 46.3(c)

"Signed" includes any symbol executed or adopted by a person with present intention to authenticate a writing, including an electronic signature. *1 TAC 46.3(f)*

"Value" of a contract is based on the amount of consideration received or to be received by the business entity from the district under the contract. *1 TAC 46.3(g)*

Conflict of Interest Questionnaire

Note: See BBFA for additional information applicable to disclosures under Local Government Code Chapter 176, including:

- Definitions;
- Conflicts disclosure statements required to be filed by certain local government officers, including vendors who are also local government officers; and
- Internet posting requirements for conflicts disclosure statements and questionnaires.

A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with the district and:

1. Has an employment or other business relationship with a local government officer of the district, or a family member of the officer, described by Local Government Code 176.003(a)(2)(A);

2. Has given a local government officer of the district, or a family member of the officer, one or more gifts with the aggregate value specified by Local Government Code 176.003(a)(2)(B), excluding any gift described by Local Government Code 176.003(a-1); or

3. Has a family relationship with a local government officer of the district.

Local Gov't Code 176.006(a)

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

1. The date that the vendor:

   a. Begins discussions or negotiations to enter into a contract with a district;

   b. Submits to the district an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the district; or

2. The date the vendor becomes aware:

   a. Of an employment or other business relationship with a local government officer, or a family member of the officer described by Local Government Code 176.006(a);

   b. That the person has given one or more gifts described by Local Government Code 176.006(a); or

   c. Of a family relationship with a local government officer.

Local Gov't Code 176.006(a-1)

Electronic Filing

The requirements of Local Government Code Chapter 176, including signature requirements, may be satisfied by electronic filing in a form approved by the TEC. *Local Gov't Code 176.008*

Updating Incomplete or Inaccurate Questionnaires

A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate. *Local Gov't Code 176.006(d)*

Validity of Contract

The validity of a contract between a vendor and the district is not affected solely because the vendor fails to comply with these requirements. *Local Gov't Code 176.006(i)*

Violations

A vendor commits an offense if the vendor is required to file a conflict of interest questionnaire under Local Government Code 176.003 and either:

1. Knowingly fails to file the required questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of the facts that require the filing of the questionnaire; or

2. Knowingly fails to file an updated questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in a questionnaire previously filed by the vendor incomplete or inaccurate.

It is an exception to the application of this provision that the vendor filed the required questionnaire not later than the seventh business day after the date the vendor received notice from the district of the alleged violation.

A board may, at its discretion, declare a contract void if the board determines that a vendor failed to file a conflict of interest questionnaire required by Local Government Code 176.006.

Local Gov't Code 176.013(b), (e), (g)

Prohibited Activities by Vendors

"Vendor" means a company, individual, contractor, subcontractor, or professional services provider with whom a district enters into an agreement, contract, memorandum of understanding, interlocal agreement, fee schedule, retainer, or similar instrument for goods or services.

A vendor that bids on or receives a contract from a district commits an offense if any individual serving on the board of the district:

1. Has a substantial interest in the vendor or a subcontractor hired by a vendor;

2. Is related in the second degree by consanguinity or affinity, as determined under Government Code Chapter 573 (Nepotism) to an individual who has a substantial interest in the vendor; or

3. Has received or has been promised a gift or in-kind services with a value of more than $250.

An individual has a substantial interest in a vendor if the individual:

1. Owns more than 10 percent of the voting interest in the vendor; or

2. Has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains of the vendor.

A first offense is a Class C misdemeanor, a second offense is a Class B misdemeanor, a third offense is a Class A misdemeanor, and a fourth or subsequent offense is a state jail felony. Any offense is a state jail felony if the vendor directly or indirectly through a third party compensated the individual serving on the board with money, gifts, or in-kind services as consideration for the district entering into a contract with the vendor.

Education Code 11.067

Required Contract Provisions

Boycott Prohibitions

Israel

A district may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company that it does not boycott Israel and will not during the term of the contract.

The requirement above applies only to a contract that:

1. Is between a district and a company with 10 or more full-time employees; and

2. Has a value of $100,000 or more that is to be paid wholly or partly from public funds of the district.

Gov't Code 2271.002

"Boycott Israel" has the meaning assigned by Government Code 808.001.

"Company" has the meaning assigned by Government Code 808.001, except that the term does not include a sole proprietorship.

Gov't Code 2271.001(1), (2)

Energy Companies

A district may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not boycott energy companies and will not boycott energy companies during the term of the contract.

The requirement above applies only to a contract that:

1. Is between a district and a company with 10 or more full-time employees; and

2. Has a value of $100,000 or more that is to be paid wholly or partly from public funds of the district.

The requirement above does not apply to a district that determines the requirements are inconsistent with the district's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.

Gov't Code 2276.002

"Boycott energy company" has the meaning assigned by Government Code 809.001.

"Company" has the meaning assigned by Government Code 809.001, except that the term does not include a sole proprietorship.

Gov't Code 2276.001(1), (2)

No Discrimination Against Firearm and Ammunition Industries

A district may not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and will not discriminate during the term of the contract against a firearm entity or firearm trade association.

The requirement above applies only to a contract that:

1. Is between a district and a company with at least 10 full-time employees; and

2. Has a value of $100,000 or more that is paid wholly or partly from public funds of the district.

The requirement above does not apply to a district that contracts with a sole-source provider or does not receive bids from a company that is able to provide the required written verification.

Gov't Code 2274.002

[For definitions, see Government Code 2274.001.]

Retention of Contracting Information

Application

These provisions apply to a contract that:

1. Has a stated expenditure of at least $1 million in public funds for the purchase of goods or services by the district; or

2. Results in the expenditure of at least $1 million in public funds for the purchase of goods or services by the district in a fiscal year of the district.

A board may not accept a bid for a contract described above or award the contract to an entity that the board has determined has knowingly or intentionally failed to comply with Government Code Chapter 552, Subchapter J (Additional Provisions Relating to Contracting Information) in a previous bid or contract described above unless the board determines and documents that the entity has taken adequate steps to ensure future compliance with the requirements of that subchapter. [For additional information and requirements, see GBA and GBAA.]

Requirements

A contract described above must require a contracting entity to:

1. Preserve all contracting information related to the contract as provided by the records retention requirements applicable to the district for the duration of the contract;

2. Promptly provide to the district any contracting information related to the contract that is in the custody or possession of the entity on request of the district; and

3. On completion of the contract, either:

    a. Provide at no cost to the district all contracting information related to the contract that is in the custody or possession of the entity; or

    b. Preserve the contracting information related to the contract as provided by the records retention requirements applicable to the district.

Bid and Contract Language

Except as described at Exception, below, a bid for a contract described above and the contract must include the following statement: “The requirements of Subchapter J, Chapter 552, Government Code, may apply to this (include “bid” or “contract” as applicable) and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter.”

Notice of Noncompliance

A board that is the party to a contract described above shall provide notice to the entity that is a party to the contract if the entity fails to comply with a requirement of Government Code Chapter 552, Subchapter J applicable to the entity. The notice must:

1. Be in writing;

2. State the requirement that the entity has violated; and

3. Unless the exception described below applies, advise the entity that the board may terminate the contract without further obligation to the entity if the entity does not cure the violation on or before the 10th business day after the date the board provides the notice.

Contract Termination

Except as provided below, a governmental body may terminate a contract described above if:

1. The board provides the required notice to the entity that is party to the contract;
2. The contracting entity does not cure the violation in the prescribed period;
3. The board determines that the contracting entity has intentionally or knowingly failed to comply with a requirement of Government Code Chapter 552, Subchapter J; and
4. The board determines that the entity has not taken adequate steps to ensure future compliance with the requirements of that subchapter.

An entity has taken adequate steps to ensure future compliance with Government Code Chapter 552, Subchapter J if:

1. The entity produces contracting information requested by the board that is in the custody or possession of the entity not later than the 10th business day after the date the board makes the request; and
2. The entity establishes a records management program to enable the entity to comply with Government Code Chapter 552, Subchapter J.

Exception

A board may not terminate a contract under these provisions if the contract is related to the purchase or underwriting of a public security, the contract is or may be used as collateral on a loan, or the contract's proceeds are used to pay debt service of a public security or loan.

Gov't Code 552.371(a), .372-.374 [See GBA]

Prohibitions

Entertainment Event Contracts

A person, including a board, may not include a provision in a contract related to a parade, concert, or other entertainment event paid for in whole or in part with public funds that prohibits or would otherwise prevent the disclosure of information relating to the receipt or expenditure of public or other funds by a board for the event. A contract provision that violates Government Code 552.104(c) is void. *Gov't Code 552.104(c)* [See GBA for information related to competition or bidding.]

Taxpayer Resource Transactions

A district may not enter into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider or an abortion assistance entity for the purpose of providing an abortion or abortion assistance. *Gov't Code 2273.003(a)*

A district may not enter into a taxpayer resource transaction or appropriate or spend money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider. Logistical support includes providing money for child care; travel or any form of transportation to or from an abortion provider; lodging; food or food preparation; counseling that encourages a woman to have an abortion; and any other service that facilitates the provision of an abortion. *Gov't Code 2273.0031(a)*

"Taxpayer resource transaction" means a sale, purchase, lease, donation of money, goods, services, or real property, or any other transaction between a governmental entity and a private entity that provides to the private entity something of value derived from state or local tax revenue, regardless of whether the governmental entity receives something of value in return.

"Affiliate" means a person or entity who enters into with another person or entity a legal relationship created or governed by at least one written instrument, including a certificate of formation, a franchise agreement, standards of affiliation, bylaws, or a license, that demonstrates:

1. Common ownership, management, or control between the parties to the relationship;
2. A franchise granted by the person or entity to the affiliate; or
3. The granting or extension of a license or other agreement authorizing the affiliate to use the other person's or entity's brand name, trademark, service mark, or other registered identification mark.

Gov't Code 2273.001(3), (5)

Lobbying Restriction — Tobacco Education Grant Funds

A district receiving funds or grants from the Permanent Fund for Health and Tobacco Education and Enforcement may not use the funds to pay:

1. Lobbying expenses incurred by the district;
2. A person or entity that is required to register with the Texas Ethics Commission under Government Code Chapter 305 (Registration of Lobbyists);

3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by item 2; or

4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067(a)

Contracts with Listed Companies

A district may not enter into a governmental contract with a company identified on a list prepared and maintained under Government Code 806.051 (now Government Code 2270.0201) (companies with business operations in Sudan), 807.051 (now Government Code 2270.0102) (companies with business operations in Iran), and 2252.153 (companies known to have contracts with or provide supplies or services to foreign terrorist organization). *Gov't Code 2252.152*

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment. The term includes a contract to obtain professional services subject to Government Code 2254. *Gov't Code 2252.151(3)*

Certain Library Material Vendors

A district may not purchase library material from a library material vendor on the list created by the Texas Education Agency under Education Code 35.003(c). [See EFB] *Education Code 35.003(d)*

Note: For general provisions applicable to district security personnel, including district peace officers, see CKE.

For information on mental health leave, quarantine leave, and line of duty leave for peace officers, see DEC.

Powers and Duties

Code of Criminal Procedure

Any peace officer commissioned by the board must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement (TCOLE). *Education Code 37.081(h)*

Officers commissioned by a board are peace officers. *Code of Criminal Procedure 2A.001(8)*

It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To effect this purpose, the officer shall use all lawful means. *Code of Criminal Procedure 2A.051(1)*

The peace officer shall perform the duties listed in Code of Criminal Procedure 2A.051.

Determined by the Board

A district peace officer shall perform law enforcement duties for the district as determined by the board. *Education Code 37.081(d), (d-1)* [See CKE(LEGAL)]

The board may authorize any officer commissioned by the board to enforce rules adopted by the board. Education Code Chapter 37, Subchapter D (protection of buildings and grounds) is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. *Education Code 37.103*

In a peace officer's jurisdiction, a peace officer commissioned by the board:

1. Has the powers, privileges, and immunities of peace officers;
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws;
3. May take a child into custody in accordance with Family Code Chapter 52 [see GRA] or Code of Criminal Procedure 45A.453; and
4. May dispose of cases in accordance with Family Code 52.03 or 52.031.

Education Code 37.081(b); Family Code 52.01(a)(3)

The board shall determine the scope of the on-duty and off-duty law enforcement activities of district peace officers. A district must authorize in writing any off-duty law enforcement activities performed by a district peace officer.

A district peace officer may provide assistance to another law enforcement agency. A district may contract with a political subdivision for the jurisdiction of a district peace officer to include all territory in the jurisdiction of the political subdivision.

Education Code 37.081(c), (e)

Public Information Officer for Emergency Communications

The district police department shall employ or appoint a person whose duties include communicating with the public during a disaster regarding the disaster as the department's public information officer. The public information officer must obtain certification in emergency communications from the Texas Division of Emergency Management and complete continuing education on emergency communications under Government Code Chapter 418, Subchapter K. [For more information about the training required for public information officers, see CK.] *Gov't Code 411.3735(a), (b)*

Chief of Police

The chief of police of a district police department shall be accountable to the superintendent and shall report to the superintendent. District police officers shall be supervised by the district chief of police or the chief's designee and shall be licensed by TCOLE. *Education Code 37.081(f)*

Reserve Police Officers

The board may authorize the chief of police to appoint reserve police officers for the district. The board may limit the number of reserve police officers the chief may appoint.

Chief of Police Discretion

A reserve police officer serves at the discretion of the chief of police and may be called into service at any time that the chief considers it necessary to have additional officers to preserve the peace and enforce the law.

Authority

The chief of police may authorize a reserve police officer who holds a permanent peace officer license issued under Occupations Code 1701 (peace officers) to carry a weapon or act as a peace officer at all times or may limit the authority of the reserve police officer to carry a weapon or act as a peace officer to only those times during which the reserve police officer is engaged in the actual discharge of official duties.

A reserve police officer who does not hold a permanent peace officer license issued under Occupations Code 1701 (peace officers) may act as a peace officer only if the officer has fulfilled all applicable continuing education and training requirements under Occupa-

tions Code 1701.351 and 1701.3525 and during the actual discharge of official duties.

Rights, Privileges, and Duties

A reserve police officer on active duty at the call of the chief of police and actively engaged in assigned duties has the same rights, privileges, and duties as any other peace officer of the state.

A reserve police officer is not exempt from Occupations Code 1702 (private security).

Ineligibility for Benefits

A reserve police officer is not eligible for participation in any program provided by TEA or the board that is normally considered a financial benefit of full-time employment or for any pension fund created by statute for the benefit of full-time paid peace officers.

Education Code 37.0816

Oath and Bond

A peace officer assigned to duty and commissioned by a board shall take and file the oath required of peace officers and shall execute and file a bond in the sum of $1,000, payable to the board, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. *Education Code 37.081(h)*

Preemployment Procedures

Before a law enforcement agency may hire a person licensed under Occupations Code 1701 (law enforcement officers), the agency must, on a form and in the manner prescribed by the TCOLE:

1. Obtain the person's written consent for the agency to review the information required to be reviewed under Occupations Code 1701.451;
2. Request from TCOLE and any other applicable person information required to be reviewed under Occupations Code 1701.451; and
3. Submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
    a. Contacted each entity or individual necessary to obtain the information required to be reviewed under Occupations Code 1701.451; and
    b. Except as provided below, obtained and reviewed as related to the person, as applicable, the information listed in Occupations Code 1701.451(a)(3)(B).

Confirmation Form

The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under Occupations Code 1701.451 before submission to TCOLE. The failure of an agency head or the agency head's designee to comply

with this subsection constitutes grounds for suspension of the agency head's license under Occupations Code 1701.501.

The confirmation form submitted to TCOLE is not confidential and is subject to disclosure under Government Code Chapter 552 (Public Information Act).

Exception

If an entity or individual contacted for information required to be reviewed under Occupations Code 1701.451 refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response.

Duty to Provide Information

If a law enforcement agency receives from a law enforcement agency a request for information under Occupations Code 1701.451 and the person's consent on the forms and in the manner prescribed by TCOLE, the agency shall provide the information to the requesting agency.

Occupations Code 1701.451

Reporting Requirements

When a person licensed by TCOLE separates from an agency, the agency shall, within 7 business days:

Separation Report

1. Submit a separation report (Form F5) to TCOLE; and
2. Provide a copy to the licensee in a manner prescribed by Occupations Code 1701.452 (Employment Termination Report).

37 TAC 217.7(b)

An agency must retain records kept under 37 Administrative Code 217.7 while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to TCOLE. *37 TAC 217.7(d)*

Misconduct Investigation Report

The chief administrator of a law enforcement agency must submit a report of a completed investigation of an allegation of misconduct, as defined in the TCOLE model policy required by Occupations Code 1701.4522(a)(1) [see Misconduct Investigation and Hiring, below], that may result in suspension, demotion, or termination of the licensee on a form prescribed by TCOLE:

1. For alleged criminal misconduct for which criminal charges are filed against a licensee, to TCOLE within 30 days after the investigation is completed on a form; and

2. For alleged administrative misconduct, to TCOLE in a timely manner, but not later than 30 days after the licensee's separation from the law enforcement agency.

If the investigative findings or disciplinary action taken are appealed, the chief administrative officer must notify TCOLE that the matter is under appeal and notify TCOLE of the disposition of an appeal within 30 days after receipt of the decision.

The chief administrator must include documentation of the completed investigation in the licensee's personnel or department file, as appropriate. *37 TAC 211.29(o)*

Personnel File

The chief administrator of a law enforcement agency must maintain a personnel file and department file for each licensee appointed with the law enforcement agency and submit to TCOLE a complete copy of the personnel file of a licensee within 30 days after separation of the licensee from the law enforcement agency in a manner prescribed by TCOLE and upon request as part of an ongoing investigation relating to the licensee. *37 TAC 211.29(p)*

Memoranda of Understanding

A district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies. *Education Code 37.081(g)*

Required Policies

Use of Force/Duty to Render Aid

Not later than the 180th day after the date TCOLE provides the model policies described by Occupations Code 1701.269(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by TCOLE under that subsection. *Occupations Code 1701.270*

Medical and Psychological Exams

Each law enforcement agency in this state shall adopt the model policy described by Occupations Code 1701.167(a) or a substantively similar policy. A policy adopted by a law enforcement agency under that subsection must be submitted to TCOLE, and the commission shall maintain a copy of the policy. *Occupations Code 1701.167(b)*

Active Shooter Incident

A law enforcement agency must have an active shooter policy, including a detailed written policy based on current best practices for responding to an active shooter incident at a primary or secondary school facility and a recommendation for the frequency at which simulated emergency drills should be conducted, in accordance with minimum standards established by TCOLE. *Occupations Code 1701.163*

Misconduct Investigation and Hiring

A law enforcement agency shall adopt the model policy adopted by TCOLE as described by Occupations Code 1701.4522(a) or a substantively similar policy establishing procedures applicable to a law enforcement agency investigating alleged misconduct by a license holder employed by the agency and hiring a license holder. A policy adopted by a law enforcement agency in accordance with the requirements of Occupations Code 1701.4522 must be submitted to TCOLE and TCOLE shall maintain a copy of the policy. *Occupations Code 1701.4522(a), (d)*

Note: TCOLE model policies, including those described above, are available on the TCOLE Model Policies website.[1] The TCOLE forms are available on the TCOLE Forms and Applications website.[2]

Access to Breaching Tool and Ballistic Shield

A law enforcement agency must make available to officers at least one breaching tool and one ballistic shield in accordance with minimum standards established by TCOLE. *Occupations Code 1701.163* [For requirement that district campuses possess breaching tools and ballistic shields, see CSA.]

Donation of Surplus Law Enforcement Equipment to a School District

If the Texas Facilities Commission determines that the state's efforts to secure its international border and combat transnational crime will sufficiently benefit from the donation of the surplus motor vehicles and other law enforcement equipment of the Department of Public Safety to a school district located in an economically disadvantaged area of this state, it may transfer the property to the district at a price or for other consideration agreed to by the commission and the district.

A school district that receives surplus property may not sell the property before the second anniversary of the date the property is received and may not use the property for a purpose other than in the performance of law enforcement duties by peace officers, school resource officers, or security personnel as described by Education Code 37.081.

Gov't Code 2175.308

Drones

"Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

1. Is controlled remotely by a human operator; or
2. Operates autonomously through computer software or other programming.

Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

1. Adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and

2. Not later than January 1 of each even-numbered year, submit the policy to TCOLE in the manner prescribed by TCOLE.

Code of Criminal Procedure 2B.0253

[For additional information on unmanned aircraft systems, see GKA.]

Body-Worn Camera Programs

For the purpose of this provision, "body-worn camera" means a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio; and worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

A law enforcement agency that operates a body-worn camera program shall adopt a policy for the use of body-worn cameras that must ensure that a body-worn camera is activated only for a law enforcement purpose and must include guidelines and provisions required by Occupations Code 2B.0106(b).

A policy may not require a peace officer to keep a body-worn camera activated for the entire period of the officer's shift.

A policy must require a peace officer who is equipped with a body-worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to peace officers who will wear the body-worn cameras and any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Occupations Code 2B.0101(1), .0106, .0107

Prohibited Release of Recording

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

A recording is confidential and excepted from the requirements of the Public Information Act if the recording was:

1. Not required to be made under Occupations Code Subchapter N or another law or under a policy adopted by the law enforcement agency; and

2. Does not relate to a law enforcement purpose.

"Private space" means a location in which a person has a reasonable expectation of privacy, including a person's home.

Occupations Code 2B.0101(1), .0112(f), (h)

Motor Vehicle Stops

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including the information required by Code of Criminal Procedure 2B.0054(a).

The chief administrator of a law enforcement agency is responsible for auditing these reports to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Code of Criminal Procedure 2B.0054

A law enforcement agency shall compile and analyze the information contained in each report received by the agency. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to TCOLE. *Code of Criminal Procedure 2B.0055*

Civil Penalty

If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2B.0055, the department is liable to the state for a civil penalty in an amount not to exceed $5,000 for each violation. *Code of Criminal Procedure 2B.0058(a)*

Racial Profiling

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2B.0052*

Each law enforcement agency that employs peace officers who make traffic stops in the routine performance of the officer's official duties shall adopt a detailed written policy on racial profiling that complies with Code of Criminal Procedure 2B.0053(b). *Code of Criminal Procedure 2B.0053*

Mental Health Crisis or Substance Abuse Issue

A law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

1. There is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
2. It is reasonable to divert the person;
3. The offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
4. The mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

This requirement does not apply to a person who is accused of specified offenses involving intoxication.

Code of Criminal Procedure 16.23

Administration of Epinephrine

A law enforcement agency may acquire and possess epinephrine delivery systems and a peace officer may possess and administer an epinephrine delivery system in accordance with Occupations Code Chapter 1701, Subchapter O. *Occupations Code 1701.702(a)* [See FFAC regarding district maintenance and administration of epinephrine delivery systems.]

An epinephrine delivery system is a medical delivery device approved by the United States Food and Drug Administration that delivers a dose of epinephrine intended for use to treat anaphylaxis, including an epinephrine auto-injector and an epinephrine nasal spray.

Occupations Code 1701.701(2-a)

Officer-Involved Injury or Death

"Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2A.206(b).

Code of Criminal Procedure 2A.206

Not later than the 30th day after the date of the occurrence of an incident in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer, the law enforcement agency employing the injured or deceased officer at the time of the incident

must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2A.207(a). *Code of Criminal Procedure 2A.207(b)*

Failure to Report

A law enforcement agency that fails to submit the required report on or before the seventh day after the date the agency received notice of failure to report from the office of the attorney general, is liable for a civil penalty in the amount of $1,000 for each day after the seventh day that the agency fails to submit the report. Beginning on the day after the date of receiving notice of failure to report, a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty is liable for a civil penalty for each day the agency fails to submit the required report in the amount of $10,000 for the first day and $1,000 for each additional day that the agency fails to submit the report. *Code of Criminal Procedure 2A.208(b), (c)*

Complaints Against Peace Officers

To be considered by the head of the district's police department, a complaint against a district peace officer must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed. Disciplinary action may not be taken against the officer unless a copy of the signed complaint is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. *Gov't Code 614.021-.023; Colorado County v. Staff, 510 S.W.3d 435 (Tex. 2017); Atty. Gen. Op. GA-251 (2004)*

On the commencement of an investigation by a law enforcement agency of a complaint by an individual who believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer. *Code of Criminal Procedure 2B.0053(b)(3), (c)*

[See DGBA, FNG, and GF for appeals.]

Legal Representation

A district shall provide a district employee who is a peace officer with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if legal counsel is requested by the employee, and the suit involves an official act of the employee within the scope of the employee's authority.

To defend the employee against the suit, the district may provide counsel already employed by it or may employ private counsel.

An employee may recover from a district that fails to provide counsel as required the reasonable attorney's fees incurred in defending the suit if the trier of fact finds that the fees were incurred in defending a suit covered by these provisions and the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

Local Gov't Code 180.002(b)-(d)

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[1] TCOLE Model Policies:
https://www.tcole.texas.gov/content/model-policies
[2] TCOLE Forms and Applications:
https://www.tcole.texas.gov/content/forms-and-applications

Note: For general provisions applicable to district security personnel, including school marshals, see CKE.

Board Authority

The board may appoint one or more school marshals for each campus. *Education Code 37.0811(a)*

Definition

A school marshal is a person who is appointed to serve as a school marshal by the board under Education Code 37.0811, is licensed under Occupations Code 1701.260, and has powers and duties described by Code of Criminal Procedure 2A.008. *Occupations Code 1701.001(8)*

Eligibility

The board may select for appointment as a school marshal an applicant who is an employee of the district and certified as eligible for appointment under Occupations Code 1701.260. *Education Code 37.0811(b)*

TCOLE Licensing

To be eligible for appointment as a school marshal, an applicant shall:

1. Successfully complete all prerequisite Texas Commission on Law Enforcement (TCOLE) training;
2. Pass the state licensing exam;
3. Be employed and appointed by an authorized school district; and
4. Meet all statutory requirements, including psychological fitness.

37 TAC 227.3(a); Code of Criminal Procedure 2A.008(b)

A school marshal training program is open to any employee of a district who holds a license to carry a handgun issued under Government Code Chapter 411, Subchapter H. *37 TAC 227.5(a)*

TCOLE shall license an eligible person who:

1. Completes required training to the satisfaction of TCOLE staff; and
2. Is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under Occupations Code 1701.260(d).

Occupations Code 1701.260(f)

Psychological Fitness

In order for an individual to enroll in any school marshal licensing training, obtain a school marshal license, or renew or reapply for a

school marshal license, they must first demonstrate psychological fitness through a psychological examination.

The psychological examination shall be conducted by a professional selected by the district. The professional shall be either a psychologist licensed by the Texas State Board of Examiners of Psychologists or a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties of a school marshal.

The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of:

1. A review of the duties and responsibilities of a school marshal as developed by TCOLE;
2. At least two instruments, one which measures personality traits and one which measures psychopathology; and
3. A face-to-face interview conducted after the instruments have been scored.

The individual must be declared by that professional, on a form prescribed by TCOLE, to be in satisfactory psychological and emotional health to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter.

If, after examination, the professional declines to declare the individual as psychologically fit, the individual must report the outcome to TCOLE on a form prescribed by TCOLE.

An examination for license renewal or reactivation must be conducted within 90 days of the date of the application for license renewal or reactivation.

37 TAC 227.4

Reimbursement for Training

The board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under Occupations Code 1701.260. *Education Code 37.0811(b)*

District Responsibilities

A district shall:

1. Submit and receive approval for an application to appoint a person as a school marshal;
2. Upon authorization, notify TCOLE using approved format prior to appointment;

3. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the district;

4. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the district, TCOLE standards, another state agency, or under other law;

5. Immediately report to TCOLE a school marshal's violation of any TCOLE standard, including the discharge of a firearm carried under the authorization of these provisions outside of a training environment; and

6. Immediately report to TCOLE any indication, suspicion, or allegation that a school marshal is no longer psychologically fit to carry out the duties of a school marshal.

For five years, the district must retain documentation that the district has met all requirements under law in a format readily accessible to TCOLE. This requirement does not relieve a district from retaining all other relevant records not otherwise listed.

37 TAC 227.1

Powers and Duties

A school marshal may make arrests and exercise all authority given to peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the board and may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of the Transportation Code.

Code of Criminal Procedure 2A.008(c), (d)

Reporting Requirements

Once appointed, a school marshal shall:

1. Immediately report to TCOLE and the district any circumstance which would render them unauthorized to act as a school marshal by virtue of their employment with the district, failure to meet the standards of TCOLE, another state agency, or under law;

2. Immediately report to TCOLE any violation of applicable TCOLE standards, including any discharge of a firearm carried under the authorization of these provisions outside of training environment; and

3. Comply with all requirements under law, including Education Code 37.0811.

37 TAC 227.3(b)

Fit for Duty Review

When TCOLE receives a report or other reliable information that a school marshal may no longer be psychologically fit to carry out the duties of a school marshal, TCOLE may:

1. Issue an emergency suspension order; or
2. Require a fit for duty review upon identifying factors that indicate the licensee may no longer be able to perform the duties of a school marshal safely and effectively.

TCOLE shall provide written notice of the psychological examination to the license holder not later than the 10th business day before the deadline to submit to the examination. Written notice shall include the reasons for the examination.

The examination shall be conducted by a psychiatrist or psychologist chosen by the licensee.

To facilitate the examination of any licensee, TCOLE will provide all appropriate documents and available information.

The examining practitioner will provide TCOLE with a report indicating whether the school marshal is fit for duty. If the school marshal is unfit for duty, the practitioner will include the reasons or an explanation why the individual is unfit for duty.

A second examination may be ordered by TCOLE if it questions the practitioner's report. The examination will be conducted by a psychiatrist or psychologist appointed by TCOLE. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the school marshal's fitness shall be decided by the executive director of TCOLE.

A school marshal who fails a psychological examination shall have their license suspended until the executive director orders it reinstated.

Any school marshal ordered to undergo a fit for duty review shall comply with the terms of the order and cooperate fully with the examining practitioner.

37 TAC 227.6

Handgun Possession

A school marshal may carry or possess a handgun on the physical premises of a school, but only:

1. In the manner provided by written regulations adopted by the board; and

2. At a specific school as specified by the board.

Accessing Handgun

A school marshal may use a handgun the school marshal is authorized to carry or possess only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33.

Board Regulations

A board's written regulations must provide that a school marshal may:

1. Carry a concealed handgun on the school marshal's person;

2. If wearing a uniform identifying the marshal as a school marshal, openly carry a handgun on the school marshal's person; or

3. Possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location.

The written regulations must also require that a handgun carried or possessed by a school marshal be loaded only with frangible duty ammunition approved for that purpose by TCOLE.

Inactive Status

A district employee's status as a school marshal becomes inactive on:

1. Expiration of the employee's school marshal license under Occupations Code 1701.260;

2. Suspension or revocation of the employee's license to carry a handgun;

3. Termination of the employee's employment with the district; or

4. Notice from the board that the employee's services as school marshal are no longer required.

Education Code 37.0811(c)-(f)

Identity Confidential

The identity of a school marshal is confidential and is not subject to a request under the Public Information Act, except that the person's name, date of birth, and handgun license number, and the address of the person's place of employment must be provided by TCOLE to:

1. The director of the Department of Public Safety;

2. The district;

3. The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a district located within a municipality;

4. The sheriff of the county if the person is employed at a campus of a district that is not located within a municipality; and

5. The chief administrator of any school district-commissioned peace officer, if the person is employed at a district that has commissioned peace officers.

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed as a school marshal. The notice may not disclose information that is confidential.

Education Code 37.0811(g), (h); Occupations Code 1701.260(j)

No State Benefits

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2A.008(e)*

Memorandum of Understanding to Share Marshal

A district may enter into a memorandum of understanding with another district, open-enrollment charter school, or private school under which a school marshal appointed to a campus of the district may temporarily act as a school marshal at a campus of the other school for the duration of an event occurring at the campus of the other school at which both schools are participating. The memorandum of understanding must comply with the requirements for written regulations under Education Code 37.0811 [see Handgun Possession, above] and may be used to satisfy the requirement for written regulations or written authorization under Penal Code 46.03(a)(1) to allow that school marshal to carry a firearm on the premises of the school at which the event occurs. *Education Code 37.08131*

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Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Instructional Materials and Technology Furnished Without Cost to Students

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)*

Instructional Materials and Technology 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)*

The commissioner shall determine the amount of the Instructional Materials and Technology Allotment for a district based on PEIMS student enrollment data from the fall snapshot collection of the school year preceding the first year of each biennium.

The amount of the allotment determined by the commissioner is final and may not be appealed.

19 TAC 67.1001(a), (d)

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)*

Permitted Expenditures

The allotment funds may be used to purchase or pay for:

1. Instructional materials, regardless of whether the instructional materials are on the list of approved instructional materials maintained by the State Board of Eduction (SBOE) under Education Code 31.022;
2. Consumable instructional materials;
3. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
4. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
5. Supplemental instructional materials;
6. OER instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
7. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
8. Technological equipment necessary to support the use of any instructional materials purchased with an allotment under this provision;
9. Inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of instructional materials;
10. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;
11. Training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use;

12. Training personnel in the electronic administration of assessment instruments;

13. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning;

14. 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 necessary to facilitate internet access;

15. Costs associated with providing parental access to the district's library materials catalog and the ability to submit a list of library materials that the parent's child is not allowed to access as required by Education Code 33.023. [See EFB]

16. Formats of instructional materials that are fully accessible to students with disabilities;

17. Activities related to the local review and adoption of instructional materials;

18. Software for analyzing the use and effectiveness of instructional materials;

19. Software for analyzing the appropriateness of instructional materials necessary for the teaching of, instruction in, or demonstration of knowledge of the essential knowledge and skills adopted under Education Code 28.002; and

20. Costs associated with complying with Education Code 33.023, relating to parental access to library catalog and access by the parent's child to certain library materials.

Education Code 31.0211(c), 33.023(d); 19 TAC 67.1001(e)

Prohibited Expenditures

The allotment funds may not be used to purchase instructional material that:

1. Contains obscene or harmful content or would otherwise cause the district to which the funds were allotted to be unable to submit the certification required under Education Code 31.1011(a)(1)(B) [see Certification of Instructional Materials, below]; or

2. Is on the list of rejected instructional materials maintained by the SBOE.

Education Code 31.0211(f)

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;
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;
6. Equipment used for moving or storing instructional materials;
7. Instructional material that contains obscene or harmful content or would otherwise cause the district to be unable to submit the certification required under Education Code 31.11011(a)(1)(B); or
8. Instructional material that incorporates three-cueing in the phonics curriculum required under Education Code, Chapter 28.

19 TAC 67.1001(f)

A district may not adopt or otherwise use instructional material included on the list of rejected instructional materials maintained by the SBOE. *Education Code 31.024*

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 both the long-term cost of ownership of the technological equipment and flexibility for innovation.

Education Code 31.0211(d)

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.

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.

A district shall provide to TEA the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials and technology allotment.

Education Code 31.0212(a)-(d)

Availability of Allotment Funds

The allotment for each biennium will be made available for district use through EMAT as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated.

A district may access its allotment funds for an upcoming school year after submitting to the commissioner:

1. Certification that the school district or open-enrollment charter school has instructional materials that cover all the required TEKS, except those for physical education, as required by Education Code 31.1011;
2. Certification that the school district or open-enrollment charter school has used its allotment for only allowable expenditures; and
3. Information regarding the instructional materials used by the district during the previous school year, including the cost of each material as required by Education Code 31.1012.

Upon completion of the requirements, a district may access its allotment funds by correctly providing all the information required in the state ordering system.

Information required in the state ordering system may include verification of TEKS coverage for certain disbursement requests.

19 TAC 67.1001(g)-(j)

Additional State Aid

For State-Approved Instructional Materials

For each student enrolled in the district, a school district is entitled to additional state aid for each school year in an amount equal to $40, or a greater amount provided by appropriation, to procure instructional material that has been reviewed by the Texas Education Agency (TEA); placed on the SBOE list of approved instructional materials; designated by the SBOE as being included or capable of being included in an instructional materials parent portal; and acquired from a publisher, manufacturer, or other entity that has not been found to violate Education Code 31.151. *Education Code 48.307(a)*

A district is entitled to the amount of state aid provided by 19 Administrative Code 67.1003(a) each school year, regardless of whether the district uses the amount during the school year for which the amount was provided. *19 TAC 67.1003(i)*

For Open Education Resource Instructional Materials

Subject to Education Code 31.0751 (Open Education Resource [OER] transition plan), a district is entitled to additional state aid for each school year in an amount not to exceed $20 for each student for the costs incurred or for which the district is obligated to pay during the school year in which the aid is provided for the printing and shipping of OER instructional material made available under Education Code Chapter 31, Subchapter B-1. *Education Code 48.308(a)*

Amount of Additional State Aid

The commissioner of education shall determine the amount of the additional state aid for OER instructional materials for a district based on PEIMS student enrollment data from the fall snapshot collection of the current school year.

Before PEIMS student enrollment data from the fall snapshot collection of the current school year is available, a district will have an expected allotment amount that is based on 90 percent of the PEIMS student enrollment data from the fall snapshot collection of the previous school year.

Funds may only be used for the costs incurred or for which a district is obligated to pay during the school year in which the aid is provided.

Requisitions

Requisitions for funding must be submitted in TEA's online requisition and disbursement system (EMAT) before August 31 of the fiscal year in which the aid is provided.

The entitlements for each year will be made available for district use through EMAT as early as possible in the fiscal year for which the funds have been appropriated.

Permissible Use of Additional State Aid

The additional state aid for OER instructional materials may be used to purchase:

1. OER instructional material placed on the list of approved materials outlined in Education Code 31.022, including any non-text components of the approved product, such as manipulative kits; and
2. OER instructional material components placed on the list of approved materials outlined in Education Code 31.022, only after an initial purchase of all components of the product.

The additional state aid for OER instructional materials may not be used to purchase or reimburse for:

1. Instructional material or material components not on the list of approved instructional materials;
2. Instructional material placed on the rejected list of instructional materials;
3. Instructional material that promotes three-cueing as defined in Education Code 28.0062(a-1); or
4. Printing of SBOE-approved OER material, which may be otherwise procured through a requisition in EMAT.

The commissioner may grant a waiver to exempt a district from an initial purchase of each component of an approved product if the district can demonstrate that it already possesses an identical or near-identical component for each student and/or teacher as indicated by the product design.

19 TAC 67.1004

Purchasing Method

A district is not required to use a method provided by Education Code 44.031(a) to purchase instructional materials that have been reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.102(d)*

Requisitions, Use, and Distribution

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)*

Delegation of Authority

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*

Online Requisition Program

A district shall make a requisition for instructional materials using EMAT. A district may requisition instructional materials 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)*

OER Instructional Materials

A district may adopt OER instructional material at any time. A district may only adopt or otherwise use an OER instructional material that is not included on the list of rejected instructional materials maintained by the SBOE.

Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may not be charged for a cost associated with the selection of an OER instructional material, except for the cost of printing copies of the material. *Education Code 31.073*

OER Transition Plan

To qualify for additional state aid under Education Code 48.308, the board must adopt an OER instructional material transition plan to assist classroom teachers in the district who will be using an OER instructional material in a specific subject or grade level for which the teacher has not previously used an OER instructional material.

The plan must ensure that OER instructional materials are used in a manner that maintains the instructional flexibility of a classroom teacher to address the needs of each student.

A district that participates in the program developed and maintained by TEA under Education Code 31.0752 is not required to adopt a transition plan under this provision. [See OER Instructional Material Support Program, below]

Education Code 31.0751

The OER instructional material transition plan shall be submitted in a format determined by the commissioner.

A district is required to have a locally maintained OER transition plan that complies with 19 Administrative Code 67.1315 to access funding allotted under Education Code 48.308.

A district is required to submit an OER instructional material transition plan only when:

1. First adopting an SBOE-approved OER product for a grade level or subject/course; or
2. Expanding implementation of an SBOE-approved OER product to additional campuses and/or grade levels.

The OER instructional material transition plan adopted by the board of trustees shall include the plan of the district to ensure the following:

1. Clear communication and stakeholder change management plans and timelines;
2. Timely access to print materials and related manipulatives through OER procurement and distribution;

3. Sufficient planning and instructional time evidenced by instructional calendars and master schedules aligned to the requirements of the materials;

4. Clear expectations for the implementation of:

   a. Instructional materials;

   b. Internalization and student work analysis protocols; and

   c. Curriculum-embedded assessments;

5. Processes for stakeholder communication and public posting, as outlined in Education Code 26.006, if materials have been modified by the district;

6. The maintenance of instructional flexibility through clear guidance for acceptable teacher modifications to instructional pacing, sequencing, and lesson content to address the needs of each student; and

7. Sufficient professional learning and development for school leaders, instructional coaches, and teachers, including:

   a. Pre-service product onboarding and orientation; and

   b. Ongoing, job-embedded, curriculum-based professional learning, including cycles of observation and feedback.

The commissioner may request and review OER instructional material transition plans before funding is released and reject a plan subsequent to review.

19 TAC 67.1315

OER Instructional Material Support Program

TEA shall develop and maintain a program to assist school districts in adopting and using OER instructional material, including by assisting districts to:

1. Maintain the instructional flexibility of classroom teachers to address the needs of each student; and

2. Schedule instructional periods in a manner that allows classroom teachers sufficient time to effectively prepare and present instructional material within the teacher's normal work day.

TEA shall engage in efforts to meet the demand from districts that request assistance for the 2024-25 or 2025-26 school year. Until September 1, 2027, a school district may apply assistance received to offset the payment of costs related to implementing OER

instructional material, regardless of whether the district incurred the cost before receiving the assistance.

Education Code 31.0752

Requisition

A district that selects OER 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)

Parent Portal

An entity that hosts an instructional materials parent portal must comply with requests regarding parental access to the portal made by a district in compliance with Education Code 31.154 or Education Code 26.006 [see EFA]. *Education Code 31.154(e)*

[For more information regarding the requirements for certain entities that supply instructional materials to host a parent portal, see Education Code 31.154.]

Bilingual Instructional Materials

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. *Education Code 31.029*

Certification of Instructional Materials

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that the district:

1. For each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level:
    a. 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; and
    b. In the provision of instructional materials, the district protects students from obscene or harmful content as necessary for compliance with the Children's Internet Protection Act (Pub. L. No. 106-554) [see CQ], Education Code 28.0022 [see EMB], Penal Code 43.22, and any other law or regulation that protects students from obscene or harmful content [see EFA]; and

2. The district used money allocated to the district or school under the instructional materials and technology allotment only for purposes allowed under Education Code 31.0211.

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. Instructional materials developed, purchased, or otherwise acquired by the district; and
3. OER instructional materials and other electronic instructional materials included in the repository under Education Code 31.0722.

Education Code 31.1011

Annual Report

Each district shall annually report to TEA information regarding the instructional materials used by the district during the previous school year, including the cost of each material. *Education Code 31.1012*

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 OER instructional material that a district does not intend to use for another student is distributed, the printed copy of the OER instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of OER instructional material.

Education Code 31.104(c), (g)-(h)

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 OER instructional material.

Education Code 31.104(d), (e), (h) [See also EFA]

Acceptable Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of OER instructional material. *Education Code 31.104(b)*

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

Safety Standards

A district shall meet or exceed the safety standards for school buses established by the Department of Public Safety (DPS), with the advice of the Texas Education Agency (TEA). A district that fails or refuses to meet these safety standards for school buses is ineligible to share in the transportation allotment until the first anniversary of the date the district begins complying with the safety standards. *Education Code 34.002*

DPS school bus safety standards apply to all school districts that own, operate, rent, contract, or lease school buses and those commercial transportation companies that contract with a public school to transport public school students in buses. *37 TAC 14.51*

A district must purchase or use school buses and multifunction school activity buses from manufacturers that certify to DPS that all vehicles offered for sale to or in use by school districts in Texas meet or exceed all standards, specifications, and requirements.

Any new school bus found out of compliance with the specifications that were in effect in Texas on the date the vehicle was manufactured will be placed out of service by the vehicle's owner until it is brought into compliance with the applicable specifications.

37 TAC 14.52

Student Safety

Prohibitions

A district may not require or allow a child to stand on a moving bus or passenger van. *Education Code 34.004*

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting:
    a. On the floor of the bus, or
    b. In any location on the bus that is not designed as a seat.

Transp. Code 545.426

Seat Belts

Required on Buses

By September 1, 2029, a bus, including a school bus, a school activity bus, multifunction school activity bus, or school-chartered bus, operated by or contracted for use by a district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement does not apply to:

1. A bus operated by or contracted for use by a school district if the board determines that the district's budget does not permit the district to purchase a bus that is equipped with the required seat belts; or

2. A bus for which the warranty would become void if the bus were equipped to comply with the requirement.

A district may accept gifts, grants, and donations from any public or private source to implement the requirements.

Transp. Code 547.701(e), (h)

Required Report

Not later than the end of the 2025-26 school year, a board that makes the determination above shall submit to TEA and present in a public meeting of the board a report that includes:

1. The number of buses operated by or contracted for use by the district that:
   a. Are not equipped with seat belts;
   b. Are equipped with two-point seat belts; and
   c. Are equipped with three-point seat belts; and
2. The estimated cost to the district to equip with three-point seat belts each bus operated by or contracted for use by the district that is not equipped with three-point seat belts as required.

Transp. Code 547.701(f)

Student Requirement

A district shall require a student riding a bus operated by or contracted for operation by the district to wear a seat belt if the bus is equipped with seat belts for all passengers on the bus. A school district may implement a disciplinary policy to enforce the use of seat belts by students. *Education Code 34.013*

Donations

A board shall consider any offer made by a person to donate three-point seat belts or money for the purchase of three-point seat belts for a district's school buses. A board may accept or decline the offer after adequate consideration.

A board may acknowledge a person who donates three-point seat belts or money for the purchase of three-point seat belts for a school bus by displaying a small, discreet sign on the side or back of the bus recognizing the person who made the donation. The sign may not serve as an advertisement for the person who made the donation.

Education Code 34.014

Use of Warning Signals

When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment

on the bus designed to warn other drivers that the bus is stopping to load or unload children.

A person may not operate a light or other equipment described above except when a school bus is being stopped or is stopped on a highway to:

1. Permit a student to board or exit the bus; or
2. Distribute to a student or the parent or guardian of a student:
    a. Food; or
    b. Technological equipment for use by the student for educational purposes.

Transp. Code 547.701(c), (c-1)

Wireless Communication Devices

An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. *Transp. Code 545.4251(b)*

General Rule

School Property

An operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone or on the property of a public elementary, middle, junior high, or high school served by a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

1. The vehicle is stopped; or
2. The wireless communication device is used with a hands-free device.

Transp. Code 545.4252

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. This provision does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e-1)*

Definitions

"Hands-free device" means speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes

voice-operated technology and a push-to-talk function. *Transp. Code 545.425(a)(1)*

"Electronic message" means data that is read from or entered into a wireless communication device for the purpose of communicating with another person. *Transp. Code 545.4251(a)(1)*

Disruption of Transportation

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

Exhibition of Firearm

For information regarding offenses pertaining to firearms on buses, see GKA(LEGAL).

Collision Reports

Notice to DPS for Buses With Advertising

A district shall provide DPS written notification of any collision directly or indirectly involving a school bus operated by or for the district that bears advertising or another paid announcement. *37 TAC 14.65(a)(2)* [See CNB for rules related to school bus advertising.]

Notice must be received not more than five days from the date of the collision and shall include the following:

1. The name and address of the owner of the school bus;
2. The name and driver's license number of the school bus operator;
3. The date of the collision;
4. The city or county where the collision occurred; and
5. The investigating police agency.

37 TAC 14.65(c)

Notices to DPS may be delivered by facsimile, electronic mail, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

Annual Report to TEA

A district shall report annually to TEA the number of collisions in which its buses were involved in the past year in a manner prescribed by the commissioner of education. A district shall file annual collision reports to TEA only in the period beginning July 1 and ending July 31 and shall include the following information in the report:

1. The total number of bus collisions;

2. The date each collision occurred;

3. The type of bus, as specified in 19 Administrative Code 103.1231(a), involved in each collision;

4. Whether the bus involved in each collision was equipped with seat belts and, if so, the type of seat belts;

5. The number of students and adults involved in each collision;

6. The number and types of injuries that were sustained by the bus passengers in each collision; and

7. Whether the injured passengers in each collision were wearing seat belts at the time of the collision and, if so, the type of seat belts.

A school district shall report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus is owned, leased, contracted, or chartered by a school district and was transporting school district personnel, students, or a combination of personnel and students; or

2. The bus was driven by a school district employee or by an employee of the school district's bus contractor with no passengers on board and the collision involved a pedestrian.

Exceptions

A school district shall not report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus was driven by a school district employee or by an employee of the school district's bus contractor, the collision occurred when no passenger other than the school district's driver or bus contractor's driver was on board the bus, and the collision did not involve a pedestrian; or

2. The collision involved a bus chartered by a school district for a school activity trip and no school district personnel or students were on board the bus at the time of the collision.

A school district shall not report a collision that occurred in a vehicle that is owned, contracted, or chartered by a school district and is not a school bus, a multifunction school activity bus, a school activity bus, or a motor bus.

Education Code 34.015(b); 19 TAC 103.1231(b)

Note: For additional legal requirements applicable to purchases with federal funds, including 2 C.F.R. 200, see CBB.

For more information on U.S. Department of Agriculture (USDA) procurement requirements, see the Texas Department of Agriculture's (TDA) Food and Nutrition Division *Administrator's Reference Manual*,[1] Sections 17, *Procurement;* 17a, *Procurement Procedures;* 17b, *Buy American;* and 17c, *Cooperative Purchasing*.

Definitions

For purposes of this policy, "2 C.F.R. Part 200" means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by the Office of Management and Budget (OMB). The part reference covers applicable: Acronyms and Definitions (Subpart A), General Provisions (Subpart B), Post Federal Award Requirements (Subpart D), Cost Principles (Subpart E), and Audit Requirements (Subpart F). [Note: Pre-Federal Award Requirements and Contents of Federal Awards (Subpart C) does not apply to the National School Lunch Program]. *7 C.F.R. 210.2, 220.2*

School Food Authority — "School food authority" (SFA) means the governing body that is responsible for the administration of one or more schools and has the legal authority to operate the program therein or be otherwise approved by the USDA Food and Nutrition Service (FNS) to operate the program.

Program — "Program" means the National School Lunch Program (NSLP) and the Commodity School Program or the School Breakfast Program (SBP), as applicable.

Nonprofit School Food Service — "Nonprofit School Food Service" means all food service operations conducted by the SFA principally for the benefit of school children, all the revenue from which is used solely for the operation or improvement of such food services.

Nonprofit School Food Service Account — "Nonprofit School Food Service Account" means the restricted account in which all the revenue from all food service operations conducted by the SFA principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service.

Cost Reimbursable Contract — "Cost reimbursable contract" means a contract that provides for payment of incurred costs to the extent prescribed in the contract, with or without a fixed fee.

7 C.F.R. 210.2, 220.2

Administration

The SFA shall be responsible for the administration of the program in schools. *7 C.F.R. 210.3*

Nonprofit School Food Service

National School Lunch Program

The SFA shall maintain a nonprofit school food service. Revenues received by the nonprofit school food service are to be used only for the operation or improvement of such food service, except that such revenues shall not be used to purchase land or buildings, unless otherwise approved by FNS, or to construct buildings. Expenditures of nonprofit school food service revenues shall be in accordance with the financial management system established by the TDA under 7 C.F.R. 210.19(a). *7 C.F.R. 210.14(a)*

School Breakfast Program

Pursuant to required written agreements, the SFA shall, with respect to participating schools under its jurisdiction maintain a nonprofit school food service. In accordance with the financial management system established under 7 C.F.R. 220.13(i), use all revenues received by such food service only for the operation or improvement of that food service. Revenues received by the nonprofit school food service shall not be used to purchase land or buildings or to construct buildings. *7 C.F.R. 220.7(e)(1)(i)-(iii)*

Food Service Management Companies

An SFA may contract with a food service management company to manage its food service operation in one or more of its schools. However, no school or SFA may contract with a food service management company to operate an a la carte food service unless the company agrees to offer free, reduced price, and paid reimbursable lunches to all eligible children. Any SFA that employs a food service management company in the operation of its nonprofit school food service shall comply with the requirements of 7 C.F.R. 210.16 (NSLP) or 7 C.F.R. 220.7(d) (SBP). *7 C.F.R. 210.16, 220.7*

Note: For more information on contracts regarding consultants, food service management companies (FSMC), and vended meals, see TDA's Food and Nutrition Division *Administrator's Reference Manual*, Section 18, *Food Service Contracts*.

USDA Procurement Requirements

The SFA shall comply with requirements of 7 C.F.R. Part 210 (NSLP), Part 220 (SBP), and 2 C.F.R. Part 200, Subpart D and USDA implementing regulations 2 C.F.R. Part 400 and Part 415, as applicable, which implement the applicable requirements, concerning procurement of all goods and services with nonprofit school food service account funds. *7 C.F.R. 210.21(a), 220.16(a)*

District Procurement Procedures

An SFA may use its own procurement procedures which reflect applicable state and local laws and regulations, provided that procurements made with nonprofit school food service account funds adhere to the standards set forth in 7 C.F.R. Part 210 and in

2 C.F.R. Part 200, Subpart D, as applicable. SFA procedures must include a written code of standards of conduct meeting the minimum standards of 2 C.F.R. 200.318, as applicable. [See CBB]

Pre-issuance Review

TDA may impose a pre-issuance review requirement on an SFA's proposed procurement. The SFA must make available, upon request by TDA, its procurement documents, including but not limited to solicitation documents, specifications, evaluation criteria, procurement procedures, proposed contracts and contract terms. The SFA shall comply with TDA requests for changes to procurement procedures and solicitation and contract documents to ensure that, to TDA's satisfaction, such procedures and documents reflect applicable procurement and contract requirements and the requirements of 7 C.F.R. Part 210.

Prohibited Expenditures — Noncompliant Procurement

No expenditure may be made from the nonprofit school food service account for any cost resulting from a procurement failing to meet the requirements of 7 C.F.R. Part 210 (NSLP) or Part 220 (SBP).

7 C.F.R. 210.21(c), 220.16(c)

Conflicts of Interest

A district must disclose in writing any potential conflicts of interest to the USDA awarding agency or pass-through entity (e.g., TDA).

The district must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees in the selection, award and administration of federal awards. No employee, officer or agent may participate in the selection, award, or administration of a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a federal award. The district may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district.

Districts must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. Districts are responsible for notifying the respective USDA awarding agency in writing of any conflicts of interest that may arise during the period of performance of an award, including those which have been reported by subrecipients, no later than five calendar days following discovery. Upon receipt

of such a disclosure, the respective USDA awarding agency must review and make a determination in writing if a potential or real conflict of interest exists and develop a plan for addressing or mitigating the issue, which may include remedies found at 2 C.F.R. 200.339. USDA awarding agencies must make a determination within 30 calendar days of disclosure unless a longer period of time is necessary due to the complexity of the situation.

2 C.F.R. 400.2

Procurement Training

School nutrition program directors, management, and staff tasked with NSLP procurement responsibilities must complete annual training on federal procurement standards annually.

Procurement training may count towards the professional standards training standards at 7 C.F.R. 210.30. [See CO]

SFAs must retain records to document compliance with these training requirements.

7 C.F.R. 210.21(h)

Cost Reimbursable Contracts

The SFA must include the provisions specified in 7 C.F.R. 210.21(f)(1) (NSLP) or 220.16(e)(1) (SBP) in all cost reimbursable contracts, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts.

Prohibited Expenditures — Noncompliant Contract

No expenditure may be made from the nonprofit school food service account for any cost resulting from a cost reimbursable contract that fails to include the requirements of 7 C.F.R. 210.21 (NSLP) or 220.16 (SBP), nor may any expenditure be made from the nonprofit school food service account that permits or results in the contractor receiving payments in excess of the contractor's actual, net allowable costs.

7 C.F.R. 210.21(f), 220.16(e)

Buy American

Domestic Commodity or Product

“Domestic commodity or product” means an agricultural commodity that is produced in the United States, and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States under 7 C.F.R. 210.21(d) and 220.16(d).

Requirement

The USDA shall require that an SFA purchase, to the maximum extent practicable, domestic commodities or products.

7 C.F.R. 210.21(d), 220.16(d)

Optional Geographic Preference

An SFA participating in the program may apply a geographic preference when procuring unprocessed locally grown or locally raised

agricultural products, including the use of "locally grown," "locally raised," or "locally caught" as procurement specifications or selection criteria for unprocessed or minimally processed food items. When utilizing the geographic preference to procure such products, the SFA making the purchase has the discretion to determine the local area to which the geographic preference option will be applied, so long as there are an appropriate number of qualified firms able to compete.

For the purpose of applying the optional geographic procurement preference, "unprocessed locally grown or locally raised agricultural products" means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk.

7 C.F.R. 210.21(g), 220.16(f)

Sale of Milk

An SFA participating in the program, or a person approved by a school participating in the program, must not directly or indirectly restrict the sale or marketing of fluid milk (as described in 7 C.F.R. 210.10(d)(4)) at any time or in any place on school premises or at any school-sponsored event. *7 C.F.R. 210.21(e)*

Dairy Products

A district may not purchase milk, cream, butter, cheese, or a product consisting largely of one or more of those items that has been imported from outside the United States. This provision does not apply to the purchase of milk powder if domestic milk powder is not readily available in the normal course of business. *Health & Safety Code 435.021*

Imported Beef

A district may not purchase beef or a product consisting substantially of beef that has been imported from outside the United States. *Agriculture Code 150.012*

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[1] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx

Note: For information regarding security breaches, see CQB.

For record retention requirements under specific statutes, see the applicable policy code.

Definitions

Custodian — "Custodian" means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records. *Local Gov't Code 201.003(2)*

Disposition — "Disposition" means final processing of local government records by archival transfer under Local Government Code 203.049 or destruction under Local Government Code 202.001 or Government Code 441.0945. *13 TAC 7.71(5)*

Electronic Record — "Electronic record" means any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in Local Government Code 201.003(8), below. *13 TAC 7.71(6)*

Note: Additional definitions related to standards and procedures for management of electronic records are found in 13 Administrative Code 7.71.

Electronic Records System — "Electronic records system" means any information system that produces, manipulates, and stores local government records by using a computer. *13 TAC 7.71(7)*

Electronic Storage Media — "Electronic storage media" means all physical media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media. *13 TAC 7.71(8)*

Essential Record — "Essential record" means any local government record necessary to the resumption or continuation of district operations in an emergency or disaster, to the re-creation of the legal and financial status of the district, or to the protection and fulfillment of obligations to the people of the state. *Local Gov't Code 201.003(5)*

Local Government Record — "Local government record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a district or any of its officers or employees, pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the district;
2. Notes, journals, diaries, and similar documents created by an officer or employee of the district for the officer's or employee's personal convenience;
3. Blank forms, stocks of publications, or library and museum materials acquired solely for the purposes of reference or display;
4. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law; or
5. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a district participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Local Gov't Code 201.003(8)

Permanent Record	"Permanent record" or "record of permanent value" means any local government record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission (TSLAC) is given as permanent. *Local Gov't Code 201.003(10)*
Records Control Schedule	"Records control schedule" means a document prepared by or under the authority of a records management officer listing the records maintained by a district, their retention periods, and other records disposition information that the records management program in each district may require. *Local Gov't Code 201.003(12)*
Records Management	"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems. *Local Gov't Code 201.003(13)*

Records Management Officer	"Records management officer" means the person designated under Local Government Code 203.025 as the records management officer. [See Designation, below] *Local Gov't Code 201.003(14)*
Records Retention Schedule	"Records retention schedule" means a document issued by TSLAC under authority of Government Code Chapter 441, Subchapter J, establishing mandatory retention periods for local government records. *Local Gov't Code 201.003(15)*
Retention Period	"Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. *Local Gov't Code 201.003(16)*
Third-Party Custodians	"Third-party custodians" means parties with which a district may contract for services who are temporarily responsible for the maintenance of local government records, other than an interlocal contract under Local Government Code 203.025(f). *13 TAC 7.71(16)*

Board's Responsibilities

The board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the district and designed to furnish the information necessary to protect the legal and financial rights of the district, the state, and persons affected by the district's activities;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with TSLAC in its conduct of statewide records management surveys.

Local Gov't Code 203.021

District's Duties

Each district shall:

1. Submit to the director and librarian of TSLAC the name of the district's records management officer and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian;
3. Notify TSLAC at least 10 days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the district has prepared a records control schedule that:
    a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
    b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

Gov't Code 441.169

Minimum Requirements for Electronic Records

Each district must:

1. Manage electronic records according to the district's records management program and records retention schedule regardless of format, system, or storage location;
2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;
4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the district through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;

5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;

6. Preserve the authenticity, integrity, reliability, and usability of the records;

7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;

8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and

9. Require all third-party custodians of records to provide the district with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the district's essential records.

Any technology for electronic records developed, used, or acquired by a district must support the district's ability to meet the minimum requirements in 13 Administrative Code 7.74(a) to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

13 TAC 7.74

Security of Electronic Records

Districts must implement and maintain an electronic records security program for office and storage areas that complies with 13 Administrative Code 7.75.

Note: The district's duties regarding maintenance of electronic storage media are set out in 13 Administrative Code 7.76. The minimum requirements for all electronic records systems are found in 13 Administrative Code 7.77.

Custodians of Records

District custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by a district for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;

2. Adequately document the transaction of district business and the services, programs, and duties for which they and their staff are responsible; and

3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.

Local Gov't Code 203.022

Records Management Officer

Designation

The board shall designate a records management officer by designating an individual or designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the board. The name or the name and office or position of the records management officer shall be filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with TSLAC within 30 days after the date of assuming the office or position.

Local Gov't Code 203.025(a)-(e)

Duties

The district's records management officer shall:

1. Assist in establishing and developing policies and procedures for a district's records management program;

2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;

3. In cooperation with the custodians of the records:

   a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;

   b. Identify and take adequate steps to preserve local government records of permanent value;

c. Identify and take adequate steps to protect essential local government records;

d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with a district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it;

4. Disseminate to the board and custodians of records information concerning state laws, administrative rules, and government policies relating to local government records; and

5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov't Code 203.023

Electronic Records Management Practices

District records management officers, in conjunction with the board, shall approve and institute written policies and procedures that communicate the district's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

A district's policies and procedures must:

1. Establish a component of the district's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;

2. Integrate the management of electronic records into existing records and information resources management programs;

3. Incorporate electronic records management objectives, responsibilities, and authorities;

4. Address electronic records management requirements, including retention requirements and final disposition;

5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and

6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

A district's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement

13 TAC 7.73

Records Management Program

A board by ordinance or order shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the board, custodians, and the records management officer to fulfill the statutory duties and responsibilities concerning management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C rules adopted under it. A copy of the ordinance or order must be filed by the records management officer with TSLAC within 30 days after the date of its adoption. *Local Gov't Code 203.026(a)-(c)*

Electronic Records Management

The board and its records management officer, in cooperation with other employees of the district, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;
2. Integrate the management of electronic records with other records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
5. Make training available for users of electronic records systems that addresses:
    a. The operation, care, and handling of the equipment, software, media, and information contained in the system; and
    b. Records management concepts and applicable requirements, including any records management issues as they relate to item 5a;

6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and

7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

13 TAC 7.72(c)

Records Control Schedules

The records management officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each:

   a. All records created or received by the district;

   b. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has not expired; and

   c. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and

2. File with the director and librarian a written certification of compliance that the district has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

Amendment of Schedules

The records management officer shall review the district's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the district or revisions to retention periods established in a records retention schedule issued by TSLAC. The records management officer shall file with the director and librarian a written certification of compliance that the district has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The board shall require in the ordinance or order establishing the records management program the review or approval of a records control schedule or amended schedule by the officers of the district as it considers necessary.

Local Gov't Code 203.041

Retention Periods

A retention period for each record on the records control schedule shall be determined by the board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court; or a retention period for the record established on a records retention schedule issued by TSLAC. *Local Gov't Code 203.042*

TSLAC Retention Schedules

TSLAC has adopted the following retention schedules, among others:

Local Schedule GR — Records Common to All Governments,

Local Schedule EL — Records of Elections and Voter Registration,

Local Schedule TX — Records of Property Taxation, and

Local Schedule SD — Records for Public School Districts.

These schedules establish mandatory minimum retention periods for the records listed.

13 TAC 7.126, .131, .134, .135

Note: Local government records retention schedules[1] are available on the TSLAC website.

Destruction of Records

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal requirements;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044;
3. The record is not listed on a records retention schedule issued by TSLAC and the district provides notice to TSLAC at least 10 days before destroying the record as required by Government Code 441.169 [see District's Duties, above];
4. A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law; and
5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

Local Gov't Code 202.001

Electronic Records Destruction

Electronic records may be destroyed only in accordance with Local Government Code 202.001, above.

Each district must ensure that:

1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and
2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

13 TAC 7.78(a), (b)

Exceptions

A local government record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A local government record that is subject to a request under Government Code Chapter 552 (Public Information Act) may not be destroyed until the request is resolved. *Local Gov't Code 202.002*

[See FL regarding student records.]

Recordkeeping

As a board may require, the records management officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. *Local Gov't Code 203.046*

Preservation of Records

Permanent records shall be stored under conditions that meet the requirements of 13 Administrative Code 7.164.

Permanent Records

Microfilm

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and rules adopted under it. *Local Gov't Code 204.002*

Electronic Storage

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205 and rules adopted under it. *Local Gov't Code 205.002*

Records Offenses

Destruction or Alienation of Record

A board member or district employee commits an offense if the board member or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records) or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Subtitle C or by intentionally failing to deliver records to a succes-

sor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

Tampering with Governmental Record

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an exception to the application of item 3, above, that the governmental record is destroyed pursuant to legal authorization or transferred under Government Code 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Local Government Code Title 6, Subtitle C.

Penal Code 37.10

Federal Investigations

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

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[1] Local Government Retention Schedules: https://www.tsl.texas.gov/slrm/recordspubs/localretention.html

District 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.

Required 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.

Not later than the 30th day after a new person is sworn in as a member 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.

A district shall annually submit to TEA the information required above for each member of the district's board of trustees. The in-

formation must identify the member designated as chair and be updated as required.

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 required postings are listed in the order they appear in the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

Required Website 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. *Education Code 12A.005(a)(1); 19 TAC 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. *Education Code 12A.0071(a); 19 TAC 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 and maintain this until the district is assigned the accredited status. *19 TAC 97.1055(f)* [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. *19 TAC 97.1003(g)* [See AIA]

5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website. *19 TAC 97.1008(f)* [See AIB]

6. Not later than the 10th day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and

explanation of each accreditation status. *Education Code 39.362* [See AIB]

7. A district shall post its annual federal report card. *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. *19 TAC 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. *Education Code 39A.056; 19 TAC 97.1061(e)(3)(A)(ii)* [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. *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. *19 TAC 97.1064(e)* [See AIC]

12. A district shall post required election notices. *Election Code 85.007* [See BBBA]

13. A district shall post required election information. *Election Code 4.009* [See BBBA]

14. The district shall post the branch daily register each day early voting is conducted. *Election Code 85.072* [See BBBA]

15. A district shall post early voting rosters. *Election Code 87.121* [See BBBA]

16. A district shall post election results. *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. *Education Code 11.159(b); 19 TAC 61.1(k)* [See BBD]

18. A district shall post a report filed with the district by a candidate, board member, or specific-purpose committee pursuant to Election Code Chapter 254 not later than the 10th business day after it is received. *Election Code 254.0401* [See BBBC]

19. A district shall provide access to conflicts disclosure statements and questionnaires. *Local Gov't Code 176.009* [See BBFA, CHE]

20. A district shall post the statements regarding activities to support and promote student health. *Education Code 28.004* [See BDF]

21. A district must post notice of school health advisory council (SHAC) meetings. *Education Code 28.004(d-1)* [See BDF]

22. A district must post the minutes and audio or video recording of each SHAC meeting. *Education Code 28.004(d-2)* [See BDF]

23. In addition to the other place at which notice or an agenda of a meeting is required to be posted by the Open Meetings Act, a district must also concurrently post notice of a meeting and the agenda for the meeting on the district's website. *Gov't Code 551.056(b)* [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. *Gov't Code 551.128(b-1)* [See BE]

25. A board shall post minutes of a regular or special meeting, as approved by the board, not later than the seventh day after the date of a meeting at which a quorum of the board is present and voting. *Education Code 11.0621(b)(1)* [See BE]

26. A board shall post any resolution adopted by the board not later than the seventh day after the date of the meeting at which the resolution was adopted. *Education Code 11.0621(b)(2)* [See BE]

27. A district must post notice at least seven days before the date on which a meeting is held to discuss the certification of compliance with Education Code 11.005 (prohibition on diversity, equity, and inclusion activities) and 28.0022 (instructional requirements and prohibitions). *Education Code 39.008* [See BJA, BT, EMB]

28. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot. *Election Code 4.003(f)* [See CCA]

29. 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. *Gov't Code 1251.052(d)* [See CCA]

30. A district issuing capital appreciation bonds shall post required information about the bonds. *Gov't Code 1201.0245* [See CCA]

31. The tax assessor for a district shall post prominently on a district's website a notice informing each owner of property located in the appraisal district that the estimated amount of taxes to be imposed on the owner's property may be found in the property tax database maintained by the appraisal district under Tax Code 26.17. *Tax Code 26.04(e-2)* [See CCG]

32. 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. *Education Code 11.184* [See CCG]

33. 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. *Tax Code 26.05(b)* [See CCG]

34. 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. *Former Tax Code 313.0265(c), as continued in effect by Tax Code 313.171* [See CCGB]

35. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget. *Education Code 44.0041* [See CE]

36. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information. *Tax Code 26.18* [See CE]

37. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted. *Education Code 44.0051* [See CE]

38. A district shall continuously post its contact information and Annual Local Debt Report 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. *Local Gov't Code 140.008; 34 TAC 10.1-.6* [See CFA]

39. A district must post the Landowner's Bill of Rights statement provided by Government Code 402.031 before or at the same time as the district first represents in any manner to a landowner that the district possesses eminent domain authority. *Property Code 21.0112* [See CHG]

40. A district shall post each severance agreement entered into with an employee or independent contractor in a prominent place on its website. *Local Gov't Code 180.011* [See CJ, DEA]

41. 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. *19 TAC 103.1211(b)(1)* [See CKB]

42. 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. *Education Code 34.007* [See CNA]

43. If a district adopts the Health and Human Services model guidelines for use of digital devices developed under Education Code 38.0231(a), the district shall post the guidelines. *Education Code 38.0231(d)* [See CQC]

44. 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. *Education Code 22.004(d)* [See CRD]

45. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent. *17 U.S.C. 512(c)(2)* [See CY]

46. A district shall post its employment policy and any regulations referenced. *Education Code 11.1513(a)* [See DC]

47. A district shall post the board's employment policies. *Education Code 21.204(d)* [See DCB]

48. The board shall make publicly available in a prominent location on the district's website procedures for resolving grievances; standardized forms for filing a grievance, a notice of appeal, or a request for a hearing; and the method by which a grievance may be filed electronically. *Education Code 26A.003* [See DGBA, FNG, GF]

49. The board shall adopt and post on the district's website early childhood literacy and mathematics proficiency plans that set specific annual goals. *Education Code 11.185(a)* [See EA]

50. 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. *Education Code 11.185* [See EA]

51. 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. *Education Code 11.186* [See EA]

52. A district shall make available on the district's website at the beginning of each semester an instructional plan or course syllabus for each class offered in the district for that semester. *Education Code 26.0062* [See EEP]

53. A district shall post on the home page of the district's website a notice stating that a parent of a student enrolled in the district is entitled to review instructional materials and may request that the district make the instructional materials available for review. *Education Code 26.006(g)* [See EFA]

54. If established, a local school library advisory council shall ensure that notice of the date, hour, place, and subject of its meetings are posted at least 72 hours before the meeting on the district's website, along with minutes and audio or video recording of the meetings. *Education Code 33.025* [See EFB]

55. A district shall post on its website a form adopted by TEA to be used in making written challenges to library materials. *Education Code 33.027* [See EFB]

56. 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. *Education Code 28.004(j)* [See EHAA]

57. 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. *Education Code 29.0112* [See EHBAD]

58. Each year, a district shall post a report on measurable outcomes for each dropout recovery education program offered by the district. *Education Code 29.081(e-6)* [See EHBC]

59. 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. *19 TAC 102.1003(h)* [See EHBG]

60. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program. *Education Code 28.009(b-2)* [See EHDD]

61. A district shall publish information from TEA explaining the advantages of the distinguished level of achievement and each endorsement. *Education Code 28.02121* [See EIF]

62. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered. *Education Code 29.916* [See EK]

63. 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 districtwide. *20 U.S.C. 6312(e)(2)(B)* [See EKB]

64. A district shall post in a prominent location the form developed by TEA for providing information about parental rights and options. *Education Code 26.001(d)(4)* [See FA]

65. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless. *Education Code 33.906* [See FDC]

66. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements. *Education Code 38.019* [See FFAB]

67. 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. *Education Code 38.0151* [See FFAF]

68. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy. *34 C.F.R. 106.8(b)* [See FFH]

69. A district must make available all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. *34 C.F.R. 106.45(b)(10)(i)(D)* [See FFH]

70. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy. *Education Code 37.0832(e)* [See FFI]

71. A district shall post the email address and dedicated phone number of the campus behavior coordinator for each district campus. *Education Code 26.015* [See FO]

72. A district that suspends the applicability of the requirements of the Public Information Act must provide notice to the public of the suspension. The district must maintain the notice of the suspension during the suspension period. *Gov't Code 552.2325(h)* [See GBAA]

73. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must post a statement that a request may be made by that method unless the statement is on the sign required by Government Code 552.205. *Gov't Code 552.234(b)* [See GBAA]

74. 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. *Gov't Code 552.235* [See GBAA]

75. 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, including the appeal process. *Education Code 37.105; 19 TAC 103.1207(g)* [See GKA]

Optional Website Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet. *Gov't Code 551.128* [See BE]

2. A district may make its proposed budget clearly accessible on the home page of the district's website instead of including a physical copy of the proposed budget with the notice of a meeting at which the board will discuss or adopt a budget. *Gov't Code 551.043(c)* [See BE, CCG]

3. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the an-

nual financial management report. *19 TAC 109.1001(q)(3)(B)(i)* [See CFA]

4. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board. *Education Code 11.1513* [See DC]

5. A district shall either post online or provide physical copies of the report on library materials. *Education Code 35.006* [See EFB]

6. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services. *34 C.F.R. 300.504(b)* [See EHBAE]

7. 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. *Education Code 28.010* [See EHDD]

8. A board may post a mailing address and email address designated for receiving written requests for public information on its website. *Gov't Code 552.234(d)* [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;

2. Appears to represent property boundaries; and

3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

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[1] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

Please Note: *This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.*

SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
DBAA	Pre-Employment Reviews
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DC	EMPLOYMENT PRACTICES
DCA	Probationary Contracts
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DE	COMPENSATION AND BENEFITS
DEA	Compensation Plan
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DF	TERMINATION OF EMPLOYMENT
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DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFF	Reduction in Force
DFFA	Financial Exigency

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SECTION D: PERSONNEL

DFFB	Program Change
DFFC	Continuing Contracts
DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Immunity
DH	EMPLOYEE STANDARDS OF CONDUCT
DHA	Educator Code of Ethics
DHB	Reports to State Board for Educator Certification
DHC	Reports to Texas Education Agency
DHE	Searches and Alcohol/Drug Testing
DHF	Gifts and Solicitations
DI	EMPLOYEE WELFARE
DIA	Freedom from Discrimination, Harassment, and Retaliation
DJ	EMPLOYEE RECOGNITION AND AWARDS
DK	ASSIGNMENT AND SCHEDULES
DL	WORK LOAD
DLA	Staff Meetings
DLB	Required Plans and Reports
DM	PROFESSIONAL DEVELOPMENT
DMA	Required Staff Development
DMB	Career Advancement
DMC	Continuing Professional Education
DMD	Professional Meetings and Visitations
DME	Research and Publication
DN	PERFORMANCE APPRAISAL
DNA	Evaluation of Teachers
DNB	Evaluation of Campus Administrators
DP	PERSONNEL POSITIONS
DPA	Principals
DPB	Other Personnel Positions
DPC	Substitute, Temporary, and Part-Time Positions

Employment Policies

A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:

1. A board employs and evaluates the superintendent;
2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];
3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DPA];
4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and
5. Each employee has the right to present grievances to the board. [See Grievances, below]

Education Code 11.1513(a), (d), (i)

Tax Identifier

A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. *Education Code 11.1514* [See DBA]

Contract Positions

A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)* [See DCB and DCC]

Delegation of Authority

A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. *Education Code 11.1513(c)* [For nepotism implications, see BBFB and DBE]

Availability

A district shall post on its internet website, if the district has a website, the employment policy adopted by the board under Education Code 11.1513(a) and the full text of any regulations referenced in the policy.

A district shall make available any forms referenced in its employment policy on an intranet website that is maintained by the district and accessible to district employees, or at a district administrative office designated by the district if the district does not maintain an intranet website.

Education Code 11.1513(k)

Internal Auditor

If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. *Education Code 11.170* [See CFC]

Superintendent Recommendation

A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. *Education Code 11.1513(b)*

Posting of Vacancies

A district's employment policy must provide that not later than the fifth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:

1. Notice of the position by posting the position on:
    a. A bulletin board at:
        (1) A place convenient to the public in the district's central administrative office, and
        (2) The central administrative office of each campus during any time the office is open; or
    b. The district's internet website, if the district has a website; and
2. A reasonable opportunity to apply for the position.

Education Code 11.1513(d)

Exception

If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than five school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for five school days before filling the position or to provide a reasonable opportunity to apply for the position. *Education Code 11.1513(e)*

Grievances

A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of

a district, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

Education Code 11.1513(i)–(j) [See DGBA]

Transfers A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)* [See DK]

Daily Rate of Pay The employment policy must provide that for purposes of determining the amount of a reduction in the salary of a classroom teacher, full-time counselor, or full-time librarian for unpaid leave, the employee's daily rate of pay is computed by dividing the employee's annual salary by the number of days the employee is expected to work for that school year. *Education Code 11.1513(l)* [See DEC]

Contract Employees A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. *Education Code 21.002*

Classroom Teacher "Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. *Education Code 5.001(2)*

Minimum Length of Contract A contract between a district and an educator must be for a minimum of 10 months of service. An educator employed under a 10-month contract must provide a minimum of 187 days of service. *Education Code 21.401(a), (b)*

Proportionate Reduction If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's academic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator's salary. *Education Code 21.401(c-1)*

Commissioner Waiver The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduc-

tion by the commissioner does not reduce an educator's salary. *Education Code 21.401(c), 25.081(b)*

Educational Aides

A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.363(f)*

Employment of Retirees

Monthly Certified Statement

A district shall submit to the Teacher Retirement System of Texas (TRS) a monthly certified statement of employment for all retirees employed by the district during each month of a school year. A district shall inform TRS of changes in status of the district that affect the district's reporting responsibilities.

Deadline

A district must submit the monthly certified statement and all required employer surcharges under 34 Administrative Code 31.3 (relating to Return-to-Work Employer Pension Surcharges) for each report month from September through July before the eleventh day of the month following the applicable report month. For the monthly certified statement for the report month of August, the employer shall submit the monthly certified statement and all required employer surcharges before the seventh day of September.

If the due date for submission of a monthly certified statement and required employer surcharges falls on a weekend or federal holiday, a district shall submit the monthly certified statement and required employer surcharges on the last business day prior to the due date.

Late Submissions

A district that fails to timely submit a monthly certified statement and all required employer surcharges must also pay all applicable interest and late fees. A district must pay to TRS the late fee established by rule for each business day that the monthly certified statement is past due.

Required Information

A monthly certified statement is not considered submitted to TRS until it is completed. To be complete, the monthly certified statement must include all the following information regarding a retiree employed by the employer during the report month:

1. The number of hours and days worked by the retiree;
2. Whether the retiree's employment qualifies as one or more of the following types:
    a. Substitute employment;
    b. One-half time or less employment;
    c. Employment as a tutor under Education Code 33.913;

d. Employment in a federally funded COVID-19 personnel position that meets the requirements of Government Code 824.6021 and 34 Administrative Code 31.16 (relating to Federally Funded COVID-19 Personnel);

e. Full-time employment;

f. Trial employment of a disability retiree for up to three months; or

g. Any combination of these types;

3. The amount of gross compensation paid to the retiree during the report month;

4. The total amount due under 34 Administrative Code 41.4 (relating to Employer Health Benefit Surcharge); and

5. Any other information requested by TRS.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

Gov't Code 824.6022, 825.403(k); 34 TAC 31.2

Former Board Member Employment

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

New Hires

I-9 Forms

A district shall ensure that an employee properly completes section 1 — ''Employee Information and Verification'' — on Form I-9 at the time of hire.

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)

New Hire Reporting

A district shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain a district's name, address, and employer identification number.

A district may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the district's payroll address for mailing of notice to withhold child support.

A district shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the district and in a format acceptable to the attorney general.

Deadline

New hire reports are due:

1. Not later than 20 calendar days after the date a district hires the employee; or

2. In the case of a district transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

Penalties

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I

Donations for Supplemental Educational Staff

A district shall accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus and spend the donation accepted for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated. This provision expires September 1, 2025. *Education Code 11.156(c), (d)*

Social Security Numbers

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514* [See DBA]

Federal Law — A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

Exceptions — The federal law does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;

2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or

3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses — A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)

Employment Assistance Prohibited

Federal Law — A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investi-

gated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;

2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C 7926 [See also CJ]

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and

2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

Education Code 21.0581; 19 TAC 249.15(b)(13)

Personnel Duties

The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

Posting Vacancies

The Superintendent shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.

Applications

All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.

[For information related to the evaluation of criminal history records, see DBAA.]

Relationship To District Administrators

An applicant for employment who is related to a District administrator within the second degree by blood or marriage, as defined in this policy, shall disclose the nature of the relationship during the application process. The District shall employ such an applicant only with Board approval.

Definition

For purposes of this policy, relatives within the second degree by blood or marriage shall be defined as: spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, brother-in-law, or sister-in-law.

Employment of Contractual Personnel

The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel in positions other than teacher.

The Board delegates to the Superintendent final authority to employ contractual personnel to serve on a teacher contract. The Board retains final authority for employment of all other contractual personnel.

[See DCA, DCB, DCC, and DCE as appropriate]

Employment of Noncontractual Personnel

Note: For employment of a bus driver related to a Board member or the Superintendent, see DBE(LEGAL).

The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]

Employment Assistance Prohibited

No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DHA(LEGAL) for the Educators' Code of Ethics.]

Note: The board has adopted an innovation plan that affects application of provisions in this legally referenced policy. [See AF(LOCAL)]

Persons Under Probationary Contracts

Except as provided below, each of the following persons shall be employed under a probationary contract when the person is employed by the district for the first time or if the person has not been employed by the district for two consecutive school years subsequent to August 28, 1967:

1. Principal.
2. Supervisor.
3. Classroom teacher.
4. School counselor.
5. Other full-time professional employee who is required to hold a certificate issued under Education Code Chapter 21, Subchapter B [see DK(EXHIBIT)].
6. Nurse.

Exclusions

Education Code Chapter 21, Subchapter C (relating to probationary contracts) does not apply to the superintendent or a person who is not entitled to a probationary, continuing, or term contract under Education Code 21.002 [see DC(LEGAL) at Contract Employees], an existing contract, or district policy.

Education Code 21.101, .102(a)

Exceptions

Rehires

A person who previously was employed as a teacher by the district, and after at least a two-year lapse in district employment returns to district employment, may be employed under a probationary contract. *Education Code 21.102(a)*

Principal or Classroom Teacher

The district may employ a person as a principal or classroom teacher under a term contract if the person has experience as a public school principal or classroom teacher, respectively, regardless of whether the person is being employed by the district for the first time or whether a probationary contract would otherwise be required under Education Code Section 21.102. *Education Code 21.202(b)*

Change in Professional Capacity

An employee may be employed under a probationary contract if the employee voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate under Education Code Chapter 21, Subchapter B than the class of certifi-

cate held by the employee in the professional capacity in which the employee was previously employed.

This provision does not apply to an employee who is returned by the district to a professional capacity in which the employee was employed by the district before the district employed the employee in the new professional capacity. The employee is entitled to be employed in the original professional capacity under the same contractual status as the status held by the employee during the previous employment by the district in that capacity.

Education Code 21.102(a-1) [See 19 TAC 230.33(b) for list of certificate classes]

Term of Contract

A probationary contract may not be for a term exceeding one school year.

Maximum

A probationary contract may be renewed for two additional one-year periods, for a maximum permissible probationary contract period of three school years, except that the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the district.

Exception

A probationary contract period may be extended beyond the third consecutive year of employment if, during the third year of the probationary period, the board determines that it is doubtful whether a continuing contract or a term contract should be given. If the board makes such a determination, the district may make a probationary contract for a term ending with the fourth consecutive school year.

Education Code 21.102

Incentive Grants — Contract Provision

A district shall provide in employment contracts that qualifying employees may receive an incentive payment under an awards program established under Education Code Chapter 21, Subchapter O (Educator Excellence Award Program and Educator Excellence Innovation Program) if the district participates in the program. A district shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. *Education Code 21.415*

Educator Excellence Innovation Program

The Educator Excellence Innovation Program (EEIP) is a grant program under which a district may receive a competitive grant for the purposes of systematically transforming educator quality and effectiveness. The Texas Education Agency (TEA) will give priority to districts that receive Title I funding and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.

Eligibility

A district is eligible to apply for EEIP grant funds if the district:

1. Completes and submits a Notice of Intent to Apply to TEA by the date established by the commissioner of education;
2. Complies with all assurances in the Notice of Intent to Apply and grant application;
3. Participates in the required technical assistance activities established by the commissioner, including establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
4. Agrees to participate for four years; and
5. Complies with any other activities set forth in the program requirements.

An eligible district must submit an application in a form prescribed by the commissioner. Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application. The commissioner may waive any eligibility requirements as specified in 19 Administrative Code 102.1073.

Local Plan

An eligible district that intends to participate in the EEIP shall submit a local educator excellence innovation plan to TEA. A local educator excellence innovation plan must address the elements at 19 Administrative Code 102.1073(e)(2).

A district must act pursuant to its local board policy [see DEAA (LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and

submit a plan and grant application may not be appealed to the commissioner.

A district may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to TEA. With TEA approval, a district may amend its local plan in accordance with 19 Administrative Code 102.1073(c) and (h) for each school year the district receives a program grant.

Use of Grant Funds

A district may use grant funds only to carry out purposes of the program as described at Education Code 21.7011, in accordance with the district's local plan, which may include the following specific methods or procedures:

1. Implementation and administration of a high-quality mentoring program for teachers in the first three years of classroom teaching using mentors who meet the qualifications prescribed by Education Code 21.458 [see Mentor Teachers, below];
2. Implementation of a teacher evaluation system using multiple measures that include:
    a. The results of classroom observation, which may include student comments;
    b. The degree of student educational growth and learning; and
    c. The results of teacher self-evaluation;
3. To the extent permitted under Education Code Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development [see EC];
4. Establishment of an alternative teacher compensation or retention system; and
5. Implementation of incentives designed to reduce teacher turnover.

Waiver Request

A district may apply to the commissioner in writing for a waiver to exempt the district or one or more district campuses from one or more of the statutory sections listed at Education Code 21.7061(a).

The application for the waiver must demonstrate:

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;

2. Approval for the waiver by a vote of a majority of the members of the board;

3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and

4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the board nor the superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the commissioner shall notify the district in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan.

Education Code Ch. 21, Subch. O; 19 TAC 102.1073

Local Optional Teacher Designation System

A district may designate a classroom teacher as a master, exemplary, recognized, or acknowledged teacher for a five-year period based on the results from single year or multiyear appraisals [see DNA]. *Education Code 21.3521(a)*

Commissioner's Rules

The commissioner's rules specify the requirements for districts to implement local teacher designation systems, including:

1. Teacher eligibility;

2. Application procedures and approval process;

3. System expansion, spending modifications, and changes;

4. Monitoring and annual program submission of approved local designation systems;

5. Continuing approval and renewal; and

6. Funding.

19 TAC 150.1012

Standards

The commissioner's rules establish performance and validity standards for each local optional teacher designation system that:

1. Must provide a mathematical possibility that all teachers eligible for a designation may earn the designation; and

2. May not require a district to use an assessment instrument adopted under Education Code 39.023 to evaluate teacher performance.

Education Code 21.3521(b); 19 TAC 150.1014

Teacher Incentive Allotment

For each classroom teacher with a local optional teacher designation, a district is entitled to an allotment, adjusted by high needs and rural factors, as determined under Education Code 48.112.

A district shall annually certify that:

1. Funds received were used as follows:

   a. At least 90 percent was used for the compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed; and

   b. Any other funds were used for costs associated with implementing the local optional teacher designation system, including efforts to support teachers in obtaining designations; and

2. The district prioritized high needs campuses in the district in using funds.

Education Code 48.112(c), (i)

Nationally Board Certified Designation

A classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards may be designated as nationally board certified in accordance with the commissioner's rules for eligibility. This designation is valid for a five-year period, regardless of whether the State Board for Educator Certification (SBEC) revokes authorization for a nationally board certified teacher designation. *Education Code 21.3521(c)-(c-1); 19 TAC 150.1013*

Enhanced Teacher Incentive Allotment Systems

Each school year, the commissioner shall, using criteria developed by the commissioner, designate as enhanced teacher incentive allotment system school districts that implement comprehensive school evaluation and support systems. The criteria developed by the commissioner must require a district to:

1. For principals and assistant principals, implement:

   a. A strategic evaluations system aligned with the district's or school's teacher designation system; and

   b. A comprehensive system based on performance;

2. Ensure that under the district's teacher designation system substantially all classroom teachers, regardless of the grade level or subject area to which the teacher is assigned, are eligible to earn a designation under Education Code 21.3521(a);

3. Implement for all classroom teachers a compensation plan based on performance that:

   a. Uses a salary schedule that differentiates among classroom teachers based on staff appraisals; and

   b. Does not include across-the-board salary increases for classroom teachers except for periodic changes to the district's or school's salary schedule to adjust for significant inflation and;

4. Implement a locally designed plan to place highly effective teachers at high needs campuses and in accordance with Education Code 28.0062(a)(3).

The commissioner may designate a school district as an enhanced teacher incentive allotment system only if the district has implemented a local optional teacher designation system under Education Code 21.3521.

The commissioner may remove a school district's designation as an enhanced teacher incentive allotment system if the commissioner determines the district no longer meets the criteria for the designation.

Education Code 21.3521(d-1)-(d-3)

For a district that is designated as an enhanced teacher incentive allotment system under Education Code 21.5321(d-1), the commissioner shall increase the amount to which the district is entitled under Education Code 48.112 by multiplying that amount by 1.1. *Education Code 48.112(g-1)*

For a district whose allotment increased under Education Code 48.112(g-1), the district must annually certify the amount by which the allotment was increased under Education Code 48.112(g-1) was used to meet the criteria to maintain a designation as an enhanced teacher incentive allotment system under Education Code 21.3521(d-1). *Education Code 48.112(i)(B)*

Technical Assistance from TEA

TEA shall develop and provide technical assistance for districts that request assistance in implementing a local optional teacher designation system listed in Education Code 21.3521(e). *Education Code 21.3521(e)*

	From funds appropriated or otherwise available for this purpose, TEA shall establish and administer a grant program to provide money and technical assistance as described in law. *Education Code 21.3522*
No Property Right	A teacher has no vested property right in a teacher designation assigned under a local optional teacher designation system. A teacher designation is void in the determination that the designation was issued improperly, and the Administrative Procedure Act does not apply to the voiding of a local optional teacher designation. *Education Code 21.3521(f)*
Evaluations	TEA shall periodically conduct evaluations of the effectiveness of the local optional teacher designation systems and the teacher incentive allotment and report the results of the evaluations to the legislature. A district that has implemented a local optional teacher designation system or received funds under the teacher incentive allotment shall participate in the evaluations. *Education Code 21.3521(g)*
Teacher Retention Allotment	A school district is entitled to an annual allotment for each classroom teacher who is employed by or contracts with the district for which the allotment is provided as determined under Education Code 48.158(b). "Classroom teacher," for purposes of this allotment, is defined by Education Code 5.001, except the term also includes a person who is not required to hold a certificate under Subchapter B, Chapter 21 who otherwise meets the definition of classroom teacher under Education Code 5.001, and a person employed by an entity with which a school district has entered into a contract who otherwise meets the definition of a classroom teacher under Education Code 5.001. *Education Code 48.158(a)-(b)*
Use of Teacher Retention Allotment for 2025-26	For the 2025-26 school year, a school district shall use money received under the Teacher Retention Allotment to increase the salary provided to each classroom teacher for which the district is entitled to funding under the Teacher Retention Allotment for that year over the salary the teacher received or would have received if the teacher was employed by or contracted with the district in the 2024-25 school year by at least the amount received per classroom teacher under the Teacher Retention Allotment. *Education Code 48.158(c)(1)*

Use of Teacher Retention Allotment for 2026-27 and Beyond	For the 2026-27 and each subsequent school year, a school district shall use money received under the Teacher Retention Allotment to maintain the salary increases for classroom teachers provided under for the 2025-26 school year, above. Any additional funding generated for a school district under this section may only be used for the compensation of classroom teachers who are employed by or contract with the district and who have three or more years of experience. *Education Code 48.158(d)*
Use of Teacher Retention Allotment by Enhanced TIA Systems	For the 2025-26 school year, if the district is applying to be designated as an enhanced teacher incentive allotment system, the district shall use the money received for the Teacher Retention Allotment to increase the salaries of classroom teachers for the year based on performance. A school district that has been designated as an enhanced teacher incentive allotment system for the applicable school year may use money received under the Teacher Retention Allotment to provide salaries to classroom teachers in accordance with the district's compensation plan. *Education Code 48.158(c)(2), (e)*
Support Staff Retention Allotment	A school district is entitled to an annual allotment of $45 for each student in adjusted average attendance, as defined in Education Code 48.1581(b). For the 2025-26 school year, a district shall use this allotment to increase the salaries provided to non-administrative staff. For the 2026-27 and each subsequent school year, a district shall use this allotment to maintain these salary increases. Any additional money the district receives under this section may only be used for the compensation of non-administrative staff. *Education Code 48.1581(c)* "Non-administrative staff" includes a full-time or part-time employee who is not eligible for a salary increase from the Teacher Retention Allotment, above, including: a teacher not eligible for a salary increase under the Teacher Retention Allotment, above, a librarian, a school nurse, a teacher's assistant, a member of the custodial staff, a member of the food services staff, a bus driver, an administrative assistant, and other support staff. "Non-administrative staff" does not include a superintendent of a school district or other administrator serving as educational leader and chief executive officer, an assistant superintendent or a person in an equivalent role, a principal or assistant principal, or an employee in a centralized supervisory role. *Education Code 48.1581(a)*

Use of Staff Retention Allotment for 2025-26

For the 2025-26 school year, a school district shall use money received under Education Code 48.1581(c) to increase the salaries provided to non-administrative staff. *Education Code 48.1581(d)*

Use of Staff Retention Allotment for 2026-27 and Beyond

For the 2026-27 and each subsequent school year, a school district shall use money received under Education Code 48.1581(c) to maintain the salary increases provided under Education Code 48.1581(d). Any additional money the district receives under this section may only be used for the compensation of non-administrative staff. *Education Code 48.1581(e)*

Mentor Teachers

A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

1. To the extent practicable, teach in the same school;
2. To the extent practicable, teach the same subject or grade level, as applicable; and
3. Meet the qualifications prescribed by commissioner's rules.

Education Code 21.458(a)

Commissioner's Rules

The commissioner's rules for receiving funds under the mentor program allotment specify the requirements for districts to implement a mentor training program, including:

1. Program requirements related to mentor selection, mentor assignment, training, roles and responsibilities, and meetings;
2. An application approval process;
3. Ongoing verification of compliance with program requirements;
4. Allowable expenditures; and
5. Program review through periodic reports.

19 TAC 153.1011

Assignment of Mentor

To be assigned as a mentor, a teacher must agree to serve as a mentor teacher for at least one school year. The assignment must begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. A district must agree to assign a mentor to a new classroom teacher for at least two school years.

A school district shall assign a mentor teacher to a classroom teacher who has been issued a temporary certificate to teach ca-

reer and technology education under Education Code 21.0444 for at least two school years.

Education Code 21.458(a-1), (a-2)

Requirements for Mentor

The commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the commissioner;
2. Complete a mentor training program provided by the district, which the district may allow to be satisfied by completing the commissioner's research-based mentor and induction training program above;
3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance; and
4. Demonstrate interpersonal skills, instructional effectiveness, and leadership skills.

Education Code 21.458(b)

Training

A district must provide the training program described above to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. A district may allow the commissioner's research-based mentor and induction training program to qualify for the district's required training. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. A district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices. *Education Code 21.458(b-1)*

Mentoring Sessions

A mentor teacher must meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor may count toward the 12 hours of meeting time required for the semester.

Unless the district has created a mentoring curriculum as provided below, the mentoring sessions must address the following topics:

1. Orientation to the context, policies, and practices of the school district;
2. Data-driven instructional practices;

3. Specific instructional coaching cycles, including coaching regarding conferences between parents and the classroom teacher;

4. Professional development; and

5. Professional expectations.

Subject to approval by TEA, in determining the topics to be addressed in the mentoring sessions, a school district may create an appropriate curriculum that meets the district needs.

A district must:

1. Designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor; and

2. Schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

Education Code 21.458(f), (f-1)

Achievement Academy Stipends

Literacy Achievement Academy

A classroom teacher who provides instruction to students in kindergarten through third grade and completes a literacy achievement academy is entitled to receive a stipend from the school district in the amount determined by the commissioner. A district may provide a stipend to a classroom teacher who provides instruction to students in a grade level above third grade. A stipend received under this subsection is not considered in determining whether a school district is paying the classroom teacher the minimum monthly salary under Education Code 21.402.

A school district is not required to provide a literacy achievement academy stipend to a classroom teacher if the teacher:

1. Attends the literacy achievement academy as part of an educator preparation program in which the teacher is enrolled;

2. Attends the literacy achievement academy on a day or during hours of service included in the term of the teacher's contract; or

3. Is not directed or approved by the school district at which the teacher is employed to attend the literacy achievement academy.

Education Code 21.4552(d), (d-1)

Mathematics Achievement Academy	A classroom teacher who completes a mathematics achievement academy is entitled to receive a stipend from the school district in the amount determined by the commissioner. A stipend received under this subsection is not considered in determining whether a district is paying the classroom teacher the minimum monthly salary under Education Code 21.402. A school district is not required to provide a stipend under the mathematics achievement academy to a classroom teacher if the teacher: 1. Attends the mathematics achievement academy as part of an educator preparation program in which the teacher is enrolled; 2. Attends the mathematics achievement academy on a day or during hours of service included in the term of the teacher's contract; or 3. Is not directed or approved by the school district at which the teacher is employed to attend the mathematics achievement academy. *Education Code 21.4553(d), (d-1)*
Post Secondary Career Counseling Academy Stipend	A stipend received by a school counselor or teacher who attends a postsecondary education and career counseling academy under Education Code 33.009 is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Education Code 21.402. *Education Code 33.009(h)*
Autism Training	A district may provide a salary incentive or similar compensation to a teacher who completes training provided by a regional education service center (ESC) relating to autism. A school district that decides to provide an incentive or compensation shall adopt a policy to implement this section. *Education Code 21.465*
Retirement Incentives	A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*
Attendance Supplement	A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

Note: For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), and DFBA and DFBB (Term Contracts).

Withholding Information

An attempt by any district employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts) and 21.211 (term contracts) or by the State Board for Educator Certification (SBEC), if applicable. *Education Code 26.008(b)*

Registry of Persons Not Eligible for Employment

A district shall discharge, or refuse to hire, or terminate, a person listed on TEA's registry of persons who are not eligible to be employed. [See DBAA] *Education Code 22A.151(b)*

Discharge of Convicted Employees

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a criminal history record information (CHRI) review that the employee or applicant has been:

1. Convicted of or placed on deferred adjudication community supervision for:
    a. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62;
    b. An offense under Penal Code 21.12, Improper Relationship Between an Educator and a Student, or Penal Code 43.24, Sale, Distribution, or Display of Harmful Material to a Minor;
    c. A felony offense under Penal Code Chapter 43, Public Indecency;
    d. A felony offense involving school property; or
    e. An offense under the laws of another state or federal law that is equivalent to items a, b, c, or d; or
2. Convicted of:
    a. A felony under Title 5, Penal Code; or
    b. An offense under the laws of another state or federal law that is equivalent to an offense under item 2a, above.

Exception

However, a district is not required to discharge an employee if the person committed an offense under Title 5, Penal Code, and:

1. The date of the offense is more than 30 years before the date the person's employment will begin; and

2. The employee satisfied all terms of the court order entered on conviction.

Education Code 22A.157(a)-(b), 22A.201(a) [See DBAA]

Certification to Commissioner

Each school year, a superintendent shall certify to the commissioner that the district has complied with the above provisions. *Education Code 22A.157(f)*

Sanctions

SBEC may impose a sanction on an educator who does not discharge an employee if the educator knows or should have known, through a criminal history record information review, that the employee has criminal history described in Discharge of Convicted Employees, above. *Education Code 22A.157(e)*

Termination for Failure to Disclose

A district may discharge an employee if the district obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to SBEC or the district. An employee so discharged is considered to have been discharged for misconduct for purposes of Labor Code 207.044 (unemployment compensation). *Education Code 22A.157(d)*

Certain Offenses Against Students

If a district receives notice that SBEC has revoked the certificate of a person based on the offenses listed at Discharge of Convicted Employees, the district shall:

Mandatory Termination

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and

2. For a person employed under a Chapter 21 probationary or term contract, with the approval of the board or its designee:

   a. Suspend the person without pay;

   b. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and

   c. Terminate the employment of the person as soon as practicable.

Education Code 22A.201(a), (c)

Discretionary Termination

If a district becomes aware that a person employed by the district under a probationary or term contract under Chapter 21 has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to the mandatory termination provi-

sion above, the district may, with the approval of the board or its designee:

1. Suspend the person without pay;
2. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
3. Terminate the employment of the person as soon as practicable.

Education Code 22A.201(d)

Notice to Employee

A person's probationary or term contract under Chapter 21 is void if, with the approval of the board or its designee, the district provides written notice to the person, under the mandatory or discretionary termination provisions above, that the person's contract is void. *Education Code 22A.201(e)*

No Appeal

Action taken by a district under the mandatory or discretionary terminations provisions above is not subject to appeal under Education Code Chapter 21 and the notice and hearing requirements of Chapter 21 do not apply to the action. *Education Code 22A.201(g)*

Invalid or Expired Certification

An employee's probationary or term contract is void if the employee:

1. Does not hold a valid certificate or permit issued by SBEC;
2. Fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Education Code Chapter 21, Subchapter B; or
3. Fails to comply with any requirement under Education Code Chapter 22, Subchapter C [criminal history review, see DBAA], if the failure results in suspension or revocation of the employee's certificate.

Education Code 21.0031(a)

A certificate or permit is not considered to have expired if:

1. The employee has completed the requirements for renewal of the certificate or permit;
2. The employee submitted the request for renewal before the expiration date; and

3. The date the certificate or permit would have expired is before the date SBEC takes action to approve the renewal of the certificate or permit.

Education Code 21.0031(f)

District's Options

If a district has knowledge that an employee's contract is void under Education Code 21.0031(a), the district may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or
3. Retain the employee for the remainder of the school year on an at-will employment basis in a position that does not require a contract under Education Code 21.002, at the employee's existing rate of pay or at a reduced rate.

The employee is not entitled to the minimum salary prescribed by Education Code 21.402.

Education Code 21.0031(b)

Exception

A district may not terminate or suspend an employee under 21.0031(b) because of the employee's lack of a valid certificate or permit, or failure to renew or extend a certificate or permit, if:

1. The employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate or permit; and
2. Not later than the 10th day after the date the contract is void, the employee takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by SBEC.

Education Code 21.0031(b-1)

No Appeal or Chapter 21 Hearing

A school district's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of that chapter do not apply to the decision. *Education Code 21.0031*

Applicability

These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. *Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)*

Report to SBEC

A superintendent shall report the educator's termination to SBEC if the conditions set forth at Education Code 22A.051 exist. [See DHB]

Report to Superintendent

A principal shall report the educator's termination to the superintendent if the conditions set forth at Education Code 22A.051 exist. [See DPA]

Falsification of Military Record

A district may discharge an employee, regardless of whether the employee is employed under an employment contract, if the district determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute an offense under Penal Code 32.54.

An employment contract entered into by a district with an employee discharged by the employer under Labor Code Chapter 105 is void and unenforceable as against public policy. [See DF series]

Labor Code Ch. 105

Prohibition on Diversity, Equity, and Inclusion

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district employee or contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor.

The policy and procedure adopted by a district must ensure that an employee or contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions. [See BT]

Education Code 11.005(c)-(d)

Prohibited Classroom Instruction

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district or school employee or contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by Education Code 28.0022 (Certain Instructional Requirements and Prohibitions). The district shall provide a physical and electronic copy of the policy and procedure to each district or school employee or contractor. [See EMB] *Education Code 28.0022(h)*

Suspension Without Pay

A board may, for good cause as determined by the board, suspend an employee without pay:

1. Pending discharge, or
2. In lieu of termination.

The suspension may not extend beyond the end of the school year.

Education Code 21.211(b)

Back Pay

If an employee is not discharged after being suspended without pay pending discharge, the employee is entitled to back pay for the period of suspension. *Education Code 21.211(c)*

Grounds for Dismissal

A board may terminate a term contract and discharge a term contract employee at any time for:

1. Good cause as determined by the board; or
2. A financial exigency that requires a reduction in personnel.

Education Code 21.211(a)

Notice

Before any term contract employee is dismissed for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of a district's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. *Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985)*

Hearing

If a term contract employee desires a hearing before an independent hearing examiner, the employee must file a written request with the commissioner of education not later than the 15th day after the date the employee receives notice of the proposed termination or suspension without pay. The employee must provide a district with a copy of the request and must provide the commissioner with a copy of the notice.

The parties may agree in writing to extend by not more than 10 days the deadline for requesting a hearing.

Education Code 21.251(a), .253 [See DFD]

Financial Exigency

An employee who is protesting proposed action to terminate a term contract at any time on the basis of a financial exigency declared under Education Code 44.011 [see CEA] that requires a reduction in personnel must notify the board in writing not later than the 10th day after the date the employee receives notice of the proposed action. The employee is entitled to a hearing in the manner provided under Education Code 21.207 for nonrenewal of a term con-

tract [see DFBB] or a hearing under Education Code Chapter 21, Subchapter F, as determined by the board. *Education Code 21.159*

Report by Principal

The principal of a district, including a district of innovation, must notify the superintendent not later than the seventh business day after the date of an educator's termination of employment following an alleged incident of misconduct described by Education Code 22A.051(a) or the principal knew about an educator's misconduct under Education Code 22A.051(a)(1), or not later than 48 hours after the principal becomes aware of evidence of misconduct described by Education Code 22A.051(a)(2)(A), (B), (C), or (D)(b)(1). *Education Code 22A.051(c); 19 TAC 249.14(e)* [See DPA]

Resignation without Consent (Unilateral Resignation)

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave district employment at the end of the school year without penalty by filing a written resignation with a board or a board's designee not later than the 45th day before the first day of instruction of the following school year.

A written resignation mailed by prepaid certified or registered mail to a board president or a board's designee at the post office address of the district is considered filed at the time of mailing.

Education Code 21.105(a), .160(a), .210(a)

An unequivocal resignation filed not later than the 45th day before the first day of instruction of the following school year is effective upon filing with a district and the district cannot reject such a resignation. The resignation cannot be withdrawn by the teacher based on an argument that the district has not accepted the resignation. *Fantroy v. Dallas Indep. Sch. Dist., Tex. Comm'r of Educ. Decision. No. 034-R8-0206 (Mar. 5, 2009); Garcia v. Miles Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 055-RI-503 (Nov. 30, 2006).*

Resignation with Consent

The educator may resign, with the consent of the board or the board's designee, at any other time. *Education Code 21.105(b), .160(b), .210(b)*

Acceptance or approval of a resignation indicates consent to abandonment of contract. *Quitman Indep. Sch. Dist. v. Wilkerson, Tex. Comm'r of Educ. Decision No. 142-TTC-698 (Dec. 2, 1999); Houston Indep. Sch. Dist. v. Johnson, Tex. Comm'r of Educ. Decision No. 054-TTC-1196 (Sept. 28, 1998)*

Contract Abandonment

Written Complaint

On written complaint by a district, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a probationary contract, or under a continuing or term contract, for the following school year, and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

Education Code 21.105(c), .160(c), .210(c)

Sanctions Prohibited

SBEC may not impose a sanction against a teacher who relinquishes a position under a probationary, term, or continuing contract and leaves the employment of the district after the 45th day before the first day of instruction for the upcoming school year in violation of and without the consent of the board if the teacher's fail-

ure to comply with Education Code 21.105(a), 21.160(a), or 21.210(a) was due to:

1. A serious illness or health condition of the teacher or a close family member of the teacher;
2. The teacher's relocation because the teacher's spouse or a partner who resides with the teacher changes employers or location of employment;
3. A significant change in the needs of the teacher's family in a manner that requires the teacher to:
    a. Relocate; or
    b. Forgo employment during a period of required employment under the teacher's contract; or
4. The teacher's reasonable belief that the teacher had written permission from the school district's administration to resign.

Education Code 21.105(g), .160(g), .210(g)

Board Action

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless a board:

1. Submits a written complaint within 30 calendar days after the effective date of the educator's separation from employment from the district. Unless the district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract.
2. Renders a finding that good cause did not exist under Education Code 21.105(c)(2) (probationary contract), 21.160(c)(2) (continuing contract), or 21.210(c)(2) (term contract). This finding constitutes prima facie evidence of the educator's lack of good cause but is not a conclusive determination.
3. Submits the following required attachments to the written complaint:
    a. The educator's resignation letter, if any;
    b. The agreement with the educator regarding the effective date of separation from employment, if any;
    c. The educator's contract; and
    d. Board meeting minutes indicating a finding of "no good cause." If the board does not meet within 30 calendar

days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting.

19 TAC 249.14(j)

Notice to Teacher

If a district submits a complaint regarding a teacher to SBEC, the district shall promptly notify the teacher of the complaint. The notice must include:

1. The basis of the complaint;
2. Information regarding how the teacher may contact SBEC; and
3. A reminder that the teacher should verify that the teacher's mailing address on file with SBEC is current.

SBEC Review

Before imposing sanctions against a teacher for abandonment of contract, SBEC:

1. Must consider any mitigating factors relevant to the teacher's conduct; and
2. May consider alternatives to sanctions, including additional continuing education or training.

If a teacher files a written resignation after the 45th day but not later than the 30th day before the first day of instruction of the following school year, SBEC may not suspend or revoke the teacher's certificate.

Education Code 21.105(d)-(f), .160(d)-(f), .210(d)-(f)

Mitigating Factors

SBEC shall consider the following factors in seeking, proposing, or making a decision regarding an educator who has abandoned a contract in violation of Education Code 21.105(c), 21.160(c), or 21.210(c). A reduction of one month in suspension time will be given for each factor established, except for the factors 7-10 below. The educator:

1. Gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;
2. Assisted the school district in finding a replacement educator to fill the position;
3. Continued to work until the school district hired a replacement educator;
4. Assisted in training the replacement educator;

5. Showed good faith in communications and negotiations with the school district;
6. Provided lesson plans for classes following educator's resignation;
7. Changed careers within the field of education:
    a. To a position that required a different class of educator certification as defined in 19 Administrative Code 230.33(b) (relating to Classes of Certificates);
    b. To a position with a higher level of authority within the principal class of certificate; or
    c. To a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described above;
8. Had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;
9. Resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator; or
10. Any other relevant circumstances or facts.

19 TAC 249.17(d)(2)

Required Report to SBEC

A superintendent shall report the educator's resignation to SBEC if the conditions set forth at Education Code 22A.051 exist. [See DHB] *Education Code 22A.051*

Investigation

A superintendent of a district, including a district of innovation, shall complete an investigation of an educator that involves evidence that the educator may have abused or otherwise committed an unlawful act, was involved in a romantic relationship with, or solicited or engaged in sexual contact with a student or minor, despite the educator's resignation from employment before completion of the investigation. *Education Code 22A.051(b); 19 TAC 249.14(d)(3)(C)*

Report by Principal

A person who serves as a principal in a district, including a district of innovation, must notify the superintendent, and may be subject to sanctions for failure to do so as described by Education Code 22A.051(c) [see DPA]. *Education Code 22A.051(c)*

Note: For the Educators' Code of Ethics, see DHA(LEGAL).

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 24 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) [See FFG]

Public Servants

All district employees are "public servants" and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including restrictions on the acceptance of illegal gifts, honoraria and expenses, and abuse of office. *Penal Code 1.07(a)(41), Title VIII* [See DBD and BBFA]

Electronic Communication Policy

"Electronic communication" means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes emails, text messages, instant messages, and any communications made through a website, including a social media website or a social networking website.

A school district shall adopt a written policy concerning electronic communications between a school employee and a student enrolled in the district.

The policy adopted under this section must:

1. Include provisions designed to prevent improper electronic communications between a school employee and a student;

2. Allow a school employee to elect to not disclose to students the employee's personal telephone number or email address; and

3. Include provisions instructing a school employee about the proper method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.

Education Code 38.027

Retaliation Against Grievant

The district grievance policy prohibits a district employee from retaliating against a student or parent of or person standing in parental relation to a student who files a grievance in accordance with the district grievance policy. If the commissioner determines that an educator has retaliated against a student or parent of or person standing in parental relation to a student who files a grievance under the district's grievance policy, the commissioner may report the educator to SBEC for investigation. *Education Code 26A.001(e)(1), (i)* [See DGBA]

Social Transitioning

The board shall adopt a policy prohibiting an employee of the district from assisting a student enrolled in the district with social transitioning, including by providing any information about social transitioning or providing guidelines intended to assist a person with social transitioning.

"Social transitioning" means a person's transition from the person's biological sex at birth to the opposite biological sex through the adoption of a different name, different pronouns, or other expressions of gender that deny or encourage a denial of the person's biological sex at birth.

A parent of a student enrolled in the district or a district employee may report to the board of trustees of the district a suspected violation of this policy. The board shall investigate any suspected violation and determine whether the violation occurred. If the board determines that a district employee has assisted a student enrolled at the district with social transitioning, the board shall immediately report the violation to the commissioner.

A parent of a student enrolled in a district may seek relief for a violation by filing a grievance through the district's grievance procedure.

Education Code 11.401-.402

Public Information on Private Device

A current or former board member or employee of a district who maintains public information on a privately owned device shall:

1. Forward or transfer the public information to the district or a district server to be preserved as provided by Government Code 552.004(a); or

2. Preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under 552.004(a).

Gov't Code 552.004(b) [See GB]

Loss of Retirement Annuity for Conviction of Certain Felonies

A person is not eligible to receive a service retirement annuity from the Teacher Retirement System (TRS) if the person is convicted of a qualifying felony and the victim is a student.

"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or disabled individual);

2. Section 21.12 (improper relationship between educator and student);

3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault); or

4. Section 43.24 (sale, distribution, or display of harmful material to minor).

The term includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described above.

Not later than the 30th day after the date of a person's conviction for a qualifying felony, the school at which the person was employed shall provide written notice of the conviction to TRS. The notice must comply with rules adopted by TRS.

Gov't Code 824.009

Transportation or Storage of Firearm in School Parking Area

A district may not prohibit a school employee who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law. [See GKA]

Education Code 37.0815

Tobacco and E-Cigarettes

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property.

Enforcement

A board shall ensure that district personnel enforce the policies on school property.

Education Code 38.006(b) [See also FNCD and GKA]

Drug and Alcohol Abuse Program

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)*

Federal Drug-Free Workplace Act

A district that receives a direct federal grant must agree to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the district's workplace and specifying the actions that will be taken against employees for violations of the prohibition;
2. Establishing a drug-free awareness program to inform employees about:
    a. The dangers of drug abuse in the workplace;
    b. The district's policy of maintaining a drug-free workplace;
    c. Available drug counseling, rehabilitation, and employee assistance programs; and
    d. The penalties that may be imposed on employees for drug abuse violations;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the required statement;
4. Notifying the employee in the required statement that as a condition of employment in the grant the employee will:
    a. Abide by the terms of the statement; and
    b. Notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction;

5. Notifying the granting agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of a conviction;

6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. section 8104; and

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirements.

41 U.S.C. 8103(a)(1)

Dietary Supplements

Except as provided at Education Code 38.011(b), a district employee may not:

1. Knowingly sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties; or

2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

Education Code 38.011

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the storage or possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487. *Health and Safety Code 487.201*

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DHA(LEGAL)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD, DCE, and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action [see the CKE series];
2. A District employee who holds a handgun license in accordance with state law stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent.

In accordance with ethical standards applicable to all District employees [see DHA(LEGAL)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Prohibited Classroom Instruction or Activities

An employee is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB].

Prohibited Diversity, Equity, and Inclusion Duties

An employee shall be subject to disciplinary action, including termination of employment, if the employee, intentionally or knowingly:

- Engages in diversity, equity, and inclusion (DEI) duties.
- Assigns to another individual DEI duties.

[See BT(LEGAL)]

Social Transitioning

An employee shall be prohibited from assisting a District student with social transitioning, as the term is defined in law. This prohibition includes providing any information to a District student about social transitioning or guidelines intended to assist a District student with social transitioning.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

As required by law, the District shall notify the parent of a student with whom a District employee or person acting as a service provider for the District is alleged to have engaged in certain misconduct.

[See FFF for parent notification requirements and DHB and DHC for reporting requirements.]

Tobacco and Nicotine Products and E-Cigarettes

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or

3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any misdemeanor (excluding minor traffic offenses punishably by fine only), and any offense involving moral turpitude. The obligation to notify as set forth in the preceding sentence includes, but is not limited to, offenses and conduct as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;
    - Deliberate violence;
    - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
    - Possession or conspiracy to possess, transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
    - Driving while intoxicated (DWI);

- Acts constituting abuse or neglect under the Texas Family Code; or
- Acts involving public intoxication, unlawful use of controlled substances, or operating a motor vehicle under the influence of alcohol or a controlled substance.

Dress and Grooming An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Code of Ethics

The State Board for Educator Certification (SBEC) shall propose rules that provide for the adoption, amendment, and enforcement of an educator's code of ethics. SBEC is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.

Education Code 21.041(b)(8); 19 TAC 247.1(c)

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. The Educator's Code of Ethics shall apply to educators and candidates for certification.

19 TAC 247.1(b)

Professional Ethical Conduct, Practices, and Performance

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or SBEC and its certification process.

Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

19 TAC 247.2(1)

Ethical Conduct Toward Professional Colleagues

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

19 TAC 247.2(2)

Ethical Conduct Toward Students

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to,

electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

1. The nature, purpose, timing, and amount of the communication;
2. The subject matter of the communication;
3. Whether the communication was made openly or the educator attempted to conceal the communication;
4. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
5. Whether the communication was sexually explicit; and
6. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

19 TAC 247.2(3)

Note: This policy applies to a district of innovation under Education Code, Chapter 12A. [See AF]

Permissive Reports

The superintendent may notify the State Board for Educator Certification (SBEC) of any educator misconduct that he or she believes in good faith may be subject to sanctions under 19 Administrative Code, Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, and/or Chapter 247, Educators' Code of Ethics. *19 TAC 249.14(d)*

Required Reports

A superintendent shall notify SBEC if:

1. An educator employed by or seeking employment with the district, or an applicant or holder of an SBEC certificate, has a criminal record and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety under Government Code 411.0845;
2. An educator's employment at the district was terminated and there is evidence that the educator engaged in misconduct listed below [see Reportable Misconduct After Termination or Resignation, below];
3. The educator resigned and there is evidence that the educator engaged in misconduct listed below [see Reportable Misconduct After Termination or Resignation, below]; or
4. The superintendent becomes aware of evidence than an educator employed by the district engaged in the misconduct listed below [see Reportable Misconduct Regardless of Termination or Resignation, below].
5. The educator engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.

Education Code 22A.051, 22.087; 19 TAC 249.14(d)

Reportable Misconduct Regardless of Termination or Resignation

The superintendent shall make a report to SBEC under item 4 [Required Reports], above, if an educator:

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;

2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

3. Engaged in inappropriate communications with a student or minor; or

4. Failed to maintain appropriate boundaries with a student or minor.

Education Code 22A.051(2)(A)-(D), (4)

Deadline to Report

The superintendent must notify SBEC by filing a report not later than 48 hours after the superintendent receives notice from a principal [see DPA(LEGAL)] or becomes aware of evidence of misconduct described above [Reportable Misconduct Regardless of Termination or Resignation]. *Education Code 22A.051(d)(2)*

Reportable Misconduct After Termination or Resignation

A superintendent shall make a report to SBEC under items 2 and 3 at Required Reports, above, if an educator was terminated or resigned and there is evidence that the educator:

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;

2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

3. Engaged in inappropriate communications with a student or minor;

4. Failed to maintain appropriate boundaries with a student or minor;

5. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481, or by 21 U.S.C. 801 et seq.;

6. Illegally transferred, appropriated, or expended school property or funds;

7. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

8. Committed a criminal offense, or any part of a criminal offense, on school property or at a school-sponsored event.

Education Code 22A.051(a); 19 TAC 249.14(d)

Deadline to Report After Termination or Resignation

The superintendent shall notify SBEC in writing by filing a report within seven business days after the date the superintendent receives notice from a principal [see DPA]or knew about an educator's termination or resignation following an alleged incident of misconduct described above at Reportable Misconduct After Resignation or Termination or about an educator's criminal record described under Education Code 22A.051(d). *Education Code 22A.051(d)(1)* [See Required Reports, above]

Investigation After Termination or Resignation

A superintendent shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described above at Reportable Misconduct After Termination or Resignation, items 1, 2, 3, or 4, despite the educator's resignation from employment before completion of the investigation. *Education Code 22A.051(b); 19 TAC 249.14(d)(3)(C)*

Contents of Report

The report must be in writing and in a form prescribed by SBEC and filed through a confidential and secure internet portal developed and maintained by TEA under Education Code 22A.155. The report shall include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator and the factual circumstances requiring the report and the subject of the report by providing the following available information:

1. Name and any aliases;
2. Certificate number, if any, or social security number;
3. Last known mailing address and home and daytime phone numbers;
4. All available contact information for any alleged victim or victims;
5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
6. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
7. Involvement by a law enforcement or other agency, including the name of the agency.

Education Code 22A.051(e); 19 TAC 249.14(f)

The name of the student or minor is not public information under the Public Information Act. [See GBAA] *Education Code 22(A).051(j)*

Notice

To the Board and Educator

A superintendent shall notify the board and the educator of the filing of a written report with SBEC. *Education Code 22A.051(f)*

Before Accepting Resignation

Before accepting an employee's resignation that requires filing a report, the superintendent shall inform the educator in writing that a report will be filed and that sanctions against his or her certificate may result as a consequence. *19 TAC 249.14(d)(3)(A)*

Policy to Notify Parents

The board shall adopt a policy under which notice is provided to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct described Reportable Conduct Regardless of Termination or Resignation. [See FFF] *Education Code 22A.053.*

Sanctions for Failure to Report

SBEC shall determine whether to impose sanctions, including an administrative penalty against a superintendent who fails to file a report. *Education Code 22A.051(h); 19 TAC 249.14(d), (h), .15(b)(4)*

Administrative Penalty

If a superintendent is required to file a report and fails to file the report by the required date, SBEC may impose an administrative penalty of not less than $500 and not more than $10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 22A.051(k)*

Criminal Offense

A superintendent required to file a report commits a state jail felony if the superintendent fails to file the report by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 22A.051(l)*

Immunity

A superintendent or principal who, in good faith and while acting in an official capacity, files a report with SBEC or communicates with another superintendent or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 22A.051(g)*

Definitions

Abuse

“Abuse” has the meaning assigned by Family Code 261.001(1) and includes any sexual conduct involving a student or minor. *Education Code 22A.001(1)*

“Abuse” includes the following acts or omissions:

1. Mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
2. Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an

observable and material impairment in the child's growth, development, or psychological functioning;

3. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm; or

4. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

5. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuing sexual abuse of a young child or disabled individual under Penal Code 21.02, indecency with a child under Penal Code 21.11, improper relationship between educator and student under Penal Code 21.12, sexual assault under Penal Code 22.011, or aggravated sexual assault under Penal Code 22.021;

6. Failure to make a reasonable effort to prevent sexual conduct as defined by Penal Code 43.01, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Penal Code 20A.02(a)(7) or (8), solicitation of prostitution under Penal Code 43.05(a)(2);

7. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Penal Code 43.21, or pornographic;

8. The current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

9. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Penal Code 43.25;

10. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Penal Code 20A.02(a)(5), (6), (7), or (8), or the failure to make a reasonable effort to prevent a child from be-

ing trafficked in a manner punishable as an offense under any of those sections; or

11. Forcing or coercing a child to enter into a marriage.

19 TAC 249.3(1); Family Code 261.001(1)

Reported Criminal History

"Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction. *19 TAC 249.3(44)*

Solicitation of a Romantic Relationship

"Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature. A romantic relationship is often characterized by a strong emotional or sexual attachment and/or patterns of exclusivity, but does not include appropriate educator-student relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an educator of a romantic relationship with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the educator's job duties and evidence a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:

    a. The nature of the communications;

    b. The timing of the communications;

    c. The extent of the communications;

    d. Whether the communications were made openly or secretly;

    e. The extent that the educator attempts to conceal the communications;

    f. If the educator claims to be counseling a student, SBEC may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate authorities; and

g. Any other evidence tending to show the context of the communications between educator and student.

2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images.

3. Making sexually demeaning comments to a student.

4. Making comments about a student's potential sexual performance.

5. Requesting details of a student's sexual history.

6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the educator.

7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.

8. Inappropriate hugging, kissing, or excessive touching.

9. Providing the student with drugs or alcohol.

10. Violating written directives from school administrators regarding the educator's behavior toward a student.

11. Grooming behaviors, considered in context and on the totality of circumstances, including, but not limited to:

    a. Showing the student special attention;

    b. Giving the student individual gifts, money, or privileges;

    c. Isolating the student;

    d. Exposing the student to adult topics or conversations and/or media that is not age appropriate; or

    e. Meeting behind closed doors with the student without another adult present.

12. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.

13. Any other acts tending to show that the educator solicited a romantic relationship with the student.

19 TAC 249.3(51)

[See DHC for provisions regarding solicitation of sexual contact.]

Note: The provisions of this policy apply to a district of innovation under Education Code, Chapter 12A. [See AF]

Definitions

"Abuse" has the meaning assigned by Family Code 261.001(1) and includes any sexual conduct involving a student or minor. [See DHB] *Education Code 22A.001(1)*

"Employee" means a person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification (SBEC) under Education Code, Chapter 21, Subchapter B.

19 TAC 153.1201(b), (d)

Misconduct of Noncertified Employees

Education Code 22A.052 applies to a district employee who does not hold certification issued by SBEC or a school district teaching permit.

Reportable Misconduct

A person who serves as the superintendent shall notify the commissioner if the superintendent obtains criminal history record information relating to or becomes aware of evidence that an employee:

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;
2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact, defined below, with a student or minor;
3. Engaged in inappropriate communications with a student or minor; or
4. Failed to maintain appropriate boundaries with a student or minor.

Education Code 22A.052(b)

Deadline to Report

The superintendent must notify the commissioner by filing a report with the commissioner not later than 48 hours after the superintendent receives notice from a principal [see DPA(LEGAL)], knew about the termination or resignation following an allegation of misconduct, or becomes aware of evidence of misconduct described above. *Education Code 22A.052(e)*

Investigation After Termination or Resignation

A superintendent shall complete an investigation of an employee that involves evidence that the employee may have engaged in misconduct described above [Reportable Misconduct], despite the employee's resignation from district employment before completion of the investigation. *Education Code 22A.052(c)*

Contents of Report

The report must be in writing and in a form prescribed by the commissioner and filed through an internet portal developed and maintained by the Texas Education Agency (TEA). The report shall include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an employee and the factual circumstances requiring the report and the subject of the report by providing the following available information:

1. The name or names of any student or minor who is the victim of abuse or unlawful conduct by an employee;
2. The factual circumstances requiring the report and the subject of the report by providing the following available information:
    a. Name and any aliases and certificate number, if any, or social security number;
    b. Last known mailing address and home and daytime phone numbers;
    c. All available contact information for any alleged victim or victims;
    d. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
    e. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
    f. Involvement by a law enforcement or other agency, including the name of the agency.

Education Code 22A.052(f); 19 TAC 153.1203(d)

The name of the student or minor is not public information under Government Code Chapter 552 (Public Information Act) [see GBAA]. *Education Code 22A.052(j)*

Notice to the Board and Employee

A superintendent shall notify the board and the employee of the filing of the report. *Education Code 22A.052(g)*

Immunity

A superintendent who in good faith and while acting in an official capacity files a report or makes a notification is immune from civil

or criminal liability that might otherwise be incurred or imposed. *Education Code 22A.052(h)*

Sanctions for Failure to Report

The commissioner shall refer an educator who fails to file a report to SBEC, which will determine whether to impose sanctions against the educator. *Education Code 22A.052(i)*

Criminal Offense

A superintendent required to file a report commits a state jail felony if the superintendent fails to timely file the report with intent to conceal an employee's criminal record or alleged incident of misconduct. *Education Code 22A.052(k)*

Review of District Records

The commissioner may review district records to ensure compliance with the requirement to report misconduct. *Education Code22A.052(l)*

Solicitation of Sexual Contact

"Solicitation of sexual contact" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an employee of a relationship with a student that is sexual in nature. Solicitation of sexual contact is often characterized by a strong emotional or sexual attachment and/or by patterns of exclusivity but does not include appropriate relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an employee of sexual contact with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the employee's job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:
    a. The nature of the communications;
    b. The timing of the communications;
    c. The extent of the communications;
    d. Whether the communications were made openly or secretly;
    e. The extent that the employee attempts to conceal the communications;
    f. If the employee claims to be counseling a student, the commissioner of education may consider whether the employee's job duties included counseling, whether the employee reported the subject of the counseling to the student's guardians or to the appropriate school person-

nel, or, in the case of alleged abuse or neglect, whether the employee reported the abuse or neglect to the appropriate authorities; and

g. Any other evidence tending to show the context of the communications between employee and student;

2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;

3. Making sexually demeaning comments to a student;

4. Making comments about a student's potential sexual performance;

5. Requesting details of a student's sexual history;

6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee;

7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;

8. Inappropriate hugging, kissing, or excessive touching;

9. Providing the student with drugs or alcohol;

10. Violating written directives from school administrators regarding the employee's behavior toward a student;

11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and

12. Any other acts tending to show that the employee solicited sexual contact with a student.

19 TAC 153.1201(a)

[See DHB for provisions regarding solicitation of a romantic relationship.]

Note: The board has adopted an innovation plan that affects application of provisions in this legally referenced policy. [See AF(LOCAL)]

Credentials or Permit Required

A public school employee must have the appropriate credentials for his or her current assignment specified in 19 Administrative Code Chapter 231, Requirements for Public School Personnel Assignments, unless the appropriate permit has been issued under Chapter 230, Subchapter F, Permits. *19 TAC 231.1(a)* [See DBA]

Principal's Approval

The principal of a campus shall approve all teacher and staff appointments for the campus from a pool of applicants selected by a district or of applicants who meet the hiring requirements established by a district, based on criteria developed by the principal after informal consultation with the faculty. A superintendent or designee has final placement authority for a teacher transferred because of enrollment shifts or program changes. *Education Code 11.202; Atty. Gen. Op. DM-27 (1991)*

Transfers

A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)*

Parent Notification

If a district assigns an inappropriately certified or uncertified teacher to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom. *Education Code 21.057* [See DBA]

Qualifications A board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

Certification State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. *19 TAC Ch. 241*

Duties The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

A principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the superintendent pursuant to board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. For high school principals, serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. *Election Code 13.046; 1 TAC 81.7*

Education Code 11.202(b), .253(c), (h) [See also DMA]

Note: 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 24 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. *Family Code 261.101(b)* [See FFG]

Principal's Report to Superintendent

The principal must notify the superintendent not later than 48 hours after the principal becomes aware of evidence that an educator or other employee:

Report of Misconduct by Educator or Other Employee

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;
2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;
3. Engaged in inappropriate communications with a student or minor; or
4. Failed to maintain appropriate boundaries with a student or minor.

Education Code 22A.051(c)(2); .052(e) [See DHB, DHC]

Report of Educator Misconduct After Termination or Resignation

A principal must notify the superintendent not later than the seventh business day after the date the principal obtains criminal history record information relating to or becomes aware of evidence that an employee engaged in the following misconduct or of an educator's termination of employment or resignation following an alleged incident of the following misconduct:

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;
2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

3. Engaged in inappropriate communications with a student or minor;
4. Failed to maintain appropriate boundaries with a student or minor;
5. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481, or by 21 U.S.C. 801 et seq.;
6. Illegally transferred, appropriated, or expended school property or funds;
7. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or
8. Committed a crime, or any part of a criminal offense, on school property or at a school-sponsored event.
9. Engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.

Education Code 22A.051(a), (c)(1); 19 TAC 249.14(e) [See DHB(LEGAL)]

Immunity

A principal who in good faith and while acting in an official capacity notifies a superintendent is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 22A.051(g), .052(h)*

Sanctions and Administrative Penalty

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 22A.051(h), 22A.052(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than $500 and not more than $10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 22A.051(h); 22A.051(k)*

Criminal Offense

A principal required to notify a superintendent about an employee’s criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an person’s criminal record or alleged incident of misconduct. *Education Code 22A.051(l); 22A.052(k)*

Qualifications

In addition to the minimal education and certification requirements established in the job description, a principal shall have at least:

1. Working knowledge of curriculum and instruction;
2. The ability to evaluate instructional program and teaching effectiveness;
3. The ability to manage budgets and personnel and to coordinate campus functions;
4. The ability to implement policy and procedures;
5. The ability to interpret data;
6. Strong communications, public relations, and interpersonal skills;
7. Prior experience in instructional leadership roles; and
8. Other qualifications deemed necessary by the Board and included in the job description.

School Nurse

Minimum Salary Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

Licensed Vocational Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. *22 TAC 217.11(2)*

Nursing Peer Review Committee

“Nursing peer review committee” includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

Occupations Code 303.001(4), .0015

Certified School Counselor

Note: Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

Note: Education Code 33.006 applies to all districts that employ school counselors.

School Counselor Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
   a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
   b. In need of modified instructional strategies; or
   c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, in-

cluding accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

School Counselor Policy

A board shall adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor's total work time on duties that are components of the district's comprehensive school counseling program under Education Code 33.005. [See FFEA] Time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling.

Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

Exception

If a board determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of the district's comprehensive school counseling program, the policy shall:

1. Include the reasons why the counselor needs to spend less than 80 percent of the counselor's work time on duties that are components of the counseling program;
2. List the duties the counselor is expected to perform that are not components of the counseling program; and
3. Set the percentage of work time that the counselor is required to spend on components of the counseling program.

School Counselor Contracts

A district may not include a provision in an employment contract with a school counselor under Education Code Chapter 21 that conflicts with the policy or, except as provided below, has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

A district that complies with the exception above may not include a provision in an employment contract under Education Code Chapter 21 with an affected school counselor that has the effect of requiring the counselor to generally perform a duty that is not primar-

ily related to a counseling function unless the duty is specified in the district's policy as required above.

Education Code 33.006(a)-(g)

Tracking and Documentation

A district shall require each district school counselor to track and document, using a standardized tracking tool, as established by the district, the time spent on work duties performed by the school counselor throughout a school year. This tracking tool shall:

1. Include the following components:
    a. The total work time worked by the school counselor for the year;
    b. The total time spent on the following duties that are components of a counseling program developed under Education Code 33.005:
        (1) Provision of a guidance curriculum;
        (2) Responsive services for students;
        (3) Individual planning for students; and
        (4) System support; and
    c. The total time spent on duties that are not components of a counseling program developed under Education Code 33.005, including time spent in administering assessment instruments or providing other assistance in connection with assessment instruments (except time spent in interpreting data from assessment instruments); and
2. Be maintained by the district in a format that can be made available to the Texas Education Agency (TEA) upon request.

19 TAC 78.1003(b)

Annual Assessment

A district shall annually assess its compliance with its school counselor policy and, on request by the commissioner, provide a written copy of the assessment to TEA on or before the date specified by the commissioner.

The assessment shall include:

1. Work time tracking documentation as described above for each school counselor in the district;
2. The number of school counselors whose work was in compliance with the district's school counselor policy; and

3. The number of school counselors in the district whose work was not in compliance with the district's school counselor policy.

The assessment shall be maintained by the district in a format that can be made available to TEA upon request.

Education Code 33.006(h); 19 TAC 78.1003(c), (d)

Nonphysician Mental Health Professional

A district may employ or contract with one or more nonphysician mental health professionals.

In this section, "nonphysician mental health professional" means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

Education Code 38.0101

Note: For information about mental health treatment, including counseling, see FFEA.

School Psychological Services

The rules of the Texas Behavioral Health Executive Council (TBHEC) acknowledge the unique difference in the delivery of school psychological services in schools from psychological services in the private sector. The TBHEC recognizes the purview of the State Board of Education (SBOE) and TEA in safeguarding the rights of school children in Texas. Mandated multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas, among other factors, allow for rules of practice in schools which reflect the occupational distinctions from the private practice of psychology. *22 TAC 465.38(a)*

School Psychologist

"School psychologist" means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002(2); 0203(a)*

A person may not be employed by a school district as a school psychologist or associate school psychologist unless the person

holds a specialist in school psychology license under Occupations Code 501.260. A specialist in school psychology license is the appropriate credential for a person who provides psychological services for a school district. *Education Code 21.003(b); Occupations Code 501.002(2), .260(a)*

School psychological services may be provided in Texas public schools only by school psychologists and interns and post-doctoral fellows working towards licensure as a psychologist. *22 TAC 465.38(e)*

Scope of Practice

School psychological services include the delivery of a comprehensive range of services to support the academic, emotional, social, behavioral, and mental health development and needs of students, which includes the promotion of students' strengths, as well as the identification and treatment of mental health disorders and disabilities impacting student educational performances.

School psychological services include, but are not limited to:

1. Assessment, which includes psychoeducational, cognitive, psychological, emotional, behavioral, and other assessments; universal screenings; and various data collection methods to:
    a. Identify and address student academic, social, emotional, developmental, and mental and behavioral health needs;
    b. Make eligibility recommendations for special education services;
    c. Assess risk of harm to self or others; and
    d. Evaluate effectiveness of services and practices.
2. Prevention and intervention services to support student learning, which include facilitating delivery of curricula and instructional strategies, school-wide, group, and individual interventions to support student achievement, student wellness, mental and behavioral health, promoting safe learning environment and addressing other barriers to learning.
3. Mental and behavioral health services, which includes group and/or school-wide services to promote social, emotional, mental and behavioral health, and prosocial and positive behaviors. Such services also include individual or group counseling, behavioral health, promoting safe learning environments and addressing other barriers to learning.
4. Consultation and collaboration, which includes engagement in collaborative problem-solving as a vehicle to plan, implement,

and evaluate academic and mental and behavioral health services, which may include psychoeducation for students, families, school personnel, and other relevant parties.

5. Development of programs, which includes designing, implementing, or evaluating safe, supportive, and educationally and psychologically sound learning environments; engaging in crisis prevention, response, and interventions; acting as a catalyst for educator and family engagement in adaptations and innovations; and facilitating the psychoeducational development of individual families or groups.

22 TAC 465.38(b)(1)-(2)

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology. *Occupations Code 501.260(c); 22 TAC 465.38(b)(3)*

Notice of Assignment or Subcontract

A school psychologist who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. A school psychologist shall be responsible for ensuring the school psychological services delivered comply with TBHEC standards. *22 TAC 465.38(e)(3)*

Compliance with Applicable Education Laws

School psychologists shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973; and
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101.

22 TAC 465.38(f)

School Chaplains

A district may employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board. A chaplain employed or volunteering is not required to be certified by SBEC.

A district that employs or accepts as a volunteer a chaplain shall ensure that the chaplain complies with the applicable requirements under Education Code Chapter 22, Subchapter C, before the chaplain begins employment or volunteering at the district.

A district may not employ or accept as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Code of Criminal Procedure Chapter 62.

Education Code 23.001

School Counselors

In accordance with law, a school counselor shall spend 80 percent of the counselor's work time on duties that are components of a comprehensive school counseling program (CSCP). [See FFEA]

If the Board approves a determination by the administration that due to District or campus staffing needs or other reasons a school counselor is prevented from spending 80 percent of the counselor's work time on duties that are components of a CSCP, the Board shall direct the Superintendent to develop a revised job description for the school counselor that addresses the percentage of the school counselor's time that shall be spent on duties related to the components of a CSCP and the duties the school counselor is expected to perform in the remaining work time. The Superintendent shall report to the Board regarding adjustments to a school counselor's duties under this provision.

Uncertified Substitutes

State Board for Educator Certification requirements regarding assignment of certified employees apply to substitute teachers. If a district must employ a substitute teacher who is not certified, a list of the substitute teachers shall be retained in the district files. *19 TAC 231.1(e)*

Parent Notification

If a district assigns an inappropriately certified or uncertified teacher [as defined in DBA(LEGAL)] to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of students in that classroom.

A superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. A district shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. A district shall retain a copy of the notice and make information relating to teacher certification available to the public on request. [See also DBA(LEGAL)]

Education Code 21.057

Criminal History Review

A district shall obtain all criminal history record information that relates to a substitute teacher for a district or shared services arrangement through the Department of Public Safety's criminal history clearinghouse. [See DBAA] *Education Code 22.0836*

Note: The board has adopted an innovation plan that affects application of provisions in this legally referenced policy. [See AF(LOCAL)]

School Start Date

A district may not begin instruction for students for a school year before the fourth Monday in August unless the district operates a year-round system (see below). A district may not receive a waiver of this requirement.

Exceptions

A district that does not offer each grade level from kindergarten through grade 12 and whose prospective or former students generally attend school in another state for the grade levels the district does not offer may instead start school on any date permitted under the law of the other state.

A district with a student enrollment of 190,000 or more may begin instruction for students for a school year on or after the first Monday in August at a campus or at not more than 20 percent of the campuses in the district if:

1. The district at the beginning of the school year provides, financed with local funds, days of instruction for students at the campus or at each of the multiple campuses, in addition to the minimum number of days of instruction required under Education Code 25.081;
2. The campus or each of the multiple campuses are undergoing comprehensive reform, as determined by the board; and
3. A majority of the students at the campus or at each of the multiple campuses are educationally disadvantaged.

Education Code 25.0811

Length of School Year

Each school year, a district shall operate for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses for students.

Exceptions

The commissioner of education may approve the operation of schools for fewer than the number of minutes specified above when disaster, flood, extreme weather conditions, fuel curtailments, or other calamities have caused the closing of schools.

If the commissioner does not approve reduced operation time, a district may add additional minutes to the end of the district's normal school hours as necessary to compensate for minutes lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.

Education Code 25.081

The commissioner shall provide for a waiver allowing for fewer minutes of operation and instructional time than required for a district that requires each educator employed by the district to attend an approved school safety training course. *Education Code 25.0815(a)*

Last Day of School

A district may not schedule the last day of school for students for a school year before May 15. However, a district that does not offer each grade level from kindergarten through grade 12 and whose prospective or former students generally attend school in another state for the grade levels the district does not offer may schedule the last day of school on any date permitted under Texas law or the law of the other state. *Education Code 25.0812*

Optional Flexible Year Program

To enable a school district to provide additional instructional days for an optional extended year program [see EHBC], the school district may, with the approval of the commissioner, provide a number of days of instruction during the regular school year that is not more than ten days fewer than 180 days. *Education Code 29.0821(b)(1)*

No Instruction on Memorial Day

A district may not provide student instruction on Memorial Day. If a district would be required to provide student instruction on Memorial Day to compensate for minutes of instruction lost because of school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity, the commissioner shall approve the instruction of students for fewer than the required number of minutes. *Education Code 25.081(f)*

Reduction of Funding

The commissioner may proportionally reduce the amount of funding a district receives under Education Code, Chapters 46, 48, or 49 and the average daily attendance calculation for the district if the district operates on a calendar that provides fewer minutes of operation than required. *Education Code 25.081(f)*

Exemption

A school district is exempt from the minimum minutes of operation requirement if the district's or program's average daily attendance is calculated in the manner provided below. *Education Code 25.081(e)*

A district or charter school is eligible to earn full average daily attendance if the district provides at least 43,200 minutes of instructional time to students enrolled in:

1. A dropout recovery school or program operating under Education Code 12.1141(c) or Education Code 39.0548;
2. An alternative education program operating under Education Code 37.008;

3. A school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital;

4. A school program offered at a correctional facility; or

5. A school operating under the adult high school charter school program.

Education Code 48.005(j)

Year-Round Schools

A district may operate its schools year-round on a single or a multi-track system. If it adopts a year-round system, it may modify:

1. The number of contract days of employees and the number of days of operation, including any time required for staff development, planning and preparation, and continuing education, otherwise required by law.

2. Testing dates, data reporting, and related matters.

3. The date of the first day of instruction of the school year under Education Code 25.0811 for a school that was operating year-round for the 2000–01 school year.

4. Students' eligibility to participate in extracurricular activities when their calendar track is not in session.

Education Code 25.084

Note: The board has adopted an innovation plan that affects application of provisions in this legally referenced policy. [See AF(LOCAL)]

Pledges of Allegiance

A board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags.

On written request from a student's parent or guardian, a district shall excuse the student from reciting a pledge of allegiance.

[See FNA for more information regarding patriotic observances.]

Minute of Silence

A board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.

Education Code 25.082

Kindergarten Program

A public school kindergarten may be operated on a half-day or full-day basis as determined by the board. *Education Code 29.152*

Grant Programs

A district may use funds from grants administered by the commissioner to operate an existing half-day kindergarten on a full-day basis. *Education Code 29.155(a)*

Interruptions

A board shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.

Loss of Class Time

A board shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose. [See EHBC for provisions on tutorial services.]

Education Code 25.083

Note: The board has adopted an innovation plan that affects application of provisions in this legally referenced policy. [See AF(LOCAL)]

Teacher-Student Ratio

A district shall employ a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 20 students in average daily attendance. *Education Code 25.111*

High-Quality Prekindergarten Program

A district operating a prekindergarten program or an entity with which the district contracts to provide a prekindergarten program must attempt to maintain an average ratio in any prekindergarten program class of not less than one qualified teacher or teacher's aide for each 11 students. *Education Code 29.167(d)*

Physical Education

A district's physical education curriculum objectives and goals shall address teacher-student ratios. [See EHAA] *Education Code 25.114*

Prekindergarten-Grade 4

A district may not enroll more than 22 students in a class, prekindergarten through fourth grade, except as allowed by the commissioner of education. The limit on class size does not apply during:

1. The last 12 weeks of the school year; or
2. Any 12-week period of the school year selected by a district, if the district's average daily attendance has been adjusted due to a significant percentage of students who are migratory children under Education Code 48.005(c). A district claiming this exemption must notify the commissioner in writing not later than the 30th day after the first day of the 12-week period.

Migratory Definitions

A "migratory child" is a child or youth who made a qualifying move:

1. As a migratory agricultural worker or a migratory fisher; or
2. With, or to join, a parent or spouse who is a migratory agricultural worker or migratory fisher.

A "qualifying move" is a move due to economic necessity:

1. From one residence to another residence; and
2. From one school district to another school district, except in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence.

A "migratory agricultural worker" is an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial

processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment.

A "migratory fisher" is an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment.

Education Code 25.112(a), (b); 20 U.S.C. 6399

Exception to Class Size Limits

The commissioner may except a district, on application, from the class size limits above if the limit works an undue hardship on the district. An exception expires at the end of the school year for which it is granted.

A school district seeking an exception shall notify the commissioner and apply for the exception not later than the later of:

1. October 1; or
2. The 30th day after the first school day the district exceeds the limit described above.

Education Code 25.112(d)-(e)

Notice to Parents

A campus or district that is granted an exception from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception. The notice must be in conspicuous bold or underlined print and:

1. Specify the class for which an exception was granted;
2. State the number of children in the class; and
3. Be included in a regular mailing or other communication from the campus or district, such as information sent home with students.

The notice must be provided not later than the 31st day after the first day of the school year or the date the exception is granted, if the exception is granted after the beginning of the school year.

Education Code 25.113

Note: For provisions regarding inventory and requisition of instructional materials, including the annual certification, see CMD.

Definitions

"Instructional material" is defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student.

The term includes:

1. Material used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan;
2. Material used by a principal or campus instructional leader to support instruction; and
3. Material used by a student, including a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.

Education Code 31.002(1-a)

"Open education resource (OER) instructional material" is teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. *Education Code 31.002(1-b)*

"Technological equipment" is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*

Duty to Provide Instructional Materials

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

State Materials Selection and Assistance

The State Board of Education (SBOE) shall review instructional materials provided to the board by the Texas Education Agency (TEA) under Education Code 31.023. Before approving instructional material, the SBOE may review the material and must determine that the material is free from factual error and suitable for the subject and grade level for which the material is designed, and, if the material is intended to cover the foundational skills reading curriculum in kindergarten through third grade, does not include three-cueing, as defined by Education Code 28.0062(a-1). The SBOE shall add each approved material to a list of approved instructional materials and may add a material not approved to a list of rejected instructional materials. *Education Code 31.022(a)*

TEA Website

TEA shall develop and maintain an instructional material website to assist districts in locating and selecting instructional material. *Education Code 31.025(a)*

TEA Support

On request of a district, TEA shall provide the district assistance in evaluating, adopting, or using instructional materials.

Except as otherwise provided, TEA may not require a district to adopt or otherwise use instructional material reviewed by TEA or included on the list of approved instructional materials maintained by the SBOE.

Education Code 31.0251

OER Instructional Material

Except as provided by Education Code 31.0721(b), OER instructional material may not be made available to students, teachers, educators, or other education professionals before being reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.0721(a)*

Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may adopt OER material at any time. A district may not be charged for a cost associated with the selection of an OER, except for the cost of printing copies of the material. *Education Code 31.073*

Local Instructional Materials Selection

A board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. *19 TAC 66.104(a)*

No Commission or Rebate

A board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

A board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include:

1. Staff development, in-service, or teacher training; or
2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

Human Sexuality Materials

Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by a board with the advice of the local school health advisory council (SHAC). *Education Code 28.004(e)*

[For more information on the requirements for adopting human sexuality instructional materials, see EHAA.]

Special Education Materials

Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. *19 TAC 66.104(c)*

Instructional Material Review

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

A district shall make tests readily available for review by parents in person and teaching materials readily available for review by parents both in person and, if applicable, through an instructional materials portal established under Education Code 31.154 [see CMD].

The district may specify reasonable hours for in-person review. A district may not deny a parent access to an instructional materials parent portal.

Notice of Entitlement to Review Materials

The district shall post on the home page of the district's or school's internet website a notice stating that a parent of a student enrolled in the district or school is entitled to review these materials and may request that the district or school make the materials available for review as provided below. [See CQA(LEGAL)]

Review Period

In providing access to instructional materials to a student's parent under this provision, the district shall allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends.

For the entire period, the district shall include access to all instructional materials that pertain to each subject area in the grade level in which the student is enrolled, except for tests or exams that have not yet been administered to the student and the student's graded assignments.

Taking Home Materials

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

Students Without Reliable Access to Technology

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

Learning Management System or Online Portal

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

Education Code 26.006

Parent Request for Instructional Material Review

The board shall establish a process by which a parent of a student, as indicated on the student registration form at the student's campus, may request an instructional material review under Education Code 31.0252 [see below] for a subject area in the grade level in which the student is enrolled.

Process

The process:

1. May not require more than one parent of a student to make the request;
2. Must provide for the board to determine if the request will be granted, either originally or through an appeal process;
3. May permit the requesting parent to review the instructional material directly before the district conducts an instructional material review;
4. Must establish minimum requirements for a parent's petition to the board for a local review of classroom instructional materials, including submission guidelines and timelines for the petition. The process must align to the statewide submission window of September 1 through the last instructional day for students. The process must require that the board consider such petitions at the regular board meeting that allows proper posting immediately following submission of the petition provided that it is submitted by the prescribed submission deadline;
5. Require parent petitions to include the student assignment, grade level, content area, campus name, and teacher name to complete the local review process; and
6. Establish an appeal process for parents if a petition for a local review is denied by the board, detailing steps for submitting an appeal, the criteria for reviewing the appeal, and the timelines for a final decision.

Education Code 26.0061

TEA Standards for Instructional Material Review

TEA shall develop standards that a district may use to conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course to determine the degree in which the material corresponds with the instructional materials adopted by the district and meets the level of rigor of the essential knowledge and skills for the grade level in which it is being used. *Education Code 31.0252*

Request for TEA Review	A school district may request a review by TEA of local classroom instructional materials. A request for review of local classroom instructional materials must be submitted between September 1 and the last instructional day for students. If a review of local classroom instructional materials is granted, the school district must submit blank student assignments and other required instructional materials. TEA will provide the results from a review of local classroom instructional materials in a local classroom review report to the school district.
TEA Report Published on Website	School districts must publish local classroom instructional materials review reports from TEA on the district website within 10 school days following the receipt of the results. These reports must be accessible to the public without requiring a login or password. Prior to publication on the district website, the district must redact any student or teacher information from the report and must not make any other modifications to the report.
Local Review and Rubric	Local classroom instructional materials reviews and rubric development for foundations curriculum courses shall be aligned with the instructional materials review and approval (IMRA) rubric development schedule and review cycles.
Data Management Process	School districts must establish data management processes to ensure reviews of local classroom instructional materials are authorized no more than once per year for any classroom teacher in a specific subject or grade level at a specific campus. The process must track, at a minimum, the teacher of record, date of the review request, grade level, content area, campus, and amount of time the teacher reports to complete the request. *19 TAC 67.1501*
Local Reviewer Eligibility	Local classroom reviews shall be conducted by education service centers or a curriculum review service provider approved by TEA. All reviewers must meet eligibility criteria approved by TEA. *19 TAC 67.1502*
SBOE Notification	A district is requested to notify the SBOE member(s) representing the district, at the member's state email address as listed on the SBOE.Texas.gov website within one week of a decision to approve a parent request for local classroom review and one week after receiving the final report.
Limit on Reviews	The board is not required to conduct a review for a specific subject area or grade level at a specific district campus more than once per school year.

Parental Access During Review	Parental access to instructional material provided by an instructional material review conducted under this provision is in addition to any other right to access instructional material granted by the Education Code or school district policy.
Mandatory Review on Petition by Group of Parents	If the parents of at least 25 percent of the students enrolled at a campus present to the board in which the campus is located a petition for the board to conduct an instructional material review under Education Code 31.0252, the board shall conduct the review, unless the petition is presented by the parents of less than 50 percent of the students enrolled at the campus and, by a majority vote, the board denies the request. A review shall include a review of instructional materials for each subject area or grade level specified in the petition. *Education Code 26.0061; 19 TAC 67.69*
Federally Required Parental Inspection	All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the United States Department of Education shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)* [For more information about the Protection of Pupil Rights Amendment (PPRA), see FA.]

Courses in the foundation and enrichment curriculum in grades 6-12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. A district is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

Grades 6-8

A district that offers grades 6-8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

Physical Activity Requirements

A district shall require students in grades 6-8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum.

A district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

Exemptions

A district must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

A district may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The board must certify the activity; and

3. The student must provide proof of participation in the activity.

A "structured activity" is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and

2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the board.

Education Code 28.002(l)-(l-1); 19 TAC 103.1003

Fine Arts Requirement

The school district must ensure that, beginning with students who enter grade 6 in the 2010-11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students. *19 TAC 74.3(a)(3)*

Instruction in High School, College, and Career Preparation

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;

2. The distinguished level of achievement described by Education Code 28.025(b-15);

3. Each endorsement described by Education Code 28.025(c-1);

4. College readiness standards; and

5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board

of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

Middle School Advanced Math Program

A district shall develop a middle school advanced mathematics program for students in grades 6-8 to enable students to enroll in Algebra I in grade 8.

Required Local Measure

A district shall identify a local measure for use in determining student eligibility for automatic enrollment in a middle school advanced mathematics program.

Automatic Enrollment

A district shall automatically enroll in a middle school advanced mathematics program each grade 6 student whose performance was either:

1. In the 60th percentile or higher on statewide scores for the grade 5 mathematics state assessment instrument; or
2. In the top 40 percent on a local measure that includes the student's grade 5 class ranking or a demonstrated proficiency in the student's grade 5 mathematics coursework.

No Results

A local measure shall be used to determine enrollment of grade 6 students for whom there are no results on the state grade 5 mathematics assessment.

Public Notice

A district shall make public the criteria for automatic enrollment in a middle school advanced mathematics program, including any criteria for a local measure, before the start of each school year.

Parent Notice

A district shall provide a written notice to the parent or guardian of each student entering grade 6 who will be automatically enrolled in a middle school advanced mathematics program. The written notification shall be provided no later than 14 days before the first day of instruction for the school year. The required notice shall include a description of:

1. The purpose of the program;
2. The middle school advanced mathematics program offered by the district, including an overview of the content addressed at each grade level;
3. Resources offered to support student success;
4. The right of the parent or guardian to opt their child out of the middle school advanced mathematics program; and
5. The process for a parent or guardian to opt their child out of the program and any associated deadlines.

Opt Out

The parent or guardian of a student who will be automatically enrolled in a middle school advanced mathematics program may opt the student out of automatic enrollment in an advanced mathematics program.

A district shall obtain written approval from the parent or guardian to remove a student from the middle school advanced mathematics program.

Annual Report

A district shall annually report to the Texas Education Agency (TEA) data related to student enrollment and performance in the middle school advanced mathematics program in a manner and time to be determined by TEA.

Other Process

These provisions do not prohibit a district from establishing a process to initially enroll grade 7 or 8 students in a middle school advanced mathematics program.

19 TAC 74.2101; Education Code 28.029

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 Systems Science, Environmental Systems, Advanced Animal Science, Advanced Plant and Soil Science, Anatomy and Physiology, Physics for Engineering, Biotechnology I, Biotechnology II, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, Engineering Science, Fluid Mechanics, Mechanics of Materials, and advanced level biology, chemistry, physics, and environmental science courses

offered as dual credit as referenced in 19 Administrative Code 74.11(i) or a course selected from 19 Administrative Code 74.12(b)(3)(A) or (B). 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.

4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, Economics with Emphasis on the Free Enterprise System and Its Benefits, and Personal Financial Literacy and Economics. The requirement to offer both Economics with Emphasis on the Free Enterprise System and Its Benefits and Personal Financial Literacy and Economics may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.

5. Physical education — at least two courses selected from:

    a. Lifetime Fitness and Wellness Pursuits;

    b. Lifetime Recreation and Outdoor Pursuits; or

    c. Skill-Based Lifetime Activities.

6. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:

    a. Art I, II, III, IV;

    b. Music I, II, III, IV;

    c. Theatre I, II, III, IV; or

    d. Dance I, II, III, IV.

7. Career and technical education [see EEL] — three or more career and technical education courses for four or more credits with at least one advanced course aligned with a specified number of Texas Education Agency (TEA)-designated programs of study determined by enrollment as follows:

    a. One program of study for a district with fewer than 500 students enrolled in high school;

    b. Two programs of study for a district with 501-1,000 students enrolled in high school;

    c. Three programs of study for a district with 1,001-2,000 students enrolled in high school;

d. Four programs of study for a district with 1,001-5,000 students enrolled in high school;

e. Five programs of study for a district with 5,001-10,000 students enrolled in high school; and

f. Six programs of study for a district with more than 10,000 students enrolled in high school.

8. Languages other than English — Levels I, II, and III or higher of the same language.

9. Computer science — one course selected from Fundamentals of Computer Science, Computer Science I, or another advanced computer science course.

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)(5)

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)(4)*

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)*

The SBOE shall allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content. *Education Code 28.025(b-24)*

Nutrition and Wellness

Each district offering a high school program shall provide an elective course in nutrition and wellness that meets the requirements for a one-half elective credit, using materials approved by the SBOE. The nutrition instruction must include curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee and may incorporate other relevant material, including culinary skills, horticulture, and consumer economics. *Education Code 28.0115*

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)*

Parenting Awareness Program

High School

A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.

Middle and Junior High School

A district may use the program in the district's middle or junior high school curriculum.

Program Requirements

Implementation of this requirement shall comply with the requirement that the board establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction.

A district may add elements at its discretion but must include the following areas of instruction:

1. Parenting skills and responsibilities, including child support;
2. Relationship skills, including money management, communication, and marriage preparation; and
3. Skills relating to the prevention of family violence, only if the district's middle, junior high, or high schools do not have a family violence program.

At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.

Local Programs and Materials

A district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in:

1. Child development;
2. Parenting skills, including child abuse and neglect prevention; and
3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

Parent Permission

A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.

Education Code 28.002(p); 19 TAC 74.35(a)

Alcohol Awareness Instruction

A district shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.

A district shall choose an evidence-based alcohol awareness program to use in the district's middle school, junior high school, and high school health curriculum from a list of programs approved by the commissioner for this purpose.

"Evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

Fentanyl Abuse and Drug Poisoning Instruction

A district shall annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

The instruction must include:

1. Suicide prevention;
2. Prevention of the abuse of and addiction to fentanyl;
3. Awareness of local school and community resources and any processes involved in accessing those resources; and
4. Health education that includes information about substance use and abuse, including youth substance use and abuse.

The required instruction may be provided by an entity or an employee or agent of an entity that is:

1. A public or private institution of higher education;
2. A library;
3. A community service organization;
4. A religious organization;
5. A local public health agency; or
6. An organization employing mental health professionals.

Education Code 38.040

CPR and AED Instruction

A district shall provide instruction to students in grades 7-12 in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation.

CPR instruction must include training in cardiopulmonary resuscitation techniques and the use of an AED that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR or AED certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association. If the instruction is not intended to result in certification, an instructor of this training is not required to be certified in CPR.

Waivers for Students with Disabilities

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR or AED requirements must be made by:

1. The student’s admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code Chapter 29, Subchapter A; or

2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Applicability

The requirement to receive instruction in CPR applies to any student who entered grade 7 in the 2010-11 school year and thereafter. The requirement to receive instruction in the use of an AED applies to any student who entered grade 7 in the 2024-25 school year and thereafter.

Education Code 28.0023(c)-(e), (g); 19 TAC 74.38

Donations

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR and the use of an AED. A district may accept other donations, including donations of equipment, for use in providing CPR instruction and the use of an AED. *Education Code 29.903*

Proper Interaction with a Peace Officer

For any student entering grade 9 in the 2018-19 school year and thereafter, a district shall provide instruction in one or more courses to students in grades 9-12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction may be provided as part of any course or courses and must be provided to each student at least once before graduation from high school.

The instruction must include all the information required by 19 Administrative Code 74.39(b). A district shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the SBOE, and TEA. A district may tailor the instruction developed under this section as appropriate for the district's community. In tailoring the instruction, the district shall solicit input from local law enforcement agencies, driver training schools, and the community.

A district shall clearly indicate on the transcript or academic achievement record the year in which the instruction was provided to the student.

19 TAC 74.39; Education Code 28.012

Driving With Disability Program

For information regarding the required notice for students who are receiving special education services or who are covered by Section 504, see EHBAD.

Using criteria established by the State Board of Education, a district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. Under this provision, a district may establish a shared services arrangement with other districts.

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

Education Code 29.122

Definition

"Gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. Exhibits high performance capability in an intellectual, creative, or artistic area;
2. Possesses an unusual capacity for leadership; or
3. Excels in a specific academic field.

Education Code 29.121

Identification Policies

A district shall develop written policies on student identification that are approved by the board and disseminated to parents. The policies must include:

1. Provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in Education Code 29.121.
2. Assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students.
3. Data and procedures designed to ensure that students from all populations in a district have access to assessment and, if identified, services for the gifted/talented program.
4. Prohibiting a scoring value based on race, ethnicity, sex, socioeconomic status, or disability if the selection process utilizes a matrix or threshold system.
5. Provisions for final selection of students to be made by a committee composed of at least three local district educators who have received training in the nature and needs and identification of gifted students.

6. Provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

The policy must not limit the number of students the district may identify as gifted/talented or served under the district's program for gifted/talented students.

19 TAC 89.1

Fiscal Policy

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

The policy must:

1. Ensure that 100 percent of state funds allocated for gifted/talented education are spent on providing gifted/talented services or enhancing the district's gifted and talented program; and

2. Establish a method to account for the expenditure of the gifted and talented allotment in alignment with the Texas Education Agency's financial compliance guidance.

19 TAC 89.4

Program Accountability

A district shall ensure that:

1. Student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented (State Plan);

2. It annually certifies to the commissioner of education that the district's program for gifted/talented students is consistent with the State Plan and that the district's use of funds complies with 19 Administrative Code 89.4 [see Fiscal Policy, above]; and

3. The board annually measures the performance of the district in providing gifted/talented services in alignment with the State Plan.

19 TAC 89.5

Learning Opportunities

A district shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently.

2. A continuum of learning experiences that leads to the development of advanced-level products and performances.

3. In-school, and when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year.

4. Opportunities to accelerate in areas of strength.

19 TAC 89.3

Note: See DMA(LEGAL) for training requirements for teachers of gifted and talented education.

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the identification procedures and services for the program prior to beginning the screening and identification process.

Parental Consent

The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.

Selection

The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.

Identification Criteria

Assessments

Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.

Matrix or Threshold System

If the selection process relies on a matrix or threshold system, the use of a scoring value based on race, ethnicity, sex, socioeconomic status, or disability shall be prohibited.

Placement Committee

A placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs and identification of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for

gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment

If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict

When a student identified as gifted by a previous school district enrolls in the District, the placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict

A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs

The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions

The District shall monitor student performance in response to gifted and talented program services. If at any time the placement committee or a parent determines the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals

A parent, student, or educator may appeal any final decision of the placement committee regarding services in the gifted and talented program. Appeals shall be made first to the placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation

The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation

shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members, administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program are spent providing for and enhancing the District's program and that a method accounting for expenditures related to the gifted and talented program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

To ensure that each student achieves at least satisfactory performance on each state assessment instrument, a district shall ensure that the district's curricular and instructional systems provide instruction to all students that is consistently aligned with the essential knowledge and skills for the applicable subject area and grade level; and strategically and timely addresses deficiencies in the prerequisite essential knowledge and skills for the applicable subject area and grade level. *Education Code 28.0211(a)*

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument administered in grades 3-8 or on an end-of-course assessment instrument, other than an assessment instrument developed or adopted based on alternative academic achievement standards, the district the student attends shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and, subject to the limitations at Exceptions, below, either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or

2. Provide the student supplemental instruction under Education Code 28.0211(a-4) [see Supplemental Instruction Requirements, below].

The assessments in this provision include a state assessment instrument administered under Education Code 39.023(a) [see EKB] in third through eighth grade or an end-of-course assessment instrument. The assessments also include a Spanish assessment for emergent bilingual students but exclude an assessment instrument developed or adopted based on alternative academic achievement standards.

19 TAC 104.1001; Education Code 28.0211(a-1)

Exceptions

Accelerated instruction requirements do not apply to a student who is retained at a grade level for the school year in which those requirements would otherwise apply.

A district may not be required to provide supplemental instruction to a student in more than two subject areas per school year. If the district would otherwise be required to provide supplemental instruction to a student in more than two subject areas for a school year, the district shall prioritize providing supplemental instruction to the student in mathematics and reading language arts, or Algebra I or English I, as applicable, for that school year.

Education Code 28.0211(a-7)-(a-8)

A district is not required to provide accelerated instruction to a student who, instead of being administered an assessment instrument specified above, was administered a substitute assessment instrument in accordance with other law or Texas Education Agency (TEA) rule authorizing the use of the substitute assessment instrument for purposes of satisfying the requirements concerning the applicable assessment instrument. *Education Code 28.0211(a-10)*

Off-Campus Arrangements

If a student who attends school in a homebound or other off-campus instructional arrangement, including at a residential treatment campus or state hospital, is unable to participate in an accelerated instruction program due to the student's condition, the district may determine that the student be provided the accelerated instruction when the student attends school in an on-campus instructional setting. If the student's condition prevents the student from attending school in an on-campus instructional setting for the school year during which the accelerated instruction is required to be provided to the student, the district is not required to provide the accelerated instruction to the student for that school year. *Education Code 28.0211(i-1)*

Participation Requirements

Accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. *19 TAC 104.1001(c)*

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 for the grade level in which the student is enrolled [see EHA series]; or
2. Recess or other physical activity that is available to other students enrolled in the same grade level.

Education Code 28.0211(a-3)

The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for accelerated instruction.

19 TAC 104.1001(c)(1)

Supplemental Instruction Requirements

If a district receives funding under Education Code 29.0881 or Education Code 48.104 [see EHBC], the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a district must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;
3. Be provided during the subsequent summer or school year:
    a. To each student for no less than:
        (1) 15 hours; or
        (2) 30 hours for a student whose performance on the applicable assessment instrument was significantly below satisfactory, as below; and
    b. Unless the instruction is provided fully during summer, include instruction no less than once per week during the school year, except as otherwise provided by commissioner rule to account for school holidays or shortened school weeks;
4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
5. Include effective instructional materials designed for supplemental instruction;
6. Be provided to a student individually or in a group of no more than four students, unless the parent or guardian of each student in the group authorizes a larger group;
7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the district; and
8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

Education Code 28.0211(a-4); 19 TAC 104.1001

Significantly Below Satisfactory	A district shall provide students who fail to perform satisfactorily on an applicable state assessment instrument no less than 15 hours of supplemental instruction or no less than 30 hours of supplemental instruction for students who scored Low Did Not Meet Grade Level as indicated by state-provided district-level data files or failed to perform satisfactorily on any grade 3 assessment. *19 TAC 104.1001(d)*
Parent Choice	A parent or guardian of a student to whom supplemental instruction will be provided and who either was administered and failed to perform satisfactorily on an assessment instrument specified above or was administered a beginning-of-year assessment instrument aligned with the essential knowledge and skills for the applicable subject area, including a student to whom an accelerated education plan applies, may elect to modify or remove a requirement for that instruction under Education Code 28.0211(a-4) by submitting a written request to an administrator of the campus at which the student is enrolled. A district may not encourage or direct a parent or guardian to make an election under this provision that would allow the district to not provide supplemental instruction to the student or provide supplemental instruction in a group larger than authorized. *Education Code 28.0211(a-9)*
Transportation	A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours, unless the district does not operate, or contract or agree with another entity to operate, a transportation system. *Education Code 28.0211(j)*
High-Impact Tutoring Providers	TEA shall approve high-impact tutoring providers for purposes of providing accelerated or supplemental instruction. In contracting with a high-impact tutoring provider approved by TEA, a district may use an outcomes-based contract. *Education Code 28.0211(a-15)-(a-16)*
Unlisted Service Provider	A district may use a service provider that is not on a list of service providers approved by TEA if the district can demonstrate to the commissioner that use of the service provider results in measurable improvement in student outcomes. *Education Code 28.0211(a-12)*
Optional Assessment	A school district that is required to provide to a student accelerated instruction or supplemental instruction is not required to provide additional instruction under either provision to the student based on the student's failure to perform satisfactorily on an assessment instrument administered as an optional assessment in the same sub-

ject area in which the district is required to provide the student the accelerated or supplemental instruction. *Education Code 28.0211(a-13)*

Notice to Parents

A district shall provide to the parent or guardian of a student who fails to perform satisfactorily on a state assessment instrument specified above notice that the student is not performing on grade level in the applicable subject area. The district must provide the notice at a parent-teacher conference or, if the district is unable to provide the notice at a parent-teacher conference, by another means. TEA shall develop and provide to districts a model notice in plain language for use under this provision. *Education Code 28.0211(a-14)*

In each instance in which a district is specifically required to provide notice or a written copy to a parent or guardian of a student, the district shall make a good faith effort to ensure that such notice or copy is provided either in person or by regular mail and that the notice or copy is clear and easy to understand and is written in English or the parent or guardian's native language. *Education Code 28.0211(h)*

Parent Request

A district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily a state assessment instrument under Education Code 28.0211(a-1) [see above] to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available. *Education Code 28.0211(a-5); 19 TAC 104.1001(g)*

Assessments Not Required

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or

2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course (EOC) assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to

perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of 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)

Students At Risk

A district shall provide accelerated instruction to an enrolled student who has taken an EOC assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school [see EHBC].

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

No Available Test Score

The superintendent of each district shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis. This provision may not be used to excuse a student from appropriate accelerated instruction. *19 TAC 104.1001(b)(4)*

Accelerated Education Plan

For each student who does not perform satisfactorily on a state assessment instrument specified above for two or more consecutive school years in the same subject area, the district the student attends shall develop an accelerated education plan and provide the student at least 30 hours of supplemental instruction. *19 TAC 104.1001; Education Code 28.0211(b)*

Not later than the start of the subsequent school year, a district shall develop an accelerated education plan for the student that

provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level or course by the conclusion of the school year.

The plan must:

1. Identify the reason the student did not perform satisfactorily on the applicable assessment instrument; and
2. Require the student to be provided with no less than 30 hours, or a greater number of hours if appropriate, of supplemental instruction for each consecutive school year in which the student does not perform satisfactorily on the assessment instrument in the applicable subject area.

The plan may require that, as appropriate to ensure the student performs satisfactorily on the assessment instrument in the applicable subject area at the next administration of the assessment instrument:

1. The district expand the times in which supplemental instruction is available to the student;
2. The student be assigned for the school year to a specific teacher who is better able to provide accelerated instruction; and
3. The district provide any necessary additional resources to the student.

The accelerated education plan must be documented in writing, and a copy must be provided to the student's parent or guardian.

During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the accelerated education plan.

The board shall adopt a policy consistent with the grievance procedure adopted under Education Code 26.011 [see FNG] to allow a parent to contest the content or implementation of an accelerated education plan.

Education Code 28.0211(f)-(f-3)

Parent Conference

A district shall make a good faith attempt to provide to the parent or guardian of a student to whom an accelerated education plan applies a parent-teacher conference with the student's primary teacher at the start and end of the subsequent school year.

At the conference, the district shall provide the student's parent or guardian with:

1. The notice required under Education Code 28.0211(a-14); and

2. An explanation of:

   a. The accelerated instruction to which the student is entitled under this provision, and

   b. The accelerated education plan that must be developed for the student and the manner in which the parent or guardian may participate in developing the plan.

Education Code 28.0211(b-1); 19 TAC 104.1001(e)

Classroom Assignment

Except as requested under Education Code 28.0211(a-5), a student for whom an accelerated instructional plan must be developed must be assigned, in each school year and subject covered by the accelerated education plan, to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

In a manner consistent with federal law and notwithstanding any other law, the commissioner may waive the requirement regarding the assignment of a student to an appropriately certified classroom teacher on the request of a district.

Education Code 28.0211(n)-(n-1)

ARD Committee Review

The admission, review, and dismissal (ARD) committee of a student who does not perform satisfactorily on a state assessment instrument described above shall, at the student's next annual review meeting, review the student's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan.

The student's parent may request, or the district may schedule, an additional committee meeting if a committee member believes that the student's individualized education program needs to be modified based on the accelerated instruction requirements. If the district refuses to convene a committee meeting requested by the student's parent, the district shall provide the parent with written notice explaining the reason the district refuses to convene the meeting.

Education Code 28.0211(i)

Repeating a High School Course

For courses taken for high school credit, a student who is required to repeat any course in which the student was enrolled in during the previous school year and who is eligible for accelerated instruction for the current school year is exempt from accelerated instruction requirements for that specific course if that course is retaken in

its entirety (i.e., to earn a full credit). However, a student who is participating in credit recovery is still required to receive accelerated instruction.

For the purpose of this provision, credit recovery means completing a certain number of assignments to satisfy the course requirements after failure or a certain number of seat hours after excessive absences.

19 TAC 104.1001(i)

Commissioner Waiver

The commissioner may waive the requirements regarding accelerated instruction for a district for each school year in which at least 60 percent of the students who received accelerated instruction during the school year immediately preceding the previous school year, including at least 60 percent of students whose performance on the applicable assessment instrument was significantly below satisfactory, as defined by commissioner rule, performed satisfactorily in the previous school year on the assessment instrument in each subject in which the student previously failed to perform satisfactorily. For purposes of determining whether a school district qualifies for a waiver, the commissioner shall:

1. If a student received accelerated instruction in more than one subject during the applicable school year, consider the student's performance on the assessment instrument in each subject separately from the student's performance on the assessment instrument for each other subject; and
2. By rule provide that a district may not qualify for a waiver if students who are receiving special education services or are educationally disadvantaged are overrepresented among the students in the district who received accelerated instruction during the school year immediately preceding the previous school year and did not perform satisfactorily in the previous school year on the assessment instrument in each applicable subject.

Education Code 28.0211(q); 19 TAC 104.1001(h)

Ratio Waiver

A district may provide accelerated instruction using a product on the Ratio Waiver List on the TEA website with information related to accelerated instruction. The 4:1 student-to-teacher ratio requirement above does not apply to a district using a listed product to provide accelerated instruction to its students.

The Ratio Waiver List consists of products that use an automated, computerized, or other augmented method for providing accelerated instruction under Education Code 28.0211(a-1)(2), that may be used in lieu of some or all of the individual or group supplemen-

tal instruction, as appropriate for the applicable grade level and subject area and a student's academic deficiency.

A district shall:

1. Notify the parent or guardian of the use of a product on the Ratio Waiver List for providing the required accelerated instruction;
2. Ensure that the required hours of supplemental instruction are completed prior to the subsequent State of Texas Assessments of Academic Readiness (STAAR®) administration;
3. Use a product on the Ratio Waiver List remotely, regardless of primary mode of instruction (i.e., in-person, virtual, or hybrid) only if the district ensures that time spent by the student engaged in the product is aligned with approved product usage expectations documented by the district;
4. Adhere to the product usage fidelity requirements by product as approved by TEA to waive ratio requirements. A district not fulfilling usage fidelity with a product will be required to revert to the 4:1 ratio for supplemental instruction; and
5. Be responsible for contracting and funding the selected vendors included on the TEA list of approved vendors.

19 TAC 104.1001(g)

Notice to Parents

Each school year, a district shall notify the parent of each student enrolled in grade 9 or above of the availability of:

1. Programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;
2. Career and technology education programs or other work-based education programs in the district, including any internship, externship, or apprenticeship programs or a P-TECH (Pathways in Technology Early College High School) program;
3. Subsidies based on financial need available for fees paid to take college advanced placement tests or international baccalaureate examinations under Education Code 28.054; and
4. Funding for enrollment in dual credit courses under the FAST (Financial Aid for Swift Transfer) program [see below].

Districts must also notify parents of the qualifications for enrolling in programs described by items 1, 2, and 4 above.

The notice must include the name and contact information of any public or private entity offering such a program in the district.

A district may provide the notice on the district's internet website.

Education Code 28.010

College Credit Program

A district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the district, a public institution of higher education in this state shall assist the district in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, a district shall report to the Texas Education Agency (TEA):

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and

2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

The program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board (THECB); and

2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A dual credit course must be:

1. In the core curriculum of the public institution of higher education providing college credit;

2. A career and technical education course; or

3. A foreign language course.

The requirements above do not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

A district is not required to pay a student’s tuition or other associated costs for taking a course under this section.

College-Level Courses

A board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools;

2. Middle States Association of Colleges and Schools;

3. New England Association of Colleges and Schools;

4. North Central Association of Colleges and Schools;

5. Western Association of Colleges and Schools; or

6. Northwest Association of Colleges and Schools.

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by a district. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

19 TAC 74.25

Dual Credit Programs

Dual credit includes a course for which a high school student may earn credit only at an institution of higher education (previously referred to as a dual enrollment course) if the course meets the requirements of this provision.

Eligible Courses

"Dual credit course" or "dual enrollment course" means a course that meets the following requirements:

1. The course is offered pursuant to an agreement under 19 Administrative Code 4.84, see below.

2. A course for which the student may earn one or more of the following types of credit:

    a. Joint high school and junior college credit under Education Code 130.008, or

    b. Another course offered by an institution of higher education, for which a high school student may earn semester credit hours or equivalent of semester credit hours toward satisfaction of:

        (1) A career and technical education course as defined by 19 Administrative Code 4.83(3) that satisfies a requirement necessary to obtain an industry-recognized credential, certificate, or an associate degree;

        (2) A foreign language requirement at an institution of higher education;

        (3) A requirement in the core curriculum, as that term is defined by Education Code 61.821, at an institution of higher education; or

        (4) A requirement in a field of study curriculum developed by the Coordinating Board under Education Code 61.823.

A student may earn a single grade toward both the college course and the high school credit or may earn two separate grades where the high school grade only reflects a student's mastery of secondary content.

Each dual credit course must meet the requirements of Chapter 4, Subchapter D.

19 TAC 4.83(10)

Partnership Agreements with Public Colleges

A district may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

Community College Jurisdiction

A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008.

A course offered for joint high school and junior college credit must be:

1. In the core curriculum of the public junior college;
2. A career and technical education course; or
3. A foreign language course.

These requirements do not apply to a course offered for joint high school and junior college credit to a student as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 130.008(a-1), (a-2), (d)

Student Eligibility

A high school student is eligible to enroll in dual credit courses if the student:

1. Is not a degree-seeking student as defined in 19 Administrative Code 4.83(10);
2. Demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth in 19 Administrative Code 4.54;
3. Demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative on relevant section(s) of an assessment instrument; or

4. Meets the eligibility requirements for a Texas First Diploma under 19 Administrative Code 21.52 (relating to Eligibility for Texas First Diploma).

An institution may impose additional requirements for enrollment in specific dual credit courses that do not conflict with 19 Administrative Code, Chapter 4, Subchapter D.

An institution is not required under these provisions to offer dual credit courses for high school students.

19 TAC 4.85(b)

Transcript

An institution or high school shall immediately transcript the credit earned by a student upon a student's completion of the performance required in the course. *19 TAC 4.85(h)*

Faculty Selection, Supervision, and Evaluation

An institution shall apply the standards for selection, supervision, and evaluation for instructors of dual credit courses as required by the institution's accreditor. A high school teacher may only teach a high school course offered through a dual credit agreement if the teacher is approved by the institution offering the dual credit course. *19 TAC 4.85(e)*

Qualified Instructor

A course offered for joint high school and junior college credit must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

1. A doctoral or master's degree in the discipline that is the subject of the course;
2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or
3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:
    a. A degree described above;
    b. A baccalaureate degree in the discipline that is the subject of the course; or
    c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the THECB.

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed

by the district with which the junior college entered into an agreement to offer the course.

Education Code 130.008(g), (h)

Attendance Accounting

The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(g)* [See FEB]

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

Reporting Off-Campus Programs

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(h)*

Dual Credit Agreement

For any dual credit partnership between a district and an institution, an agreement must be approved by the governing boards or designated authorities (e.g., superintendent) of both the public district and the institution prior to the offering of such courses.

Any agreement entered into or renewed between an institution and a district, including a memorandum of understanding or articulation agreement, shall include the following elements.

Any dual credit agreement must also address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and grading;
7. Academic policies and student support services;
8. Transcripting of credit;
9. Funding, including the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees, instructional materials, or textbooks for students participating in the program, including for students eligible to take dual credit courses at no cost to the student under the FAST program [see below];
10. All requirements for joint implementation of the FAST program, including ensuring the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course, for eligible public schools and students participating in the FAST program;
11. Defined sequences of courses that apply to academic or career and technical education program requirements at the institution or industry-recognized credentials, where applicable;
12. Specific program goals aligned with the statewide goals developed under Education Code 28.009(b-1), 130A.004, and 130A.101(c)(3);
13. Coordinated advising strategies and terminology related to dual credit and college readiness, including strategies to assist students in selecting courses that will satisfy applicable

high school and college requirements for the student's intended program;

14. Provision for the alignment of endorsements described in EIF, offered by the district and dual credit courses offered under the agreement that apply toward those endorsements with postsecondary pathways and credentials at the institution and industry-recognized credentials;

15. Identification of tools, including online resources developed by TEA, the Coordinating Board, or the Texas Workforce Commission, to assist counselors, students, and families in selecting endorsements offered by the district and college courses offered by the institution under the agreement;

16. A procedure for establishing the course credits that may be earned under the agreement, including developing a course equivalency crosswalk or other method of identifying the number of high school and college credits that may be earned for each course completed through the program;

17. A description of the academic supports and, if applicable, other support that will be provided to students participating in the program (e.g., transportation to and from a college campus);

18. The respective roles and responsibilities of the institution of higher education and the district in providing the program and ensuring the quality of instruction and instructional rigor of the program;

19. A requirement that the district and the institution consider the use of free or low-cost open educational resources in courses offered under the program; and

20. Designation of at least one employee of the district or private school, or the institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course.

19 TAC 4.84(a)-(b)

Website Posting of Agreement

Each agreement must be posted each year on the institution of higher education's and the district's respective internet websites. *19 TAC 4.84(c)*

FAST Program

Eligibility

A student is eligible to enroll at no cost in a dual credit course under the Financial Aid for Swift Transfer (FAST) program if the student is enrolled in a high school and eligible for Foundation School

Program funding in a Texas school district and in a dual credit course at a participating institution of higher education that has entered into a dual credit agreement with the student's district as set out in 19 Administrative Code 4.84 and is certified to the institution by the student's district or other means authorized by rule as being educationally disadvantaged during the year in which the student is enrolled in a dual credit course or at any time during the four school years preceding the year in which the student is enrolled in a dual credit course.

A district's notice to the institution regarding a student's status as educationally disadvantaged in any of the four years preceding the year in which the student is enrolled in a dual credit course shall occur through the district's notice to TEA, unless otherwise provided by rule. A district shall provide notice directly to the institution regarding a student's educationally disadvantaged status if the student is educationally disadvantaged in the year in which the student is enrolled in a dual credit course but was not educationally disadvantaged in any of the four preceding years.

19 TAC 13.503(a)-(b)

To be considered educationally disadvantaged, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 United States Code 1751, et seq. A district may use the following approved methods for determining student eligibility for the FAST program:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility under this subsection;

2. Direct certification, where eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or

3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

A district with one or more campuses not participating in the NSLP may derive an eligible student count by an alternative method as determined by TEA.

19 TAC 102.1097

A student otherwise described by Education Code 28.0095(c) is eligible to enroll at no cost in a dual credit course under the program if the student has graduated from high school but is enrolled at a

campus designated as a P-TECH school or in a district participating in a R-PEP partnership and the student is completing a course of study offered through an articulation agreement or MOU with an institution of higher education and the district in the P-TECH or R-PEP program. A district may use Foundation School Program funds to educate a student who has graduated from high school but is enrolled in the district in a program through which the student may earn dual credit, including the P-TECH and R-PREP program. *Education Code 28.0095(c-1), 48.0035(2)*

"Dual credit course" is defined by 19 Administrative Code 4.83.

District Determination

A district shall, on the enrollment of a student in grades 9 through 12 in a dual credit course, determine whether the student meets the above criteria for the program and notify the institution of higher education that offers the dual credit course in which the student is enrolled of the district's determination.

A district may make the determination based on the district's records, TEA's records, or any other method authorized by commissioner or THECB rule. If the district bases the determination on a method other than TEA's records, the district shall report the method used and the data on which the method is based to TEA for purposes of verification.

Education Code 28.0095(a)(3), (c), (3)

For more information about the FAST Program, see 19 Administrative Code 102.1097.

Instructional Partnerships with Community College Districts

Public two-year colleges may contract to provide instruction for public secondary schools. An agreement between the public two-year college and the public secondary school must be approved by both governing boards.

High School Credit-Only Courses

Provision of instruction for public secondary schools by public two-year colleges must be in accordance with rules and guidelines established by the State Board of Education. Instruction provided under a contractual agreement may include only coursework necessary for students to complete high school. It does not apply to early admission programs for high school students entering college.

19 TAC 9.125

Remedial Programs

A board may contract with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college. *Education Code 130.090*

The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125*

Certain Academies

A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University — Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas — Brownsville or University of North Texas — Denton), or the Texas Academy of International Studies (at Texas A&M University — Laredo). *Education Code 28.024*

Off-Campus Program Provided by an Institution of Higher Education

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

Reporting Off-Campus Programs

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031(a), (b), (e)

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(h)*

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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.

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*

Religious Holy Days

The board may consider the dates of religious holy days or periods of observance likely to be observed by the students enrolled in the district during the assessment administration schedule window under Education Code 39.02301(i) in establishing:

1. The district's calendar for that school year; and
2. The instructional days within that period on which students are administered the required assessment instruments, provided that the board not exclude more than two instructional days from that period based solely on the occurrence of a single religious holy day or period of observance.

"Religious holy day or period of observance" means a holy day or a period of holy days observed by a religion whose places of worship would be exempt from property taxation under Tax Code 11.20.

In establishing a school calendar under this provision, the board shall provide for alternative dates for the administration of state assessment instruments to a student who is absent from school to observe a religious holy day or period of observance on the date an assessment instrument is administered.

Education Code 39.0238

Alternate Test Dates

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or cam-

pus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

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)*

Paper Administration

A district may administer a state assessment instrument required under Education Code 39.023(a), (c), or (l) in paper format to any student whose parent, guardian, or teacher in the applicable subject area requests the assessment instrument be administered to the student in paper format.

A request for the administration of an assessment instrument in paper format to a student must be submitted to the district:

1. For a fall administration of an assessment instrument, not later than September 15 of the school year in which the assessment instrument will be administered; and

2. For a spring administration of an assessment instrument, not later than December 1 of the school year in which the assessment instrument will be administered.

The number of students enrolled at a district who are administered an assessment instrument in paper format for any single administration under this provision may not exceed three percent of the number of students enrolled in the district. On receipt of more requests for administration of an assessment instrument than the maximum number permitted, the district shall accept the requests in the order received until the maximum number is reached.

This limitation does not apply to a student whose ARD committee determines that the administration of an assessment instrument in paper format is a necessary modification for the student.

Education Code 39.02342

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)-(3)

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)*

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

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 or PreACT test as indicated in the chart in 19 Administrative Code 101.4002(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 or PreACT test 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

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)*

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)

Note: For information on instructional requirements for students who fail to perform satisfactorily on a state assessment instrument, see EHBC and EHBCA.

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)

Parent Portal

A district shall provide to a parent of a child enrolled at the district access to the internet website described by Education Code 26.005(b) [website of state assessment instrument results maintained by TEA] through a parent portal maintained by the district and notify the parent regarding that access each time TEA makes available the results of an assessment instrument administered to the parent's child. *Education Code 26.005(c)*

Identification of Students Likely to Succeed in an Advanced Course	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 to State Assessment	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(a), .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)*
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 10 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: This policy encompasses many, but not all, rights held by parents of Texas public school children. Additional information regarding parent rights exists throughout the policy manual, including:

- District-level and site-based decision making at BQA and BQB
- Access to review instructional and library materials at the EF series
- Requests for educational programs at EHA
- Human sexuality instruction at EHAA
- Special education at the EHBA series
- Student retention at EIE
- Homeschool rights at FD
- Consent to medical treatment, collection and use of certain health and biometric information, and other activities at the FFA series
- Consent to mental health and counseling at FFEA and FFEB
- Access to student records at FL
- Complaints and grievances processes at FNG
- Access to campus and campus visitor policies at GKC

Parental Rights

To enshrine truths that are deeply rooted in this nation's history and traditions, the people of Texas hereby affirm that a parent has the responsibility to nurture and protect the parent's child and the corresponding fundamental right to exercise care, custody, and control of the parent's child, including the right to make decisions concerning the child's upbringing. *Tex. Const. Art. I, Sec. 37*

Infringement Prohibited

The fundamental rights granted to parents by their Creator and upheld by the United States Constitution, the Texas Constitution, and the laws of this state, including the right to direct the moral and religious training of the parent's child, make decisions concerning the child's education, and consent to medical, psychiatric, and psychological treatment of the parent's child under Family Code 151.001, may not be infringed on by any public elementary or secondary school or state governmental entity, including the state or a political subdivision of the state, unless the infringement is necessary to further a compelling state interest, such as providing life-saving

care to a child, and narrowly tailored using the least restrictive means to achieve that compelling state interest. *Education Code 1.009*

Education Code Chapter 26

As provided under Family Code 151.001, a parent has the right to direct the moral and religious training of the parent's child, make decisions concerning the child's education, and consent to medical, psychiatric, and psychological treatment of the child without obstruction or interference from this state, including from a school district or any other governmental entity. *Education Code 26.001(a)*

Parents are partners with educators, administrators, and the board in their children's education. Parents shall be encouraged to actively participate in creating and implementing educational programs for their children. *Education Code 26.001(a-1)*

Unless otherwise provided by law, a board, an administrator, an educator, or other person shall comply with Education Code 1.009 [see Infringement of Parental Rights Prohibited, above] and may not limit parental rights or withhold information from a parent regarding the parent's child. A school district may not be considered to have withheld information from a parent regarding the parent's child if the district's actions are in accordance with other law, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). *Education Code 26.001(c), (c-1)*

"Parent" Defined

For purposes of Education Code Chapter 26 (Parental Rights), "parent" includes a person standing in parental relation, but does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under a court order. Except as provided by federal law, all rights of a parent under Education Code Title 2 and all educational rights under Family Code 151.001(a)(10) shall be exercised by a student who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order. *Education Code 26.002*

Parental Rights

Parental rights listed in Education Code Chapter 26 are:

1. Rights concerning academic programs. *Education Code 26.003, .0061* [See EHA, EIF, FDB, and FMH]
2. Access to student records. *Education Code 26.004* [See FL]
3. Access to state assessments. *Education Code 26.005* [See EKB]

4. Access to teaching materials and test results, and observation of virtual instruction. *Education Code 26.006* [See EF series and EKB]

5. Access to board meetings, other than a closed meeting under the Open Meetings Act. *Education Code 26.007* [See BE and BEC]

6. Right to full information concerning a student. *Education Code 26.008(a)(1)* [See below and at DF, FFE series, and FM]

7. Notification of suspicion of criminal offense committed against a parent's child. *Education Code 26.008(a)(2)* [See FFF]

8. Right to information concerning special education and education of students with learning disabilities. *Education Code 26.0081* [See FB]

9. Requests for public information. *Education Code 26.0085* [See GBA and GBAA]

10. Consent required for certain activities. *Education Code 26.009* [See EHA, FFA, FFE, FL, FM, and FO]

11. Refusal of psychiatric or psychological treatment of child as basis for report of neglect. *Education Code 26.0091* [See FFG]

12. Exemption from instruction. *Education Code 26.010* [See EMB]

13. Right to have a grievance addressed in accordance with a policy adopted by the district's board. *Education Code 26.011* [See FNG]

14. Right to information related to the release of student directory information under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). *Education Code 26.013* [See FL]

15. Selection of educational setting. *Education Code 26.0025* [See below]

Right to Information

A parent is entitled to full information regarding the school activities of a parent's child, except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)(1)*

Parental Rights Form

The Texas Education Agency (TEA) shall develop a form for use by school districts in providing information about parental rights and options a board is required to disclose to a child's parent on enrollment and at the beginning of each school year under Educa-

tion Code 26.001(d)(4). A district shall post the form in a prominent location on the district's website. *Education Code 26.001(e)*

Right to Select School

A parent is entitled to choose the educational setting for the parent's child, including school, private school, or home school. *Education Code 26.0025*

A parent has the right to designate the school the child will attend and to enroll the child in school, subject to any eligibility or admissions requirements. *Family Code 151.001(a)(11)*

Unless limited by court order, a parent appointed as sole managing conservator of a child has the exclusive right to designate the school the child will attend and to enroll the child in school, subject to any eligibility or admissions requirements. *Family Code 151.132*

The board may not adopt a rule or policy that regulates an education program of a home school. *Education Code 1.010*

Right to Attend School Activities

Unless limited by court order, a parent appointed as a conservator of a child has at all times the right to attend school activities, including school lunches, performances, and field trips. *Family Code 153.073(a)(6)*

Objection to School Assignment

The parent or person standing in parental relation to any student may object to the student's school assignment. Upon receiving a written petition to request or object to a student's assignment, a board shall follow the procedures set forth at Education Code 25.034. *Education Code 25.033(2), .034* [See FDB]

Challenge to Education Records

A district shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. *34 C.F.R. 99.21* [See FL]

Public Information Requests

A district that receives a request from a parent for public information relating to the parent's child shall comply with Government Code Chapter 552 (Public Information Act). A district shall also comply with the deadlines and provisions set forth at Education Code 26.0085. *Gov't Code Ch. 552; Education Code 26.0085* [See GBAA]

Policy on Parental Engagement

The board shall develop a parental engagement policy that:

1. Provides for an internet portal through which parents of students enrolled in the district may submit comments to campus or district administrators and the board;

2. Requires the board to prioritize public comments by presenting those comments at the beginning of each board meeting; and

3. Requires board meetings to be held outside of typical work hours.

Education Code 26.0071

Parental Participation Plan

Each board shall develop a plan for parental participation in the district to improve parent and teacher cooperation, including in the areas of homework, school attendance, and discipline. *Education Code 26.001(d)(2)*

Title I Funding — Parent Right to Know

Professional Qualifications

At the beginning of each school year, a district shall notify the parents of each student attending any school receiving funds under Title I, Part A of the Elementary and Secondary Education Act (ESEA), that the parents may request, and the district will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers. *20 U.S.C. 6312(e)(1)(A)* [See DBA]

Title I Required Notice

A school that receives funds under Title I, Part A of ESEA shall provide to each individual parent of a child who is a student in such school, with respect to such student:

1. Information on the level of achievement and academic growth of the student, if applicable and available, on each of the required state academic assessments [see EKB]; and

2. Timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned [see DBA].

20 U.S.C. 6312(e)(1)(B)

For information on the parent and family engagement requirements for districts receiving funds under the Elementary and Secondary Education Act, see EHBD.

Information Collection

U.S. ED-Funded Surveys (PPRA)

Under the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as part of any program funded in whole or in part by the United States Department of Education (U.S. ED), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

20 U.S.C. 1232h(b)

Information Collection Funded by Other Sources

Policies

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. ED Funded Surveys, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.
2. A district's arrangements to protect student privacy in the event a survey containing one or more of the items listed under U.S. ED-Funded Surveys, above, is administered or distributed to a student.
3. The parent's right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.
4. The administration of physical examinations or screenings that a district may administer to the student.

5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.

6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

A district need not develop and adopt new policies if the TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See CRD, FFAA, FL, and FNG]

Parental Notification

A district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the district. At a minimum, a district shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and

2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

A district shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this provision:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.

2. The administration of any survey containing one or more items described at U.S. ED-Funded Surveys, above.

3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered

and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

20 U.S.C. 1232h(c)(1)-(4) [See FFAA]

"Personal Information" Defined

The term "personal information" means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social security identification number.

20 U.S.C. 1232h(c)(6)(E)

For information about parental access to instructional materials under the PPRA, see FA.

Videotapes and Recordings

A district employee or contractor must obtain the written consent of a child's parent before the employee or contractor may make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

Exceptions

A district employee or contractor is not required to obtain the consent of a child's parent before the employee or contractor may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction;
4. Media coverage of the school; or
5. A purpose related to the promotion of student safety under Education Code 29.022.

Education Code 26.009 [See EHA, EHBAF, FM, and FO]

Student Clubs

A school district must require the written consent of the parent of a student enrolled in the district before the student may participate in a student club authorized or sponsored at the district. [See FNAB]
Education Code 33.0815

Compulsory Attendance

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)-(c)*

Voluntary Enrollment of Students 19 and Over

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

Education Code 25.085(e)-(h)

Accelerated, Intervention, and Compensatory Programs

Unless specifically exempted, a student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. A reading intervention program to which the student has been assigned under Education Code 28.0064 [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];

4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or

5. A summer program provided:

   a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of removal. *Education Code 37.021* [See FO]

   b. To a student removed to a DAEP who has been offered an opportunity to complete coursework before the beginning of the next school year. *Education Code 37.008(l)* [See FOCA]

Education Code 25.085(d)

Additional Instructional Days

Notwithstanding any other provision in Education Code 25.085, a student enrolled in a district is not required to attend school for any additional instructional days described by Education Code 48.0051 [See Incentive for Additional Instructional Days at FEB(LEGAL)]. *Education Code 25.085(i)*

Exemptions

A student is exempt from compulsory attendance requirements under the following statutory provisions.

Equivalency Diploma

A student is exempt from compulsory attendance requirements if the student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

Private or Home School

A student is exempt from compulsory attendance requirements if the student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *Tex. Educ. Agency v. Leeper, 893 S.W.2d 432 (Tex. 1994)*

Special Education — Nondistrict Placement

A student is exempt from compulsory attendance requirements if the student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

Medical Condition	A student is exempt from compulsory attendance requirements if the student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.
Expulsion — No JJAEP	A student is exempt from compulsory attendance requirements if the student is expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]
17-Year-Old in GED Course	A student is exempt from compulsory attendance requirements if the student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and: 1. Has the permission of the student's parent or guardian to attend the course; 2. Is required by court order to attend the course; 3. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or 4. Is homeless.
High School Replacement Programs	A student is exempt from compulsory attendance requirements if the student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-Year-Old in GED Program or Job Corps	A student is exempt from compulsory attendance requirements if the student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: 1. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or 2. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801. [Note: The Workforce Investment Act of 1998 has been repealed.]
Other Exemption	A student is exempt from compulsory attendance requirements if the student is specifically exempted under another law. *Education Code 25.086*

Excused Absences for Compulsory Attendance Determinations

Note: Additional information regarding attendance accounting requirements is found in the Texas Education Agency's (TEA) *Student Attendance and Accounting Handbook*.[1]

A district shall excuse a student from attending school for the following purposes, including travel for those purposes.

1. Observing religious holy days;
2. Attending a required court appearance;
3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship.
4. Taking part in a United States naturalization oath ceremony;
5. Serving as an election clerk [see Early Voting Clerks, below]; or
6. If a student is in the conservatorship of the Department of Family and Protective Services (DFPS), participating, as determined and documented by DFPS, in an activity:
    a. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or
    b. Required under a service plan under Family Code Chapter 263, Subchapter B; and
7. Attending a released time course [see FEF].

Education Code 25.087(b)(1)

Religious Holy Days

For purposes of excusing a student from attending school to observe a religious holy day, a district may not require documentation from a clergy member or other religious leader and shall accept a note from the student's parent or person standing in parental relation verifying the purpose of the student's absence. *Education Code 25.087(f)*

Health-Care Appointments

A district shall excuse a student from attending school for a temporary absence resulting from an appointment with a health-care professional, including a mental health professional, for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized

service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. *Education Code 25.087(b)(2)-(b-3)*

Serious or Life-Threatening Illness

A district shall excuse an absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible, if the student or the student's parent or guardian provides on a form adopted by the district a certification from a physician licensed to practice medicine in Texas specifying the following information, as determined by the physician:

1. The student's illness;
2. A statement that the illness is serious or life-threatening;
3. The anticipated period of the student's absence relating to the illness or related treatment; and
4. A statement that the illness makes the student's attendance infeasible during the anticipated period of absence.

Education Code 25.087(b)(3)

Each district shall adopt a form for a physician to provide the certification described above for purposes of excusing a student with a serious or life-threatening illness from attending school. The district may not require the student or student's parent to provide more documentation or information than is required by the form. *Education Code 25.087(g)*

Higher Education Visits

A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. The district adopts:
    a. A policy to determine when an absence will be excused for this purpose; and
    b. A procedure to verify the student's visit at the institution of higher education.

Education Code 25.087(b-2)

Early Voting Clerks	A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see Election Clerks, above] or early voting clerk for a maximum of two days in a school year. *Education Code 25.087(b-1), (e)*
Military Dependents	A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]
Enlistment in Armed Services	A district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that: 1. The district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and 2. The district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard. A district shall adopt procedures to verify a student's activities as described in these provisions. *Education Code 25.087(b-5), (b-6)*
Visit to a Driver's License Office	A district may excuse a student who is 15 years of age or older from attending school to visit a driver's license office to obtain a driver's license or learner license, provided that the district may not excuse more than one day of school during the period the student is enrolled in high school for each of the following purposes: obtaining a driver's license; or obtaining a learner license. The district must verify the student's visit to the driver's license office in accordance with procedures adopted by the district. *Education 25.087(b-7)*
Career Investigation	A district may excuse a student from attending school for a career investigation day to visit a professional at the professional's workplace during the student's junior and senior years of high school for the purpose of determining the student's interest in pursuing a ca-

reer in the professional's field, provided that the district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year. The district must adopt a policy to determine when an absence may be excused for this purpose and a procedure to verify the student's visit at the professional's workplace. *Education 25.087(b-8)*

Taps at Military Funeral

In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*

No Penalty

A student whose absence is excused for a reason described beginning at Excused Absences for Compulsory Attendance Determinations, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.

Make-Up Work

The student shall be allowed a reasonable time to make up schoolwork missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.

Education Code 25.087(d)

Other Excused Absences

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. *Education Code 25.087(a)*

Notices to Parents

Warning Notice

A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

Notice of Absences

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
    a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
    b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

Non-Attendance

Parent Liability

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

Affirmative Defense — Parent

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

Education Code 25.093

Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a)-(b)*

"Child" means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

Truancy Courts

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 2.1 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

Family Code 65.004(a)-(b)

Affirmative Defense — Student

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven:

1. Have been excused by a school official or by the court;
2. Were involuntary; or
3. Were due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

The affirmative defense is not available if, after deducting the absences described above, there remains a sufficient number of absences to constitute truant conduct.

In asserting an affirmative defense, the burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused, was involuntary, or was due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose.

Family Code 65.003(c)-(f)

Truancy Prevention Measures

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

District Complaint or Referral

If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a district shall within 10 school days of the student's 10th absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FED] *Education Code 25.0951(a)*

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[1] TEA *Student Attendance Accounting Handbook*: https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook

Note: The board has adopted an innovation plan that affects application of provisions in this legally referenced policy. [See AF(LOCAL)]

Additional information regarding attendance accounting requirements is found in the Texas Education Agency's (TEA) *Student Attendance and Accounting Handbook*.[1]

Uniform Accounting System

Each district shall use a uniform accounting system adopted by the commissioner for the data required to be reported for the Public Education Information Management System. *Education Code 48.008(b)*

Student Attendance Accounting Handbook

The commissioner will annually establish student attendance accounting guidelines and procedures to be used by a district to maintain records and make reports on student attendance and student participation in special programs.

The standard procedures that a district must use to maintain records and make reports on student attendance and student participation in special programs are described in the official TEA publication *Student Attendance Accounting Handbook.* A copy of the *Student Attendance Accounting Handbook* is available on the TEA website with information related to financial compliance.

Data from previous school years will continue to be subject to the student attendance accounting handbook as the handbook existed in those years.

19 TAC 129.1025

Incentive for Additional Instructional Days

The commissioner shall adjust the average daily attendance of a district under Education Code 48.005 in the manner provided by Education Code 48.0051(b) if the district:

1. Provides the minimum number of minutes of operational and instructional time required under Education Code 25.081 and commissioner rules adopted under that section over at least 180 days of instruction; and

2. Offers an additional 30 days of half-day instruction for students enrolled in prekindergarten through fifth grade.

Education Code 48.0051(a)

Funding for Off-Campus Programs

Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking

time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration of employment). This alternate attendance-taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the district must ensure that attendance is taken in accordance with the *Student Attendance Accounting Handbook*.

For a district to receive FSP funding for a student participating in an off-campus program, the district must have documentation of an agreement between the district and the college.

19 TAC 129.1031(c)-(d) [See EHDD]

[For information regarding funding for courses taken with the Texas Virtual School Network, see EHDE.]

Disasters

The commissioner may adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The commissioner may make the adjustment under this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

Education Code 48.006(a), (c)

Emergency or Crisis

In a school year in which the occurrence of an emergency or crisis, as defined by commissioner rule, causes a statewide decrease in average daily attendance of school districts entitled to funding under the Foundation School Program or, for an emergency or crisis occurring only within a specific region of Texas, causes a regional decrease in the average daily attendance of school districts located in the affected region, the commissioner shall modify or waive requirements applicable to the affected districts for average daily attendance under Education Code 48.005 and adopt appropriate safeguards as necessary to ensure the continued support and maintenance of an efficient system of public free schools and the continued delivery of high-quality instruction under that system. *Education Code 48.005(e-1*

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[1] TEA *Student Attendance Accounting Handbook*: https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook

Note: The board has adopted an innovation plan that affects application of provisions in this legally referenced policy. [See AF(LOCAL)]

Absences Considered

In order to receive credit or a final grade for a class, a student is required to attend class 90 percent of the days class is offered regardless of whether the student's absences are excused [see FEA] or unexcused. *Atty. Gen. Op. JC-0398 (2001)*

90 Percent Rule

Except as provided below, a student in any grade level from kindergarten through grade 12 shall not be given credit or a final grade for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student's right to excused absences to observe religious holy days [see FEA] and does not apply to a student who receives credit by examination for a class as provided by Education Code 28.023. [See EHDC]

Serious or Life-Threatening Illness Exception

A student's excused absence resulting from a serious or life-threatening illness or related treatment [see FEA] may not be considered in determining whether the student has satisfied the attendance requirement under the 90 percent rule.

Principal's Plan

A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. However, a student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade without the consent of the judge presiding over the student's case.

Extenuating Circumstances

An attendance committee may give class credit or a final grade to a student because of extenuating circumstances. A board shall establish guidelines for determining what constitutes extenuating circumstances.

A board shall adopt policies that establish alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee. The availability of such option must be substantially the same as the availability of the educational program for which a district may charge a fee. [See FP]

Attendance Committee

A board shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who have not met the 90 percent rule and have not earned class credit or a final

grade by completing a principal's plan. Classroom teachers shall comprise a majority of the attendance committee.

Appeal

If the committee denies a student credit or a final grade, the student may appeal the decision to the board. A board's decision may be appealed to the district court of the county in which the district's central administrative office is located.

Additional Duties

A certified employee may not be assigned additional instructional duties as a result of the above provision outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

Education Code 25.092

District Complaint or Referral

Against Student

If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a district shall within 10 school days of the student's 10th absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FEA]

Against Parent

The district may file a complaint against the student's parent in a county, justice, or municipal court for an offense of parent contributing to nonattendance under Education Code 25.093 if the district provides evidence of the parent's criminal negligence.

A court shall dismiss a complaint made by a district against a parent that does not comply with Education Code 25.0951; does not allege the elements required for the offense; is not timely filed, unless the district delayed the referral as provided below; or is otherwise substantively defective.

Delaying a Referral

A district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the district:

1. Is applying truancy prevention measures to the student under Education Code 25.0915; and
2. Determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

Education Code 25.0951

Referral Prohibited

A district may not refer a student to truancy court if the school determines that the student's truancy is the result of pregnancy, being in the state foster program, homelessness, severe or life-threatening illness or related treatment, or being the principal income earner for the student's family. [See Truancy Prevention Measures, below] *Education Code 25.0915(a-3)*

Filing Requirements

Each referral to truancy court for conduct described by Family Code 65.003(a) must:

1. Be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures to the student, and the measures failed to meaningfully address the student's school attendance; and
2. Specify whether the student is eligible for or receives special education services under Education Code Chapter 29, Subchapter A.

A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Family Code 65.054, if the court determines that the district's referral:

1. Does not comply with the requirement above;
2. Does not satisfy the elements required for truant conduct;
3. Is not timely filed, unless the school district delayed the referral as provided above [see Delaying a Referral, above]; or
4. Is otherwise substantively defective.

Education Code 25.0915(b), (c)

Expunction of Records

An individual who was convicted of a truancy offense under former Education Code 25.094 or has had a complaint for a truancy offense dismissed is entitled to have the conviction or complaint and records relating to the conviction or complaint expunged.

Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a district or law enforcement agency, to be expunged from the individual's record. After entry of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose.

Code of Criminal Procedure 45A.464

Attendance Officer

A board may select a school attendance officer. A school attendance officer also may be selected by two or more boards to serve their districts jointly. *Education Code 25.088*

In districts where no attendance officer has been selected, the superintendent and the peace officers in a district shall perform the duties of attendance officer, but no additional compensation shall be paid for the services. *Education Code 25.090* [See Peace Officers, below]

Powers and Duties

An attendance officer employed by a district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;
2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Educa-

tion Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:

a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); and

b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;

3. To monitor school attendance compliance by each student investigated by the officer;

4. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the commissioner, to provide a record to the individual or entity requesting the record;

5. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence; and

6. At the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements.

Education Code 25.091(b)

Peace Officers

A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;

2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Education Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:

a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); or

b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;

3. To serve court-ordered legal process;

4. To review school attendance records for compliance by each student investigated by the officer;

5. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the Commissioner, to provide a record to the individual or entity requesting the record; and

6. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent.

A peace officer who has probable cause to believe that a child is in violation of the compulsory attendance law may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory attendance requirements.

Education Code 25.091(a), (b-1)

Truancy Prevention Measures

A district shall adopt truancy prevention measures designed to address student conduct related to truancy in the school setting before the student engages in conduct described by Family Code 65.003 and minimize the need for referrals to truancy court for conduct described by Family Code 65.003(a). *Education Code 25.0915(a)*

A district shall take one or more of the following actions as a truancy prevention measure:

1. Impose:

   a. A behavior improvement plan on the student that must be signed by an employee of the school, that the district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:

      (1) A specific description of the behavior that is required or prohibited for the student;

      (2) The period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or

(3) The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or

b. School-based community service; or

2. Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy. A referral may include participation by the child's parent or guardian if necessary.

A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

1. Pregnancy;

2. Being in the state foster program;

3. Homelessness;

4. Severe or life-threatening illness or related treatment; or

5. Being the principal income earner for the student's family.

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Education Code 25.0951(a), the district shall initiate truancy prevention measures on the student.

Education Code 25.0915

Minimum Standards

The minimum standards for the truancy prevention measures implemented by a district under Education Code 25.0915 include:

1. Identifying the root cause of the student's unexcused absences and actions to address each cause;

2. Maintaining ongoing communication with students and parents on the actions to be taken to improve attendance;

3. Establishing reasonable timelines for completion of the truancy prevention measure; and

4. Establishing procedures to notify the admission, review, and dismissal committee or the Section 504 committee of attendance issues relating to a student with a disability and ensure that the committee considers whether the student's attendance issues warrant an evaluation, a reevaluation, and/or

modifications to the student's individualized education program or Section 504 plan, as appropriate.

19 TAC 129.1043

Best Practices

A district shall consider the following best practices for truancy prevention measures:

1. Develop an attendance policy that clearly outlines requirements related to truancy in accordance with Education Code, Chapter 25, Subchapter C, and communicate this information to parents at the beginning of the year.
2. Create a culture of attendance that includes training staff to talk with students and parents about the attendance policy and the root causes of unexcused absences.
3. Create incentives for perfect attendance and improved attendance.
4. Educate students and their families on the positive impact of school attendance on performance.
5. Provide opportunities for students and parents to address causes of absence and/or truancy with district staff and link families to relevant community programs and support.
6. Develop collaborative partnerships, including planning, referral, and cross-training opportunities, between appropriate school staff, attendance officers, program-related liaisons, and external partners, such as court representatives, community and faith-based organizations, state or locally funded community programs for truancy intervention or prevention, and law enforcement to assist students.
7. Determine root causes of unexcused absences and review campus- and district-level data on unexcused absences to identify systemic issues that affect attendance.
8. Use existing school programs such as Communities in Schools, 21st Century Community Learning Centers, restorative discipline, and positive behavior interventions and supports (PBIS) to provide students and their parents with services.
9. At the beginning of each school year, conduct a needs assessment and identify and list, or map, services and programs available within the district and the community that a school, a student, or a student's parent or guardian may access to address the student's barriers to attendance and make the infor-

mation available to staff, students, and parents. The information must include, but is not limited to:

a. Services for pregnant and parenting students;

b. Services for students experiencing homelessness;

c. Services for students in foster care;

d. Federal programs including, but not limited to, Title 1, Part A, of the Elementary and Secondary Education Act;

e. State programs including, but not limited to, state compensatory education programs;

f. Dropout prevention programs and programs for “at risk” youth;

g. Programs that occur outside of school time;

h. Counseling services;

i. Tutoring programs and services available at no or low cost;

j. Mental health services;

k. Alcohol and substance abuse prevention and treatment programs;

l. Mentoring programs and services;

m. Juvenile justice services and programs;

n. Child welfare services and programs;

o. Other state or locally funded programs for truancy prevention and intervention; and

p. Other supportive services that are locally available for students and families through faith-based organizations, local governments, and community-based organizations.

10. After identifying and listing, or mapping, services available in the district and community, school districts should target any new resources, programs, or services to gaps in services identified during the needs assessment.

11. School districts should ensure that personnel, including truancy prevention facilitators or juvenile case managers, attendance officers, McKinney-Vento (homeless) liaisons, foster care liaisons, Title IX coordinators, 504 coordinators, pregnancy and parenting coordinators, dropout prevention coordinators, special education staff, and other appropriate student

services personnel, meet to contribute to the needs assessment, discuss opportunities to work together, and identify strategies to coordinate both internally and externally to address students' attendance barriers.

In determining services offered to students identified in Education Code 25.091(a-3), a district shall consider:

1. Offering an optional flexible school day program and evening and online alternatives;
2. Working with businesses that employ students to help students coordinate job and school responsibilities; and
3. Offering before school, after school, and/or Saturday prevention or intervention programs or services that implement best and promising practices.

19 TAC 129.1045

Sanctions

An aggrieved party may file a written complaint with the Texas Education Agency (TEA) regarding an allegation that a district has failed to comply with Education Code 25.0915 or 19 Administrative Code Chapter 129, Subchapter BB related to truancy prevention measures. The commissioner of education may implement any sanction listed in Education Code 39A.002 against a district found to be out of compliance with Education Code 25.0915 or 19 Administrative Code Chapter 129, Subchapter BB, subject to the due process rights accorded to the district under Education Code Chapter 39, Subchapter A. *19 TAC 129.1047*

Truancy Prevention Facilitator or Juvenile Case Manager

A district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by Education Code 25.0915 and any other effective truancy prevention measures as determined by the district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the district in truancy cases.

Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures and any other effective truancy prevention measures as determined by the district or campus.

Education Code 25.0915(d), (e)

On approval of the board, a district may employ or agree in accordance with Government Code Chapter 791, with any appropriate

governmental entity to jointly employ or to jointly contribute to the costs of another entity employing:

1. A case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians; or

2. One or more juvenile case managers who shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases, and may provide prevention services to a child considered at risk of entering the juvenile justice system, and intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses.

A district that jointly employs a case manager in accordance with Government Code Chapter 791 employs a juvenile case manager for purposes of Code of Criminal Procedure Chapter 102 and Government Code Chapter 102.

Code of Criminal Procedure 45.056(a), (c)

Funding

A district may apply to the criminal justice division of the governor's office for reimbursements of the costs of employing a juvenile case manager. The district may pay the salary and benefits of a juvenile case manager and the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager from the local truancy prevention and diversion fund established under Local Government Code 134.156. *Code of Criminal Procedure 45.056(b)*

Priority

A juvenile case manager employed jointly under Government Code Chapter 791 shall give priority to cases brought under Education Codes 25.093 (parent contributing to nonattendance). *Code of Criminal Procedure 45.056(e)*

Rules

The board of a district that employs a juvenile case manager shall adopt and implement reasonable rules for juvenile case managers that provide a code of ethics, and for the enforcement of the code of ethics; appropriate educational preservice and in-service training standards for juvenile case managers; and training in:

1. The role of the juvenile case manager;

2. Case planning and management;

3. Applicable procedural and substantive law;
4. Courtroom proceedings and presentation;
5. Services to at-risk youth under Family Code Chapter 264, Subchapter D;
6. Local programs and services for juveniles and methods by which juveniles may access those programs and services; and
7. Detecting and preventing abuse, exploitation, and neglect of juveniles.
8. The juvenile case manager shall timely report to the judge who signed the order or judgment and, on request, to the judge assigned to the case or the presiding judge any information or recommendations relevant to assisting the judge in making decisions that are in the best interest of the child.

Code of Criminal Procedure 45.056(f)-(i)

Parent Contributing Agreement

A parent against whom a complaint for parent contributing to nonattendance under Education Code 25.093 has been filed and the district at which the parent's child is enrolled may enter into a written agreement requiring the parent to complete counseling, training, or another program as designated by the district.

A parent who fulfills the terms of an agreement not later than the 30th day after the date on which the complaint was filed or within the period provided by the agreement is entitled to dismissal of the complaint in accordance with Code of Criminal Procedure article 45.0531(b). *Education Code 25.094*

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Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Telehealth in Medicaid Covered Services

Telemedicine medical services and telehealth services authorized as Texas Medicaid covered services must meet the conditions specified in 1 Administrative Code 354.1432(5). *1 TAC 354.1432(5)*

Administering Medication

Immunity

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune from civil liability and administrative disciplinary action for damages or injuries resulting from the administration of medication to a student if:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student; and

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

Nonprescription Medication

A policy adopted concerning the administration of medication to students by district employees may permit a district employee, including a nurse, to administer nonprescription medication to a student without further authorization or written protocol from the student's health-care provider if:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student;

2. The medication is unexpired and administered from a container that appears to be the original container and properly labeled; and

3. The dose administered is consistent with the instructions on the container's label.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's health-care provider.

Education Code 22.052(a)-(b)

Rules Applicable to Nurses

The Texas Board of Nursing may not adopt or enforce a rule in conflict with Education Code 22.052. *Occupations Code 301.151*

[See DG regarding protection of nurses for refusal to perform acts.]

Self-Administration of Asthma or Anaphylaxis Medicine

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
    a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
    b. A written statement, signed by the student's physician or other licensed health-care provider, that states:
        (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
        (2) The name and purpose of the medicine;
        (3) The prescribed dosage for the medicine;
        (4) The times at which or circumstances under which the medicine may be administered; and

(5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or

2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

Prescription Medication and Special Education Students

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or

school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, storage, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

Concussions

Concussion Response Policy

A school district shall adopt and implement a policy regarding how to respond to a concussion believed to have been sustained by a student while on school property or participating in a school-sponsored or school-related activity on or off school property.

Definition

For purposes of this policy, “concussion” means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may:

1. Include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns; and

2. Involve loss of consciousness.

Application

This section does not apply to a concussion believed to have been sustained by a student while participating in an interscholastic athletic activity. [See FM for requirements related to a concussion sustained during an interscholastic activity.]

Requirements

A district’s concussion response policy must provide for:

1. The immediate removal of a student from a school-sponsored or school-related activity if a school district employee or volunteer believes the student might have sustained a concussion;

2. Notice to the student's parent or guardian or another person with legal authority to make medical decisions for the student of the student's suspected concussion and removal; and

3. The student's return to a school-sponsored or school-related activity following the student’s removal for a suspected concussion only after the requirements under Education Code 38.157(a) have been satisfied. [See FM for the applicable requirements regarding return to play.]

Education Code 38.171-.173

Academic Accommodations

The Texas Education Agency (TEA) shall develop a list of nonmedical academic accommodations a school district may offer to a student diagnosed with a concussion or other brain injury.

TEA shall develop a form for use by school districts describing the accommodations a district may offer and make the form available on TEA's website for use by districts, district educators or administrators, students, and parents or guardians.

A school district that provides accommodations under Education Code 38.0051 must make the form described above available to:

1. A district employee as soon as practicable after receiving notice that a student enrolled in the district has been diagnosed with a concussion or other brain injury or a request from the employee; and

2. A student enrolled in the district or the student's parent or guardian as soon as practicable after receiving notice that the student has been diagnosed with a concussion or other brain injury or a request from the student or parent or guardian.

Education Code 38.0051 may not be construed to require a district to provide any accommodations under that section.

Education Code 38.0051

Dextromethorphan (Certain Cold Medication)

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Maintenance and Administration of Opioid Antagonists

Each district shall adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12 and may adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6.

The policy adopted must:

1. Provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose;

2. Require that each school campus subject to a policy adopted under this provision have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours;

3. Establish the number of opioid antagonists that must be available at each campus at any given time; and

4. Require that the supply of opioid antagonists at each school campus subject to a policy adopted under this provision must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist.

Education Code 38.222(a), (c); 25 TAC 40.84(b)-(c); 19 TAC 103.1103

Definitions

"Authorized health-care provider" means a physician, as defined in Education Code 38.201, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157.

"Campus" means a unit of a district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

"Opioid antagonist" as defined in Health and Safety Code 483.101, means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

"Opioid-related drug overdose" as defined in Health and Safety Code 483.101, means a condition, evidenced by symptoms of extreme physical illness, decreased level of consciousness, constriction of the pupils, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the consumption or use of an opioid.

25 TAC 40.82(2)-(3), (5)-(6)

Maintenance

Once a district adopts an opioid antagonist medication policy, a campus implementing an opioid policy must stock opioid antagonist medication.

Prescription

A campus must obtain a prescription from a physician or a person who has been delegated prescriptive authority to stock, possess, and maintain the established number of doses of opioid antagonists as determined by a district, on each campus as described in Education Code 38.225 (Prescription of Opioid Antagonists).

The campus must renew this prescription or obtain a new prescription annually.

The number of additional doses may be determined by an individual campus review led by a physician or a person who has been delegated prescriptive authority.

25 TAC 40.85(a)-(b)

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe opioid antagonists in the name of a school district. *Education Code 38.225(a); 25 TAC 40.85(c)*

Storage of Medication

The unassigned opioid antagonist medication must be stored in a secure location and be easily accessible, in accordance with the manufacturer's guidelines and local policy of the district.

Disposal

Used, unassigned opioid antagonists are considered infectious waste and must be disposed of according to the school's bloodborne pathogen control policy.

Expired, unassigned opioid antagonists must be disposed of in accordance with the Federal Drug Administration's disposal of unused medications guidelines and local policy of the district.

25 TAC 40.85(d)-(f)

Reporting Requirement

The campus must submit the report no later than the 10th business day after the date a school personnel member or school volunteer administers an opioid antagonist in accordance with the unassigned opioid antagonist medication policy.

The report shall be submitted to the following individuals and entities:

1. The district;
2. The physician or other person who prescribed the opioid antagonist; and
3. The commissioner of DSHS.

Notifications to the commissioner of DSHS must be submitted on the designated electronic form available on DSHS School Health Program website found at dshs.texas.gov.

25 TAC 40.87(b)-(c)

The school shall report the following information:

1. The age of the person who received the administration of the opioid antagonist;

2. Whether the person who received the administration of the opioid antagonist was a student, a school personnel member or school volunteer, or a visitor;

3. The physical location where the opioid antagonist was administered;

4. The number of doses of opioid antagonist administered;

5. The title of the person who administered the opioid antagonist; and

6. Any other information required by the commissioner of education.

Education Code 38.223(b)

Records Retention

Records relating to implementing and administering the district unassigned opioid antagonist medication policy must be retained per the campus record retention schedule. *25 TAC 40.87(a)*

Training

A district that adopts an opioid antagonist policy is responsible for training school personnel and school volunteers in the administration of an opioid antagonist. *Education Code 38.224(a)*

Training must include information on:

1. Recognizing the signs and symptoms of an opioid-related drug overdose;

2. Responding to an opioid-related drug overdose and administering an opioid antagonist;

3. Implementing emergency procedures, after administering an opioid antagonist;

4. Understanding the medical purpose and misuse of opioids; and

5. Properly disposing of used or expired opioid antagonists.

Training must:

1. Be provided annually in a formal training session or through online education, including practicing the administration of an opioid antagonist with an opioid antagonist trainer device; and

2. Be provided in accordance with the policy adopted under Education Code 21.4515.

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers

who are trained and authorized to administer the unassigned opioid antagonist medication on the campus.

25 TAC 40.86(b)-(c)

Gifts, Grants, and Donations

A district may accept gifts, grants, donations, and federal and local funds to implement these provisions. *Education Code 38.226*

Immunity

A person who in good faith takes, or fails to take, any action under Education Code Chapter 38, Subchapter E-1 is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.227. *Education Code 38.227*

Maintenance and Administration of Epinephrine Delivery Systems

Note: The following provisions apply only to a district that adopts an unassigned epinephrine delivery system policy.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine delivery systems at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine delivery system to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and
2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine delivery system to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine delivery system present during all hours the campus is open. The supply of epinephrine delivery systems at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine delivery system.

Education Code 38.208

A district that chooses to adopt and implement a written unassigned epinephrine delivery system policy under Education Code Chapter 38, Subchapter E is not required to create an additional policy for care of certain students at risk for anaphylaxis under Ed-

ucation Code 38.0151 [see FFAF]. *Education Code 38.0151(f); 25 TAC 40.62(c)*

A district may develop, as part of the policy, provisions for additional doses to be stocked and utilized at off-campus school events, or in transit to or from school events. *Education Code 38.208(b); 25 TAC 40.65(a)(2)*

Definitions

Epinephrine Delivery System

“Epinephrine delivery system" means a medical delivery device approved by the United States Food and Drug Administration that delivers a dose of epinephrine intended for use to treat anaphylaxis, including:

1. An epinephrine auto-injector; and
2. An epinephrine nasal spray.

Education Code 38.201

All Hours the Campus Is Open

“All hours the campus is open” is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus

A “campus” is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

Unassigned Epinephrine Delivery System

An “unassigned epinephrine delivery system” is an epinephrine delivery system prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine delivery system, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 40.63(1), (4), (11)

Prompt Notification

Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine delivery system is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine delivery system before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine

delivery system is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 40.65(e)-(f)

Records

School records of the administration of the unassigned epinephrine delivery system and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request.

Records relating to implementation and administration of the school's unassigned epinephrine delivery system policy shall be retained per the record retention schedule for records of public school districts found in 13 Administrative Code 7.131 [see CPC].

25 TAC 40.65(f)-(g)

Reports

Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine delivery system in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine delivery system; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine delivery system;
2. Whether the person who received the administration of the epinephrine delivery system was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine delivery system was administered;
4. The number of doses of epinephrine delivery system administered;
5. The title of the person who administered the epinephrine delivery system; and
6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 40.68(b)*

Assignment of Trained Individuals

At each campus in which a school adopts an unassigned epinephrine delivery system policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine delivery systems or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine delivery systems.

In order to increase the number of trained individuals in the administration of unassigned epinephrine delivery systems, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine delivery system to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with a delivery system.

25 TAC 40.66(a)-(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine delivery system must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine delivery system to a student or individual that may be experiencing anaphylaxis. *25 TAC 40.66(c)*

Training

A district that adopts an unassigned epinephrine delivery system written policy is responsible for training school personnel and school volunteers in the administration of an unassigned delivery system.

Training must include information on:

1. Recognizing the signs and symptoms of anaphylaxis;
2. Administering an epinephrine delivery system;
3. Implementing emergency procedures, if necessary, after administering an epinephrine delivery system; and
4. Properly disposing of used or expired epinephrine delivery systems.

Training must be provided in accordance with the district professional development policy [see DMA].

Education Code 38.210(a), (b)

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training.

Training:

1. Shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention;
2. May be provided in a formal face-to-face training session or through an online education course;
3. Must include information on properly inspecting unassigned epinephrine delivery systems for usage and expiration; and
4. Must include information about promptly notifying local emergency medical services.

25 TAC 40.67(1)-(2), (5)

The initial training must include hands-on training with an epinephrine delivery system trainer. The annual refresher training must include a hands-on demonstration of administration skills.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine delivery system on the campus.

25 TAC 40.67(3)-(4), (6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine delivery systems in the name of a district in accordance with law. An order issued must contain the quantity and types of epinephrine delivery systems to be obtained and maintained under the order. *Education Code 38.211(a), (c)(3)*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine delivery system pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 40.65(a)-(a)(1)

Epinephrine Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine delivery systems. Throughout the school calendar year, the designated school personnel must coordinate with each campus to ensure that the unassigned epinephrine delivery systems are checked monthly for expi-

	ration and usage and the findings are documented. *25 TAC 40.65(b)*
Notice to Parents	If a district implements a policy for the maintenance, administration, and disposal of epinephrine delivery systems, the district shall provide written notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212* A district shall provide electronic or written notice to the parent or guardian of each student. If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days. *25 TAC 40.69*
Storage	Unassigned epinephrine delivery systems shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine delivery systems on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 40.65(h)*
Replacement	The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine delivery system that is used or close to expiration. *25 TAC 40.65(i)*
Disposal	Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy. Expired unassigned epinephrine delivery systems shall be disposed of according to the school's medication disposal policy. *25 TAC 40.65(j)-(k)* [See DBB]
Gifts, Grants, and Donations	A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

Maintenance and Administration of Medication for Respiratory Distress

Note: The following provisions apply only to a district that adopts a policy on medication for respiratory distress.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of unassigned medication for respiratory distress at each campus in the district. *Education Code 38.208(a-1); 25 TAC 40.44(a)*

If a policy is adopted, the policy must provide that school personnel and school volunteers who are authorized and trained may administer medication for respiratory distress to a person reasonably believed to be experiencing respiratory distress on a school campus, or at a school-sponsored or school-related activity on or off school property. *Education Code 38.208(b-1); 25 TAC 40.44(a)(1)(C)*

In developing the policy, a district may consider performing a review to include:

1. Consultation with school nurses, the local school health advisory committee, local health-care providers, or any department or organization involved with student well-being;
2. Campus geography; and
3. Student population size.

25 TAC 40.44(b)

An adopted unassigned medication for respiratory distress policy must be publicly available. *25 TAC 40.44(d)*

Definitions

“School personnel” means an employee of a district. The term includes a member of the board.

“School volunteer” means a person providing services for or on behalf of a district, on the premises of the district or at a school-sponsored or school-related activity on or off school property, who does not receive compensation in excess of reimbursement for expenses.

“Unassigned medication for respiratory distress” means albuterol, levalbuterol, or another medication based on the best available medical evidence for the treatment of respiratory distress that is:

1. Delivered by metered-dose inhaler (MDI) with a spacer (valved holding chamber) or by a nebulizer as a rescue medication;
2. Prescribed by an authorized health-care provider in the name of the district;

3. Issued with a non-patient-specific standing delegation order for the administration of a medication for respiratory distress; and

4. Issued by an authorized health-care provider.

Education Code 38.201(3-a), (6), 22.053(b); 25 TAC 40.42(8), (10), (12)

Each Campus During Regular School Hours

Each district that adopts a policy must require that each campus have one or more school personnel or school volunteers authorized and trained to administer unassigned medication for respiratory distress present during regular school hours, which means at least 30 minutes before the first bell to 30 minutes after the last bell of the school day. *Education Code 38.208(d-1); 25 TAC 40.42(5), 40.44(a)(1)(C)*

A “campus” is defined as a geographic unit of a district that:

1. Has an assigned administrator;

2. Has enrolled students who are counted for average daily attendance;

3. Has assigned instructional staff;

4. Provides instructional services to students;

5. Has one or more grades in the range from early childhood education through grade 12 or is ungraded; and

6. Is subject to Texas laws.

25 TAC 40.42(2)

Medication Inventory

Subject to the availability of funding, a district that adopts a policy must allow for treatment of multiple students and secure or obtain at least:

1. One MDI with appropriate spacers (valved holding chambers) to accommodate the developmental needs of the student population; or

2. At least five vials of nebulizer solution with appropriate nebulizer-required equipment to accommodate the developmental needs of the student population.

25 TAC 40.44(a)(2)

In addition to the minimum number of doses described above, the number of additional doses may be determined by an individual campus review led by an authorized health-care provider. *25 TAC 40.45(b)(2)*

Designated Campus Administrator

A district that adopts a policy must include in the policy the designated campus administrator to coordinate and manage policy implementation for each campus, which includes:

1. Conducting a review at the campus to determine the need for additional doses;
2. Training school personnel and school volunteers;
3. Acquiring or purchasing, maintaining, storing, and using unassigned medication for respiratory distress, subject to available campus funding; and
4. Disposing of expired unassigned medication for respiratory distress.

25 TAC 40.44(c)(1)

Notification Procedures

Each district that adopts a policy must include in the policy the procedures for notifying a parent, prescribing authorized health-care provider, and the student's primary health-care provider when unassigned medication for respiratory distress is administered. *25 TAC 40.44(c)(4)*

Referral Required

If unassigned medication for respiratory distress is administered to a student whose parent or guardian has not provided notification to the school that the student has been diagnosed with asthma, the school must refer the student to the student’s primary care provider on the day the medication for respiratory distress is administered and inform the student’s parent or guardian regarding the referral. The referral must include:

1. The symptoms of respiratory distress observed;
2. The name and dosage of the unassigned medication for respiratory distress administered to the student;
3. Any patient care instructions given to the student; and
4. Information about the purpose and use of an asthma action plan and medical authorization for schools, including a blank copy of the plan and authorization the provider completes and returns to the school.

If a student who has received medication for respiratory distress does not have a primary care provider or the parent or guardian of the student has not engaged a primary care provider for the student, the student’s parent or guardian must receive information to assist the parent or guardian in selecting a primary care provider for the student.

Education Code 38.208(b-2)-(b-3); 25 TAC 40.44(c)(6)-(7)

Storage

The supply of medication for respiratory distress at each campus must be stored in accordance with the manufacturer's guidelines and local policy of the district in a secure location and be easily accessible to authorized school personnel and school volunteers. *Education Code 38.208(e-1); 25 TAC 40.45(d)*

The location of the unassigned medication for respiratory distress must be specified in the policy. *25 TAC 40.44(c)(3)*

Disposal

The policy must include a plan to check inventory of unassigned medication for respiratory distress for expiration at least twice during the school year, to replace, as soon as reasonably possible, and to document the findings. *25 TAC 40.44(c)(5)*

Expired unassigned medication for respiratory distress and other used or expired supplies must be disposed of in accordance with the manufacturer's guidelines and local policy of the district. *25 TAC 40.45(e)*

Records Retention

Records relating to implementing and administering the district’s unassigned medication for respiratory distress policy must be retained per the campus record retention schedule. *25 TAC 40.47(a)*

Training

Each district that adopts a policy for the administration of medication for respiratory distress is responsible for training school personnel and school volunteers in the administration of medication for respiratory distress. Each authorized school personnel or school volunteer must receive initial training and an annual refresher training. The training must:

1. Include information on recognizing the signs and symptoms of respiratory distress;
2. Include information on administering medication for respiratory distress;
3. Include information on implementing emergency procedures, if necessary, after administering medication for respiratory distress;
4. Include information on proper sanitization, reuse, and disposal of medication for respiratory distress;
5. Cover the authorized health-care provider's standing order;
6. Include processes to follow-up with the prescribing authorized health-care provider and the student's primary health-care provider;
7. Provide information on the report required after administering unassigned medication [see below];

8. Include information on the district's adopted unassigned medication for respiratory distress policy;

9. Incorporate hands-on training with unassigned medication for respiratory distress; and

10. Inform school personnel or school volunteers of the purpose and use of asthma action plans.

Education Code 38.210(a-1); 25 TAC 40.46(a)

Training must be provided in a formal training session or through online education and must be provided in accordance with the district professional development policy [see DMA]. *Education Code 38.210(b)*

The policy must include a list of trained and authorized school personnel and school volunteers available to administer unassigned medication for respiratory distress. *25 TAC 40.44(c)(2)*

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers trained and authorized to administer unassigned medication for respiratory distress at the campus or at a school-sponsored event. *25 TAC 40.46(b)*

Reporting Requirement

Not later than the 10th business day after the date a school personnel member or school volunteer administers medication for respiratory distress to a person experiencing respiratory distress, the school shall report the following information to the district, the physician or other person who prescribed the medication for respiratory distress, and the commissioner of state health services:

1. The age of the person who received the administration of the medication for respiratory distress;

2. Whether the person who received the administration of the medication for respiratory distress was a student, a school personnel member or school volunteer, or a visitor;

3. The dosage of the medication for respiratory distress administered;

4. The title of the person who administered the medication for respiratory distress; and

5. Any other information required by the commissioner.

Notifications to the commissioner of state health services must be submitted on the designated electronic form available on the DSHS School Health Program website found at dshs.texas.gov.

Education Code 38.2091; 25 TAC 40.47

No Negative Fiscal Impact

The policy may not require a district to purchase prescription medication for respiratory distress or require any other expenditure related to the maintenance or administration of medication for respiratory distress that would result in a negative fiscal impact on the district or school. *Education Code 38.208(f)*

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe medication for respiratory distress in the name of a school district. *Education Code 38.211(a)*

Each district campus in a district that adopts a policy for the administration of medication for respiratory distress must obtain a prescription from an authorized health-care provider to stock, possess, and maintain unassigned medication for respiratory distress at each campus and any equipment necessary to administer the medication. The campus must renew this prescription or obtain a new prescription annually. *25 TAC 40.45(b)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of medication for respiratory distress, the district shall provide written or electronic notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212; 25 TAC 40.48(a)*

If a district changes or discontinues the unassigned medication for respiratory distress policy, the campus must provide written or electronic notice detailing the change or discontinuation of the policy to a parent or guardian of each student within 15 calendar days after the change or discontinuation. *25 TAC 40.48(b)*

Vendor Contracts

The board may contract with a vendor to provide medication for respiratory distress and related equipment to the district and training to school personnel and school volunteers authorized to administer medication for respiratory distress under Education Code Chapter 38, Subchapter E. *Education Code 38.2115*

Refusal to Administer

A school personnel member or school volunteer may not be subject to any penalty or disciplinary action for refusing to administer or receive training to administer epinephrine delivery systems or medication for respiratory distress, as applicable, in accordance with a policy for the maintenance and administration of epinephrine

delivery systems or a policy for medication for respiratory distress. *Education Code 38.208(d-2)*

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine delivery systems and medication for respiratory distress, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.215 and 25 Administrative Code 40.49. *Education Code 38.215; 25 TAC 40.71*

Note: For information about mental health curriculum and SHAC responsibilities, see EHAA. For information about threat assessments, see FFB. For personnel information about mental health professionals, see DP.

Mental Health Condition

"Mental health condition" means a persistent or recurrent pattern of thoughts, feelings, or behaviors that:

1. Constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or
2. Impairs a person's social, emotional, or educational functioning and increases the risk of developing such a condition.

Education Code 5.001(5-a)

Student Programs

The Texas Education Agency (TEA), in coordination with the Health and Human Services Commission and regional education service centers (ESCs), shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.

Subject Areas

The list must include programs and practices in the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

"School climate" means the quality and character of school life, including interpersonal relationships, teaching and learning prac-

tices, and organizational structures, as experienced by students enrolled in the district, parents of those students, and personnel employed by the district.

[For information on employee training, see DMA.]

Practices and Procedures

A district shall develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

1. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;

2. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;

3. Include a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;

4. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention;

5. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention; and

6. Include procedures:

   a. To support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and

   b. For suicide prevention, intervention, and postvention.

The practices and procedures may address multiple subject areas [see Subject Areas, above]. The practices and procedures must prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]

Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

"Postvention" includes activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

Education Code 38.351(a)–(f), (i)–(o)

Immunity

The above requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. *Education Code 38.352*

Student Identification Cards

Each student identification card issued by a public school to a student in grade six or higher must have printed on the card the contact information for the National Suicide Prevention Lifeline and the Crisis Text Line. The student identification card may have printed on the card the contact information for a local suicide prevention hotline, if available. *Education Code 38.353*

Consent to Examinations, Tests, or Treatment

A district employee or contractor must obtain the written consent of a child's parent in the manner required by Education Code 26.009(a-2) before the employee or contractor may conduct a psychological or psychiatric examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or

2. State or federal law regarding requirements for special education.

Education Code 26.009(a)(1)

[For more information regarding required parental consent for a psychological or psychiatric examination, test, or treatment, see FFA. For more information about consent to medical treatment, including psychological treatment under certain circumstances, see FFAC. For information about consent to counseling, see FFEA.]

Professional's Authority

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

Exception: Court Order

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

Family Code 32.004(b), (c)

[See DPB for more information about school psychologist and school counselor responsibilities.]

Consent to School Psychologist

Informed consent for a school psychologist must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any Texas Behavioral Health Executive Council (TBHEC) rules, is necessary in this context. Licensees providing psychological services under 22 Administrative Code 465.38(e)(2), however, must obtain informed consent as otherwise required by the TBHEC rules. *22 TAC 465.38(g)*

Professional Immunity

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct. *Family Code 32.004(d)*

Outside Counselors

Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.
2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.
3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.
4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.
5. Specifically prohibits any disclosure of a student record that violates state or federal law.

Education Code 38.010

[See FFEA for information on the comprehensive guidance program. See FFB for mental health-care services provided by the threat assessment and safe and supportive school team.]

Psychotropics and Psychiatric Evaluations

A district employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or

2. Prohibit a school district employee, or an employee of an entity with which the district contracts, who is a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified to practice in this state from recommending that a child be evaluated by a physician or nonphysician mental health professional; or

3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016. [See FFAC]

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.

Nonphysician mental health professional has the meaning assigned by Education Code 38.0101 [see DP].

Education Code 38.016

[For information regarding administration of medication, see FFAC.]

Child Abuse Reporting

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 FFG]

Note: See policies DHB and DHC for information on other required reports regarding alleged misconduct against a student.

The District shall notify a parent of a student with whom a District employee or a person acting as a service provider for the District is alleged to have engaged in misconduct, informing the parent:

1. As soon as feasible that the alleged misconduct may have occurred;
2. Whether the individual was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and
3. Whether a report was submitted to the Texas Education Agency or State Board for Educator Certification concerning the alleged misconduct.

For purposes of this policy, misconduct is defined as an individual's:

1. Alleged abuse or commission of an otherwise unlawful act with a student;
2. Involvement in or soliciting a romantic relationship, or soliciting or engaging in sexual contact, with a student;
3. Engaging in inappropriate communications with a student; or
4. Failing to maintain appropriate boundaries with a student.

Notice of Suspected Criminal Offense

Except as provided by state law regarding child abuse investigations, the District shall notify a parent not later than one business day after the date an employee first suspects that a criminal offense has been committed against the parent's child.

[See also FFG for reporting requirements related to child abuse and FFH for parental notification requirements regarding prohibited conduct as defined by that policy.]

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UIL Rules and District Policies

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

Athletic Activities

UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation — Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201-33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

Education Code 33.207(b), .208

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

Education Code 33.206

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

Safety Precautions

A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:

1. Each student participant is adequately hydrated;
2. Any prescribed asthma medication for a student participant is readily available to the student;
3. Emergency lanes providing access to the practice or competition area are open and clear; and
4. Heatstroke prevention materials are readily available.

If a student participating in a practice or competition becomes unconscious during the activity, the student may not:

1. Return to the activity during which the student became unconscious; or
2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

Education Code 33.205

Concussions

"Interscholastic athletic activity" includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL. *Education Code 38.152*

"Concussion" means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness. *Education Code 38.151(4)*

Concussion Oversight Team

The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. *Education Code 38.153(a)*

Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight

team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

A district may include a licensed chiropractor or physical therapist as a member of the district concussion oversight team, provided that the person meets the training requirements.

Education Code 38.154

Training Requirements

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158. *Education Code 38.154(c), .158(f)*

A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. *Education Code 38.158(g)*

Return-to-Play Protocol

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion. *Education Code 38.153(b)*

Required Annual Form

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

Removal from Play

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed health-care professional, as defined by Education Code 38.151(5); a licensed chiropractor or physical therapist; a school nurse; or the student's parent or guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

Return to Play

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to

practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;

2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;

3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and

4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:

    a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;

    b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;

    c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and

    d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play

protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

Education Code 38.157

Immunity

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;
2. Create any liability for a cause of action against a district or against district officers or employees;
3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or
4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

Education Code 38.159

[For information regarding concussions sustained in an activity other than an interscholastic athletic activity or for academic accommodations available to students with a concussion, see FFAC.]

Football Helmet Safety Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

Education Code 33.094(a)-(c)

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

Education Code 33.091(d)-(e)

Cardiac Assessment

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is appropriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as establish by the health-care professional's Texas licensing act.

Immunity

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

Education Code 33.096

Safety of Official

A district that holds an extracurricular athletic activity or a UIL athletic competition on district property shall provide a peace officer, a school resource officer, an administrator, or security personnel to ensure the safety of a referee, judge, or other official of the activity or competition until the official departs district property if:

1. A participant or spectator of the activity or competition engages in, attempts to engage in, or threatens violent conduct against the official or otherwise disrupts the duties or free movement of the official; or
2. The district reasonably suspects that an incident described above may occur at the activity or competition.

Education Code 33.099

[For information regarding the suspension of an individual who causes bodily injury to an official, see Suspension for Certain Conduct Involving Extracurricular Officials and Spectator Suspension, below.]

Interscholastic Athletic Competition Based on Biological Sex

An interscholastic athletic team sponsored or authorized by a district may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the district that is designated for the biological sex opposite to the student's biological sex as correctly stated on the student's official birth certificate, as described below, or if the student's official birth certificate is unobtainable, another government record.

Exception

An interscholastic athletic team sponsored or authorized by a district may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.

Birth Certificate Statement

For purposes of this provision, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct any type of scrivener or clerical error in the student's biological sex.

Education Code 33.0834

Water Activities

Definitions

“Body of water” means an artificial or natural body of water, including a swimming pool, lake, or river, typically used for recreational swimming, bathing, or play. The term does not include a wading pool.

“Child” means an individual younger than 12 years of age.

“Organized water activity” means an activity an organization conducts in which a participant will enter or travel on a body of water as part of the activity.

“Wading pool” means a pool, including a pool that contains a public interactive water feature and fountain as defined by department rule, with a maximum water depth of not more than 18 inches.

Parent Affirmation

An organization, including a school, that authorizes a child to engage in an organized water activity shall require the child’s parent or legal guardian to affirm in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing a body of water.

Flotation Device Required	The organization shall provide to each child who is unable to swim or is at risk of injury or death when swimming or otherwise entering a body of water a properly fitted and fastened Type I, II, or III United States Coast Guard approved personal flotation device or a device the executive commissioner of Texas Health and Human Services determines is equivalent. The organization shall ensure the child is wearing the personal flotation device and the device is properly fitted and fastened for the child. The organization is not required to provide a child with a flotation device or ensure the child is wearing the device if the child is actively participating in swim instruction or a competition and the organization ensures each child participating in the instruction or a competition is closely supervised during the instruction or competition.
Failure to Comply	An organization that violates this provision or rules adopted under this provision is subject to disciplinary action. *Health and Safety Code 341.0646(a)-(e)*
Rodeos	This section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate. “Rodeo” means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including: 1. Riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider; 2. Riding a bull; 3. Roping an animal, including roping as part of a team; 4. Wrestling a steer; and 5. Riding a horse in a pattern around preset barrels or other obstacles.
Educational Program	A primary or secondary school to which this section applies shall, before the first rodeo associated with the school in each school year, conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo, in accordance with 25 Administrative Code 104.4. The educational program may consist of an instructional video, subject to the Department of State Health Services approval.

Restriction on Participation	A child may not participate in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.
Protective Gear for Bull Riding	A child may not engage in bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless the child is wearing a protective vest and bull riding helmet in accordance with 25 Administrative Code 104.3.
	Health and Safety Code 768.001(6), .003; 25 TAC 104.2-.4
Eligibility	A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. *Education Code 33.087*
Military Dependents	The district shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified. *Education Code 162.002 art. VI, § B* [See FDD]
Attendance and Participation	The State Board of Education (SBOE) by rule shall limit participation in and practice for extracurricular activities during the school day and the school week. The board of a district may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the district, UIL, or an organization sanctioned by board resolution. The policy must permit a student to be absent from class at least 10 times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE. *Education Code 33.081(a), .0811*
SBOE Rules	The following provisions apply to any UIL activity. Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exceptions

Public Performances

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

State-Approved Music Courses

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

19 TAC 76.1001(a)

Limits on Participation and Practice

During the School Week

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than two activities per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.

3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.

4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3-11.

19 TAC 76.1001(d); Education Code 33.081(a)

During the School Day

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.

2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.

3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.

4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.

5. Regardless of the schedule type in place (traditional or nontraditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 TAC 76.1001(e); Education Code 33.081(a)

Record of Absences

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

Students Receiving Outpatient Mental Health Services

A district may not adopt or enforce policies that restrict participation in UIL activities by a student who receives outpatient mental health services from a mental health facility and is enrolled in the district or otherwise receives public education services from a district based solely on the student's receipt of outpatient mental health

services from a mental health facility or the student's absence during instructional time while receiving outpatient mental health services from a mental health facility.

This provision does not exempt a student to whom this section applies from any eligibility requirement for participation in UIL activities other than an eligibility requirement based solely on the criteria of receipt of outpatient mental health services from a mental health facility.

Education Code 33.0833(c)-(d)

Participation by Homeschooled Students

Except as provided below, a public school that participates in an activity sponsored by UIL shall provide a non-enrolled student, who otherwise meets UIL eligibility standards to represent that school in a UIL activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

Not later than the date specified under UIL rule, the board may adopt a policy declining to grant non-enrolled students the opportunity to participate in UIL activities.

"Non-enrolled student" means a student who receives instruction as a homeschooled student as described by Education Code 29.916(a)(1) from a nonpublic school [see EK].

[For requirements specific to participation in Junior Reserve Officers' Training Corps by homeschooled students, see EEL.]

Relevant Policies

A non-enrolled student who seeks to participate or participates in a UIL activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school:

1. Registration for UIL activities;
2. Age eligibility;
3. Fees;
4. Insurance;
5. Transportation;
6. Physical condition;
7. Qualifications;
8. Responsibilities;
9. Event schedules;
10. Standards of behavior; and

11. Performance.

Residency Requirements

Except as provided below, a non-enrolled student may only participate in a UIL activity for the school in the district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a UIL activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Education Code 25.001 [see FD].

If the school that a non-enrolled student would be eligible to attend is subject to a policy declining to grant non-enrolled students the opportunity to participate in UIL activities, the student may participate in a UIL activity for the closest school, based on geographic proximity to the student's residential address, that is not subject to such a policy.

Academic Requirements

The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic standards relating to the student's participation in a UIL activity. As a condition of eligibility to participate in a UIL activity during the first six weeks of a school year, a non-enrolled student must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. A non-enrolled student demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. A district shall accept assessment results administered or reported by a third party.

A non-enrolled student's demonstration of academic proficiency is sufficient for the school year in which the student achieves the required score and the subsequent school year.

After the first six weeks of a school year, the parent or person standing in parental relation to a non-enrolled student participating in a UIL activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

Previous Enrollment in Public School

A non-enrolled student is not authorized by this section to participate in a UIL activity during the remainder of any school year during which the student was previously enrolled in a public school.

Prohibitions

With respect to a non-enrolled student's education program, nothing in these provisions shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a non-enrolled student or a parent or person standing in parental relation to a non-enrolled student beyond the control, regulatory authority, or supervision required to participate in a UIL activity.

Subject only to eligibility requirements, the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be changed in order for the non-enrolled student to participate in a UIL activity. Subject only to eligibility requirements, for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

UIL Classification

When assigning league classification to a public school based on student enrollment, the UIL must use the same student enrollment calculation formula for a school that allows a non-enrolled student to participate in a league activity as the formula used to determine the student enrollment of a school that does not allow a nonenrolled student to participate in the league activity.

Education Code 33.0832

UIL Allotment

For each nonenrolled student who participates in a UIL activity for a school in a district that allows participation of nonenrolled students, the district is entitled to an annual allotment of $1,500 per UIL activity in which the nonenrolled student participates. *Education Code 48.305*

Definitions

“Activity season” means the period established by a school or the UIL in which practices, rehearsals, and interschool competitions or contests take place.

“Nonenrolled student” means a student who predominantly receives instruction in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through the child’s home. This may include a student who is designated as enrolled, not in membership.

“Participation” means the active involvement of a student in a minimum of 75 percent of a combined total of practices, rehearsals, or preparation activities and associated competitions and contests, including selection as an alternate, for a specific UIL activity.

"University Interscholastic League or UIL activity" means any official UIL activity identified in the UIL Constitution and Contest Rules, not including pilot activities.

UIL activities shall:

1. Be overseen by a school district-approved coach or sponsor;
2. Provide for a minimum of four weeks of coach- or sponsor-led practice, rehearsal, or preparation specific to the activity within the designated activity season; and
3. Provide opportunities for students to take part in formal, interschool competitions or contests in the associated activity during the designated activity season.

A district may still receive the allotment if a student began the activity season without injury or illness and later experienced an injury or prolonged illness that prevented participation.

For audit purposes, a district shall maintain documentation to support the requirements of this provision.

A district will be provided with estimated funding during a school year for nonenrolled students in accordance with 19 Administrative Code 105.1031(g).

19 TAC 105.1031

Suspension from Extracurricular Activities

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.

Length of Suspension

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.

Grade Evaluation Period

"Grade evaluation period" means:

1. The six-week grade reporting period; or
2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

Education Code 33.081(c)

School Week

The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of

instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

Exempt Courses

The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. *Education Code 33.081(d-1)*

Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a).

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

19 TAC 74.30

Students with Disabilities

In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b).

Education Code 33.081(e)

Practice or Rehearsal

A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance. This provision does not apply to a student prohibited from participation for certain conduct involving extracurricular officials [see below]. *Education Code 33.081(f)*

Reinstatement

Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the

time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

Suspension for Certain Conduct Involving Extracurricular Officials

A student who is enrolled in a district in Texas or who participates in a UIL competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the district or the UIL if the state executive committee of the league determines that the student intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

Reinstatement After Conduct

A student prohibited from participation may submit to the UIL a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the UIL. The request must be submitted at least one year after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in eighth grade or below at the time of the conduct or two years after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in ninth grade or above at the time of the conduct.

Education Code 33.081(e-1)-(e-2)

Spectator Suspension

A district shall prohibit a spectator of an extracurricular athletic activity or competition, including a parent or guardian of a student participant, from attending any future extracurricular athletic activity or competition sponsored or sanctioned by the district or the UIL if the spectator engages in conduct that intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular athletic activity or competition in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular athletic activity or competition.

A district may establish an appeals process by which a person may appeal the prohibition to the district and the district may determine the facts associated with the conduct for which the district imposed the prohibition.

A prohibition imposed under this provision must be for not less than one year after the date on which the prohibition is imposed

but may not exceed five years from the date on which the prohibition is imposed.

Education Code 33.081(f-1)-(f-3)

Parental Notice and Consent

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)(1)*

Anonymous Evaluations

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

Videotaping and Recording

A district employee or contractor is not required to obtain the consent of a child's parent before the employee or contractor may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*

Discriminatory Club

An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

"Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members.

Education Code 33.082

Special Olympics Recognition

If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. *Education Code 33.093*

Student Election Clerks

Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. *Education Code 33.092*

Before-School and After-School Programs

The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours.

A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district.

A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract with a child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

Education Code 33.9031

Mandatory Removal by a Teacher

A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program (DAEP) or expulsion, as appropriate, a student who engages in conduct described in Education Code 37.006 (removal) or 37.007 (expulsion). [See FOC and FOD] *Education Code 37.002(d)*

Routine Referral

A teacher may send a student to the campus behavior coordinator's (CBC) office to maintain effective discipline in the classroom. The CBC shall respond by employing appropriate discipline management techniques, consistent with the Student Code of Conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the CBC shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the CBC in the Student Code of Conduct. *Education Code 37.002(a)* [See FO]

Discretionary Removal

A teacher may remove from class a student who:

1. Repeatedly interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn;
2. Demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student; or
3. Engages in conduct that constitutes bullying, as defined by Education Code 37.0832 [see FFI].

Education Code 37.002(b)

Subject to requirements related to teaching and discussing certain debated and controversial topics under Education Code 28.0022(a)(2) and (d) [see EMB], a teacher may remove a student from class based on a single incident of behavior described above. *Education Code 37.002(b-3)*

Reporting Classroom Removals

A student who is sent to the campus behavior coordinator's or other administrator's office under a routine referral or a discretionary removal, as described above, is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law. *Education Code 37.002(e)*

[See DNA for information about teacher evaluations and disciplinary referrals.]

A teacher, campus behavior coordinator, or other appropriate administrator shall notify a parent of a student of the removal of a student from class described above. *Education Code 37.002(b-2)*

Placement of Student

If a teacher removes a student from class under the provisions above, the principal may place the student in another appropriate classroom, in-school suspension, or DAEP [see FOC]. *Education Code 37.002(c)*

Conference by Third Day Required

Not later than the third class day after the day on which a student is removed from class by the teacher under the above provision or by the school principal or other appropriate administrator under the Student Code of Conduct, the campus behavior coordinator or other appropriate administrator shall schedule a conference among the campus behavior coordinator or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the campus behavior coordinator, after consideration of the mitigating factors (see below), shall order the placement of the student for a period consistent with the Student Code of Conduct. *Education Code 37.009(a)*

Appeals

Appeal of Removal

A student may appeal the student's removal from class described above to:

1. The school's placement review committee [see Placement Review Committee, below]; or
2. The campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to the team.

Education Code 37.002(e-1)

No Appeal of Board Decision

If district policy allows a student to appeal to the board or the board's designee, a decision of the campus behavior coordinator or other appropriate administrator, other than an expulsion under Section 37.007, the decision of the board or the board's designee is final and may not be appealed. *Education Code 37.009(a)*

Placement Length

The period of the placement may not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees. The student may

not be returned to the regular class pending the required conference. *Education Code 37.009(a)*

Mitigating Factors

The CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. *Education Code 37.009(a)*

[See Student Code of Conduct, item 4, at FO(LEGAL) for mitigating factors.]

Prohibitions on Activities

The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.002(c)*

Note: A power granted to a campus principal under Education Code Chapter 37, Subchapter A may be exercised by the CBC.

Return to Class

The principal may not return the student to the class of the teacher who removed the student without the teacher's written consent, unless the placement review committee determines that such placement is the best or only alternative available and, not later than the third class day after the day on which the student was removed from class, a conference in which the teacher has been provided an opportunity to participate has been held. [See Conference by Third Day Required, above]

Return to Class Plan

The principal may not return the student to that teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student. The principal may only designate an employee of the school whose primary duties do not include classroom instruction to create a return to class plan. A return to class plan must be created before or at the conference described by that subsection. A plan created before the conference must be discussed at the conference.

The commissioner of education shall adopt a model return to class plan for use by a district in creating a return to class plan for a student.

Education Code 37.002(c), (c-1), (c-2)

Return After Assault

If the teacher removed the student from class because the student engaged in the elements of an offense listed in Education Code 37.007(a)(2)(A) or (a)(4) (assault, sexual assault, assault against a district employee or volunteer) against the teacher, the student

may not be returned to the teacher's class without the teacher's written consent. The teacher may not be coerced to consent.

Education Code 37.002(c), (d)

Placement Review Committee

Each school shall establish a three-member committee to determine the placement of a student when a teacher refuses the return of a student to the teacher's class. The committee shall make recommendations to the district regarding readmission of expelled students.

Composition

Committee members shall be appointed as follows:

1. Campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and
2. The principal shall choose one member from the professional staff of a campus.

The teacher refusing to readmit the student may not serve on the committee.

Education Code 37.003

Right to Appeal

The principal, campus behavior coordinator, or other appropriate administrator shall notify a student who has been removed from class and the student's parent of the student's right to appeal the decision of the committee. [See Appeals, above] *Education Code 37.002(f-1)*

Removal by School Bus Driver

The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus.

The principal shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.

Education Code 37.0022

Note: See FOF for provisions concerning students with disabilities.

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Applicability of Criminal Laws

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

Trespass

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

Refusal of Entry or Ejection of Unauthorized Persons

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

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

The verbal warning and person’s persistence in the behavior described at item 2 are not required for a person serving as a referee, judge, or other official of an extracurricular athletic activity or competition sponsored or sanctioned by the school district or the University Interscholastic League to eject a spectator from the extracurricular athletic activity or competition.

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

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

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

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

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

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

The board shall adopt a policy that uses the district's existing grievance process [see FNG, GF] to permit a person refused entry to or ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

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

Education Code 37.105; 19 TAC 103.1207

[For information on visitor requirements, including requesting identification, see GKC.]

Vehicles on School Property

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

Disruption of Lawful Assembly

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

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;

2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;

3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;

4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or

5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

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

Education Code 37.123

Disruption of Classes

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

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.

2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.

3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.

4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

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

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

Education Code 37.124

Disruption of Transportation

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

Tobacco and E-Cigarettes

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

Smoking in Buildings

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7973*

Criminal Penalty

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

Defense

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

Facilities for Extinguishment

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

Penal Code 48.01(a)-(c)

Alcohol

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

Intoxicants

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

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

Education Code 37.122 [See also FNCF]

Fireworks

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

Federal Gun-Free School Zones Act

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

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

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

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

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

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

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;

3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

4. By a law enforcement officer acting in his or her official capacity.

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

Possession of Weapons

Unless entitled to a defense or otherwise excepted by Penal Code 46.15, a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. On the premises of a school, on any grounds or building owned by and under the control of a school and on which an activity sponsored by the school is being conducted, or in a passenger transportation vehicle of a school, unless pursuant to written regulations or written authorization of the school;

2. On the premises of a polling place on the day of an election or while early voting is in progress;

3. On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event;

4. In the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to the OMA, and the entity provided required notice of the meeting.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

Penal Code 46.03(a)(1), (2), (8), (14), (f)

"Premises" Defined

"Premises," for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(4)*

Notice to Public

A district may provide notice that firearms and other weapons are prohibited under Penal Code 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

1. Includes language that is identical to or substantially similar to the following: "Pursuant to Section 46.03, Penal Code (places

weapons prohibited), a person may not carry a firearm or other weapon on this property";

2. Includes the language described above in both English and Spanish;

3. Appears in contrasting colors with block letters at least one inch in height; and

4. Is displayed in a conspicuous manner clearly visible to the public.

Without a sign described above posted prominently at each entrance to the premises or other property, as applicable, a person can assert a defense to prosecution for unlawfully carrying a handgun if the person personally received notice that carrying a firearm was prohibited and promptly departed from the premises or other property.

Penal Code 46.15(m)-(o)

Transportation or Storage of Firearm in School Parking Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law.

Education Code 37.0815

Volunteer Emergency Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

"Volunteer emergency services personnel" includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined by Occupations Code 1701.001, who is performing law enforcement duties.

Civ. Prac. & Rem. Code 112.001; Penal Code 46.01(18)

Exhibition of Firearm

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
    a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
    b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

Education Code 37.125

Trespass — Concealed Carry of Handgun

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

Notice / Sign — Concealed Carry of Handgun

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication" means:

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

Penal Code 30.06 [See also FNCG]

Unauthorized Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or other law. *Gov't Code 411.209*

Trespass — Open Carry of Handgun

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and

2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign — Open Carry of Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication means":

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code

(trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

Exception

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

Penal Code 30.07

Unmanned Aircraft Systems

Note: For provisions applicable to the use of drones for law enforcement purposes, see CKEA

Federal Law

The U.S. Government has exclusive sovereignty of airspace of the United States. *49 U.S.C. 40103*

Small Unmanned Aircraft

"Small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small Unmanned Aircraft System

"Small unmanned aircraft system" (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

14 C.F.R. 1.1, 107.3

Operation of Small UAS

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part 107 does not apply to the following:

1. Air carrier operations;

2. Any aircraft subject to the provisions of 49 U.S.C. 44809;

3. Any operation that the holder of an exemption under section 333 of Public Law 112-95 or 49 U.S.C. 44807 elects to conduct pursuant to the exemption, unless otherwise specified in the exemption; or

4. Any operation that a person elects to conduct under 14 C.F.R. Part 91 with a small UAS that has been issued an airworthiness certificate.

14 C.F.R. 107.1

Exception for Limited Recreational Operation

A person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration (FAA) if the operation adheres to all of the following limitations:

1. The aircraft is flown strictly for recreational purposes.

2. The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the FAA.

3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

5. In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the administrator of the FAA or designee before operating and complies with all airspace restrictions and prohibitions.

6. In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.

7. The operator has passed an aeronautical knowledge and safety test and maintains proof of test passage to be made available to the FAA or law enforcement upon request.

8. The aircraft is registered and marked in accordance with 49 U.S.C. Chapter 441 and proof of registration is made available to the FAA or law enforcement upon request.

49 U.S.C. 44809(a)

State Law

Regulation Limited

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or other similar measure that violates this provision is void and unenforceable. *Gov't Code 423.009(b), (d)*

Exception

A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

1. The use of an unmanned aircraft during a special event;
2. The political subdivision's use of an unmanned aircraft; or
3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:
    a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and
    b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

"Special event" means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

Gov't Code 423.009(a)(2), (c)

Privacy Law

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

Gov't Code 423.002(a)

Prohibited Acts

An officer or employee of a district who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the district;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the district;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civ. Prac. & Rem. Code 106.001(a)

Right to Preserve Use

A district, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. *Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993)*

Forum for Communication

A district may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983); Chiu v. Plano Indep. Sch. Dist., 260 F.3d 330 (5th Cir. 2001)*

A district is not required to allow persons to engage in every type of speech when the district establishes a limited public forum; the district may be justified in reserving its forum for certain groups or for the discussion of certain topics. A district shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch., 533 U.S. 98 (2001); Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993)*

Fees for Use

The board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of a district's facilities, in the amounts and manner determined by the board. *Education Code 45.033*

Charter Schools

A district may not require a campus or campus program charter that is the result of the conversion of the status of an existing district campus to pay rent for or to purchase a facility in order to use the facility.

A district may not require a campus or campus program charter, or an open-enrollment charter school, to pay for any service provided

by the district under a contract between the district and the campus, campus program, or open-enrollment charter school an amount that is greater than the amount of the actual costs to the district of providing the service.

Education Code 11.1543

Patriotic Societies

If a district has a designated open forum or a limited public forum and receives funds made available through the United States Department of Education, the district shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

The United States secretary of education may issue and secure compliance with rules or orders with respect to a district that receives federal funds and that denies equal access, or a fair opportunity to meet, or discriminates, as described above. If a district does not comply with the rules or orders, no funds made available through the Department of Education shall be provided to that district.

[For provisions related to a patriotic society's access to students, see GKE.]

'Youth Group'

"Youth group" means any group or organization intended to serve young people under the age of 21.

Limited Public Forum

For purposes of this policy regarding Patriotic Societies, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

Sponsorship

Nothing in this policy shall be construed to require a district to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.

Boy Scouts of America Equal Access Act, 20 U.S.C. 7905

Facilities as Polling Places

A district shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings

for the same day and simultaneous use is impractical, a district shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a district building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

[For provisions related to polling place security, see CKC.]

Political Party Conventions

A district shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The district shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

Facilities Use by Religious Organizations

A district may allow a religious organization to use the district's facilities to host religious worship, services, sermons, or assemblies only if:

Use of District Facilities

1. The use of the facilities does not interfere with the district's primary educational mission;
2. The religious organization provides the fair market rental value or reimbursement for utilities, security, and other costs related to the use of the facilities as determined by the board of the district unless waived by the board;
3. The religious organization agrees to be held liable for any damages that occur in the organization's use of the facilities;
4. The religious organization is subject to the same rental terms for the use of the facilities that a nonreligious organization would be subjected to for that use; and
5. Any additional requirements imposed by other law for the use of the facilities are satisfied.

Interference with Primary Educational Mission

A religious organization's use of a district's facilities interferes with the district's primary educational mission if:

1. The organization engages in religious worship, services, sermons, or assemblies during regular school hours;

2. The organization displays signage, symbols, books, or flyers on the district's property during any period other than the period in which the district allows the organization to use the district's facilities; or

3. The district or an employee of the district promotes the organization's use of the facilities in any manner, including by distributing information or making an announcement regarding the organization or use or including the organization's religious worship, services, sermons, or assemblies on an academic calendar.

No Penalty or Sanction

A state agency, political subdivision, school district, or other governmental entity may not impose a penalty or sanction on or deny funding to a school district based on the district's decision to allow a religious organization to use the district's facilities in the manner provided above.

Interpretation

Education Code 11.173 may not be construed to require a district to allow a religious organization to use the district's facilities for religious purposes if the district elects not to do so.

Education Code 11.173

Requirements of Governmental Entities

Definitions

"Disaster" has the meaning assigned by Government Code 418.004.

"Governmental entity" includes a political subdivision of this state, including a county, municipality, or special district or authority or an officer, employee, or agent of the entity.

"Person" has the meaning assigned by Government Code 311.005, except the term does not include an employee of a governmental entity acting within the employee's scope of employment or a contractor of a governmental entity acting within the scope of the contract.

"Place of worship" means a building or grounds where religious activities are conducted.

"Public official" means any elected or appointed officer, employee, or agent of this state or any political subdivision, board, commission, bureau, or other public body established by law.

"Religious organization" means an organization open to the public that is a religious organization under Civil Practice and Remedies Code 110.011(b).

Prohibition on Orders Closing Places of Worship

A government agency or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

Essential Activities

Notwithstanding any other law, a religious organization is an essential business at all times in this state, including during a declared state of disaster, and the organization's religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during the disaster.

A governmental entity may not at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose or during a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

Relief Available

A person may assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and obtain injunctive relief; declaratory relief; and court costs and reasonable attorney's fees.

A person may commence an action and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies.

The attorney general may bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with this provision.

Interpretation

This provision may not be construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs.

This provision may not be construed to prevent a governmental entity from providing, either directly or through a person who is not seeking protection under this chapter, any benefit or service authorized under state or federal law.

Civ. Prac. & Rem. Code 110.001(a), .0031; Gov't Code 2401.001-.005

Facilities

Dual Usage Educational Complex

A district may enter into a cooperative agreement with a community college district regarding a dual usage educational complex, provided the district is located in whole or in part in the service area of the college district. The college district shall coordinate and supervise the operation of the complex. The use and the costs associated with the establishment and operation of the complex shall be shared by the parties under the terms of the cooperative agreement. *Education Code 130.0103*

Instructional or Athletic Facility

A district and an institution of higher education may contract for the design or construction of an instructional facility or athletic facility in accordance with Education Code 45.109. *Education Code 45.109* [See CX]

College Courses in District Facilities

If a district is located in a county contiguous to, but not part of, a community college district, a board may enter into a contract with the community college district for the community college to hold college courses in a district's facilities. The contract shall be approved by board resolution. Either party may terminate the contract by giving the other party at least one year's written notice. *Education Code 130.006*

District Courses on Higher Education Campus

A board may operate a school or program or hold a class on the campus of an institution of higher education in this state if the board obtains written consent from the president or other chief executive officer of the institution, regardless of whether the institution is located within the boundaries of the district. *Education Code 11.166*

[For information related to instructional partnerships with community college districts, see EHDD.]

Dropout Recovery Program

A school district may enter into an articulation agreement to partner with the public junior college district in which the school district is located to provide on the campus of the college a dropout recovery program for students to successfully complete and receive a diploma from a high school of the school district. *Education Code 29.402(a)*

A district located wholly or partly in a county with a population of more than three million may enter into an articulation agreement with any public junior college with a service area located wholly or partly in a county with a population of more than three million. *Education Code 29.402(a-1)*

The program must meet the requirements at Education Code 29.402(c) and 29.081(e), (f). *Education Code 29.402(c), (d)*

Student Eligibility

A person is eligible to enroll in the dropout recovery program if the person:

1. Is under 26 years of age;
2. Must complete not more than three course credits to complete the curriculum requirements for the foundation high school program, as appropriate, for high school graduation; or
3. Has failed to perform satisfactorily on an end-of-course assessment instrument under Education Code 39.023(c), or an assessment instrument under Education Code 39.023(c) as that section existed before 2007. [See EKB]

Education Code 29.402(b)

Funding

A school district shall pay the college district a negotiated amount for each student from the school district enrolled in the dropout recovery program. The negotiated amount shall not exceed the total average per student funding amount in that school district during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund. *Education Code 29.403(a)*

A student who is enrolled in a dropout recovery program is included in determining the average daily attendance of the school district. *Education Code 29.403(b)*

Reasons

The Board's decision not to renew the Superintendent's contract shall not be based on the Superintendent's exercise of Constitutional rights or based unlawfully on race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Reasons for the nonrenewal of the Superintendent's contract shall be:

1. Deficiencies pointed out in evaluations, supplemental memoranda, or other communications.

2. Failure to fulfill duties or responsibilities.

3. Incompetency or inefficiency in the performance of duties.

4. Insubordination or failure to comply with Board directives.

5. Failure to comply with Board policies or administrative regulations.

6. Failure of the District to make measurable progress toward the goals stated in the District improvement plan. [See BQ]

7. Conducting personal business during school hours when it results in neglect of duties.

8. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on District property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.

9. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.

10. Failure to meet the District's standards of professional conduct.

11. Failure to report to the Board any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]

12. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]

13. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

14. Disability, not otherwise protected by law, that prevents the Superintendent from performing the essential functions of the job, with or without reasonable accommodation.

15. Any activity, school-connected or otherwise, that, because of publicity given it or knowledge of it among students, faculty, or the community, impairs or diminishes the Superintendent's effectiveness in the District.

16. Any breach by the Superintendent of an employment contract or any reason specified in the Superintendent's employment contract.

17. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, staff, or the Board.

18. Behavior that presents a danger of physical harm to a student or other individuals.

19. Assault on a person on District property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.

20. Use of profanity in the course of performing any duties of employment, whether on or off District premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.

21. Falsification of records or other documents related to the District's activities.

22. Falsification or omission of required information on an employment application.

23. Misrepresentation of facts to the Board or other District officials in the conduct of District business.

24. Failure to fulfill or maintain requirements for Superintendent certification, unless granted a waiver by the commissioner of education.

25. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.

26. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.

27. Engaging in or assigning to another individual, whether intentionally or knowingly, an instruction, guidance, activities, or programming prohibited by law. [See EMB]

28. Engaging in or assigning to another individual, whether intentionally or knowingly, diversity, equity, and inclusion duties prohibited by law.

~~27.~~29. Any reason constituting good cause for terminating the contract during its term.

Notice of Proposed Nonrenewal

If the Board determines that the Superintendent's contract should be considered for nonrenewal, the Board shall deliver to the Superintendent written notice of the proposed nonrenewal in accordance with law.

Request for Hearing

If the Superintendent desires a hearing after receiving notice of the proposed nonrenewal, the Superintendent shall notify the Board in writing not later than the 15th day after receiving the notice. When the Board receives a timely request for a hearing on proposed nonrenewal, the hearing shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay. The Superintendent shall be given notice of the hearing date as soon as it is set.

Hearing Procedure

Unless the Superintendent requests that the hearing be open, the hearing shall be conducted in closed meeting with only the members of the Board, the Superintendent, their chosen representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until called to present evidence. The Superintendent and the Board may each be represented by a person designated in writing to act for them. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.

2. The hearing shall begin with the Board's presentation, supported by such proof as it desires to offer.

3. The Superintendent may cross-examine any witnesses for the Board.

4. The Superintendent may then present such testimonial or documentary proofs, as desired, to offer in rebuttal or in general support of the contention that the contract be renewed.

5. The Board may cross-examine any witnesses for the Superintendent and offer rebuttal to the testimony of the Superintendent's witnesses.

6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

Board Decision

The Board may consider only such evidence as is presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the Superintendent's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the Superintendent by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

No Hearing

If the Superintendent fails to request a hearing, the Board shall take the appropriate action and notify the Superintendent in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

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

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

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

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Fraud and Financial Impropriety

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

Definition

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

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

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

Financial Controls and Oversight

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

Fraud Prevention

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

Reports

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

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with

law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

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

Fraud Investigations

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

Response

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

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

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

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

Federal Awards Disclosure

In connection with federal awards, the District shall promptly disclose in writing whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in federal law, including the Civil False Claims Act. This provision applies to any activities or subawards of a federal award. [See CBB]

Analysis of Fraud

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

Personnel Duties

The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

Posting Vacancies

The Superintendent ~~or designee~~ shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.

Applications

All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.

[For information related to the evaluation of criminal history records, see DBAA.]

Relationship To District Administrators

An applicant for employment who is related to a District administrator within the second degree by blood or marriage, as defined in this policy, shall disclose the nature of the relationship during the application process. The District shall employ such an applicant only with Board approval.

Definition

For purposes of this policy, relatives within the second degree by blood or marriage shall be defined as: spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, brother-in-law, or sister-in-law.

Employment of Contractual Personnel

The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel in positions other than teacher.

The Board delegates to the Superintendent final authority to employ contractual personnel to serve on a teacher contract. The Board retains final authority for employment of all other contractual personnel.

[See DCA, DCB, DCC, and DCE as appropriate]

Employment of Noncontractual Personnel

Note: For employment of a bus driver related to a Board member or the Superintendent, see DBE(LEGAL).

The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]

Employment Assistance Prohibited

No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and ~~DH(EXHIBIT~~DHA(LEGAL) for the Educators' Code of Ethics.]

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See ~~DH(EXHIBIT~~DHA(LEGAL)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD, DCE, and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action [see the CKE series];
2. A District employee who holds a handgun license in accordance with state law stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent.

In accordance with ethical standards applicable to all District employees [see ~~DH(EXHIBIT~~DHA(LEGAL)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Prohibited Classroom Instruction or Activities

An employee is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB].

Prohibited Diversity, Equity, and Inclusion Duties

An employee shall be subject to disciplinary action, including termination of employment, if the employee, intentionally or knowingly:

- Engages in diversity, equity, and inclusion (DEI) duties.
- Assigns to another individual DEI duties.

[See BT(LEGAL)]

Social Transitioning

An employee shall be prohibited from assisting a District student with social transitioning, as the term is defined in law. This prohibition includes providing any information to a District student about social transitioning or guidelines intended to assist a District student with social transitioning.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

As required by law, the District shall notify the parent of a student with whom a District employee or person acting as a service provider for the District is alleged to have engaged in certain misconduct.

[See FFF for parent notification requirements and DHB and DHC for reporting requirements.]

Tobacco and Nicotine Products and E-Cigarettes

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or

3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any misdemeanor (excluding minor traffic offenses punishably by fine only), and any offense involving moral turpitude. The obligation to notify as set forth in the preceding sentence includes, but is not limited to, offenses and conduct as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;
    - Deliberate violence;
    - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
    - Possession or conspiracy to possess, transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
    - Driving while intoxicated (DWI);

- Acts constituting abuse or neglect under the Texas Family Code; or
- Acts involving public intoxication, unlawful use of controlled substances, or operating a motor vehicle under the influence of alcohol or a controlled substance.

Dress and Grooming An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Principal Qualifications

In addition to the minimal certification requirement, a principal shall have at least:

1. Working knowledge of curriculum and instruction;
2. The ability to evaluate instructional program and teaching effectiveness;
3. The ability to manage budgets and personnel and to coordinate campus functions;
4. The ability to explain policy, procedures, and data;
5. Strong communications, public relations, and interpersonal skills;
6. Prior experience in instructional leadership roles; and
7. Other qualifications deemed necessary by the Board and included in the job description.

School Counselors

In accordance with law, a school counselor shall spend 80 percent of the counselor's work time on duties that are components of a comprehensive school counseling program (CSCP). [See FFEA]

If the Board approves a determination by the administration that due to District or campus staffing needs or other reasons a school counselor is prevented from spending 80 percent of the counselor's work time on duties that are components of a CSCP, the Board shall direct the Superintendent to develop a revised job description for the school counselor that addresses the percentage of the school counselor's time that shall be spent on duties related to the components of a CSCP and the duties the school counselor is expected to perform in the remaining work time. The Superintendent shall report to the Board regarding adjustments to a school counselor's duties under this provision.

Qualifications

In addition to the minimal education and certification requirements established in the job description, a principal shall have at least:

1. Working knowledge of curriculum and instruction;
2. The ability to evaluate instructional program and teaching effectiveness;
3. The ability to manage budgets and personnel and to coordinate campus functions;
4. The ability to implement policy and procedures;
5. The ability to interpret data;
6. Strong communications, public relations, and interpersonal skills;
7. Prior experience in instructional leadership roles; and
8. Other qualifications deemed necessary by the Board and included in the job description.

School Counselors

In accordance with law, a school counselor shall spend 80 percent of the counselor's work time on duties that are components of a comprehensive school counseling program (CSCP). [See FFEA]

If the Board approves a determination by the administration that due to District or campus staffing needs or other reasons a school counselor is prevented from spending 80 percent of the counselor's work time on duties that are components of a CSCP, the Board shall direct the Superintendent to develop a revised job description for the school counselor that addresses the percentage of the school counselor's time that shall be spent on duties related to the components of a CSCP and the duties the school counselor is expected to perform in the remaining work time. The Superintendent shall report to the Board regarding adjustments to a school counselor's duties under this provision.

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the identification procedures and services for the program prior to beginning the screening and identification process.

Parental Consent

The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.

Selection

Identification Criteria

The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.

Assessments

Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.

~~Selection~~Matrix or Threshold System

If the selection process relies on a matrix or threshold system, the use of a scoring value based on race, ethnicity, sex, socioeconomic status, or disability shall be prohibited.

Placement Committee

A placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs and identification of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for

gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment

If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict

When a student identified as gifted by a previous school district enrolls in the District, the placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict

A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs

The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions

The District shall monitor student performance in response to gifted and talented program services. If at any time the placement committee or a parent determines the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals

A parent, student, or educator may appeal any final decision of the placement committee regarding services in the gifted and talented program. Appeals shall be made first to the placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation

The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation

shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members, administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program are spent providing for and enhancing the District's program and that a method accounting for expenditures related to the gifted and talented program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

Note: See policies DHB and DHC for information on other required reports regarding alleged misconduct against a student.

The District shall notify a parent of a student with whom a District employee or a person acting as a service provider for the District is alleged to have engaged in misconduct, informing the parent:

1. As soon as feasible that the alleged misconduct may have occurred;
2. Whether the individual was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and
3. Whether a report was submitted to the Texas Education Agency or State Board for Educator Certification concerning the alleged misconduct.

For purposes of this policy, misconduct is defined as an individual's ~~alleged~~:

1. Alleged abuse or commission of an otherwise unlawful act with a student ~~or involvement in~~;
2. Involvement in or soliciting a romantic relationship, or soliciting or engaging in sexual contact, with a student;
3. Engaging in inappropriate communications with a student; or

~~1.~~4. Failing to maintain appropriate boundaries with a student.

Notice of Suspected Criminal Offense

Except as provided by state law regarding child abuse investigations, the District shall notify a parent not later than one business day after the date an employee first suspects that a criminal offense has been committed against the parent's child.

[See also FFG for reporting requirements related to child abuse and FFH for parental notification requirements regarding prohibited conduct as defined by that policy.]

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Stephanie Hines

RE: Report on gifts to Waco ISD

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Background Information (Gifts >$50,000 for Board Approval):

No gifts valued over $50,000 were reported for the **June 2026** report.

Fiscal Implications (All Gifts):

A total increase of **$96,721.27** in cash, items, and services donated to Waco ISD was recorded **December 2025 through May 2026.**

Administrative Recommendation(s):

Report only.

Date	Name	Cash	Item	Service	Total	Description	Campus
12/18/2025	Allen Samuels Dodge Chrysler Jeep Ram Waco		$ 270.00		$ 270.00	9 hams for staff holiday baskets	Mountainview Elementary
2/7/2026	Baylor University - Carrie Ford		$ 120.00		$ 120.00	Food donation for tax prep program students	University High School
2/19/2026	Baylor University - Lauren Farish		$ 140.00		$ 140.00	Food donation for tax prep program students	University High School
2/24/2026	Baylor University - Lotte Bostick		$ 80.00		$ 80.00	Food donation for tax prep program students	University High School
2/26/2026	Baylor University - Bradley Lail		$ 120.00		$ 120.00	Food donation for tax prep program students	University High School
3/2/2026	Baylor University - Rebecca Files		$ 140.00		$ 140.00	Food donation for tax prep program students	University High School
3/5/2026	Baylor University - Marha Agee		$ 90.00		$ 90.00	Food donation for tax prep program students	University High School
3/15/2026	McLennan County Diaper Collective		$ 125.00		$ 125.00	20 packs of diapers	Waco High School
3/17/2026	Baylor University - David Reid		$ 110.00		$ 110.00	Food donation for tax prep program students	University High School
3/19/2026	Markham B. Dossett	$ 1,500.00			$ 1,500.00	GWAMA - Dossett Scholarship Fund	GWAMA
3/19/2026	Polly White	$ 1,500.00			$ 1,500.00	GWAMA - Dossett Scholarship Fund	GWAMA
3/19/2026	Susan Sleeper Dossett	$ 1,500.00			$ 1,500.00	GWAMA - Dossett Scholarship Fund	GWAMA
3/19/2026	Reeder Dossett	$ 1,500.00			$ 1,500.00	GWAMA - Dossett Scholarship Fund	GWAMA
3/19/2026	Martha Beckham Dossett	$ 1,500.00			$ 1,500.00	GWAMA - Dossett Scholarship Fund	GWAMA
3/19/2026	Baylor University - Kevin Hee		$ 120.00		$ 120.00	Food donation for tax prep program students	University High School
3/24/2026	Baylor University - Rebecca Files		$ 110.00		$ 110.00	Food donation for tax prep program students	University High School
3/25/2026	Whataburger		$ 8,235.00		$ 8,235.00	1500 Whataburger free kids meal vouchers	Communications Department
3/26/2026	Baylor University - Bradley Lail		$ 125.00		$ 125.00	Food donation for tax prep program students	University High School
3/31/2026	7 Brew Drive-thru Coffee		$ 300.00		$ 300.00	50 iced coffee drinks & 50 energy drinks for staff	Parkdale Elementary
3/31/2026	Baylor University - Cari Edison		$ 140.00		$ 140.00	Food donation for tax prep program students	University High School
4/2/2026	Brenda Quintero - Lara	$ 55.00			$ 55.00	General donation for student needs	Brook Avenue Elementary
4/2/2026	Panera Bread		$ 10,073.67		$ 10,073.67	Food donation through the Panera Bread's Day-End Dough-Nation program for 2025	Brook Avenue Elementary
4/2/2026	Mazanec Construction	$ 542.80			$ 542.80	Donation through Education Foundation designated for Mountainview Elementary staff lunch	Education Foundation
4/2/2026	Baylor University - Gia Chevis		$ 90.00		$ 90.00	Food donation for tax prep program students	University High School
4/7/2026	Erica Goodman	$ 35.00			$ 35.00	General donation for student needs	Brook Avenue Elementary
4/7/2026	Baylor University - Daniel Shallcross		$ 110.00		$ 110.00	Food donation for tax prep program students	University High School
4/9/2026	First Central Credit Union		$ 360.00		$ 360.00	Marcos Pizza food donation	Tennyson Middle School
4/9/2026	Baylor University - Lauren Farish		$ 130.00		$ 130.00	Food donation for tax prep program students	University High School
4/10/2026	Schultz Industries - Sturdisteel	$ 2,500.00			$ 2,500.00	Future Educators Academy - TAFE expenses	Future Educators Academy
4/10/2026	Taylor Bledsoe	$ 2,500.00			$ 2,500.00	Future Educators Academy - TAFE expenses	Future Educators Academy
4/19/2026	McLennan County Diaper Collective		$ 125.00		$ 125.00	20 packs of diapers	Waco High School
4/20/2026	Tarpley Music		$ 729.00		$ 729.00	Alvarez CF6 Guitar	Waco High School
4/29/2026	Revelation United Methodist Church	$ 100.00			$ 100.00	Field trip donation	Brook Avenue Elementary
4/29/2026	St. Paul's Episcopal Church		$ 1,650.00		$ 1,650.00	300 bags of food	West Avenue Elementary
5/1/2026	Dream Couture		$ 8,650.00		$ 8,650.00	Prom dresses, corsages, hair/make-up, shoes for 20 girls	University High School
5/1/2026	Lowe's of Waco	$ 800.00	$ 700.00		$ 1,500.00	Donation for Comic Fest, Ninja Woodfire pizza maker, 2 Igloo coolers	University High School
5/1/2026	Hawkins Necessities		$ 1,000.00		$ 100.00	2 pallets of books and puzzles for Comic Fest	University High School
5/1/2026	Caritas of Waco		$ 5,000.00		$ 5,000.00	11 boxes of new Juicy Couture track suits @ $160 each	University High School
5/1/2026	Sagrados Cocina		$ 770.00		$ 770.00	25 meal donations for prom girls and staff @ $35 each	University High School
5/2/2026	Whatbrands LLC (Whataburger)	$ 1,000.00			$ 1,000.00	WhataTeacher Grant through the Education Foundation - designated for Rebecca DeLeon's classroom @ Cesar Chavez Middle School	Education Foundation
5/4/2026	Shepherd's Heart Food Pantry		$ 1,170.00		$ 1,170.00	Food donation for the month of April	University High School
5/4/2026	Bush's Chicken		$ 500.00		$ 500.00	Food donation for 9 volunteer students - every Tuesday for the month of April	University High School
5/4/2026	Family of Faith Church		$ 900.00		$ 900.00	Clothing, food, miscellaneous item donation for the month of April	University High School
5/4/2026	University High School PTA		$ 50.00		$ 50.00	Food and drink donation for April Parent Engagement Meeting	University High School
5/4/2026	VOICE		$ 150.00		$ 150.00	Food donation for April Parent Engagement Meeting	University High School
5/4/2026	Meadowbrook Church		$ 3,500.00		$ 3,500.00	Furniture donation	University High School
5/4/2026	Meadowbrook Church		$ 2,250.00		$ 2,250.00	Weekly take home meals for students for the month of April	University High School
5/4/2026	University High School PTA		$ 25.00		$ 25.00	Drink donation for January Parent Engagement Meeting	University High School
5/4/2026	VOICE		$ 150.00		$ 150.00	Food donation for January Parent Engagement Meeting	University High School
5/4/2026	Meadowbrook Church		$ 2,000.00		$ 2,000.00	Weekly take home meals for students for the month of January	University High School
5/4/2026	Bush's Chicken		$ 500.00		$ 500.00	Food donation for 9 volunteer students - every Tuesday for the month of January	University High School
5/4/2026	Family of Faith Church		$ 900.00		$ 900.00	Clothing, food, miscellaneous item donation for the month of April	University High School
5/4/2026	Shepherd's Heart Food Pantry		$ 1,250.00		$ 1,250.00	Food donation for the month of February	University High School
5/4/2026	University High School PTA		$ 25.00		$ 25.00	Drink donation for February Parent Engagement Meeting	University High School
5/4/2026	VOICE		$ 150.00		$ 150.00	Food donation for February Parent Engagement Meeting	University High School
5/4/2026	Meadowbrook Church		$ 2,000.00		$ 200.00	Weekly take home meals for students for the month of February	University High School
5/4/2026	Bush's Chicken		$ 500.00		$ 500.00	Food donation for 9 volunteer students - every Tuesday for the month of February	University High School
5/4/2026	Family of Faith Church		$ 900.00		$ 900.00	Clothing, food, miscellaneous item donation for the month of February	University High School
5/4/2026	Meadowbrook Church		$ 250.00		$ 250.00	Food and drink donation for Black History program reception in February	University High School
5/4/2026	Cha Community		$ 650.00		$ 650.00	50 meal boxes for Comic Fest	University High School
5/4/2026	Shepherd's Heart Food Pantry		$ 1,100.00		$ 1,100.00	Food donation for the month of March	University High School
5/4/2026	University High School PTA		$ 25.00		$ 25.00	Drink donation for March Parent Engagement Meeting	University High School
5/4/2026	Bush's Chicken		$ 50.00		$ 50.00	Gift card donation for Comic Fest	University High School
5/4/2026	VOICE		$ 150.00		$ 150.00	Food donation for March Parent Engagement Meeting	University High School
5/4/2026	HLN - Hispanic Leaders Network		$ 75.00		$ 75.00	Dessert donation for March Parent Engagement Meeting	University High School
5/4/2026	Meadowbrook Church		$ 2,000.00		$ 2,000.00	Weekly take home meals for students for the month of March	University High School
5/4/2026	Meadowbrook Church		$ 3,500.00		$ 3,500.00	New furniture donation for the month of March	University High School
5/4/2026	Caritas of Waco		$ 2,500.00		$ 2,500.00	6 pallets of food for pantry for the month of March	University High School
5/4/2026	Hawkins Necessities		$ 1,000.00		$ 1,000.00	Chips and Snacks donation for campus blood drive	University High School
5/4/2026	Bush's Chicken		$ 500.00		$ 500.00	Food donation for 9 volunteer students - every Tuesday for the month of March	University High School

5/4/2026	Family of Faith Church		$ 900.00		$ 900.00	Clothing, food, miscellaneous item donation for the month of March	University High School
5/4/2026	Schultz Industries - Sturdisteel	$ 2,000.00			$ 2,000.00	Donation for History Fair national competition	Lake Air Montessori
5/5/2026	Champion's Salon and Barber		$ 660.00		$ 660.00	33 haircut vouchers for teacher appreciation @ $20ea	University High School
5/5/2026	Raising Cane's Chicken Fingers		$ 80.00		$ 80.00	Tea and lemonade donation for staff	Parkdale Elementary
5/6/2026	HTeaO		$ 27.80		$ 27.80	4-1 gallon teas	Crestview Elementary
5/6/2026	H-E-B		$ 75.96		$ 75.96	2 large sandwich trays	Crestview Elementary
5/6/2026	Keep Waco Beautiful	$ 500.00			$ 500.00	Donation for garden enrichment and beautification	Lake Air Montessori
5/6/2026	Renew Church		$ 100.00		$ 100.00	Cookies and juice	Parkdale Elementary
5/7/2026	King's Wings		$ 945.20		$ 945.20	Food donation	Lake Air Montessori
5/8/2026	Shipley Donuts		$ 140.00		$ 140.00	8 dozen glazed donuts	Parkdale Elementary
5/8/2026	Logan's Roadhouse		$ 25.00		$ 25.00	Gift card donation for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Health Camp		$ 40.00		$ 40.00	4 - $10 gift card donations for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Whizbang's		$ 40.00		$ 40.00	5 - $10 gift card donations for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Café Cappucino		$ 125.00		$ 125.00	5 - $25 gift card donations for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Tia Juanita		$ 25.00		$ 25.00	Gift card donation for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Dr Pepper Museum		$ 75.00		$ 75.00	Commemorative book and 4 museum tickets	Cedar Ridge Elementary
5/8/2026	Spice Village		$ 100.00		$ 100.00	4 - $25 gift card donations for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Waco Axe Co.		$ 54.00		$ 54.00	1 hour of throwing for 2 people	Cedar Ridge Elementary
5/8/2026	Putters		$ 25.00		$ 25.00	Gift card donation for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Rosa's Café		$ 30.00		$ 30.00	3 - $10 gift card donations for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Kitok's Restaurant		$ 60.00		$ 60.00	2 - $30 gift card donations for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Oh My Juice!		$ 200.00		$ 200.00	20 - $10 gift card donations for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	The Burrito Stand		$ 40.00		$ 40.00	4 - $10 gift card donations for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Sagrado's Cocina		$ 150.00		$ 150.00	3 - $50 gift card donations for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Texas Roadhouse		$ 630.00		$ 630.00	2 - $15 gift card donation & 60 free appetizer vouchers for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Raising Cane's Chicken Fingers		$ 60.00		$ 60.00	2 gift baskets	Cedar Ridge Elementary
5/8/2026	Uncle Dan's BBQ		$ 330.00		$ 330.00	Food donation for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	HTeaO		$ 50.00		$ 50.00	10 gallons of tea	Cedar Ridge Elementary
5/8/2026	Laird Cakes		$ 240.00		$ 240.00	60 decorated cookies	Cedar Ridge Elementary
5/8/2026	Dominos Pizza		$ 160.00		$ 160.00	20 large pizzas	Cedar Ridge Elementary
5/8/2026	Sweetness Desserts		$ 92.00		$ 92.00	4 dozen mini cupcakes	Cedar Ridge Elementary
5/8/2026	Columbus Avenue Baptist Church		$ 200.00		$ 200.00	Food donation for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	St. Alban's Episcopal Church		$ 200.00		$ 200.00	Food donation for teacher appreciation week	Cedar Ridge Elementary
5/8/2026	Helados La Azteca		$ 240.00		$ 240.00	60 popsicles	Cedar Ridge Elementary
5/8/2026	Bahama Buck's		$ 300.00		$ 300.00	60 free small dessert vouchers	Cedar Ridge Elementary
5/8/2026	Bubba's 33		$ 1,000.00		$ 1,000.00	100 free appetizer vouchers	Cedar Ridge Elementary
5/8/2026	Sonic		$ 180.00		$ 180.00	60 free drink vouchers	Cedar Ridge Elementary
5/8/2026	Chick-fil-A		$ 360.00		$ 360.00	60 "free item" vouchers	Cedar Ridge Elementary
5/13/2026	Lowe's of Waco		$ 75.00		$ 75.00	25 moving boxes	Future Educators Academy
5/13/2026	Sonic Foundation		$ 1,500.00		$ 1,500.00	4 Epson printers	Brook Avenue Elementary
5/14/2026	Sonic Foundation		$ 800.00		$ 800.00	Color printer & Ninja slushie machine	Brook Avenue Elementary
5/15/2026	Antojitos Locos		$ 600.00		$ 600.00	Dessert cart donation of 140 servings	Lake Air Montessori
5/15/2026	Rosa's Café		$ 120.00		$ 120.00	Chips and salsa	Lake Air Montessori
5/15/2026	DJ Juni			$ 500.00	$ 500.00	Provided DJ services for Cinco de Mayo celebration	Lake Air Montessori
5/15/2026	Blanca Rivera		$ 40.00		$ 40.00	Aguas Frescas donation	Lake Air Montessori
5/15/2026	Angel & Sheila Benitez		$ 20.00		$ 20.00	Candy and chip donation	Lake Air Montessori
5/15/2026	Hector Sabido		$ 250.00		$ 250.00	Popsicle cart with 200 popsicles	Lake Air Montessori
5/15/2026	Gaby Ruiz		$ 100.00		$ 100.00	Pastries, waters and candy donation	Lake Air Montessori
5/15/2026	Maria Torres		$ 30.00		$ 30.00	Supplies to grill - charcoal and propane	Lake Air Montessori
5/15/2026	Maria Gonzalez		$ 23.00		$ 23.00	Fruit salad	Lake Air Montessori
5/15/2026	Brisa Ramirez		$ 10.97		$ 10.97	Large bag of candy & 24 pack of bottled water	Lake Air Montessori
5/15/2026	Alexis Fernandez		$ 13.71		$ 13.71	1 can of cheese sauce & 24 pack of bottled water	Lake Air Montessori
5/15/2026	Diana Vega		$ 15.96		$ 15.96	2 large bags of candy	Lake Air Montessori
5/15/2026	Hayley Ballesteros		$ 7.98		$ 7.98	1 large bag of candy	Lake Air Montessori
5/15/2026	Karina Martinez		$ 46.22		$ 46.22	3 cans of cheese sauce & 1 box of chips	Lake Air Montessori
5/15/2026	Yessica Dominguez		$ 27.00		$ 27.00	Hot dogs and buns	Lake Air Montessori
5/20/2026	Lowe's of Waco		$ 120.00		$ 120.00	6 ferns for graduation	Teaching and Learning Dept
5/21/2026	Shannon Bullock	$ 546.00			$ 546.00	Donation to the WHS Freshman class	Waco High School
5/21/2026	Waco High School PTSA		$ 250.00		$ 250.00	Gift card donation	Waco High School
5/29/2026	Mazanec Construction	$ 500.00			$ 500.00	Donation for TAFE	Future Educators Academy
	Totals	$ 18,578.80	$ 80,342.47	$ 500.00	$ 96,721.27		

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: **Sherry Smith**

RE: Amendments to the 2025-2026 Budget

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Background Information:

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

Summary:

Amendment #042: Business & Financial Services Department (Fund 199)

This amendment will reallocate funds from sale of property, Indian Spring Middle School, to fees in order to cover the settlement charges and lease agreement fees associated with the sale of the property. This was initially charged to the Business & Finance Department. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	807	Sale of Property
Use of Funds	$	807	Fees

Fund Balance Effect **None**

Amendment #043: Early Education Department (Fund 199)

This amendment will reallocate funds from other general supplies and materials to other miscellaneous contracted services to cover the cost of onsite skill development for Prekindergarten Academy in August. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	3,000	Other General Supplies & Materials
Use of Funds	$	3,000	Other Miscellaneous Contracted Services

Fund Balance Effect **None**

Amendment #044: Districtwide (Fund 199)

This amendment will place budget for the capital expenditures and proceeds from newly acquired material software subscriptions, as required under Governmental Accounting Standards Board Statement #96, subscription-based instructional technology arrangements. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	6,387	Other Resources, Data Processing Services
Use of Funds	$	2,000	Data Processing Services, Debt Service

Fund Balance Effect **None**

Amendment #045: Hillcrest Professional Development School (Fund 199)

This amendment will reallocate funds from employee travel to the account codes to cover the cost of travel for a non-district employee. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	1,500	Travel Costs - Employee
Use of Funds	$	1,500	Travel Costs – Non-Employee

Fund Balance Effect **None**

Amendment #046: Transportation Department (Fund 199)

This amendment will reallocate funds from insurance proceeds to contracted vehicle maintenance for the repair of a school bus damaged in an accident. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	2,769	Insurance Recovery
Use of Funds	$	2,769	Contracted Vehicle Maintenance

Fund Balance Effect **None**

Amendment #047: Maintenance Department (Fund 199)

This amendment will reallocate funds from insurance proceeds to contracted vehicle maintenance for the replacement of a 2018 Chevrolet Silverado totaled in an accident. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	6,967	Insurance Recovery
Use of Funds	$	6,967	Contracted Vehicle Maintenance

Fund Balance Effect **None**

Amendment #048: Police Department (Fund 199)

This amendment will reallocate funds from insurance proceeds to return funds advanced from wages-part-time support staff for the replacement of a police vehicle totaled in an accident. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	21,423	Insurance Recovery
Use of Funds	$	21,423	Wages – Part-time Support Staff

Fund Balance Effect **None**

Amendment #049: Hillcrest Professional Development School (Fund 199)

This amendment will reallocate funds instructional supplies and materials to cover the cost for the principal attending a leadership program. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	5,500	Other General Supplies & Materials
Use of Funds	$	5,500	Travel Costs – Employee

Fund Balance Effect **None**

Amendment #050: Advanced Academics Department (Fund 199)

This amendment will reallocate funds from consulting services and general supplies and materials to cover the cost of extra duty for professional development during the summer. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	8,000	Other General Supplies & Materials
Source of Funds	$	3,000	Consulting Services
Use of Funds	$	11,000	Extra Duty Pay Teachers/Other Professionals

Fund Balance Effect **None**

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

Fiscal Implications:

The amendments have no impact on fund balances.

Administrative Recommendation(s):

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

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM **AMENDMENT # 042**

CAMPUS OR DEPARTMENT: Business & Financial Services Department **DATE:** 6/18/2026

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	00	7912	00	000	00	000	Sale of Real & Personal Property	764,069	31,460,915.00	(807)	763,262
199	41	6497	40	750	99	000	Fees	17,000	6,973.11	807	17,807
										0	

REASON FOR REQUEST: Assigning budget from the sale of property, Indian Spring Middle School, in order to pay the settlement charges and lease agreement fee required as a part of the sale of the property.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 043

CAMPUS OR DEPARTMENT: Early Childhood Department

DATE: 5/21/2026

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	11	6399	27	999	36	000	Other General Supplies & Materials	9,700	4,120.75	(3,000)	6,700
199	13	6299	27	999	36	000	Other Misc. Contracted Services	700	700.00	3,000	3,700
										0	

REASON FOR REQUEST: Frog Street will provide onsite skill development curriculum at PK Academy on August 5, 2026.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM **AMENDMENT # 044**

CAMPUS OR DEPARTMENT: District-wide **DATE:** 6/18/2026

								A	B	C	D
BUDGET CODE								**CURRENT APPROPRIATION**	**CURRENT ACCOUNT BALANCE**	**REQUESTED INCREASE (DECREASE)**	**AMENDED APPROPRIATION**
FUND	**FNC**	**OBJ**	**SO**	**ORG**	**PRG**	**LOPT**	**DESCRIPTION**				
199	00	7913	00	000	00	000	Proceeds from Capital Lease	(572,250)	(1.36)	(449,639)	(1,021,889)
199	41	6658	11	750	99	000	Right to Use - SBITA	-	0.00	449,639	449,639
199	71	6514	99	999	99	000	Principal - SBITA	222,003	36,405.61	87,920	309,923
199	41	6396	11	750	99	000	Software Licenses	148,447	87,920.00	(87,920)	60,527
										0	

REASON FOR REQUEST: Governmental Accounting Standards Board (GASB) Statement #96, Subscription based IT Arrangements (SBITA) is effective for fiscal years beginning after September 1, 2022. The Statement establishes a single model based on the foundational principle that long term software subscriptions are financings of the right to use an underlying asset. This amendment is required to place budget for the capital expenditures and proceeds from identified material software subscriptions in place this fiscal year.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 045

CAMPUS OR DEPARTMENT: Hillcrest Professional Development **DATE:** 5/20/2026

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	23	6399	00	109	99	000	Other General Supplies & Materials	6,592	3,351.22	(398)	6,194
199	13	6239	00	109	99	000	Education Service Center Services	-	0.00	0	0
										(398)	

REASON FOR REQUEST: We are needing to cover the cost of two Instructional Specialists that will be attending professional development classes.
The dates for the classes will be on 9/24/26, 10/08/26, 10/22/26, 11/12/26, & 12/10/26

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM **AMENDMENT # 046**

CAMPUS OR DEPARTMENT: Insurance Recovery - Transportation Department **DATE:** 6/18/2026

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	00	5745	00	000	00	000	Insurance Recovery	70,200	2,780.56	(2,769)	67,431
199	34	6245	66	999	99	000	Contracted Vehicle Maintenance	75,293	65,389.00	2,769	78,062
										0	

REASON FOR REQUEST: Amending insurance recovery revenue to match receipt from claim related damage to a district bus on 4/18/26.
Also adjusting expenditures to match the increase in revenue and to allow the department to pay for repairs.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM **AMENDMENT # 047**

CAMPUS OR DEPARTMENT: Insurance Recovery - Maintenance Department **DATE:** 6/18/2026

								A	B	C	D
BUDGET CODE								**CURRENT APPROPRIATION**	**CURRENT ACCOUNT BALANCE**	**REQUESTED INCREASE (DECREASE)**	**AMENDED APPROPRIATION**
FUND	**FNC**	**OBJ**	**SO**	**ORG**	**PRG**	**LOPT**	**DESCRIPTION**				
199	00	5745	00	000	00	000	Insurance Recovery	70,200	2,780.56	(6,967)	63,233
199	34	6245	66	999	99	000	Contracted Vehicle Maintenance	75,293	65,389.00	6,967	82,260
										0	

REASON FOR REQUEST: Amending insurance recovery revenue to match receipt from claim related damage to a district Chevrolet Silverado on 4/18/26.
Also adjusting expenditures to match the increase in revenue and to allow the department to pay for repairs.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM **AMENDMENT # 048**

CAMPUS OR DEPARTMENT: Insurance Recovery - Police Department **DATE:** 6/18/2026

								A	B	C	D
BUDGET CODE								**CURRENT APPROPRIATION**	**CURRENT ACCOUNT BALANCE**	**REQUESTED INCREASE (DECREASE)**	**AMENDED APPROPRIATION**
FUND	**FNC**	**OBJ**	**SO**	**ORG**	**PRG**	**LOPT**	**DESCRIPTION**				
199	00	5745	00	000	00	000	Insurance Recovery	70,200	21,434.56	(21,423)	48,777
199	52	6125	68	999	99	000	Wages=Part-time Support Staff	40,713	(1,296.57)	21,423	62,136
										0	

REASON FOR REQUEST: Amending insurance recovery revenue to match receipt from claim related damage to a district police vehicle on 12/10/25.
Also adjusting expenditures to return the funds advanced in oder to allow the department to purchase a replacement vehicle..

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT #049

CAMPUS OR DEPARTMENT: Hillcrest Professional Development School

DATE: 5/28/2026

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	11	6399	00	109	11	000	Other General Supplies & Materials	28,513	15,321.20	(5,500)	23,013
199	23	6411	00	109	99	000	Travel Costs - Employee Only	2,800	333.00	5,500	8,300
										0	

REASON FOR REQUEST: We are needing to cover the cost for the invoice of the Holdsworth Campus Leadership Program for Ms. Haley Dean In Austin Tx, on July 7-10

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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

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WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT #

CAMPUS OR DEPARTMENT: Advanced Academics

DATE: 5/29/2026

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	11	6291	21	999	99	999	Consulting Services	11,600	11,600.00	(3,000)	8,600
199	11	6399	21	999	21	211	Other General Supples & Materials	20,764	17,844.05	(8,000)	12,764
199	13	6118	21	999	99	000	Extra-duty Pay/Other Professionals	15,875	11,375.00	11,000	26,875
										0	

REASON FOR REQUEST: Transferring funds from accounts with balances, that are not needed for the intended purpose, in order to have funds to compensate teachers participating in summer curriculum writing in July 2026 and fees for an instructor from Region 12 to provide professional development and instruction for teachers ahead of the upcoming school year.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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

Revised 01/2021

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person: S. Smith/A. Villanueva**

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

Request for Proposal, RFP # 22-1229, Maintenance Supplies, Equipment, and Services have been received for the purpose of creating a list of vendors which can provide supplies, equipment, and services for the Facilities and Maintenance and Custodial Departments. We have previously received one hundred ninety-five (195) responses for this bid. We received two (2) additional vendors this past month and the list has been 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 Purchasing 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.

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for June 2026

Responding Supplier	City	State
Central Texas Upfitting, LLC	Burton	TX
Dyche Industrial Services, LLC	Keene	TX
Previously Awarded Vendors	**City**	**State**
1st FP Waco, LLC	Lorena	TX
A&H Refrigeration Company, Inc.	Waco	TX
A-1 Banner & Sign Company, Inc.	Waco	TX
A-1 Vacuum Center, Inc.	Conroe	TX
AAA Elevator Inspections	Austin	TX
Access Lift & Service Company, Inc.	Peaster	TX
ACE Fence & Supply (Ace Commercial Fence, Inc.)	Robinson	TX
Acme Architectural Hardware	College Station	TX
AHP Media Technology	Hewitt	TX
Air Flow Filter Service, Ltd.	Waco	TX
Alamo Iron Works (Triple-S Steel Supply, LLC)	San Antonio	TX
ALERT Radar (DJ Hopkins, Inc.)	Mountain Home	AR
Allen Glass Company	Hewitt	TX
Alliance Electrical Group LLC	Woodway	TX
American Consulting	Austin	TX
ARC Abatement 1, Ltd.	Waco	TX
Arrow Magnolia International, Inc.	Dallas	TX
AutoCzech/Soljonhof	West	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
Best in Class School Services (Pala Supply Company, Inc.)	Lubbock	TX
Bill's Discount Tire Service (Maria G. Castanon-Vega)	Waco	TX
Bleacher Service Company (Gilbert D. Trevino)	Moody	TX
Bowen Electric	Waco	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
Carquest of Hewitt (Pavelka Truck and Auto Parts, Inc	Hewitt	TX
CCP Industries, Inc. (The Tranzonic Companies)	Richmond Heights	OH
Centex Carpet & Interiors	Waco	TX
Central Texas Mobile Storage	Waco	TX
Central Wood Recycling	Waco	TX
Century HVAC Distributing	Dallas	TX
CF Supply, Inc.	Waco	TX
CheckSammy, Inc.	Plano	TX

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for June 2026

Previously Awarded Vendors	City	State
Chevrolet of West (K&G Motors of West, Inc.)	West	Tx
Child's Play	Dallas	TX
City Tire and Battery	Waco	TX
Clarks Small Engine Repair	Lacy Lakeview	TX
Cleaning Robotics, LLC	Luling	LA
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
CS TECH SVC LLC	Azle	TX
Dealers Electrical Supply	Waco	TX
DenaliCS (Denali Construction Services, LP)	Carrollton	TX
Dent Enterprises LLC	Desoto	TX
DH Pace Company, Inc.	Coppell	TX
Diesel Power Supply Company	Waco	TX
Duncan's Commercial Lock	Wichita Falls	TX
E&M Equipment Services	Palmer	TX
Elliott Electric Supply	**Waco**	**TX**
Emerge Services, LLC	Conroe	TX
Encore Fence	Temple	TX
Environmental Concerns, Inc.	Waco	TX
Epic Solar Control, LLC	McKinney	TX
Equipment Depot	Waco	TX
Fairway Supply	Irving	TX
Fastsigns Waco (Red Bird Digital Media LLC)	Waco	TX
Filterbuy Incorporated	Talladega	AL
Firetrol Protection Systems (Heather Foster)	Austin	TX
Fissco Supply (Frigelar North America DBA Fissco Supply)	Dallas	TX
Fitzgerald Lawnscaper Ltd.	Woodway	TX
Flip Lok, LLC	Houston	TX
Flow Plumbing Services, LLC	Waco	TX
Fort Worth Window Cleaning, Inc.	Haltom City	TX
Fred's Power Wash (Washer Power)	Waco	TX
Gene Ives Acoustic & Tile Company	Waco	TX
Global Industrial (Global Equipment Company, Inc.)	Buford	GA
Grones Environmental Services	Waco	TX
Ground Penetrating Radar Systems	Maumee	OH
H & H Sign Co., Inc	Waco	TX
H. B. Blake Company	Hewitt	TX
Hardin & Associates Holdings, LLC	Carrollton	TX
HCS Inc. (MB Home Construction)	Waco	TX
Hensel Electric	Waco	TX
Herc Rentals, Inc.	Austin	TX

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for June 2026

Previously Awarded Vendors	City	State
Hill Country Paints (Wendy Hui Anderson)	Waco	TX
Holt Cat (Holt Texas Ltd)	Waco	TX
Honey's Roofing, LLC	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
Jackson Sign & Lighting	Waco	TX
Jasper Engines & Transmissions (Jasper Engine Exchange Inc.)	Jasper	IN
JGA Roofing	Waco	TX
JLM Contracting, LLC	Waco	TX
Johnathan Zurcher	Temple	TX
Justin Seed Company	Justin	TX
Kinco Inc., Overhead Door Co of Waco	Waco	TX
Kitchen Guard of Central Texas (CTX Kitchen Services, LLC)	Hewitt	TX
Kykora Family Ford, Inc.	West	TX
Lady Liberty Flag and Flagpole (Convict Hill Floor Covering & Design, Inc.)	Austin	TX
Landscape Supply (Waco Landscape Supply, LP)	Waco	TX
LD Tebben Co/Pax Services Group	Waco	TX
Lea Park & Play, Inc.	Richardson	TX
Leatham Family, LLC dba SymbolArts, LLC	Ogden	UT
Lennox Industries (Lennox Industries, Inc.)	Richardson	TX
Liftcrete Solutions (Green Foam Solutions, Inc.)	Waco	TX
Lonestar Chiller Systems (Lonestar Chiller Systems LLC)	Crawford	TX
Lonestar Truck Group Waco (Lonestar Freighliner Group, LLC	Waco	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
McCoy's Building Supply (McCoy Corporation)	Waco	TX
Mid-Tex Frame & Axle, Inc.	Lorena	TX
MJM Commercial HVAC, LLC (Motl)	Robinson	TX
Morrison Supply Company (Reece USA)	Waco	TX
National Wholesale Supply Company	Woodway	TX
NEI Datacom (Nemmer Electric, Inc.)	Waco	TX
Newman Technology Solutions	Temple	TX
Otuvy, Inc	Provo	UT
P&E Mechanical Contractors, LLC	Waco	TX
Parking Garage Solutions, LLC deb PGW Solutions	Houston	TX
Patriot Supply Company	Brady	TX
Perry Office Plus (Perry Office Products)	Temple	TX
Pioneer Steel and Pipe Co., Inc.	Waco	TX
Pioneer Vacuum Services, LLC	Waco	TX

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for June 2026

Previously Awarded Vendors	City	State
Pye Barker Fire	Waco	TX
Pyles HVAC	Kansas City	MO
R&R Tactical, LLC	Hewitt	TX
Ranger Security Solutions (Ranger Elite Management, LLC)	Temple	TX
RBO Technologies, LLC	Waco	TX
Regian Tool and Equipment	Waco	TX
Resco (E & O investments, LLC)	Hewitt	TX
Richards Equipment Company	Waco	TX
Rob Pelletier Construction, Inc.	Dayton	TX
RTS Tactical (Ambitec Inc.)	Miami Beach	FL
Ryberg Plumbing LLC	Waco	TX
School Bus Safety Company	Hudson	OH
Sentinel Air Conditioning and Heating	Spring	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
Smith Supply Co. LLC	Temple	TX
Smoot-Anderson Company, Inc.	Waco	TX
Solar Supply	Waco	TX
Southern Clean Pressure Washing (Michael Jackson)	Ferris	TX
Southern Tire Mart	Dallas	TX
Southwest Maintenance, LTD	Waco	TX
Starks Janitorial Services	Mesquite	TX
Steeles Garage Door Solutions	Belton	TX
Sunrise Environmental LLC (Jessica L Marquesen)	Bridgeport	TX
SWS Concrete Contractor (Scott W Schreiber)	Waco	TX
T & W Tire	Waco	TX
T&G Chemical and Supply	Waco	TX
T.E.A.M. Solutions, Inc. (Texas Energy & Automation Management Solutions, Inc.)	Waco	TX
Tanglewood ATX, LLC	Leander	TX
Tater's Cycles (Tater's Cycles, LLC)	Waco	TX
TDCJ Ellis Bus Repair (Texas Department of Criminal Justice)	Huntsville	TX
Temperature Control Systems, Inc.	Dallas	TX
Texas Alternator Starter Service (McAdamsGroup, LLC)	Austin	TX
Texas Security Equipment, Inc.	Waco	TX
The Reynolds Company (D. Reynolds Co., LLC)	Fort Worth	TX
The Roof Co. Waco, LLC	Waco	TX
TJ's Professional Painting and Construction, LLC	Red Oak	TX
Tradesman Service	Waco	TX
Trane	Fort Worth	TX
TRS Spray Equipment (Ted's Repair Services	Austin	TX
Truck Alignment Frame, LLC	Elm Mott	TX
Tuff Shed	Waco	TX
Tyggr Roofing & Construction Company	Morgan	TX

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for June 2026

Previously Awarded Vendors	City	State
UniFirst Corporation	Hewitt	TX
Unifirst First Aid & Safety	Earth City	MO
United Ag & Turf	Waco	TX
United Refrigeration, Inc.	Waco	TX
Versalift Southwest	Waco	TX
Virkim, Inc.	Hewitt	TX
Visual Techniques	Longview	TX
Waco Fencing & Stuff	Waco	TX
Waco Hydro Wash	Waco	TX
Waco Lock and Key, LLC	Waco	TX
Wales Crane & Rigging Services, Inc.	Waco	TX
Washer Power, LLC	Waco	TX
WESCO Chemicals, Inc.	Waxahachie	TX
Winston Watercooler of Waco LTD	Waco	TX
Wizard Wash & Paint	Waco	TX
Woodard Builders Supply Company	Fort Worth	TX
Zed Security, LLC	Hickory Creek	TX

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: **S. Smith**

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

==========

Background Information:

Request for Proposal, RFP # 21-1182, Educational Consulting, Professional Development, and Other Student-Based Contracted Services have been received for the purpose of creating a list of vendors which can service the District. We received one (1) response during the past month. The recommended vendor will be added to our previously approved list of four hundred seventy-six (476) 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.

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 one (1) vendor for the Educational Consulting, Professional Development, and Other Student-Based Contracted Services bid, as presented.

RG Barrera Management (RG Barrera Management, LLC)

Company Name:	RG Barrera Management
Street Address:	37023 Stallion Run
City, State, Zip:	Magnolia, TX 77355
Contact Name:	Gloria S. Barrera
Contact Phone Number:	713-805-7499
Contact Email Address:	gsbarrera@me.com
Category of Service Provided:	Other applicable service
Target Audience:	Operations
Describe all services offered:	Facility planning, operational efficiency, real property management, construction strategy & design planning.
Pricing:	Hourly rate of $225-after discount. Expenses are to be approved in advance by client & will be billed without mark up. Mileage will be billed at IRS standard rate of $0.725/mile.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: **S. Smith**

RE: Bid Award for Local Retailers' General Merchandise

==========

Background Information:

Request for Proposal, RFP # 24-1263, Local Retailers' General Merchandise have been received for the purpose of creating a list of vendors from the Greater Waco Area that can provide supplies, equipment, and services for the District on an as needed basis. We have previously received seventy (70) responses for this bid. We received one (1) additional vendor this past month and has been attached for your consideration.

In an effort to allow maximum participation for vendors currently residing in the Greater Waco Area, as well as new vendors moving into the area, the Waco Independent School District is electing to engage in Extended Period for Multiple Award Contracts as allowed under the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG), Module 5: Purchasing, exhibited below.

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.

Additional vendors will be added as needed. Vendors submitting a bid by the end of each month will be recommended 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 new vendors for the Local Retailers' General Merchandise, as presented.

RFP # 24-1263
Local Retailer's General Merchandise
Vendors for June 2026

New Responding Suppliers	City	State
Mastermind Investing, LLC	Waco	TX
Previously Awarded Suppliers	**City**	**State**
2 Crazy B Designs	Hewitt	TX
25N Coworking Waco (25N Waco, LLC)	Waco	TX
A & K Express Inflatables (Orlando Ray Galindo-Beverly)	Waco	TX
A-1 Banner & Sign Co., Inc.	Waco	TX
ACE Fence & Supply (Ace Commercial Fence, Inc.)	Robinson	Tx
AHP Media Technology	Hewitt	TX
Air Flow Filter Service, Ltd	Waco	TX
ARC Abatement 1, Inc.	Waco	TX
Astro Events of Waco	Waco	TX
Automatic Chef Canteen	Waco	TX
Award Specialties, Inc.	Waco	TX
Axiom Advertising (Bosque Forms, Inc.)	Waco	TX
Barnes & Noble	Waco	TX
Batteries Plus Waco/Temple/Harker Heights (Glacierbeach	Waco	TX
Bea-Real Ent	Waco	TX
Big Ben Dry Cleaners	Waco	TX
Bosque Fence and Supply, LLC. (Jeff Bray)	Waco	TX
Bugsdotcom Termite and Pest	Waco	TX
Centex Carpet & Interiors	Waco	TX
CTWP (Hayday, Inc.)	Waco	TX
Diesel Power Supply Co.	Waco	TX
Discount Tires	Waco	TX
DJ88 (Johnny Carreon)	Waco	TX
Dream Big Balloons	China Spring	TX
DuPuy Oxygen & Supply, Company, Inc.,	Waco	TX
Express Yourself Designs	Waco	TX
Firmin Business Forms	Waco	TX
Flow Plumbing Services, LLC	Waco	TX
Gene Ives Accoustic & Tile Co	Waco	TX
Gross-Yowell	Waco	TX
HEB Grocery Store	Waco	TX
Herff Jones/Overall Recognition (Overall Recognition LLC)	Waco	TX
Hidefwilly (will Suarez)	Waco	TX
Hobby Lobby Creative Centers (Hobby Lobby Stores, Inc.)	Waco	TX
Hole in the Roof Marketing (Hole in the Roof)	Waco	TX
Homestead Pianos	Waco	TX
Integ	Waco	TX
Interstate Mobility	Waco	TX
Jeff's Balloons	Waco	TX
Kleen-Air Filter Services & Sales (Allison Enterprises Inc.)	Groesbeck	TX
Landscape Supply (Waco Landscape Supply, LP)	Waco	TX

RFP # 24-1263
Local Retailer's General Merchandise
Vendors for June 2026

Previously Awarded Suppliers	City	State
Mardel Christian and Education (Mardel Inc.)	Waco	TX
McCoy's Building Supply (McCoy Corporation)	Waco	TX
Mindscape Metal Works	Waco	TX
North Waco Tropical Fish	Waco	TX
Off the Cob Popcorn	Waco	TX
Paramount Waste Water (Paramount Porta-Potty)	Temple	TX
Peerport Collective	Waco	TX
Pendley Party Productions & Rentals	Waco	TX
Rapoport Academy/Triple Win Waco	Waco	TX
Resco (E & O Investments, LLC)	Waco	TX
Smoot-Anderson Co., Inc.	Waco	TX
Stanley Ford McGregor	McGregor	TX
Stephanie Asselin	Waco	TX
Swift Uniforms	Waco	TX
T&G Chemical and Supply	Waco	TX
T.E.A.M. Solutions, Inc.	Waco	TX
Tarpley Music Company, Inc.	Waco	TX
TDR COMP	Robinson	TX
Tessera Technology Group	Woodway	TX
Texas Security Equipment, Inc.	Waco	TX
Total Office Solutions	Waco	TX
Triple S Sports (Triple S Sales, Inc.	Waco	TX
Vincent Thomas	Waco	TX
Virkim, Inc.	Waco	TX
Waco Bounce House Rentals, LLC	Eddy	TX
Waco Water Bounce, LLC	Waco	TX

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date June 18, 2026 **Contact Person: S. Smith/J. Allen**

RE: Bid Award for Education Software and Other School District Related Software

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Background Information:

Request for Proposal, RFP # 24-1277, Educational Software and other School District Related Software, have been received for the purpose of creating a list of vendors which can provide software needs for the District on an as needed basis. We have previously received seventy-nine (79) responses for this bid. We received one (1) additional vendor this past month and has been attached for your consideration.

In an effort to allow for maximum participation with our Educational Software and Other School District Related Software and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5 Purchasing, the Purchasing 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 Educational Software and Other School District Related Software, as presented.

RFP # 24-1277
Educational Software and Other School District Related Software
Vendors May 2026

Responding Supplier	City	State
BeeReaders, Inc.	Austin	TX
Previously Responding Supplier	**City**	**State**
806 Technologies, Inc.	Plano	TX
Accelerate Education	Anthem	AZ
AGIrepair, Inc.	Greensburg	PA
Beable Education, Inc.	Lakewood	NJ
Blueprint (Spotlight Series Holdings)	Miami Beach	FL
BrainPOP LLC	New York	NY
Cengage Learning, Inc.	Mason	OH
Cignition, Inc.	Portola Valley	CA
Curriculum Associates, LLC	North Billerica	MA
Cyber Workforce (Coherent Cyber Education, LLC	Dallas	TX
Demi Woods, LLC	Austin	TX
Different Roads to Learning	New York	NY
Discovery Education, Inc.	Charlotte	NC
eCampus Systems (Figtree Technologies Inc)	McKinney	TX
E-Control Systems, Inc.	Sherman Oaks	CA
Edmentum, Inc.	Bloomington	MN
Education Advanced, Inc.	Tyler	TX
Edusmart (Learn-Ed)	Austin	TX
Encyclopaedia Britannica Inc.	Chicago	IL
Essential Skills (Essential Skills Software Inc)	Aurora	ON
ExploreLearning, LLC	Dallas	TX
Flinn Scientific, Inc.	Batavia	IL
Footsteps2Brilliance, Inc.	Washington	DC
FSS Software Topco LP (Follett Software, LLC)	McHenry	IL
GraceNotes, LLC.	Houston	TX
Hatch, Inc.	Winston Salem	NC
Heinemann (Greenwood Publishing Group LLC)	Portsmouth	NH
Houghton Mifflin Harcourt Publishing	Geneva	IL
I Support Learning, Inc.	Olathe	KS
iDismiss, LLC	Dallas	TX
Imagine Learning LLC	Tempe	AZ
Innovative Learning Concepts Inc.	Colorado Springs	CO
Insignia Software Corporation	Edmonton	AB
IXL Learning, Inc.	San Mateo	CA
Journeyed.com,Inc.	Allen	TX
Lab Resources, Inc.	Tomball	TX
Learning 2020 dba Penda Learning (Penda Learning)	Loveland	CO
Learning A-Z, LLC	Dallas	TX
Learning Without Tears	Cabin John	MD
Lexia Learning Systems LLC	Concord	MA
Lone Star Learning (Lone Star Learning Sales & Marketing, Inc.)	Lubbock	TX
MindRise Learning	Driftwood	TX
MobyMax (MobyMax Education, LLC)	Pittsburgh	PA

Previously Responding Supplier	City	State
MPS, c/c Bedford, Freeman & Worth Publishing Group (Macmillan Holdings, LLC)	New York	NY
Myriad Sensors, Inc	Brentwood	TN
NoodleTools, Inc.	Pala Alto	CA
Perch (Catalyft Labs, Inc.)	Cambridge	MA
Perfection Learning Corporation	Logan	IA
Planbook, Inc.	Yorkville	IL
PROGRESS LEARNING LLC	Atlanta	GA
Reading Horizons (HEC Software, Inc.)	Kaysville	UT
Renaissance Learning	Wisconsin Rapids	WI
Rhythm Monster, LLC	Prairie Grove	AR
Romeo Music	Coppell	TX
Rosen Classroom Or Rosen Digital OR Jackdaw Publications (Rosen Publishing Group, Inc.)	New York	NY
Rosetta Stone LLC	San Mateo	CA
Savvas Learning Company	Paramus	NJ
ScholasticInc.	New York	NY
School AI, Inc.	Lehi	UT
School Rewards Me, LLC	St. George	UT
SchoolsPLP	Phoenix	AZ
Shafferware Technologies, LLC	Austin	TX
ShareWay, Inc,	San Francisco	CA
Sirius Education Solutions (Sirius Education Solutions LLC)	Austin	TX
Stats Medic, LLC	Grand Rapids	MI
STEMfinity, LLC	Boise	ID
Summit K12 Holdings Inc.	Austin	TX
Super Duper Publications (Super Duper Inc)	Greenville	SC
Teachers Discovery	Auburn Hills	MI
Teaching Strategies, LLC	Bethesda	MD
Telo AI, Inc.	Miami Beach	FL
The Writing Academy, LLC	Kemah	TX
ThinkCERCA.com, Inc.	Chicago	IL
Three Minute Theory (TTT United, LLC)	Oceanside	NY
TOPTALENT LEARNING	Plano	TX
TouchhMath Acquisition LLC (TouchMath LLC)	Colorado Springs	CO
Vernier Science Education (Vernier Software & Technology Inc.)	Beaverton	OR
visiOn cue LLC	Scottsdale	AZ
Zearn	New York	NY

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: **S. Smith/S. Hodde**

RE: Amendment to the Interlocal Agreement between the McLennan County Juvenile Probation Department and Waco ISD for Child Nutrition Services for the 2026-2027 School Year

==========

Background Information:

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

For these services, the JDC agrees to pay the Service Provider an amount of $3.75 per adult breakfast and $5.50 per adult lunch. This arrangement has proved successful and the District and JDC wish to enter into the same agreement for the 2026-2027 school year. A copy of the agreement is attached.

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

Fiscal Implications:

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

Administrative Recommendation(s):

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

INTERLOCAL AGREEMENT BETWEEN

MCLENNAN COUNTY JUVENILE PROBATION DEPARTMENT

and

WACO INDEPENDENT SCHOOL DISTRICT

FOR CHILD NUTRITION SERVICES

This Agreement for the 2026-2027 school year is entered into by and between The McLennan County Juvenile Probation Department (hereinafter called "Department"), 2601 Gholson Road, Waco, Texas, 76704, and the Waco Independent School District's Child Nutrition Services (hereinafter called "Service Provider", 2025 S. 19th Street, Waco, Texas 76706-3018, in consideration of the mutual terms and conditions set forth below:

I. Provisions of Services

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

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

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

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

5. Department will assist Service Provider with getting a 2026-2027 Waco I.S.D. Socioeconomic Information Form completed for each client on the day that said client arrives on the premises and is present for meal service.

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

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

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

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

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

II. Compensation to Service Provider

1. For and in consideration of the above-mentioned services, the Department agrees to pay the Service Provider an amount of **$3.75** per adult breakfast, **$5.50** per adult lunch.

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

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

4. Billing will be submitted by:

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

5. Billing will be submitted to:

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

III. Examination of Program and Records

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

IV. Fee Assessment

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

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

V. Equal Opportunity

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

VI. Officials Not to Benefit

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

VII. Default

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

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

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

2. Department may withhold payment to the Service Provider in any month that the Service Provider has not complied with its reporting requirements hereunder, and may withhold such funds until all such reporting requirements have been complied with in accordance with this Agreement.

VIII. Default

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

IX. Law and Venue

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

X. Other Terms and Conditions

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

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

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

4. Service Provider is an independent organization, and is not intended to be, and shall not be, an employee, partner or joint venture of the Department for any purpose. Service Provider shall not be treated as an employee of the Department for purposes of tax withholding, insurance, retirement or other benefits. Service Provider is solely responsible for all taxes relating to payments of employee under this agreement, and

indemnifies and holds harmless the Department from such claims. Service Provider shall have no authority to bind the Department to any obligation.

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

XI. Contract Period

1. This Agreement period will begin on August 1, 2026 and will terminate on July 31, 2027.

XII. Contract Period

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

"Department"
McLennan County Juvenile Probation Department

By: _____

Title: _____

Signature: _____

Date: _____

Address: _____

Contact Telephone Number: _____

Contact Email Address: _____

“Service Provider”
Waco I.S.D. Child Nutrition Services

By: _____

Title: _____

Signature: _____

Date: _____

Address: _____

Contact Telephone Number: _____

Contact Email Address: _____

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: **S. Smith/S. Hodde**

RE: Child Nutrition Services Amendment to Adult Meal Pricing for the 2026-2027 School Year

==========

Background Information:

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

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

Waco I.S.D. currently charges $3.30 for an adult/non-student breakfast.
Waco I.S.D. currently charges $5.00 for an adult/non-student lunch.

In order to stay compliant with the TDA requirement of not charging less than the minimum rate for adult meals, Administration is recommending that the District's approved adult meal rate for 2026-2027 will be:

$3.50 for an adult/non-student breakfast

$5.25 for an adult/non-student lunch

or the minimum rate established by TDA, whichever amount is greater.

Fiscal Implications:

The revenue increase will be utilized in developing the 2025-2026 Child Nutrition budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the adult meal rates for the 2026-2027 school year as the minimum amount required by the Texas Department of Agriculture, as presented.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person: Deena Cornblum**

RE: Memorandum of Understanding Between Economic Opportunities Advancement Cooperation (EOAC) Head Start and Waco ISD for the 2026-2027 School Year

==========

Background Information:

The Waco Independent School District (Waco ISD) has had a collaborative partnership with the Economic Opportunities Advancement Corporation (EOAC) for over eighteen years. The purpose of this memorandum of understanding (MOU) is to continue the established collaborative to provide comprehensive early childhood education, health, nutrition, and parental involvement services to low-income children and families. The program's services and resources are designed to foster stable family relationships, enhance children's physical and emotional well-being, and establish an environment to develop strong cognitive skills.

The preschool program known as “Jump Start” is operated under the U.S. Department of Health and Human Service's Head Start program, established in 1965. The collaborative with Waco ISD serves children in one classroom located at West Avenue Elementary. Enrollment will include a maximum of no more than 20 children per classroom. This collaboration will follow the district-adopted school calendar year.

A copy of the memorandum of understanding is attached.

Fiscal Implications:

Waco ISD’s in-kind contribution, including salaries and benefits for teachers assigned to the Jump Start classrooms, are included in the 2026-2027 budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the memorandum of understanding (MOU) between Waco ISD and EOAC, as presented.

MEMORANDUM OF UNDERSTANDING (MOU)

Waco Independent School District (Waco ISD)

and

Economic Opportunities Advancement Corporation (EOAC) Head Start

I. Purpose

A. This Memorandum of Understanding ("MOU") establishes a collaborative partnership between Waco Independent School District ("Waco ISD") , a public school and political subdivision of the State of Texas with an administrative office located at 501 Franklin Ave., Waco, TX 76701, and Economic Opportunities Advancement Corporation Head Start ("EOAC"), a Texas corporation and tax-exempt entity who is a grantee and administrator of the Head Start program in McLennan County, a federally funded early childhood program, and has a an administrative office located at 500 Franklin Ave, Waco, Texas, 76701 (Collectively, "the Parties").

B. Together, the Parties agree to deliver a high-quality early childhood program ("Program") that:

1. Meets Head Start Program Performance Standards (HSPPS) (45 CFR §1302)

2. Meets Texas Education Agency (TEA) Pre-K requirements

3. Supports school readiness and whole-child development

4. Maximizes shared resources and reduces duplication of services

II. Program Model

A. One (1) Jump Start classroom will operate on each participating campus (Attachment A)

B. Each classroom will serve at least, but no more than 20 eligible four-year-old children

C. Children must meet Head Start and TEA Pre-K eligibility requirements

D. The program will follow the Waco ISD school calendar.

E. The program will maintain an enrollment of at least 10% of children with disabilities.

F. Staffing for each classroom will include:

1. One (1) Waco ISD certified teacher (TEA-certified)

2. One (1) EOAC Head Start teacher (meeting HSPPS requirements)

3. Collectively known as "teachers."

4. Teachers will plan and deliver instruction collaboratively.

III. Instructional Program

A. Instruction will be aligned with:

1. TEA Pre-K Guidelines
2. Head Start Early Learning Outcomes Framework

B. Waco ISD will provide instruction aligned with TEA requirements

C. EOAC will ensure the full program day meets Head Start requirements, including the delivery of comprehensive services

D. EOAC is responsible for ensuring all required Head Start services are implemented and documented

E. Teachers will have regular shared planning time to support coordinated instruction. The amount allotted for planning time shall be established by Waco ISD.

IV. Enrollment, Eligibility, and Attendance

A. Waco ISD and EOAC will collaborate to recruit and enroll children in Jump Start classrooms.

1. Waco ISD serves as the initial point of enrollment for Pre-K services at participating campuses.
2. Children enrolled through Waco ISD who may be eligible for Head Start will be referred to EOAC for eligibility determination and enrollment into the Head Start program.
3. Maintaining 97% funded enrollment, including the use of active recruiting to find and enroll eligible students
4. Filling student vacancies within 30 days (45 CFR §1302.15), including the use of active recruiting to find and enroll eligible students
5. Monitor attendance and implement strategies to maintain an average daily attendance of at least 85%.

B. Waco ISD is responsible for:

1. Determining eligibility for Pre-Kindergarten in accordance with Chapter 29, Subchapter E of the Texas Education Code.
2. Providing required information and documents to parents and obtaining parent consent for pre-kindergarten enrollment.
3. Providing appropriate and furnished classroom space for prekindergarten programming.

C. EOAC is responsible for:

1. Determining Head Start eligibility in accordance with 45 CFR §1302.12
2. Ensuring eligibility is verified and documented prior to Head Start enrollment
3. Completing enrollment into Head Start upon receipt of required documentation

V. Screening, Assessment, and School Readiness

A. EOAC will:

1. Complete developmental, behavioral, and health screenings in accordance with HSPPS.
2. Conduct ongoing child assessment and outcomes

B. Waco ISD and EOAC will:

1. Share assessment data, with parent consent
2. Use data to monitor progress toward school readiness goals and inform continuous improvement

VI. Disabilities Services (IDEA Coordination)

A. Waco ISD will:

1. Conduct evaluations and determine eligibility
2. Assess students or needed services, and develop and implement Individualized Education Programs (IEPs) under IDEA Part B.
3. Schedule Admission, Review and Dismissal (ARD) committee meetings for applicable students enrolled in the Program.
4. Include EOAC in Child Find activities and provide necessary information about student referrals, including but not limited to the following:
   a. Informing EOAC of the appropriate local referral procedures and referral information required by Waco ISD, and
   b. Identification of Waco ISD staff responsible for accepting and processing the referral of students from EOAC.
5. Report referral and assessment process results to EOAC with the parent's written consent.
6. Assure that procedural safeguards and confidentiality of information are provided to eligible students and their parents.
7. Assure that whenever appropriate, the IEP will include instructions for parents(s)/guardians(s) to assist in accomplishing the goals and objectives of the IEP.
8. Facilitate the transition of eligible students into Waco ISD.

B. EOAC will:

1. Refer children with suspected delays in a timely manner to Waco ISD.
2. Participate in evaluation, IEP meetings, and implementation conducted by Waco ISD.
3. Support inclusion within the classroom.

VII. Health and Nutrition Services

A. Waco ISD will:

1. Provide meals for enrolled children.

B. EOAC will:

1. Ensure compliance with Head Start health and nutrition requirements
2. Monitor health requirements, including immunizations and physicals
3. Track compliance with required health timelines

4. Support family-style dining practices, as appropriate

VIII. Family Engagement

A. EOAC will:

1. Conduct two (2) home visits and two (2) parent-teacher conferences annually
2. Provide ongoing parent engagement activities and support services.
3. Provide family services staff to support family engagement, attendance follow-up, and coordination of comprehensive services.

B. Waco ISD will:

1. Participate and provide assistance in the above Family Engagement activities.

IX. Facilities, Staffing, and In-Kind Contributions

A. Waco ISD will provide:

1. Provide a substitute when a Waco ISD employee is absent from duty, which is contingent on the availability of Waco ISD substitutes on the given day.
2. Resources to support the collaborative classrooms, which may be documented as non-federal share, in-kind contribution. Such resources shall include, but are not limited to the following:
   - **a.** Classroom space, utilities, and campus resources
   - **b.** Designated office or workspace at each campus for EOAC family services staff (e.g., Child and Family Advocate), including reasonable access to phone and workspace as needed to perform required services
   - **c.** Salaries and benefits for certified teaching staff
   - **d.** Custodial services and facility maintenance
   - **e.** Food service operations, including cafeteria staff support
   - **f.** Administrative and campus-level support related to program oversight
   - **g.** Instructional materials and classroom supplies, as provided by the district
   - **h.** Health services provided by campus personnel, as applicable

B. EOAC will provide:

1. Head Start teaching staff shall provide substitute staff in the absence of any assigned EOAC staff member.
2. Comprehensive services, including family engagement, health, nutrition, and disabilities coordination.

C. Waco ISD and EOAC agree that either Party's in-kind contributions to the Program shall be:

1. Allowed by mutual agreement between the Parties, necessary for the execution of the Program, and reasonable

2. Properly valued and documented by the contributing Party. Contributions shall be valued using reasonable, supportable methods consistent with local standards. Not used to meet match requirements for any other federally funded program
3. Documented and tracked in accordance with established each Party's own procedures and timelines for mandatory recordkeeping. Either Party shall provide the other party with the necessary information upon request for the purpose of documenting in-kind contributions, including but not limited to staff salaries and details regarding classroom facilities and equipment.

D. All in-kind contributions will be documented in accordance with:

1. 45 CFR §1303.4 (Federal financial assistance, non-federal match, and waiver requirements.)
2. 2 CFR §200.306 (Cost Sharing of Federal Funds)

X. Data Sharing and Confidentiality

Waco ISD and EOAC will ensure compliance with all applicable state and federal laws regarding confidentiality of student information, including, but not limited to, the Family Education Rights and Privacy Act (FERPA), 20 U.S. C. §S1232g. et. seq. Neither Party shall disclose any personal identifiable information (PII) of a student to any third party or entity without the express written consent of parent or guardian. Both Parties understand and agree that no confidential information will be disclosed in any document intended for public disclosure. Both Parties agree to protect the confidentiality of all PII of both entities' staff, children, families, and volunteers.

XI. Collaboration and Coordination

A. EOAC and Waco ISD will maintain ongoing communication and coordination to support program implementation, compliance, and service delivery. Coordination may occur through:

1. EOAC and Waco ISD will maintain ongoing communication and coordination to support program implementation, compliance, and service delivery. Coordination may occur through:
   - **a.** Meetings between assigned teachers and relevant administrator and the Head Start Director, as needed.
   - **b.** Email and phone communication.
   - **c.** Case-specific collaboration, including disabilities, enrollment, and family support.

B. Both parties will:

1. Designate a point of contact for coordination
2. Each Party's point of contact shall communicate regularly to address:
   - **a.** Enrollment and attendance
   - **b.** Child needs and services
   - **c.** Program implementation and compliance
   - **d.** Child outcomes and school readiness

C. OAC and Waco ISD will collaborate, as appropriate, on:
   1. Professional development
   2. Program planning
   3. Continuous improvement

D. Additional coordination details are outlined in **Attachment A**.

XII. Transition and Continuity of Students

A. EOAC and Waco ISD will coordinate transitions of eligible students:
   1. Into Pre-K
   2. From Pre-K to Kindergarten

B. Transition activities will include:
   1. Coordination with receiving schools
   2. Family engagement and communication

C. EOAC and Waco ISD will collaborate, as feasible and allowable and with appropriate consent, to share and review student outcome data, including longitudinal outcomes beyond preschool, to inform program evaluation, school readiness goals, and continuous improvement.

XIII. Term and Termination

The effective date of this MOU shall be August 1, 2026 (“Effective Date”). The term of this MOU is for one (1) year and shall automatically renew at the end of each term. Either party may terminate this MOU for any reason, including for decrease of Head Start funding, upon ninety (90) days' written notice.

XIV. Notices

All official notices related to this agreement will be provided in writing and directed to the designated representatives of each party, or their designees, as identified by each organization in **Section XVI** of this MOU.

XV. General Provisions

A. This MOU does not create a joint employment, partnership, or agency relationship between the Parties.
B. Each party retains responsibility for its employees and operations.
C. This MOU constitutes the complete understanding of Waco ISD and EOAC and may be modified only by mutual written agreement of both Parties.
D. Due to entering this MOU, neither party waives nor relinquishes any immunity or defense on behalf of itself, its agents, trustees, officers, or employees.
E. This MOU shall not benefit or obligate any person or entity, not a party to this MOU.
F. The Parties shall cooperate fully in opposing any attempt by any third party to claim any benefit, protection, or other consideration under this MOU.

G. This MOU shall constitute the complete understanding of EOAC and Waco ISD and may not be modified in any manner without the express written consent of both Parties.

H. This MOU will be governed by and construed in accordance with the laws of the State of Texas, and the venue of any dispute shall be in McLennan County, Texas.

I. Both Parties agree to adhere to any applicable federal and state law relevant to the Program, including, but not limited to: Head Start Act and Performance Standards, the Texas Education Code, and the Individuals with Disabilities Education Act.

XVI. Notice

Any notice required under this MOU must be in writing and directed to the following person(s):

Waco Independent School District
Primary Contact:
Dr. Deena Cornblum, Assistant Superintendent of Curriculum and Instruction
Waco ISD Administration Building
501 Franklin Avenue
Waco, TX 76701

Secondary Contact:
Dr. Tiffany Spicer, Superintendent of Schools
Waco ISD Administration Building
501 Franklin Avenue
Waco, TX 76701

Economic Opportunities Advancement Corporation (EOAC)
Primary Contact:
Susanne S. Wilson, Head Start Director
1800 N. Valley Mills
Waco, TX 76710

Secondary Contact:
James Jesse, Executive Director
1800 N. Valley Mills
Waco, TX 76710

[SIGNATURES ON NEXT PAGE]

XVII. Signatures

Waco Independent School District

Dr. Deena Cornblum Assistant Superintendent of Curriculum and Instruction-Waco ISD	Date
Dr. Tiffany Spicer Superintendent of Schools	Date

Economic Opportunities Advancement Corporation (EOAC)

Susanne S. Wilson Head Start Director	Date
James Jesse Executive Director	Date

ATTACHMENT A

Collaborative Campuses and Coordination

A. Collaborative Campuses

The following Waco ISD campuses will participate in the Jump Start collaboration:

1. West Avenue Elementary – 1 Classroom

Additional campuses may be added upon mutual agreement by both parties.
Waco ISD will provide all furnishing and required technology for each classroom.

B. Coordination and Communication

EOAC and Waco ISD will maintain ongoing communication to support implementation of the collaborative program and shall each designate a point of contact.

Coordination may occur through:

1. EOAC and Waco ISD will maintain ongoing communication and coordination to support program implementation, compliance, and service delivery. Coordination may occur through:
    a. Meetings between assigned teachers and relevant administrator and the Head Start Director, as needed.
    b. Email and phone communication.
2. Case-specific collaboration, including disabilities, enrollment, and family support.

Each Party's point of contact shall communicate regularly to address:

a. Enrollment and attendance
b. Child needs and services
c. Program implementation and compliance
d. Child outcomes and school readiness

C. Program Review and Planning

EOAC and Waco ISD will collaborate, as appropriate, to:

1. Review program effectiveness
2. Review child outcomes and school readiness data
3. Identify areas for improvement
4. Inform future program planning

D. Communication with Parents and Parent Involvement

1. Waco ISD shall:
    a. Coordinate communication and obtaining consent from parents as it relates to initial assessment of special education services, development and implementation of Individual Education Plan (IEP) and scheduling and conducting Admission, Review and Dismissal (ARD) committee meeting.

2. EOAC shall:
    a. Follow Waco ISD's policy regarding complaints and the EOAC complaint procedure when EOAC staff receive parent concerns or complaints.

3. Both Parties shall:
    a. Their parental legal rights and protections

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: **S. Smith/L. Saxenian**

RE: Memorandum of Understanding between the Waco Independent School District and Partner Independent School Districts for Tuition and Building Fee Rates for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2026-2027 School Year

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Background Information:

The Memorandum of Understanding establishes the agreement between the Waco Independent School District and partner school districts regarding participation in the Greater Waco Advanced Manufacturing Academy (GWAMA) and the Greater Waco Advanced Health Care Academy (GWAHCA) for the 2026-2027 school year.

Based on a projected enrollment of 668 students for the 2026-2027 school year, the combined rate of $3,800 for GWAHCA and $3,958 for GWAMA is not anticipated to cover the direct program costs of either program with GWAMA's per student cost estimated at $4,213 per student and GWAHCA's per student cost of $4,463 per student. School districts partnering in our academies include Bruceville-Eddy, Chilton, Troy and the Methodist Children's Home.

Student tuition will be prorated in the event a student moves out of the Partner ISD's attendance zone. Tuition for student's removed for disciplinary reasons or withdrawn for personal reasons will not be prorated. The $600 building use fee will not be prorated in any event. Tuition payments are due in two installments, on September 18, 2026 and December 18, 2026.

A copy of the Memorandum of Understanding is attached for your review.

Fiscal Implications:

Tuition and building use revenue are credited to a special revenue fund set up as a cost center to account for revenues and expenditures related to the Advanced Academies.

Administrative Recommendations:

The administration recommends the Board of Trustees approve the Memorandum of Understanding between the Waco Independent School District and partner independent school districts and set the tuition rate and building fee for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2026-2027 school year, as presented.

Waco Independent School District
Memorandum of Understanding
Greater Waco Advanced Academies

Waco Independent School District ("WISD") and the Partner Independent School Districts (individually "Partner ISD"), enter the following Memorandum of Understanding for the 2026-2027 school year regarding the Greater Waco Advanced Manufacturing Academy ("GWAMA") and Greater Waco Advanced Healthcare Academy ("GWAHCA") (individually *"Academy"* and collectively *"Academies")*

Now therefore, the parties to the Memorandum of Understanding mutually agree to the following:

I. Purpose:

Whereas WISD operates *GWAMA* and *GWAHCA* as two magnet schools with the purpose of the *Academies* being to:

a. provide all students with the opportunity to meet challenging academic content and student academic achievement standards;

b. support the development and design of innovative education methods and practices that promote diversity and increase choices in public education programs;

c. support capacity development (the ability of a school to help all its students meet more challenging standards) through professional development and other activities that will enable the continued operation of the *Academies* at a high-performance level after funding ends;

d. Support the implementation of courses of instruction in the *Academies* that strengthen students' knowledge of academic subjects and their grasp of tangible and marketable vocational skills.

II. Student Eligibility Requirement:

a. In order to apply to enroll in either of the *Academies* a student must have Sophomore, Junior or Senior standing at a Partner ISD;

b. A student must have the written approval of his/her Partner ISD in order to apply to enroll in either of the *Academies;* and

c. A student must have completed the application to enroll in either of the *Academies.*

III. Academic Calendar for the Academies

a. The *Academies* will follow the WISD academic calendar for the 2026-2027 school year. This will apply to grades, attendance, holidays, etc.

b. If a Partner ISD academic calendar differs from the WISD academic calendar, it is the responsibility of the Partner ISD to submit a copy of their academic calendar to WISD prior to the start of the 2026-2027 school year.

IV. Grades

a. The *Academies* will submit each student's grades to the student's home campus at each student's sending Partner ISD, respectively, based on the WISD academic calendar.

b. The *Academies* will provide access for grades at all times to each Partner ISD for all students enrolled from the Partner ISD.

c. If the grading cycle of a Partner ISD is different from the WISD grading cycle, then the Partner ISD may give an incomplete until the WISD grading cycle is completed.

d. Each Partner ISD will provide written notification to the *Academies* prior to the start of the 2026-2027 school year on how the Partner ISD prefers the grades for any of its students enrolled in either of the *Academies* to be reported. If a Partner ISD is on a different grading cycle, it is likely that that Partner ISD's students' grades will be different than when the grade is determined using the Partner ISD's calendar due to lack of six-weeks test, etc.

V. Attendance

a. All students enrolled in either of the *Academies* from a Partner ISD are expected to attend the *Academy* of enrollment for the entire school year. Students will not be permitted to withdraw from an *Academy* without Partner ISD and *Academy* written approval.

b. In the event a student enrolled in either of the *Academies* becomes pregnant during the school year, WISD may require a medical release/authorization approving that student's continued attendance/participation in the *Academy.*

c. In the event a student enrolled in either of the *Academies* is unable to continue attending the *Academy* due to medical/health reasons (including, but not limited to pregnancy) the sending Partner ISD will be responsible for providing any homebound and/or pregnancy related services to that student.

d. The *Academies* will submit student attendance to each student's home campus weekly.

e. Students are expected to attend the *Academies* according to the WISD academic calendar.

   i. For instance, if a Partner ISD is not in school, but WISD is, then Partner ISD's students are expected to be present at the *Academy* in which the student is enrolled.

   ii. If WISD has a scheduled student holiday, but a Partner ISD does not, students from that Partner ISD will not attend either of the *Academies* on the WISD scheduled student holiday.

iii. If a student from a Partner ISD has a school related event causing the student to be absent from one of the *Academies,* the Partner ISD will notify the *Academy* (in which the absent student is enrolled) as soon as confirmation of the event and the student's participation has occurred.

VI. Tuition and Billing

a. WISD will bill the Partner ISD for the cost of GWAMA tuition at the rate of $3,613 per student and a building use fee of $600 per student for the 2026-2027 school year. **Totaling $4,213.00**. WISD will bill the Partner ISD for the cost of GWAHCA tuition at the rate of $3,863 per student and a building use fee of $600 per student for the 2026-2027 school year. **Totaling $4,463.00.**

i. Student tuition will be prorated in the event a student moves out of the Partner ISD's attendance zone.

ii. If a student is removed for disciplinary reasons, the student's tuition will not be prorated based on the number of days enrolled.

iii. If a student wishes to withdraw for personal reasons, tuition will not be prorated.

a. WISD reserves the right to make exceptions on the proration rules set forth above regarding disciplinary and personal withdrawals as determined by Campus Director of each of the Academies.

iv. The $600 building fee will not be prorated in any event.

v. Invoices will be calculated for each student enrolled from each partner ISD. After the 10th class day of the 2026-2027 academic school year, the full fee of $4,213 for GWAMA students and $4,463 for GWAHCA students will be charged and billed to the student's ISD.

vi. An Invoice will be mailed out to each Partner ISD for each student enrolled (from the Partner ISD) at either Academy during the 2026-2027 school year. Invoices will be mailed after completion of the first six week grading cycle of WISD. Payment will be due in two installments with ½ of the tuition and all of the building fee due by September 18, 2026 and the remaining ½ of the tuition due by December 18, 2026

VII. Other Fees

a. Any and all fees for Dual Credit, certification, background checks, fingerprinting, drug screening, required immunizations, or health tests required will be paid by the student or the sending Partner ISD, as determined by Partner ISD administration.

VIII. Course Offerings

a. The *Academies* will provide a course list to Partner ISDs prior to the start of the 2026-2027 school year.

IX. Discipline

a. It is the expectation that students will maintain the highest level of discipline and safety at the *Academies.* It is the expectation that each Partner ISD will support the *Academies* in maintaining discipline. Discipline enforcement will be the responsibility of the sending Partner ISD for its students enrolled in either of the *Academies.* The *Academies* will use a discipline model that, to the extent feasible, simulates practices for employees in current professional workplaces. Representatives from the *Academies* will provide a detailed report for each student to the student's home campus of the Partner ISD for that campus to use in decision making on a discipline incident. Partnering districts are expected to enforce their normal disciplinary rules to students of the *Academies.*

b. The *Academies* reserve the right to remove a student at any time for disciplinary reasons.

X. Special Education/504

a. It is ultimately the responsibility of the Partner ISD to ensure that a student's IEP is implemented as written, as well as to conduct all student ARD and 504meetings.

b. Prior to the start of the school year, each Partner ISD will provide written notification to each of the *Academies* of all Special Education and 504 students from that Partner ISD.

c. Each Partner ISD agrees to send all IEPs for its students enrolled in either of the *Academies* to the appropriate *Academy* prior to August 12, 2026

d. The *Academies* will implement the IEP as written with one exception; it is the responsibility of the sending Partner ISD to provide additional staff support if designated in a student's IEP.

e. Each sending Partner ISD agrees to invite an *Academy* representative (from the *Academy* in which a particular student is enrolled) to attend and offer feedback for all student ARD and 504 meetings.

XI. Partner ISD's Responsibilities

Each Partner ISD understands and agrees that it is making a commitment to work collaboratively to achieve project goals, and to:

a. Support and utilize the *Academies;*

b. Aid in recruiting a target number of students based upon a predetermined percentage, and using a lottery system that supports desegregation of minority student groups;

c. Support the Magnet Schools Assistance Program grant and project philosophy to reduce minority group isolation, build institutional capacity to increase Industrial Science *I* Career and Technology course credits, increase parental involvement, improve academic achievement, and increase Postsecondary success for students in the greater Waco area;

d. Provide transportation for accepted students to and from the *Academies* and to and from the sending Partner ISD;

e. Ensure students enrolled at the *Academies* are provided the opportunity to have breakfast and lunch at a student's home campus within the sending Partner ISD;

f. Share student data with WISD and/or External Evaluator including, but not limited to, test data on students for the purposes of completing evaluations of the Magnet Schools Assistance Program grant;

g. Agree to work with the *Academies* to accept course credits earned by students.

XII. Multiple Counterparts and Facsimile

This Memorandum of Understanding may be executed in separate or multiple counterparts by the parties, each of which shall be deemed to be an original. All of such counterparts shall be considered as one and the same instrument notwithstanding the fact that various counterparts are signed by only one of the parties, and all such copies shall be considered as one and the same Memorandum of Understanding. In addition, any true and correct photocopy or facsimile copy of this Memorandum of Understanding together with any signatures on such documents transmitted by any of the parties shall be deemed to be originals and may be utilized by any party for any purpose whatsoever, including any proceedings relating to this Contract. Upon request by any party, any counterpart, photocopy or facsimile copy shall be substituted with the actual signed copy or be executed by the parties without affecting the effective date or actual execution dates.

WACO ISD:

By_____ Date_____

Dr. Tiffany Spicer, Superintendent

BRUCEVILLE-EDDY ISD:

By_____ Date_____

Richard Kilgore, Superintendent

CHILTON ISD:

By_____ Date_____

Dr. Brandon K. Hubbard, Superintendent

METHODIST CHILDREN'S HOME:

By_____ Date_____

Dorothy Phillips, Senior Director for Programs

TROY ISD:

By_____ Date_____

Dr. Andru Gilbert, Superintendent

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person: S. Smith**

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 May 28, 2026:

Waco ISD Existing Bids:

1. Texas Computer Education Association (TCEA) - $81,600 – Online on-demand training for teachers for instructional technology - WISD Bid #21-1182 Educational Consulting, Professional Development, and Other Student-Based Contracted Services
2. Frontline - $636,607.06 – Renewal of our Student and Business Information System including all additional modules – WISD Bid #21-1193 Student and Business Information System(s)
3. CDWG - $ 65,925.00– Google Suite Workspace – Waco ISD Bid #20-1179 Educational Software

Purchasing Cooperatives:

4. TEAM Solutions, LLC - $151,900.00 - HVAC Controls for Kendrick Elementary - Provide the district standard for HVAC controls regarding air quality and temperature. - Project #3 - Bond Funded – BuyBoard, JOC Contract # 720-23
5. TEAM Solutions, LLC - $156,800.00 - HVAC Controls for South Waco Elementary - Provide the district standard for HVAC controls regarding air quality and temperature. - Project #3 - Bond Funded – TIPS JOC Contract # 24020302.
6. NEI - $58,520.00 – Axis Air Quality Sensors and Device Licenses for Waco High School - Security sensors for vape and air quality detection, licensing, and software subscription for the district – Project #3 - Bond Funded - Waco TX DIR

7. SHI/Dell - $95,780.64 – Microsoft Office annual expense for district license – Includes all Windows and MS Office licenses for all devices and servers in the district – Texas Department of Information Resources (DIR) Contract# DIR-TSO-3763 Dell Branded Manufacturer Hardware, Software and Related Services
8. Netsync - $55,197.36 - PURE Storage solution - Provide maintenance and system support for district storage – Choice Partners Cooperative Bid# 18/056KD-40 Technology Hardware, Software, and Services
9. Content Keeper / MicroShare - $51,000 - Content Keeper annual expense – Web content filter for all internet traffic – TIPS Purchasing Cooperative Contract# 21050301 Networking Equipment, Software, and Services
10. Solid Border - $92,826.21 - Palo Alto Firewall - Anti threat protection for the district network- BuyBoard Cooperative Bid# 661-22 Technology Equipment, Products, Services, and Software
11. Lightspeed - $64,080 - Student Mobile Device monitoring software for classrooms and Digital insights network traffic – TIPS Contract # 210101 – Technology Solutions, Products and Services
12. Raptor - $115,280.00 - Student safety annual renewal for visitor management and student reunification – TIPS Contract # 230105 – Technology Solutions, Products and Services
13. Seesaw - $55,879.18 - Learning management system for secondary students and faculty - Texas Statewide Consortium (via ESC Region 12) Contract# 2019-4-2024
14. Dell/SHI - $112,000.32 VM Ware support and licenses for vSphere for Production Environment – Texas Department of Information Resources (DIR) Contract # DIR-TSO-3763 Dell Branded Manufacturer Hardware, Software and Related Services
15. BearCom - $176,310.86 Additional Radio equipment and engineering needed to ensure availability and usability of the new system. BuyBoard Cooperative Bid #796-26 Technology Equipment, Products, Software and 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 request over $50,000, as presented.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: **S. Smith**

RE: Financial Advisory Services Engagement

==========

Background Information:

Administration desires to engage with Nickel Hayden Advisors, LLC for the purpose of Financial Advisory Services, replacing RBC Capital Markets. The district's primary advisor will be Lucas Janda, Principal. Nickel Hayden Advisors has worked with many districts throughout Texas such as Austin ISD, Dallas ISD, Round Rock ISD, etc.

Services will include the following:

a. Financial Planning and Analysis:
b. Budgeting and Resource Allocation
c. Investment Management
d. Debt Management and Financing Strategies
e. Financial Policy and Compliance
f. Cash Flow Management
g. Financial Training and Workshops
h. Risk Management
i. Capital Project Financing
j. Financial Benchmarking and Peer Analysis
k. Economic Impact Analysis
l. Continuing Disclosure

There is no cost to the district for advisory services. The district will not pay for any service until a bond issue, a refunding bond issue, or a defeasance of a previously issued bond occurs. The fee schedule for these services is reflected on Appendix A of the attached agreement. With the exception of a defeasance, which is a flat $5,000 fee, charges for a bond issue or a refunding bond issue will be deducted from bond proceeds.

Fiscal Implications:

Fees for services will be funded from bond proceeds.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the recommendation to engage with Nickel Hayden Advisors, LLC, as presented.

June 1, 2026

Waco Independent School District
501 Franklin Avenue, Waco, TX 76701
RE: Engagement Letter

Dear: Waco Independent School District

This letter specifies the terms of the engagement between Nickel Hayden Advisors, LLC ("Nickel Hayden"), located at 200 Congress Ave, Suite 903, Austin, TX 78701 and Waco Independent School District, located at 501 Franklin Avenue, Waco, TX 76701.

This engagement between Waco Independent School District and Nickel Hayden shall become effective as of the date of the contract execution.

Scope of Municipal Advisory Activities to be Performed

Services will include the following:

a. Financial Planning and Analysis:
b. Budgeting and Resource Allocation
c. Investment Management
d. Debt Management and Financing Strategies
e. Financial Policy and Compliance
f. Cash Flow Management
g. Financial Training and Workshops
h. Risk Management
i. Capital Project Financing
j. Financial Benchmarking and Peer Analysis
k. Economic Impact Analysis
l. Continuing Disclosure

Independent Registered Municipal Advisor ("IRMA")

If acting in the capacity of an Independent Registered Municipal Advisor ("IRMA") with regard to the IRMA exemption of the SEC Rule, Nickel Hayden will review all third-party recommendations submitted to Nickel Hayden in writing by the Waco Independent School District.

Term of Engagement Agreement

This Contract shall commence on date of signing as noted below and shall continue until terminated by either Party with a written notice of at least 30 days. Either Party may terminate this Contract for any reason or for no reason at all.

Termination of Engagement Agreement

Engagement can be terminated by either party with 30 days written notice.

Compensation and Out-of-Pocket Expenses

The District agrees to pay the Financial Advisor for the services rendered as per the fee schedule attached hereto as Exhibit A. Any additional expenses incurred by the Financial Advisor in connection with providing the services, including travel expenses, shall be reimbursed by the District, subject to prior written approval.

Fiduciary Duty

Nickel Hayden is registered as a Municipal Advisor with the SEC and Municipal Securities Rulemaking Board ("MSRB"). As such, Nickel Hayden has a Fiduciary duty to Waco Independent School District and must provide both a Duty of Care and a Duty of Loyalty that entails the following.

Duty of Care:

a) exercise due care in performing its municipal advisory activities;
b) possess the degree of knowledge and expertise needed to provide the District with informed advice;
c) make a reasonable inquiry as to the facts that are relevant to the District's determination as to whether to proceed with a course of action or that form the basis for any advice provided to the District; and
d) undertake a reasonable investigation to determine that Nickel Hayden is not forming any recommendation on materially inaccurate or incomplete information; Nickel Hayden must have a reasonable basis for:
    i. any advice provided to or on behalf of the District;
    ii. any representations made in a certificate that it signs that will be reasonably foreseeably relied upon by the District, any other party involved in the municipal securities transaction or municipal financial product, or investors in the District securities; and
    iii. any information provided to the District or other parties involved in the municipal securities transaction in connection with the preparation of an official statement.

Duty of Loyalty (only for municipal entity clients):

Nickel Hayden must deal honestly and with the utmost good faith with the District and act in the District's best interests without regard to the financial or other interests of Nickel Hayden. Nickel Hayden will eliminate or provide full and fair disclosure (included herein) to Issuer about each material conflict of interest (as applicable). Nickel Hayden will not engage in municipal advisory activities with the District as a municipal entity, if it cannot manage or mitigate its conflicts in a manner that will permit it to act in the District's best interests.

Conflicts of Interest and Other Matters Requiring Disclosures

Pursuant to Municipal Securities Rulemaking Board ("MSRB") Rule G-42, on Duties of Non-Solicitor Municipal Advisors, Municipal Advisors are required to make certain written disclosures to clients which include, amongst other things, Conflicts of Interest and any Legal or Disciplinary events of Nickel Hayden and its associated persons.

As of the date of the Agreement, there are no actual or potential material conflicts of interest that Nickel Hayden is aware of that might impair its ability to render unbiased and competent advice or to fulfill its fiduciary duty. If Nickel Hayden becomes aware of any material potential conflict of interest that arise after this disclosure, Nickel Hayden will disclose the detailed information in writing to Waco Independent School District in a timely manner.

The following are potential conflicts of interest to be considered.

- FIRM represents that in connection with the issuance of municipal securities, FIRM may receive compensation from an Issuer or Obligated Person for services rendered, which compensation is contingent upon the successful closing of a transaction and/or is based on the size of a transaction. Consistent with the requirements of MSRB Rule G-42, FIRM hereby discloses, that such contingent and/or transactional compensation may present a potential conflict of interest regarding FIRM's ability to provide unbiased advice to enter into such transaction. The contingent fee arrangement creates an incentive for FIRM to recommend unnecessary financings or financings that are disadvantageous to the CLIENT, or to advise CLIENT to increase the size of the issue. This potential conflict of interest will not impair FIRM's ability to render unbiased and competent advice or to fulfill its fiduciary duty to the CLIENT.
- FIRM's fees under this agreement may be based on hourly fees of FIRM's personnel, with the aggregate amount equaling the number of hours worked by such personnel times an agreed upon hourly billing rate. This form of compensation presents a potential conflict of interest because it could create an incentive for FIRM to recommend alternatives that would result in more hours worked. This conflict of interest will not impair FIRM's ability to render unbiased and competent advice or to fulfill its fiduciary duty to the CLIENT.
- FIRM's fees under this agreement, may be a fixed amount established at the outset of the Agreement. The amount is usually based upon an analysis by CLIENT and FIRM of, among other things, the expected duration and complexity of the transaction and the Scope of Services to be performed by FIRM. This form of compensation presents a potential conflict of interest because, if the transaction requires more work than originally contemplated, FIRM may suffer a loss. Thus, FIRM may recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives. This conflict of interest will not impair FIRM's ability to render unbiased and competent advice or to fulfill its fiduciary duty to the CLIENT.
- The fee paid to FIRM increases the cost of investment to the CLIENT. The increased cost occurs from compensating FIRM for municipal advisory services provided.
- FIRM serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of another FIRM client. For example, FIRM serves as municipal advisor to other municipal advisory clients and, in such cases, owes a regulatory duty to such other clients just as it does to the CLIENT. These other clients may, from time to time and depending on the specific circumstances, have competing interests. In acting in the interests of its various clients, FIRM could potentially face a conflict of interest arising from these competing client interests. FIRM fulfills its regulatory duty and mitigates such conflicts through dealing honestly and with the utmost good faith with the CLIENT.

- FIRM does not have any affiliate that provides any advice, service, or product to or on behalf of the client that is directly or indirectly related to the municipal advisory activities to be performed by FIRM.
- FIRM has not made any payments directly or indirectly to obtain or retain the CLIENT's municipal advisory business.
- FIRM has not received any payments from third parties to enlist FIRM's recommendation to the CLIENT of its services, any municipal securities transaction or any municipal finance product.
- FIRM has not engaged in any fee-splitting arrangements involving FIRM and any provider of investments or services to the CLIENT.
- FIRM does not have any legal or disciplinary event that is material to the CLIENT's evaluation of the municipal advisory or the integrity of its management or advisory personnel.
- FIRM does not act as principal in any of the transaction(s) related to this Agreement.

Legal Events and Disciplinary History

FIRM does not have any legal events and disciplinary history on its Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation. The CLIENT may electronically access FIRM's most recent Form MA and each most recent Form MA-I filed with the Commission at the following website: www.sec.gov/edgar/searchedgar/companysearch.html.

There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC.

Recommendations

If Nickel Hayden makes a recommendation of a municipal securities transaction or municipal financial product or if the review of a recommendation of another party is requested in writing by the District and is within the scope of the engagement, Nickel Hayden will determine, based on the information obtained through reasonable diligence of Nickel Hayden whether a municipal securities transaction or municipal financial product is suitable for the District. In addition, Nickel Hayden will inform Waco Independent School District of:

- the evaluation of the material risks, potential benefits, structure, and other characteristics of the recommendation;
- the basis upon which Nickel Hayden reasonably believes that the recommended municipal securities transaction or municipal financial product is, or is not, suitable for Waco Independent School District; and
- whether Nickel Hayden has investigated or considered other reasonably feasible alternatives to the recommendation that might also or alternatively serve the Waco Independent School District's objectives.

If Waco Independent School District elects a course of action that is independent of or contrary to the advice provided by Nickel Hayden, Nickel Hayden is not required on that basis to disengage from the District.

Municipal Securities Rulemaking Board Rule G-10 Disclosure

Pursuant to Municipal Securities Rulemaking Board Rule G-10, on Investor and Municipal Advisory Client Education and Protection, Municipal Advisors are required to provide certain written information to their municipal entity and obligated person clients which include the following:

- Nickel Hayden is currently registered as a Municipal Advisor with the U.S. Securities and Exchange Commission and the Municipal Securities Rulemaking Board.
- Within the Municipal Securities Rulemaking Board ("MSRB") website at www.msrb.org, Waco Independent School District may obtain the Municipal Advisory client brochure that is posted on the MSRB website. The brochure describes the protections that may be provided by the MSRB Rules along with how to file a complaint with financial regulatory authorities.

Record Retention

Pursuant to the Securities and Exchange Commission (SEC) record retention regulations, Nickel Hayden is required to maintain in writing all communication and created documents between Nickel Hayden and Waco Independent School District for 5 years.

If there are any questions regarding the above, please do not hesitate to contact Nickel Hayden. If the foregoing terms meet with your approval, please indicate your acceptance by executing both copies of this letter and returning one copy.

Waco Independent School District

Authorized Signature

Date: _____

Lucas Janda, Principal

Nickel Hayden Advisors, LLC

Authorized Signature

Date: _____

Superintendent or Designee

Appendix A

Base Fee, Any Issue: $10,000

Plus:	$1.75	per $1,000 of bonds issued (based on proceeds) for the first $100 million
	$1.00	per $1,000 of bonds issued for the next $100 million
	$0.50	per $1,000 of bonds issued thereafter
	Capped at: $400,000 per bond series	

The independent financial advisor will earn the same rate per $1,000 of bonds based on the total amount of the bond proceeds issued (i.e. the rate per $1,000 of bonds issued will not be serially adjusted). For example, for a $100,000,000 bond issue, the total financial advisory fee would be the $10,000 base fee plus $175,000 ($100,000,000 / $1,000 * $1.75), or $185,000.

- Refunding Bond Issues shall be the amount shown plus a 20% additional charge.
- Defeasances shall be at a fixed rate of $5,000 per occurrence.
- Computer fees shall be at a rate of 25 cents per $1,000 of bonds issued, capped at $25,000 per series.
- Travel expenses shall be capped at $10,000 to not include pricing trips or other out of State travel.
- Official statement preparation shall be at a fixed rate of $12,000 per series.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 16, 2026 **Contact Person**: Kourtni Parnell

RE: Reading Academy Stipend

==========

Background Information:

Under Texas Education Code §§21.4552(d) and 21.4553(d) (amended by HB 2), Waco ISD must provide stipends to eligible teachers who complete Texas Reading Academy training outside of contract hours.

Key Requirements & Statutory Rates

- **Mandatory Stipends:** Required for K–3rd grade classroom teachers completing training or coursework outside of contract hours.
- **Discretionary Stipends:** Permitted for teachers in grades 4+ who complete the training outside of contract hours, subject to district approval.
- **Statutory Rate:** Set by the Commissioner of Education at a minimum of $50 per hour for training completed outside of contracted days/hours.
- **Exemptions:** Stipends are *not* required if the training occurs during regular contract hours or scheduled professional development (PD) days.

While the district's strategy is to embed this training into scheduled PD days, the current instructional calendar does not have enough built-in PD days to cover the full training requirements. The district is also experiencing a critical shortage of substitute teachers, which prevents the district from pulling teachers from classrooms during standard instructional days.

Fiscal Implications:
Because Texas statutory mandates override local district pay scales, Waco ISD cannot apply its standard $35-per-hour extra-duty pay; therefore, Waco ISD will utilize out-of-contract training and fund the mandatory $50-per-hour stipends to maintain compliance. This will result in a 42.8% per-hour cost increase over the standard extra-duty budget.

Administrative Recommendation(s):

Approve the state-required $50 minimum hourly stipend for Waco ISD teachers enrolled in Reading Academy cohorts as presented.

Waco Independent School District

Board of Trustees Meeting Agenda

Date: June 18, 2026 **Contact Person:** Dr. Ronnita Carridine

RE: School District Teaching Permit for Selected Teacher Candidates to Teach a Non-Core Academic CTE Course

==========

Background Information:

Since 1995, Texas law has allowed school districts to issue a school district permit to someone who does not hold a teaching certificate, subject to approval by the Commissioner of Education (Texas Education Code 21.055). For "non-core academic career and technical education (CTE) courses" only, state law allows the school district's Board of Trustees the authority to determine if a school district may issue a school district teaching permit without approval by the Commissioner of Education (House Bill 2205, 84th Regular Legislative Session).

In order for a non-core academic CTE teacher candidate to be qualified for a school district teaching permit, the individual must demonstrate subject matter expertise, such as:

- Professional work experience
- Formal training and education
- Relevant industry license, certification, or registration
- Any combination of work experience, training, and education, or industry credentials related to the subject matter he or she will be teaching

A bachelor's degree is not a requirement.

The administration requests that the following candidate be issued a school district teaching permit effective for the 2026-2027 school year.

Kimberly Young- Business/Photography

Timirr Horton- Culinary Arts

Emonty Means- Criminal Justice

Jeron Barnett- Tech Apps/Business

Xjiani Miller- Tech Apps

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the named teacher candidate to be issued a school district teaching permit, which will allow them to teach assigned non-core academic career and technology courses for Waco ISD.

Waco Independent School District

Board of Trustees Board Meeting Item

Date: June 18, 2026 **Contact Person**: Dr. Suzanne Hamilton

RE: 2026-2027 Student Handbook

==========

Background Information:

Attached is the Student Handbook (SHB) for 2026-2027, with minor changes (blue text) and updates indicated in the chart.

Location	Date of Change	Name & Reason	Summary of Change
Entire Document Review	May 2026	Suzanne Hamilton; TASB model	Minor updates, titles & names of district representatives as needed.
Document updates	May 2026	Suzanne Hamilton; TASB SHB guidance	Updated as certain language was edited or expanded by TASB, as reflected in the Student Handbook under staff misconduct and private spaces.

Fiscal Implications:

None

Administrative Recommendation(s):

2026-2027 Student Handbook provided for review; no action needed.

Major Changes to the Waco ISD Student Handbook 2026-2027

Blue Text: New Text added to the 2026-2027 TASB model of the Student Code of Conduct

Highlighted Text: Indicates where a district can choose between options or fill in district information.

These are the major changes based on Legislation Updates.

Topic	Pg	Description of Change
Child Sexual Abuse, Neglect, School Staff Misconduct, Trafficking, and Other Maltreatment of Children (All Grade Levels)	Pg. 38	**Child Abuse, Neglect, School Staff Misconduct, Trafficking, and Other Maltreatment of Children (All Grade Levels)** The district has established a plan for addressing child abuse, neglect, school staff misconduct, trafficking, and other maltreatment of children, which may be initiated by contacting the Department of Family and Protective Services (DFPS)/Child Protective Services (CPS). The plan is available at www.wacoisd.org. Abuse includes physical abuse, including sexual abuse, and mental and emotional abuse. Trafficking includes both sex and labor trafficking.
School Staff Misconduct	Pg. 40	Possible warning signs of school staff misconduct include: • Inappropriate boundaries or communications with a student, including inappropriate relationships • Violating school or district communication policies, such as improper use of messaging apps or social media • Showing favoritism toward certain students in a way that compromises fairness or student well-being

		• Creating, using, or sharing inappropriate AI-generated images involving students or staff • Neglecting, abusing, or physically harming a student • Providing alcohol or drugs to a student • Being under the influence of alcohol or drugs while on school property or during school activities • Possessing a weapon on school property or during school activities • Committing a felony • Engaging in fraudulent or deceptive practices involving the school system or State Board of Education Certification (SBEC)
Private Spaces	Pg. 91	In accordance with law, the district shall designate each multiple-occupancy private space in a building the district owns, operates, or controls for use only by individuals of one sex. Multiple-occupancy private space means a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. The term includes a restroom, locker room, changing room, or shower room.
College and University Admissions and Financial Aid (All Grade Levels)	P. 45	**College and University Admissions and Financial Aid (All Grade Levels)** For two school years following graduation, a district student who graduates as valedictorian or in the top 10 percent of their class is eligible for automatic admission into four-year public universities and colleges in Texas if the student meets one of the following requirements:

		• Completes the distinguished level of achievement under the foundation graduation program [see Foundation Graduation Program] • Satisfies the ACT College Readiness Benchmarks or earns at least a 1500 out of 2400 on the SAT • Beginning in the fall of 2028, achieves a score set by the Texas Higher Education Coordinating Board on a college entrance examination designated by the coordinating board rules



Student Handbook
2026-27 School Year

If you have difficulty accessing the information in this document because of disability, please contact the District Administrative Offices at 254-755-9473 or emailinfo@wacoisd.org.

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Waco ISD Board of Trustees

- Angelo Ochoa, President, At-Large
- Jim Patton, Vice President, District 5
- Taylor Bledsoe, Secretary, District 4
- Jose Vidaña, District 3
- Jeremy Davis, District 1
- Arash Abnoussi, District 2
- Everett Phipps, At-Large

Waco ISD Administrative Leadership Team

- Dr. Tiffany Spicer, Superintendent of Schools
- Dr. Melissa King-Knowles, Deputy Superintendent
- Elizabeth Cox, Chief of Staff
- Dr. Suzanne Hamilton, Assistant Superintendent for Student Services & Support
- Dr. Ronnita Carridine, Assistant Superintendent for Human Resources
- Dr. Deena Cornblum, Assistant Superintendent for Teaching & Learning
- Sherry Smith, Chief Financial Officer
- Jerry Allen, Chief Operations Officer
- Jill Anderson, Executive Director for Communications
- Lanny Williams, Director of Athletics

Blue Text indicates new language

Highlighted areas indicate the District's choice for content

Preface Parents and Students:

Welcome to the new school year!

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

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

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

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

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

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

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

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

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

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

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

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

The policy manual includes:

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

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

Suzanne Hamilton, Ed.D.

Assistant Superintendent for Student Services & Support

501 Franklin Ave., Waco, TX, 76701

suzanne.hamilton@wacoisd.org

254-755-9417

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

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

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

Accessibility

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

Waco ISD Administrative Offices

501 Franklin Ave., Waco, TX, 76701

info@wacoisd.org

254-755-9473

Section One: Parental Rights

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

Consent, Opt-Out, and Refusal Rights

Consent to Conduct a Psychological or Psychiatric Evaluation

Unless required by state or federal law, a district employee or contractor will not conduct a psychological or psychiatric examination, test, or treatment without obtaining the prior written consent of a parent.

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

Consent to Human Sexuality Instruction

Annual Notification

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

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

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

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

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

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

In accordance with state law, a parent may:

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

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

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

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

Consent Before Human Sexuality Instruction

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

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

Before a student receives instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking, the district must obtain written consent from the

student's parent. Parents will be sent a request for written consent at least 14 days before instruction begins.

Annual Notification

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

Counselors address issues like dating violence, family violence, and child abuse through individual and group meetings, guidance lessons, and community partnerships. Community partners may assist by providing resources, student support groups, student/parent assemblies, and staff training. For further information, see the district's abuse prevention instruction website at www.wacoisd.org.

In accordance with state law, a parent may:

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

[See Consent Before Human Sexuality Instruction, Dating Violence, and Child Abuse, Neglect, School Staff Misconduct, Trafficking, and Other Maltreatment of Children (All Grade Levels)]

Consent to Provide a Mental Health Care Service

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

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

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

The mental health liaison can be reached at:

Kimberly Winters, Ed.D.

Executive Director for Student Support Services

501 Franklin Ave., Waco, TX, 76701

kimberly.winters@wacoisd.org

254-755-9417

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

[See Mental Health Support (All Grade Levels)]

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

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

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

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

Consent to Receive Parenting and Paternity Awareness Instruction If a Student is Under Age 14

A student under age 14 must have parental permission to participate in the district's Parenting and Paternity Awareness Program (https://www.texasattorneygeneral.gov/child-support/programs-and-initiatives/parenting-and-paternity-awareness-papa/papa-educators/papa-curriculum). This program was developed by the Office of the Texas Attorney General and the State Board of Education (SBOE) to be incorporated into health education classes.

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

State law permits the school to make a video or voice recording without parental permission when the recording is to be used for:

- School safety
- Classroom instruction or a cocurricular or extracurricular activity
- Media coverage of the school
- Promotion of student safety, as provided by law, for a student receiving special education services in certain settings

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

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

Opting Out of Advanced Mathematics in Grades 6-8

The district will automatically enroll a student in grade 6 in an advanced mathematics course if the student performed in the top 60 percent on the grade 5 mathematics STAAR or in the top 40 percent on a local measure demonstrating proficiency in the student's grade 5 mathematics coursework.

Enrollment in an advanced mathematics course in grade 6 will enable students to enroll in Algebra I in grade 8 and advanced mathematics in grades 9-12.

The student's parent may opt the student out of automatic enrollment in an advanced mathematics course.

Limiting Electronic Communications between Students and District Employees

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

For example, a teacher may create a social networking page for the class to share information about classwork, homework, and tests. A parent is welcome to access such a page.

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

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

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

Objecting to the Release of Directory Information

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

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

- A student's photograph (for publication in the school yearbook)
- A student's name and grade level (for communicating class and teacher assignments)

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

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

However, a parent or eligible student may object to the release of this information. Any objection must be made in writing to the principal within 10 school days of the student's first day of instruction for this school year. [See Notice Regarding Directory Information and Parents' Response Regarding Release of Student Information, included in the forms packet.]

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

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

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

Note: Also see Authorized Inspection and Use of Student Records.

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

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

- Name
- Address
- Telephone listing

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

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

Participation in Third-Party Surveys

Consent Required Before Student Participation in a Federally Funded Survey

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

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

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

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

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

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

- Activities involving the collection, disclosure, or use of personal information gathered from the child for the purpose of marketing, selling, or otherwise disclosing that information to others
- Any nonemergency, invasive physical examination or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of the student

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

A parent may inspect:

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

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

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

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

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

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

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

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

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

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

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

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

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

[See Pledges of Allegiance and a Minute of Silence (All Grade Levels) and policy EC(LEGAL) for more information.]

Religious or Moral Beliefs

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

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

Tutoring or Test Preparation

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

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

The school will always attempt to provide tutoring and test-taking strategies in ways that minimize disruption to other instruction.

In accordance with state law and policy EC, districts must obtain parental permission before removing a student from a regularly scheduled class for remedial tutoring or test preparation for more than 10 percent of the days the class is offered.

If a district offers tutorial services to students, state law requires a student with a grade below 70 for a reporting period to attend.

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

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

Parent Review of Instructional Materials and Plan

A parent has the right to review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum, and to examine tests that have been administered, whether instruction is delivered in-person, virtually, or remotely.

The district will make instructional materials available for parent review no later than 30 days before the school year begins and for at least 30 days after the school year ends. However, tests that have not yet been administered will not be made available for parent examination.

The district will provide login credentials to each student's parent for any learning management system or online learning portal used in instruction to facilitate parent access and review.

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

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

Teachers are required to provide a copy of the teacher's instructional plan or course syllabus for each class to the parent of each student enrolled in that class before the beginning of each semester. A parent may obtain additional copies of the plan or syllabus by request.

[For information about parental access to any online library catalog and library materials, including records of their child's checked-out library materials, see Library (All Grade Levels).]

District Review of Instructional Materials

A parent may request that the district conduct an instructional material review in a math, English Language Arts, science, or social studies class in which the parent's student is enrolled to determine alignment with state standards and the level of rigor for the grade level.

The district is not required to conduct an instructional material review for a specific subject area or grade level at a specific campus more than once per school year.

For more information about requesting an instructional material review, contact the campus principal.

Notices of Certain Student Misconduct to Noncustodial Parent

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

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

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

Student Records

Accessing Student Records

A parent may review their child's records, including:

- Attendance records
- Test scores
- Grades
- Disciplinary records

- Counseling records
- Psychological records
- Applications for admission
- Health and immunization information
- Other medical records
- Teacher and school counselor evaluations
- Reports of behavioral patterns
- Records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child, as the term “intervention strategy” is defined by law
- Records relating to school library materials the child obtains from a school library [See Library (All Grade Levels) for more information.]
- State assessment instruments that have been administered to the child
- Teaching materials and tests used in the child’s classroom

Authorized Inspection and Use of Student Records

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

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

- Inspect and review student records within 45 days after the day the school receives a request for access
- Request an amendment to a student record that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of FERPA
- Provide written consent before the school discloses personally identifiable information from the student’s records, except to the extent that FERPA authorizes disclosure without consent
- File a complaint (https://studentprivacy.ed.gov/file-a-complaint) with the U.S. Department of Education concerning failures by the school to comply with FERPA requirements

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

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

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

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

Federal law requires that control of the records go to the student as soon as the student meets at least one of the following criteria:

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

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

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

Legitimate educational interest may include:

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

School officials may include:

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

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

- To authorized representatives of various governmental agencies, including juvenile service providers, the U.S. Comptroller General's office, the U.S. Attorney General's office, the U.S. Secretary of Education, the Texas Education Agency, the U.S. Secretary of Agriculture's office, and Child Protective Services (CPS) caseworkers or, in certain cases, other child welfare representatives
- To individuals or entities granted access in response to a subpoena or court order

- To another school, district/system, or postsecondary educational institution to which a student seeks or intends to enroll or in which the student already is enrolled
- In connection with financial aid for which a student has applied or has received
- To accrediting organizations to carry out accrediting functions
- To organizations conducting studies for, or on behalf of, the school to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction
- To appropriate officials in connection with a health or safety emergency
- When the district discloses directory information-designated details. [See Objecting to the Release of Directory Information to prohibit this disclosure.]

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

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

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

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

A parent or eligible student who submits a written request and pays the copying costs of 10 cents per page may obtain copies. If circumstances prevent inspection during regular school hours and the student qualifies for free or reduced-price meals, the district will either provide a copy of the requested records or make other arrangements for the parent or student to review them.

You may contact the custodian of records for currently enrolled students by contacting your child's campus principal.

You may contact the custodian of records for students who have withdrawn or graduated at:

Margarita Ramirez
Records Management
P.O. Box 27, Waco, TX, 76703
margarita.ramirez@wacoisd.org
254-755-9473

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

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

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

[See Report Cards/Progress Reports and Conferences (All Grade Levels), Complaints and Concerns (All Grade Levels), and Finality of Grades at policy FNG(LEGAL)]

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

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

Teacher and Staff Professional Qualifications

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

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

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

A Student with Exceptionalities or Special Circumstances

Children of Military Families

The Interstate Compact on Educational Opportunities for Military Children (https://www.dodea.edu/education/partnership-and-resources/military-interstate-compact) entitles children of military families to flexibility regarding certain district and state requirements, including:

- Immunization requirements
- Grade level, course, or educational program placement
- Eligibility requirements for participation in extracurricular activities

- Enrollment in virtual or hybrid courses offered by the district, another district, or a school
- Graduation requirements

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

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

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

More information is available at Military Family Resources at the Texas Education Agency (https://tea.texas.gov/about-tea/other-services/military-family-resources).

Parental Role in Certain Classroom and School Assignments

Multiple-Birth Siblings

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

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

Safety Transfers/Assignments

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

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

Transportation is not provided for a transfer to another campus. See the principal or the Office of Student Services and Support for more information.

[See Bullying (All Grade Levels), and policies FDB and FFI for more information.]

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

[See policy FDE for more information.]

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

Student Use of a Service/Assistance Animal

A parent of a student who uses a service/assistance animal because of the student's disability must submit a written request to the principal before bringing the service/assistance animal on campus. The district will try to accommodate a request as soon as possible, but will do so within 10 district business days.

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

In an effort to provide educational stability, the district will provide enrollment and registration assistance, as well as other educational services throughout the student's enrollment, to any student who is currently placed or newly placed in foster care (temporary or permanent custody of the state, sometimes referred to as substitute care).

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

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

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

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

If a student in grades 11 or 12 transfers to another district but does not meet the receiving district's graduation requirements, the student may request a diploma from the previous district if the student meets that district's graduation requirements.

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

- Assist the student with the completion of applications for admission or financial aid
- Arrange for and accompany the student on campus visits

- Assist in researching and applying for private or institution-sponsored scholarships
- Identify whether the student is a candidate for appointment to a military academy
- Assist the student in registering and preparing for college entrance examinations, including (subject to the availability of funds) arranging for the payment of examination fees by the Texas Department of Family and Protective Services (DFPS)
- Coordinate contact between the student and a liaison officer for students formerly in the conservatorship of the state

If you have questions, please contact the district's foster care liaison:

Briotony Porter, LMSW
Supervisor, Highly Mobile Student Services
Homeless & Foster Liaison
Office: (254)755-9433
briotony.porter@wacoisd.org

[See Credit by Examination for Advancement/Acceleration — If a Student Has Not Taken the Course/Subject and Course Credit (Secondary Grade Levels Only)]

A Student Who Is Experiencing Homelessness

A parent is encouraged to inform the district if their child is experiencing homelessness. District staff can share resources that may assist families.

Please also check the District website for information on services available in the area that can help families experiencing homelessness, including Highly Mobile Student Services: https://www.wacoisd.org/Page/4131.

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

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

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

If a student experiencing homelessness in grades 11 or 12 transfers to another district but does not meet the receiving district's graduation requirements, state law allows the student to request a diploma from the previous district if the student meets the criteria for graduation there.

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

For more information on services for students who are experiencing homelessness, contact the district’s homeless education liaison:

Briotony Porter, LMSW
Supervisor, Highly Mobile Student Services
Homeless & Foster Liaison
Office: (254)755-9433
briotony.porter@wacoisd.org
[See Credit by Examination for Advancement/Acceleration — If a Student Has Not Taken the Course/Subject and Course Credit (Secondary Grade Levels Only)]

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

For students who are having difficulty in the regular classroom, all school districts must consider tutorial, compensatory, and other academic or behavioral support services available to all students through the district’s multi-tiered system of academic and behavioral supports (MTSS). The provision of these intervention and support services, which might include the RTI process, can have an impact on the ability of the district to meet the needs of all students.

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

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

Special Education Referrals

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

Procedural Safeguards (https://fw.escapps.net/Display_Portal/publications). If the district agrees to evaluate the student, it must also allow the parent to give written consent for the evaluation.

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

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

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

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

Additional information about special education is available from the school district in a companion document titled *Parents' Guide to the Admission, Review, and Dismissal Process* (https://fw.escapps.net/Display_Portal/publications).

Contact Person for Special Education Referrals

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

Cathy Parker
Coordinator-Special Education
501 Franklin Ave, Waco, TX, 76701
cathy.parker@wacoisd.org
254-755-9569

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

James Glidewell

Transition Specialist
P.O. Box 27, Waco, TX, 76703
james.glidewell@wacoisd.org
254-981-5839

Section 504 Referrals

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

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

Contact Person for Section 504 Referrals

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

Kourtni Parnell
Director for Intervention Services and State & Federal Programs
501 Franklin Ave., Waco, TX, 76701
kourtni.parnell@wacoisd.org
254-799-0983

[See A Student with Physical or Mental Impairments Protected under Section 504]

Visit these websites for information regarding students with disabilities and their families:

- Legal Framework for the Child-Centered Special Education Process (https://fw.escapps.net/Display_Portal?destination=/)
- Partner Resource Network (http://prntexas.org/)
- SPEDTEX: Special Education Information Center (https://www.spedtex.org/)
- Texas First Project (http://www.texasprojectfirst.org/)
- TEA Special Education Parent and Family Resources (https://tea.texas.gov/academics/special-student-populations/special-education/parent-and-family-resources)

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

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

Texas Driving with Disability Program

In accordance with state law, the district will provide notification of the Texas Driving with Disability Program to students who have a health condition or disability that may impede effective communication with a peace officer, who receive special education, or who are covered by Section 504 of the Rehabilitation Act of 1973. This notification will be provided annually to an eligible student aged 16 years or older until the student's graduation or 21st birthday and to the student's parents.

The Texas Driving with Disability Program focuses on improving interactions between law enforcement and drivers with disabilities who have unique communication needs.

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

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

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

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

A Student Who Speaks a Primary Language Other than English

A student may be eligible for specialized support if their primary language is not English and they have difficulty performing ordinary classwork in English.

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

[See Emergent Bilingual Students (All Grade Levels) and Special Programs (All Grade Levels)]

A Student with Physical or Mental Impairments Protected under Section 504

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

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

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

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

Section Two: Other Important Information for Parents and Students

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

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

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

Absences/Attendance

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

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

Compulsory Attendance

Prekindergarten and Kindergarten

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

Ages 6-18

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

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

Age 19 and Older

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

Compulsory Attendance — Exemptions

All Grade Levels

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

- Religious holy days
- Required court appearances
- Appearing at a governmental office to obtain U.S. citizenship
- Taking part in a US naturalization oath ceremony
- Serving as an election clerk
- Health-care appointments for the student or a child of the student, including absences related to autism services and mental health appointments
- Absences resulting from a serious or life-threatening illness or related treatment that makes a student's attendance infeasible, with certification by a physician on the district's form
- Absences for attendance in a released time course in religious instruction
- For students in the conservatorship of the state:
    - An activity required under a court-ordered service plan
    - Any other court-ordered activity, provided it is not practicable to schedule the student's participation in the activity outside of school hours.

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

Note that documented health-care appointments may include telehealth appointments. Students who are physically on campus will not be allowed to participate in telehealth or other online appointments without specific authorization from an appropriate administrator. Students should not use district-issued technology, including Wi-Fi or the internet, for telehealth appointments because use of district-owned equipment and its network systems is not private and may be monitored by the district. For more information, see Personal Communications and Other Electronic Devices (All Grade Levels).

Secondary Grade Levels

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

[See Driver License Attendance Verification (Secondary Grade Levels Only)]

The district will allow junior and senior students to be absent for up to two days per year to visit a college or university if the following conditions are met:

- The board has authorized such excused absences under policy FEA(LOCAL)
- The principal has approved the student's absence

- The student follows campus procedures to verify the visit and makes up any work missed

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

The district will allow a student to be absent for up to two days during the student's junior year and two days during the student's senior year for a career investigation day to visit a professional at that individual's workplace to determine the student's interest in pursuing a career in the professional's field, provided the student verifies these activities to the district.

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

- An early voting clerk, if the district's board has authorized this in policy FEA(LOCAL), the student notifies their teachers, and the student receives approval from the principal before the absences
- An election clerk, if the student makes up any work missed

The district will allow a student in grades 6-12 to be absent to sound "Taps" at a military honors funeral for a deceased veteran.

Compulsory Attendance — Failure to Comply

All Grade Levels

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

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

Students with Disabilities

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

Ages 6-18

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

The notice will:

- Remind the parent of their duty to monitor the student's attendance and require the student to attend school
- Request a conference between the school administrators and the parent

- Inform the parent that the district will initiate truancy prevention measures, including a behavior improvement plan, school-based community service, referrals to counseling or other social services, or other appropriate measures

The truancy prevention facilitator for the district is:

Kimberly Winters, Ed.D.

Executive Director for Student Support Services

501 Franklin Ave., Waco, TX, 76701

kimberly.winters@wacoisd.org

254-755-9417

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

A court of law may impose penalties on the parent if a school-aged student deliberately does not attend school. The district may file a complaint against the parent if the student incurs 10 or more unexcused absences within a six-month period in the same school year.

If a student aged 12-18 incurs 10 or more unexcused absences within a six-month period in the same school year, the district will, in most circumstances, refer the student to truancy court.

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

Age 19 and Older

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

Attendance for Credit or Final Grade (All Grade Levels)

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

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

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

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

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

Official Attendance-Taking Time (All Grade Levels)

The district will take official attendance at campuses every day at 10:15 am.

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

Documentation After an Absence (All Grade Levels)

A parent must provide an explanation for any absence when the student arrives or returns to school. The student must submit a note signed by the parent. The campus may accept a phone call from the parent, but reserves the right to require a written note.

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

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

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

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

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

If the student develops a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health clinic verifying the illness or condition that caused the absence, to determine whether the absence is excused or unexcused.

Certification of Absence Due to Severe Illness or Treatment

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

Driver License Attendance Verification (Secondary Grade Levels Only)

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

More information is available on the Texas Department of Public Safety website (https://www.dps.texas.gov/section/driver-license/how-apply-texas-driver-license-teen).

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

Accountability under State and Federal Law (All Grade Levels)

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

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

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

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

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

Students in grades 10-12 will be offered the opportunity to take the Armed Services Vocational Aptitude Battery and consult with a military recruiter.

The campus counselors will provide a notice of the test date, time, and location to students and parents.

Contact the principal for information about this opportunity.

Bullying (All Grade Levels)

The district strives to prevent bullying, in accordance with the district's policies, by promoting a positive school culture; building healthy relationships between students and staff; encouraging reporting of bullying incidents, including anonymous reporting; and investigating and addressing reported bullying incidents.

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

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

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

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

The district prohibits bullying and could include:

- Hazing
- Threats
- Taunting
- Teasing
- Confinement
- Assault
- Demands for money
- Destruction of property

- Theft of valued possessions
- Name-calling
- Rumor-spreading
- Ostracism

The district will integrate research-based content designed to reduce bullying, appropriate for students' age groups, into instruction.

Students in elementary grades will participate in:

- Instruction is designed so that students can recognize bullying behaviors and how to report them
- Age-appropriate discussions that encourage peers to intervene when they observe bullying occurring
- Instruction that characterizes bullying as a behavior that results from the student's need to acquire more mature social or coping skills, not an unchangeable trait

Students in secondary grades will participate in:

- Instruction on the brain's ability to change and grow, so the student recognizes that bullying behavior can come from a developmental need to acquire more social skills, can change when the brain matures and learns better ways of coping, and is not an unchangeable trait
- Discussions that portray bullying as undesirable behavior and a means for attaining or maintaining social status at school, and that discourage students from using bullying as a tool for social status
- Instruction is designed so students recognize the role that reporting bullying behaviors plays in promoting a safe school community.

The district will use an age-appropriate survey about school culture that includes relevant questions on bullying to identify and address student concerns.

Each campus has a committee that addresses bullying through prevention efforts and health and wellness initiatives. The committee will include parents and secondary students. For more information about this committee, including how to serve on it, contact the campus principal.

If a student believes they have experienced bullying or witnessed another student being bullied, the student or their parent should notify a teacher, school counselor, principal, or another district employee as soon as possible. Any district employee who becomes aware of a bullying incident will relay the report to an appropriate administrator. Procedures for reporting allegations of bullying are available on the district's website.

A student may anonymously report an alleged bullying incident by reporting on the District's website, www.wacoisd.org, or through the Stop It app.

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

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

The district will provide research-based interventions, which may include counseling options, for students who engage in bullying behaviors, students who are targeted by bullying behaviors, and any student who witnesses bullying behaviors.

Any action taken in response to bullying will comply with state and federal law regarding students with disabilities.

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

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

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

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

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

[See Safety Transfers/Assignments, Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels), Hazing (All Grade Levels), policy FFI, the district's Student Code of Conduct, and the district improvement plan, a copy of which can be viewed in the campus office.]

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

The district offers career and technical education programs in the following areas: The District offers career and technical education programs in the following career clusters: Arts, Automotive, Audio-Visual Technology & Communications, Business Management & Administration, Education & Training, Finance, Health Sciences, Culinary, Information Technology, Law and Public Service, Manufacturing (Welding), Marketing, Science, Technology, Transportation, STEM, & Engineering (Drones).

In some Career and Technical Education (CTE) courses, Enrollment Review in Committee (ERIC) processes may be conducted when a course requires limited enrollment considerations due to facility space, safety, skills competence, and/or community partnership agreements.

Admission to these programs is based on student interest.

District policy prohibits discrimination based on race, color, national origin, sex, or handicap in its vocational programs, services, or activities, and provides equal access to the Boy Scouts and other designated youth groups as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

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

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

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

[See Nondiscrimination Statement (All Grade Levels) for the name and contact information for the Title IX coordinator and ADA/Section 504 coordinator.]

Celebrations (All Grade Levels)

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

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

[See Food Allergies (All Grade Levels)]

Child Abuse, Neglect, School Staff Misconduct, Trafficking, and Other Maltreatment of Children (All Grade Levels)

The district has established a plan for addressing child abuse, neglect, school staff misconduct, trafficking, and other maltreatment of children, which may be initiated by contacting the Department of Family and Protective Services (DFPS)/Child Protective Services (CPS). The plan is available at www.wacoisd.org. Abuse includes physical abuse, including sexual abuse, and mental and emotional abuse. Trafficking includes both sex and labor trafficking.

Duty to Report

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS). See below for information about how to report and respond to allegations of child abuse or neglect.

Possible Warning Signs of Child Abuse, Neglect, School Staff Misconduct, Trafficking, and Other Maltreatment of Children

Physical abuse

Possible warning signs of physical abuse include:

- Frequent injuries such as bruises, cuts, black eyes, or burns without adequate explanations
- Frequent complaints of pain without apparent injury
- Burns or bruises in unusual patterns that may indicate the use of an instrument or human bite; cigarette burns on any part of the body
- Lack of reaction to pain
- Extreme fear of going home or seeing parents
- Injuries that appear after a child has not been seen for several days
- Unseasonable clothing that may hide injuries to arms or legs

Sexual Abuse

Possible warning signs of sexual abuse include:

- Physical signs of sexually transmitted diseases
- Evidence of injury to the genital area
- Pregnancy in a young girl
- Difficulty in sitting or walking
- Extreme fear of being alone with adults of a certain sex
- Sexual comments, behaviors, or play beyond what is considered age-appropriate behavior
- Knowledge of sexual relations beyond what is expected for a child's age
- Sexual victimization of other children

Children and adolescents who have experienced dating violence may show similar physical, behavioral, and emotional warning signs. [See Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels) and Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking]

Emotional Abuse

Possible warning signs of emotional abuse include:

- Over-compliance or low self-esteem caused by scapegoating or verbal abuse by caregivers
- Severe depression, anxiety, or aggression
- Lag in physical, emotional, and intellectual development
- Indicators of a caregiver who belittles the child, withholds love, and seems unconcerned about the child's problems
- Significant changes to behavior, such as withdrawal or over-aggression
- Significant changes to weight, such as substantial weight gain or weight loss

Neglect

Possible warning signs of neglect include:

- Obvious malnourishment
- Consistent lack of personal hygiene that poses a health risk
- Stealing or begging for food
- Child unattended for long periods of time
- Unaddressed need for dental care or other medical attention

School Staff Misconduct

Possible warning signs of school staff misconduct include:

- Inappropriate boundaries or communications with a student, including inappropriate relationships
- Violating school or district communication policies, such as improper use of messaging apps or social media
- Showing favoritism toward certain students in a way that compromises fairness or student well-being
- Creating, using, or sharing inappropriate AI-generated images involving students or staff
- Neglecting, abusing, or physically harming a student
- Providing alcohol or drugs to a student
- Being under the influence of alcohol or drugs while on school property or during school activities
- Possessing a weapon on school property or during school activities
- Committing a felony
- Engaging in fraudulent or deceptive practices involving the school system or State Board of Education Certification (SBEC)

Description and Warning Signs of Trafficking

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

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

Possible warning signs of sexual trafficking in children include:

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

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

Additional warning signs of labor trafficking in children include:

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

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

Reporting and Responding to Child Abuse, Neglect, Trafficking, and Other Maltreatment of Children

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

If your child is a victim of abuse, neglect, trafficking, or other maltreatment, the school counselor or principal will provide information on counseling options for you and your child available in your area. Texas Health and Human Services also manages early intervention counseling programs.

To find out what services may be available in your county, see Texas Health and Human Services' Family Support Services Program Locator (https://fss.hhs.texas.gov/Programs_Available_In_Your_County/default.asp).

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

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

The following websites include resources to help increase awareness of child abuse and neglect, sexual abuse, trafficking, and other maltreatment of children:

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

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

Calculation

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

Exclusions

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

Weighted Grade System

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

Eligible dual credit courses shall be categorized and weighted as Tier 3 courses. Eligible pre-advanced and pre-AP courses shall be categorized and weighted as Tier 2 courses. All other eligible courses shall be categorized and weighted as Tier 1 courses.

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

Category Weight:

Tier 4 multiplied by 1.20

Tier 3 multiplied by 1.15

Tier 2 multiplied by 1.10

Tier 1 multiplied by 1.00

The District shall record unweighted numerical grades on student transcripts.

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

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

Local Graduation Honors

For the purpose of determining honors to be conferred during graduation activities, the District shall calculate class rank in accordance with this policy and administrative regulations by using grades available at the time of calculation at the end of the third Friday in May of the senior year.

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

Valedictorian and Salutatorian

The valedictorian and salutatorian shall be the students with the highest and second-highest ranks, respectively. To be eligible for this local graduation honor, a student must:

1. Have been continuously enrolled in the district high school for the four semesters immediately preceding graduation.

2. Have been enrolled and in attendance in at least four academic courses each year of high school;

3. Be graduating after exactly eight semesters of enrollment in high school; and

4. Have completed the foundation program with a distinguished level of achievement.

Breaking Ties

In case of a tie in weighted numerical grade averages after calculation to the fourth decimal place, the District shall calculate a weighted numerical grade average using only eligible grades in Tier 4, Tier 3, and Tier 2 courses taken in grades 9–12 to

determine recognition as valedictorian or salutatorian. If the tie is not broken after applying these methods, the District shall recognize all students involved in the tie as sharing the honor and title.

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

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

- Courses that are included in class rank calculations;
- Any course exclusions;
- Whether courses taken in middle/junior high school are included in the calculation;
- Whether grades earned by alternative means (summer school, distance learning, credit by examination, dual credit off campus vs. on campus, and the like) are counted;
- The weighted grade system used in the district to calculate class rank [for example, weighted numerical average or weighted grade point average (GPA)];
- Whether and when transferred grades will be weighted;
- When class rank will be calculated for purposes of determining local honors;
- Criteria a student must meet to be declared valedictorian, salutatorian, and any other local honor designations, including how the district will resolve ties in these positions;
- Whether the district will award the honor graduate certificate provided by the state to the district-declared valedictorian or the true highest-ranking graduate;
- If appropriate for your handbook, the list of courses that meet each category within your weighted grade system, and
- Any other information related to class rank appropriate for this document. [See policy EIC for more information.]

[See policy EIC for more information.]

Class Schedules (Secondary Grade Levels Only)

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

[See Schedule Changes (Middle and High School Grade Levels) for information related to student requests to revise their course schedule.]

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

For two school years following graduation, a district student who graduates as valedictorian or in the top 10 percent of their class is eligible for automatic admission

into four-year public universities and colleges in Texas if the student meets one of the following requirements:

- Completes the distinguished level of achievement under the foundation graduation program [see Foundation Graduation Program]
- Satisfies the ACT College Readiness Benchmarks or earns at least a 1500 out of 2400 on the SAT
- Beginning in the fall of 2028, the student achieves a score set by the Texas Higher Education Coordinating Board on a college entrance examination designated by the coordinating board rules

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

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

The University of Texas at Austin may limit the number of automatically admitted students to 75 percent of the University's enrollment capacity for incoming resident freshmen. From the summer/fall 2026 term through the spring 2027 term, the University will admit the top five percent of a high school's graduating class who meet the above requirements. The University will consider additional applicants through a holistic review process.

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

- Automatic college admission
- Curriculum requirements for financial aid
- Benefits of completing the requirements for automatic admission and financial aid
- The Texas First Early High School Completion Program, which requires a student to provide an official copy of assessment results and transcripts, as applicable, to receive credit for the assessments and credits required for early graduation under the program
- The Texas First Scholarship Program
- The Future Texas Teachers Scholarship Program

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

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

[See Class Rank/Highest-Ranking Student (Secondary Grade Levels Only) for information specifically related to how the district calculates a student's rank in class, and requirements for Graduation (Secondary Grade Levels Only) for information associated with the foundation graduation program.]

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

College Credit Courses (Secondary Grade Levels Only)

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

- Certain courses taught at the high school campus, which may include courses termed dual credit, Advanced Placement (AP), International Baccalaureate (IB), or college preparatory
- Enrollment in AP or dual credit courses through the virtual or hybrid courses offered by the district or another district or school
- Enrollment in courses taught in conjunction and in partnership with McLennan Community College and Texas State Technical College, which may be offered on or off campus
- Enrollment in courses taught at other colleges or universities
- Enrollment in these programs is based on a corollary memorandum of understanding for each entity.

Under the Financial Aid for Swift Transfer (FAST) program, a student may be eligible to enroll at no cost to the student in dual credit courses at a participating institution of higher education. The FAST program allows students who are or have been educationally disadvantaged at any time during the four years preceding the student's enrollment in a dual credit course to enroll at no cost to the student. The district will determine eligibility upon the student's enrollment in the dual credit course. See the CCMR Specialist for more information.

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

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

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

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

Communications (All Grade Levels)

Parent Contact Information

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

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

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

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

Automated Emergency Communications

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

[See Safety (All Grade Levels) for information about contact with parents during an emergency situation.]

Automated Nonemergency Communications

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

Standard messaging rates of your wireless phone carrier may apply.

If you do not wish to receive such communications, please contact your child's principal. [See Safety (All Grade Levels) for information about contact with parents during an emergency.]

Complaints and Concerns (All Grade Levels)

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

For those complaints and concerns that cannot be resolved informally, the board has adopted a student and parent grievance policy at FNG(LOCAL) in accordance with Education Code Chapter 26A. This policy describing the grievance process in detail is available in the district's online policy manual at www.wacoisd.org and is attached to this handbook as an appendix. A parent may file a grievance by submitting the district grievance form to the campus principal. The district's grievance forms are available on the district's website at www.wacoisd.org and at the principal's or superintendent's office. A parent may also submit a grievance electronically by visiting the district website to access the online grievance process.

In general, the written grievance form should be completed and submitted to the campus principal in a timely manner.

If the concern is not resolved, a parent or student may appeal to the superintendent's designee in the Office of Student Services.

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

Hearings at each level will be conducted in accordance with the timelines established by law described in the district's policy at FNG(LOCAL).

Conduct (All Grade Levels)

Applicability of School Rules

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

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

Campus Behavior Coordinator

Each campus has a campus behavior coordinator to apply discipline management techniques and administer consequences for certain student misconduct, as well as provide a point of contact for student misconduct. The contact information for each campus behavior coordinator is available on the district's website at www.wacoisd.org, and the coordinator for this campus is listed below:

Deliveries

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

Disruption of School Operations

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

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

- Interference with the movement of people at an exit or an entrance to district property
- Use of force, violence, or threats in an attempt to prevent people from entering or leaving district property without authorization from an administrator

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

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

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

Social Events

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

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

A parent interested in serving as a chaperone for any school social events should contact the campus principal.

Counseling

The district has a comprehensive school counseling program that includes:

- A guidance curriculum to help students develop their full educational potential, including the students' interests and career objectives
- A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk
- An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development
- Systems to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students

The district will make a preview of the program, including all materials and curriculum, available to parents to review during school hours.

Academic Counseling

Elementary and Middle School Grade Levels

The school counselor will provide information to students and parents about college and university admissions and the importance of planning for postsecondary education, including appropriate coursework, financial aid availability, and requirements.

In either grade 7 or 8, each student will receive instruction on how best to prepare for high school, college, and a career.

High School Grade Levels

High school students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn more about course offerings, graduation requirements, and early graduation procedures.

Each year, high school students will be provided information on anticipated course offerings for the next school year, how to make the most of academic and career and technical education (CTE) opportunities, and the importance of postsecondary education.

The school counselor will also provide information each year a student is enrolled in high school about:

- The importance of postsecondary education
- The advantages of earning an endorsement and completing the foundation program with a distinguished level of achievement
- The disadvantages of pursuing a high school equivalency exam (GED) as opposed to earning a high school diploma
- Financial aid eligibility and how to apply for financial aid
- Automatic admission to state-funded Texas colleges and universities
- Eligibility requirements for the TEXAS Grant
- Availability of district programs that allow students to earn college credit
- Availability of tuition and fee assistance for postsecondary education for students in foster care
- Availability of college credit awarded by institutions of higher education to veterans and military service members for military experience, education, and training

Additionally, the school counselor can provide information about workforce opportunities after graduation or technical and trade school opportunities, including opportunities to earn industry-recognized certificates and licenses.

[See Scholarships and Grants for more information.]

Personal Counseling (All Grade Levels)

The school counselor is available to assist students with a wide range of personal, social, and family concerns, including emotional or mental health issues and substance abuse. A student who wishes to meet with the school counselor should make an appointment. As a parent, if you are concerned about your child's mental or emotional

health, please speak with the school counselor for a list of resources that may be of assistance.

If your child has experienced trauma, contact the school counselor for more information.

[See Mental Health Support (All Grade Levels), Child Abuse, Neglect, School Staff Misconduct, Trafficking, and Other Maltreatment of Children (All Grade Levels), and Dating Violence]

Course Credit (Secondary Grade Levels Only)

A student at any grade level enrolled in a high school course will earn credit for the course only if the final grade is 70 or above. For a two-part (two-semester, 1-credit course), the student's grades from both halves (semesters) will be averaged, and credit will be awarded if the combined average is 70 or above. If the student's combined average is less than 70, the student will be awarded credit only for the half (semester) with the passing grade.

Credit by Examination — If a Student Has Taken the Course/Subject (Grades 6-12)

A student who has previously taken a course or subject but did not receive credit or a final grade for it may, in circumstances determined by the principal or attendance committee, be permitted to earn credit or a final grade by passing an examination approved by the district's board of trustees on the essential knowledge and skills defined for that course or subject.

Examples of prior instruction include incomplete coursework due to a failed course or excessive absences, homeschooling, or coursework by a student transferring from a non-accredited school. The opportunity to earn credit by examination after the student has had prior instruction is sometimes referred to as "credit recovery."

The attendance review committee may also offer a student with excessive absences an opportunity to earn credit for a course by passing an examination. [See Attendance for Credit or Final Grade (All Grade Levels)]

If a student is granted approval to take an examination for credit, the student must score at least 70 on the examination to receive credit for the course or subject.

[See the school counselor and policy EHDB(LOCAL) for more information.]

Credit by Examination for Advancement/Acceleration — If a Student Has Not Taken the Course/Subject

A student will be permitted to earn credit by examination for an academic course or subject area for which the student had no prior instruction, for advancement, or to accelerate to the next grade level.

The examinations offered by the district are approved by the district's board of trustees. Testing windows for these examinations will be published in district publications and on the district's website. A student may take a specific examination only once per testing window.

The only exceptions to the published testing windows will be for examinations administered by another entity or to accommodate a student experiencing homelessness or a student involved in the foster care system.

When another entity administers an examination, the student and the district must comply with the testing schedule of the other entity.

If a student plans to take an examination, the student or parent must register with the school counselor no later than 30 days before the scheduled testing date. [See policy EHDC for more information.]

Students in Grades 1-5

A student in elementary school is eligible to accelerate to the next grade level if the student meets all of the following requirements:

- The student scores at least an 80 on each examination in the subject areas of language arts, mathematics, science, and social studies
- A district administrator recommends that the student be accelerated
- The student's parent gives written approval of the grade advancement

Students in Grades 6-12

A student in grade 6 or above is eligible to earn course credit if the student meets one of the following requirements:

- A passing score of at least 80 on an examination approved by the board
- A scaled score of 50 or higher on an examination administered through the College Level Examination Program (CLEP)
- A score of 3 or higher on an AP examination, as applicable

A student may take an examination to earn high school course credit no more than twice. If a student fails to achieve the designated score on the applicable exam before the beginning of the school year in which the student would need to enroll in the course according to the school's high school course sequence, the student must complete the course.

Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)

Students learn best, and their welfare is best served, in a school environment that is free from dating violence, discrimination, harassment, and retaliation.

Students are expected to treat peers and district employees with courtesy and respect, avoid offensive behaviors, and stop those behaviors as directed. District employees are likewise expected to treat students with courtesy and respect.

The board has established policies and procedures to prohibit and promptly address inappropriate and offensive behaviors that are based on a person's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. A copy of the district's policy is available in the principal's office and in the superintendent's

office or on the district's website at www.wacoisd.org. [See policy FFH for more information.]

Dating Violence

Dating violence will not be tolerated at school. To report dating violence, see Reporting Procedures.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship or any of the person's past or subsequent partners. This type of conduct is considered harassment if it is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of dating violence against a student may include, but are not limited to:

- Physical or sexual assaults
- Name-calling
- Put-downs
- Threats to hurt the student, the student's family members, or members of the student's household
- Destroying property belonging to the student
- Threats to die by suicide or homicide if the student ends the relationship
- Threats to harm a student's past or current dating partner
- Attempts to isolate the student from friends and family
- Stalking
- Encouraging others to engage in these behaviors

In accordance with the law, when the district receives a report of dating violence, a district official will immediately notify the parent of the alleged victim and the alleged perpetrator.

The counselor's office has information about the dangers of dating violence and resources for seeking help.

For more information on dating violence, see:

- Texas Attorney General's office recognizing and responding to dating violence flier https://www.texasattorneygeneral.gov/sites/default/files/files/child-support/papa/session%2010/recognizing-relationship-violence-en.pdf)
- Preventing Teen Dating Violence (https://www.cdc.gov/intimate-partner-violence/about/about-teen-dating-violence.html)

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

Discrimination

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law that negatively affects the student.

Harassment

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to:

- Offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation
- Threatening, intimidating, or humiliating conduct
- Offensive jokes, name-calling, slurs, or rumors
- Physical aggression or assault
- Graffiti or printed material promoting racial, ethnic, or other negative stereotypes
- Other kinds of aggressive conduct, such as theft or damage to property

Sexual Harassment and Sex-Based Harassment

Sexual harassment and sex-based harassment of a student by an employee, volunteer, or another student are prohibited.

Examples of sexual harassment may include, but are not limited to:

- Touching private body parts or coercing physical contact that is sexual in nature
- Sexual advances
- Jokes or conversations of a sexual nature
- Other sexually motivated conduct, communications, or contact

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact that a reasonable person would not construe as sexual in nature, such as comforting a child with a hug or taking the child's hand. However, romantic, sexual, and other inappropriate social relationships between students and district employees are prohibited, even if consensual.

Pregnancy or Related Conditions

The district does not discriminate on the basis of pregnancy or a related condition.

Please contact the school counselor or the social work specialist for pregnancy education and parenting programs, and pregnancy-related accommodations.

Retaliation

Retaliation against a person who makes a report or participates in an investigation of discrimination, harassment, or dating violence is prohibited.

Reporting Procedures

Any student who believes that they have experienced dating violence, discrimination, harassment, or retaliation should immediately report the problem to a teacher, school counselor, principal, or other district employee. The report may be made by the student's parent. [See policy FFH and FFH(EXHIBIT) for other appropriate district officials to whom to make a report.]

Upon receiving a report, the district will determine whether the allegations, if proven, constitute prohibited conduct as defined by policy FFH. If not, the district will refer to policy FFI to determine whether the allegations, if proven, constitute bullying, as defined by law and policy FFI. If the alleged prohibited conduct also meets the statutory and policy definitions of bullying, an investigation into bullying will be conducted. [See Bullying (All Grade Levels)]

The district will promptly notify the parent of any student alleged to have experienced prohibited conduct involving an adult associated with the district. In the event that alleged prohibited conduct involves another student, the district will notify the parent of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy FFH.

Investigation of the Report

Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated.

To the extent possible, the district will respect the privacy of the student. However, limited disclosures may be necessary to conduct a thorough investigation and comply with the law.

If a law enforcement or other regulatory agency notifies the district that it is investigating the matter and requests that the district delay its investigation, the district will resume its investigation at the conclusion of the agency's investigation.

During an investigation and when appropriate, the district will take interim action to address the alleged prohibited conduct.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary action and, in some cases, corrective action will be taken to address the conduct. The district may take disciplinary and corrective action even if the conduct was not unlawful.

All involved parties will be notified of the outcome of the district investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act (FERPA).

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

Discrimination

[See Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)]

Distance Learning (All Grade Levels)

Distance learning and correspondence courses include courses that encompass the state-required essential knowledge and skills but are taught through multiple technologies and alternative methodologies such as mail, satellite, internet, video-conferencing, and instructional television.

The distance learning opportunities that the district makes available to district students are determined by individual needs.

[See Remote Instruction]

Virtual and Hybrid Instruction

A student has the option, with certain limitations, to enroll in virtual or hybrid instruction through virtual or hybrid courses offered by the district or by another district or school to earn course credit for graduation.

Depending on the virtual or hybrid course in which a student enrolls, the course may be subject to the “no pass, no play” rules. [See Extracurricular Activities, Clubs, and Organizations (All Grade Levels)] In addition, a student who enrolls in a virtual or hybrid course for which an end-of-course (EOC) assessment is required must still take the corresponding EOC assessment.

A parent may ask questions or request that their child be enrolled in a virtual or hybrid course offered by the district by contacting the school counselor.

A copy of policy EHDE addressing distance learning will be distributed to parents of middle and high school students at least once each year. If you do not receive a copy or have questions about this policy, please contact the principal..

Distribution of Literature, Published Materials, or Other Documents (All Grade Levels)

School Materials

Publications prepared by and for the school may be posted or distributed, with the prior approval of the principal, sponsor, or teacher. Such items may include school posters, newspapers, yearbooks, brochures, flyers, and the like.

All school publications are under the supervision of a teacher, sponsor, and the principal.

Nonschool Materials

From Students

Students must obtain prior approval from the Communications Department before selling, posting, circulating, or distributing more than ten copies of written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that were not developed under the oversight of the school. To be considered, any non-school material must include the name of the sponsoring person or organization. Approval will be granted or denied within two school days.

The campus principal has designated the front office as the location for approved non-school materials to be placed for voluntary viewing or collection by students. [See policy FNAA for more information.]

A student may appeal a decision in accordance with policy FNG(LOCAL). Any student who sells, posts, circulates, or distributes non-school material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without approval will be removed.

[See policy FNG(LOCAL) for student complaint procedures.]

From Others

No person or group will sell, circulate, distribute, or post on any district premises written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that is not sponsored by the district or by a district-affiliated school-support organization, except as permitted by policy GKDA.

To be considered for distribution, any non-school material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the Communications Department for prior review. The Communication Department will approve or reject the materials within two school days of the time the materials are received. The requester may appeal a rejection in accordance with the appropriate district complaint policy. [See policies DGBA or GF for more information.]

The campus principal has designated the front office as the location for approved non-school materials to be placed for voluntary viewing or collection.

Prior review will not be required for:

- Distribution of materials by an attendee to other attendees of a school-sponsored meeting intended for adults and held after school hours
- Distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy GKD(LOCAL) or a non-curriculum-related student group meeting held in accordance with policy FNAB(LOCAL)
- Distribution for electioneering purposes during the time a school facility is being used as a polling place, in accordance with state law

All nonschool materials distributed under these circumstances must be removed from district property immediately following the event at which the materials are distributed.

Dress and Grooming (All Grade Levels)

The district's dress code teaches grooming and hygiene, prevents disruption, and minimizes safety hazards. Students and parents may determine a student's personal dress and grooming standards, provided that they comply with the following:

<u>General Dress and Grooming Code</u>*:*

- Articles of clothing with pictures, emblems, or writings that are lewd, offensive, vulgar, or obscene, or that advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under Board Policy FNCA (Local) are not allowed.
- Students must wear shoes. No beach-style flip-flops or house shoes will be allowed.
- Hats, caps, and hoods may not be worn inside the school building during the school day. These items may be worn at other school-sponsored events as determined appropriate by the principal or designee.
- Hair must not be tied up in a bandana or covered by a hat, a hood, a cap, a doo rag, or a visor. Hair rollers must not be worn. Mustaches and beards shall be acceptable.
- Shirts must have sleeves, and the neck opening on any shirt may not extend beyond the second button below the collar. All shirts must be tucked into pants and/or skirts if they extend beyond the end of the student's fingertips. Students will not wear halters, tank tops that expose any part of the midriff, low-cut dresses/tops, short shorts, or excessively tight clothing. Cardigan sweaters, pullover sweaters, and sweatshirts may be worn outside of pants and skirts.
- Undergarments must be covered by a student's clothing, including brassieres or appropriate undergarments. Underwear-type shirts, such as tank tops or muscle shirts, are not acceptable and may only be worn with a t-shirt underneath.
- Clothes should fit and be worn appropriately. Pants are to be worn at the waist, and shirts are to be buttoned. Skirts, dresses, and shorts must extend beyond the end of the student's fingertips when standing. No sagging pants or oversized clothes are permitted. Longer athletic or gym-style shorts may be worn.
- Sunglasses, or other glasses not required for vision correction, may not be worn inside the building.
- "Grillz" or temporary decorations on teeth are not to be worn.
- Tattoos or fake tattoos are allowed if they are not lewd, offensive, vulgar, or obscene, or advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under Board Policy FNCA (Local).
- Inappropriate appearance will not be allowed.

If the principal determines that a student's grooming or clothing violates the school's dress code, the student will be allowed to correct the problem at school and return to the classroom. If the problem cannot be corrected at school, the principal will work with the student and parent to obtain an acceptable change of clothing for the student in a way that minimizes instructional time lost.

Repeated or severe offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

Electronic Devices and Technology Resources (All Grade Levels)

Safe Use of Technology

The district is committed to ensuring that students use technology safely and will follow all federal and state requirements to protect students from excessive data collection or materials that are considered harmful to minors. The district considers parents as partners in cybersecurity and online safety.

In accordance with state and federal law, the district will:

- Install a filter that blocks and prohibits pornographic or obscene materials or applications, including unsolicited pop-ups, installations, and downloads, before transferring an electronic device to a student to be used for an educational purpose
- Block or filter students' internet access to pictures that are obscene, contain child pornography, or have been determined to be harmful to minors in accordance with the Children's Internet Protection Act (CIPA)
- Require direct and informed parental consent for a student's use of software, other than software excluded from the consent requirement by law [See Required State Assessments and Standardized Testing]
- Require direct and informed parental consent for a student's use of software that conducts mental health assessments or other assessments unrelated to education curricula that are intended to collect information about students [See Consent to Conduct a Psychological or Psychiatric Evaluation]

If you want to know more about partnering with the district regarding cybersecurity and online safety, or if you have complaints or concerns about student use of electronic devices, please contact:

Jerry Allen
Chief Operations Officer
112 South 6th Street
jerry.allen@wacoisd.org
254-755-9503

[See Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials (All Grade Levels)]

Possession and Use of Personal Communication Devices, Including Cell Phones and Other Electronic Devices

In accordance with state law, the district prohibits the use of a personal communication device (such as cell phones, tablets, and smartwatches) while on school property during the school day. For more information about permitted use in certain circumstances and disciplinary measures that apply to this prohibition, see the Student Code of Conduct and policy FNCE(LOCAL).

The use of cell phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.

The school day begins when a student enters the school building and ends when the student leaves the building for the day, or when the last instructional bell rings, whichever comes first.

- The use of cell phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.
- Students who turn on, use, or remove a personal communication device from proper storage during the school day will receive disciplinary consequences in accordance with the Student Code of Conduct.
    - First Offense - An authorized district employee will confiscate the personal communication device. The student may retrieve the personal communication device on the following school day.
    - Second Offense - An authorized district employee will confiscate the personal communication device. The student's parent or legal guardian may retrieve the device on the following school day.
    - Third and Subsequent Offenses - The third and subsequent violations will be considered insubordination and will result in school consequences, such as, but not limited to, ISS, OSS, and confiscation of the device.

    - If the first or second offense occurs on the last day of a school week a student's parent or legal guardian may retrieve the personal communications device at the end of the day on the same day it was confiscated.

    - Campus Administrators have the authority to apply consequences based on individual student circumstances and needs.

In limited circumstances and in accordance with law, a student's personal communication device may be searched by authorized personnel. [See Searches and Investigations and policy FNF for more information.]

The district is not responsible for damaged, lost, or stolen communications devices.

Instructional Use of Personal Electronic Devices

Students must obtain prior approval to use personal electronic devices allowed by law for instructional purposes while on campus. The district may not permit use of a prohibited personal communication device except as required by law. [See Possession and Use of Personal Communication Devices, Including Cell Phones and Other Electronic Devices] Students must also sign a user agreement that contains applicable rules for use (separate from this handbook).

All personal devices must be turned off during the instructional day when not in use for approved instructional purposes. Violations of the user agreement may result in the withdrawal of privileges and other disciplinary action.

Acceptable Use of District Technology Resources

District-owned technology resources may be issued to individual students for instructional purposes. Use of the district's network systems and equipment is restricted to approved purposes only. Students and parents will be asked to sign a user agreement (separate from this handbook) regarding the use of these district resources. Violations of the user agreement may result in the withdrawal of privileges and other disciplinary action.

Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether on district-owned or personally owned equipment, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content — commonly referred to as "sexting" — will be disciplined in accordance with the Student Code of Conduct, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement.

This type of behavior may constitute bullying or harassment, as well as impede future endeavors of a student. We encourage parents to review with their child the "Before You Text" Bullying and Sexting Course (https://txssc.txstate.edu/tools/courses/before-you-text/), a state-developed program that addresses the consequences of sexting.

In accordance with state law, the district prohibits the installation or use of TikTok (or any successor application or service) on a district device, along with any other social media application or service determined by the governor.

Any student who engages in conduct that results in a breach of the district's computer security will be disciplined in accordance with the Student Code of Conduct. In some cases, the consequence may be expulsion.

End-of-Course (EOC) Assessments

[See Graduation (Secondary Grade Levels Only) and Standardized Testing]

Emergent Bilingual Students (All Grade Levels)

A student who is an emergent bilingual student is entitled to receive specialized services from the district. A Language Proficiency Assessment Committee (LPAC), consisting of both district personnel and at least one parent representative, will determine whether the student qualifies for services. The student's parent must consent to any services recommended by the LPAC. However, pending the receipt of parental consent or denial of services, an eligible student will receive the services to which the student is entitled and eligible.

To determine a student's level of proficiency in English, the LPAC will use information from a variety of assessments. If the student qualifies for services, and once a level of proficiency has been established, the LPAC will designate instructional accommodations or additional special programs that the student will require to eventually become proficient at grade-level work in English. Ongoing assessments will be conducted to determine a student's continued eligibility for the program.

The LPAC will also determine whether certain accommodations are necessary for any state-mandated assessments. The STAAR Spanish, as mentioned at Standardized Testing, may be administered to an emergent bilingual student up to grade 5. In limited circumstances, a student's LPAC may exempt the student from an otherwise required state-mandated assessment or may waive certain graduation requirements related to the English I end-of-course (EOC) assessment. The Texas English Language Proficiency Assessment System (TELPAS) will also be administered to emergent bilingual students who qualify for services.

If a student is considered an emergent bilingual student and receives special education services because of a qualifying disability, the student's ARD committee will make instructional and assessment decisions in conjunction with the LPAC.

Extracurricular Activities, Clubs, and Organizations (All Grade Levels)

Participation in school-sponsored activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships.

State law requires the district to obtain written parental consent before a student may participate in a student club that is authorized or sponsored by the district. A parent may obtain consent forms for student clubs through the District's Office of School Leadership.

Some extracurricular activities may include off-campus events. Students are required to use the transportation provided by the district to and from the events. Exceptions may only be made with the approval of the activity's coach or sponsor. [See Transportation (All Grade Levels)]

Eligibility for many of these activities is governed by state law and the rules of the University Interscholastic League (UIL), a statewide association overseeing interdistrict competition. If a student is involved in an academic, athletic, or music activity governed by UIL, the student and parent are expected to know and follow all rules of the UIL organization. Students and parents can access the UIL Parent Information Manual (https://www.uiltexas.org/athletics/manuals) online. A hard copy can be provided by the coach or sponsor of the activity on request.

To report alleged noncompliance with required safety training or an alleged violation of safety rules required by law and the UIL, please contact the curriculum division of TEA at (512) 463-9581 or curriculum@tea.texas.gov.

[See UIL Texas (https://www.uiltexas.org/) for additional information on all UIL-governed activities.]

Student safety in extracurricular activities is a priority of the district. Parents are entitled to review the district's records regarding the age of each football helmet used by the campus, including when a helmet has been reconditioned.

Generally, a student who receives a grade below 70 at the end of a grading period in any academic class may not participate in extracurricular activities for at least three school weeks.

However, if a student receives a grade below 70 at the end of a grading period in an Advanced Placement (AP) or International Baccalaureate (IB), honors, or dual credit course in English language arts, mathematics, science, social studies, economics, or languages other than English, the student remains eligible for participation in all extracurricular activities.

If a student is enrolled in a state-approved course that requires demonstration of the mastery of essential knowledge and skills in public performance and the student receives a grade below 70 in any course at the end of the grading period, the student may participate in a performance, so long as the general public is invited.

If a student is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, and the student receives a grade below 70 in any course at the end of a grading period, the student may perform with the ensemble during the UIL evaluation performance, but is ineligible for other extracurricular activities for at least three weeks.

In addition, the following applies to all extracurricular activities:

- A student who receives special education services and who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse but may not participate in any competitive activity.
- A student is allowed in a school year up to 15 absences not related to post-district competition; however, a student shall be allowed unlimited absences for post-district competition prior to state, for state competition. All extracurricular activities and public performances, whether UIL activities or other activities approved by the board, are subject to these restrictions.
- An absence for participation in an activity that has not been approved will be considered an unexcused absence.

Standards of Behavior

Sponsors of student clubs and performing groups, such as the band, choir, and drill and athletic teams, may establish standards of behavior — including consequences for misbehavior — that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by board policy will apply in addition to any consequences specified by the organization's standards of behavior.

Offices and Elections

Certain clubs, organizations, and performing groups will hold elections for student officers. These groups include:

Fees (All Grade Levels)

Basic educational program materials are provided at no charge to a student. However, a student is expected to provide their own supplies, such as pencils, paper, erasers, and notebooks. A student may also be required to pay certain other costs, fees, or deposits, including:

- Materials for a class project that the student will keep.
- Membership dues in voluntary clubs or student organizations.
- Admission fees to extracurricular activities.
- Security deposits.
- Personal physical education, athletic equipment, and apparel.
- Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, and the like.
- Voluntarily purchased student health and accident insurance.
- Musical instrument rental and uniform maintenance when uniforms are provided by the district.
- Personal apparel used in extracurricular activities that becomes the property of the student.
- Parking fees and student identification cards.
- Fees for lost, damaged, or overdue library books.
- Fees for driver training courses.
- Fees for optional courses offered for credit that require the use of facilities not available on district premises.
- Summer school offers courses that are offered tuition-free during the regular school year.
- A reasonable fee for providing transportation to a student who lives within two miles of the school. [See Buses and Other School Vehicles]
- A maximum fee of $50 for an educational program outside of regular school hours for a student who has lost credit or has not been awarded a final grade because of absences, and whose parent chooses the program for the student to meet the 90 percent attendance requirements. The fee will be charged only if the parent or guardian signs a district-provided request form.
- In some cases, a fee for a virtual or hybrid course.

Any required fee or deposit may be waived if the student and parent are unable to pay. Application for such a waiver may be made to the principal. [See policy FP for more information.]

Fundraising (All Grade Levels)

Student groups or classes and/or parent groups may be permitted to conduct fundraising drives for approved school purposes in accordance with administrative regulations. [See policies FJ and GE for more information.]

Gang-Free Zones (All Grade Levels)

Certain criminal offenses, including gang-related crimes, will be enhanced to the next-highest category of offense if they are committed in a gang-free zone. Gang-free zones include a school bus and any location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

Grade-Level Classification (Grades 9-12 Only)

After grade 9, students are classified according to the number of credits earned toward graduation.

Credits Earned	Classification
6	Grade 10 (Sophomore)
12	Grade 11 (Junior)
18	Grade 12 (Senior)

Grading Guidelines (All Grade Levels)

Approved grading guidelines for each grade level or course will be communicated to students and their parents by the classroom teacher. These guidelines establish:

- The minimum number of assignments, projects, and examinations required for each grading period
- How the student's mastery of concepts and achievement will be communicated (for example, letter grades, numerical averages, a checklist of required skills, and the like)
- Circumstances under which a student will be allowed to redo an assignment or retake an examination that the student originally failed
- Procedures for a student to follow after an absence
- Grading consequences for academic dishonesty, including cheating or copying the work of another student, plagiarism (including the unauthorized use of artificial intelligence (AI) such as ChatGPT), and unauthorized communication between students during an examination

[See Report Cards/Progress Reports and Conferences (All Grade Levels) for additional information on grading guidelines.]

Graduation (Secondary Grade Levels Only)

Requirements for a Diploma

A student must meet the following requirements to receive a high school diploma from the district:

- Achieve passing scores on certain end-of-course (EOC) assessments or approved substitute assessments, unless specifically waived as permitted by state law
- Complete the required number of credits established by the state and any additional credits required by the district
- Complete any locally required courses in addition to the courses mandated by the state
- Demonstrate proficiency, as determined by the district, in the specific communication skills required by the State Board of Education (SBOE)
- Complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA)

Testing Requirements for Graduation

Students are required, with limited exceptions and regardless of graduation program, to perform satisfactorily on the following EOC assessments:

- English I
- English II
- Algebra I
- Biology
- U.S. History

A student who does not achieve a sufficient score will have opportunities to retake an assessment.

State law allows a student to meet EOC requirements by substituting satisfactory performance on approved national standardized assessments or on the state-developed assessment used for entrance into Texas public universities. [See the school counselor for more information on the state testing requirements for graduation.]

If a student fails to perform satisfactorily on an EOC assessment, the district will provide remediation in the applicable content area. This may require the student's participation outside normal school operating times.

In limited circumstances, a student who fails to demonstrate proficiency on up to two of the required assessments may still be eligible to graduate if an individual graduation committee, formed in accordance with state law, unanimously determines that the student is eligible to graduate.

[See Standardized Testing]

Foundation Graduation Program

Every Texas public school student will graduate under the foundation graduation program. The foundation graduation program features endorsements, which are paths of interest that include:

- Science, Technology, Engineering, and Mathematics (STEM)
- Business and Industry
- Public Service

- Arts and Humanities
- Multidisciplinary Studies

Endorsements earned by a student will be noted on the student's transcript.

A student can complete the foundation graduation program with a "distinguished level of achievement," which reflects the completion of at least one endorsement and Algebra II as one of the required advanced mathematics credits.

Personal Graduation Plans will be completed for each high school student.

State law generally prohibits a student from graduating solely under the foundation graduation program without an endorsement. However, after the student's sophomore year, the student and the student's parents may request that the student graduate without an endorsement. The district will advise the student and the student's parents of the specific benefits of graduating with an endorsement. The student and the student's parent must then submit written permission to the school counselor for the student to graduate without an endorsement.

A student who wishes to attend a four-year university or college after graduation must carefully consider whether graduation under the foundation program without an endorsement will satisfy the admission requirements of the student's desired college or university.

A student graduating under the foundation graduation program can also earn performance acknowledgments on their transcript. Performance acknowledgments are available for outstanding performance in bilingualism and biliteracy, in a dual credit course, on an AP or IB examination, on certain national college preparatory and readiness or college entrance examinations, or for earning a license or certificate recognized at the state, national, or international level. The school counselor can provide more information about these acknowledgments.

A student is not required to complete an Algebra II course to graduate under the foundation graduation program, and the district will annually notify a student's parent of this fact. However, not taking Algebra II will make a student ineligible for automatic admission to four-year public universities and colleges in Texas and for certain financial aid and grants while attending those institutions.

A school district will permit a student to satisfy the curriculum requirements for graduation under the foundation program with the distinguished level of achievement, including an endorsement, by successfully completing courses in the core curriculum of a public Texas institution of higher education. Please see your counselor for more information.

Credits Required

The foundation graduation program requires completion of the following credits:

Course Area	Number of Credits: Foundation Graduation Program	Number of Credits: Foundation Graduation

		Program with an Endorsement
English/Language Arts	4	4
Mathematics	3	4
Science	3	4
Social Studies	3	3
Physical Education	1	1
Languages other than English	2	2
Fine Arts	1	1
Electives	**5**	**7**
Total	**22 credits**	**26 credits**

Additional considerations apply in some course areas, including:

- **Mathematics:** To obtain the distinguished level of achievement under the foundation graduation program, a student must complete an endorsement and take Algebra II as one of the 4 mathematics credits. A student's completion of the distinguished level of achievement is a requirement to be considered for automatic admission to a Texas four-year college or university and will be included on a student's transcript.
- **Physical education:** A student who is unable to participate in physical activity due to a disability or illness may be able to substitute a course in English language arts, mathematics, science, social studies, or another locally determined credit-bearing course for the required credit of physical education. This determination will be made by the student's ARD committee, Section 504 committee, or other campus committee, as applicable.
- **Languages other than English:** Students are required to earn 2 credits in the same language other than English to graduate.
    - A student may substitute computer programming languages for these credits.
    - A student may satisfy one of the 2 required credits by successfully completing in elementary school a dual language immersion program or a course in American Sign Language.
    - In limited circumstances, a student may be able to substitute this requirement with other courses, as determined by a district committee authorized by law to make these decisions for the student.

Available Endorsements

A student must specify which endorsement to pursue upon entering grade 9.

Financial Aid Application Requirement

Before graduating from high school, each student must complete and submit an application for financial aid for post-secondary education. Students must complete and submit either a Free Application for Federal Student Aid (FAFSA) or a Texas Application for State Financial Aid (TASFA).

A student is not required to complete and submit a FAFSA or TASFA if:

- The student's parent submits a form provided by the district indicating that the parent authorizes the student to opt out
- A student who is 18 years of age or older or a legally independent minor submits a form provided by the district indicating that the student opts out
- A school counselor authorizes the student to opt out for good cause

Please contact the school counselor for more information.

To confirm that a student has completed and submitted a FAFSA or TASFA, the student must submit one of the following:

- A screenshot that includes the processed date field of the FAFSA ApplyTexas Counselor Suite
- Notification, such as a copy of an email, from the United States Department of Education verifying completion of the FAFSA
- A copy or screenshot of the FAFSA acknowledgment page
- A screenshot of the TASFA submission acknowledgment page (from those institutions that offer an electronic form)
- An acknowledgment receipt from an institution of higher education (IHE)
- A copy of a financial aid award letter from an IHE

Personal Graduation Plans

A personal graduation plan will be developed for each high school student.

The district encourages all students to pursue a personal graduation plan that includes the completion of at least one endorsement and to graduate with the distinguished level of achievement. Attainment of the distinguished level of achievement is a requirement for a student to be considered for automatic admission to a public four-year college or university in Texas, depending on their rank in class.

The school will review personal graduation plan options with each student entering grade 9 and the student's parent. Before the end of grade 9, a student and their parent will be required to sign off on a personal graduation plan that promotes college and workforce readiness, promotes career placement and advancement, and facilitates the transition from secondary to postsecondary education.

The student's personal graduation plan will outline an appropriate course sequence based on the student's choice of endorsement.

Please review TEA's Graduation Toolkit (https://tea.texas.gov/about-tea/news-and-multimedia/brochures/tea-brochures).

A student may amend their personal graduation plan after this initial confirmation. The school will send written notice of any such amendment to the student's parents.

Available Course Options for All Graduation Programs

Each spring, the district will update students on the courses required or offered in each curriculum area so students can enroll for the upcoming school year.

Note: The district may require the completion of certain courses for graduation even if these courses are not required by the state for graduation.

Not all courses are offered at every secondary campus in the district. A student who wants to take a course not offered at their regular campus should contact the school counselor about a transfer or other alternatives. If the parents of at least 22 students request a transfer for a course in the required curriculum other than fine arts or career and technical education (CTE), the district will offer the course the following year either by teleconference or at the school from which the transfers were requested.

Certificates of Coursework Completion

A certificate of coursework completion will not be issued to a student who has successfully completed state and local credit requirements for graduation but has not yet demonstrated satisfactory performance on the state-mandated tests required for graduation.

Students with Disabilities

Admission, review, and dismissal (ARD) committees will make instructional and assessment decisions for students with disabilities who receive special education services in accordance with state law.

Upon the recommendation of the ARD committee, a student with a disability who receives special education services may be permitted to graduate under the provisions of their individualized education program (IEP) and in accordance with state rules.

A student who receives special education services may earn the distinguished level of achievement or an endorsement under the foundation program. If the student's curriculum requirements for the endorsement were modified, the student's ARD committee will determine whether the modified curriculum is sufficiently rigorous to earn the distinguished level of achievement or endorsement. The ARD committee must also determine whether the student must perform satisfactorily on any end-of-course assessment to earn an endorsement.

A student who receives special education services and has completed four years of high school but has not met the requirements of their IEP may participate in graduation ceremonies and receive a certificate of attendance. The student may then remain enrolled to complete the IEP and earn a high school diploma, but will only be allowed to participate in one graduation ceremony.

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

Graduation Activities

Students who are eligible to graduate but are assigned to a disciplinary alternative education program at the end of the school year will be allowed to participate in the graduation ceremony and related graduation activities.

Graduation Speakers

Certain graduating students will be given an opportunity to speak at graduation ceremonies.

A student must meet local eligibility criteria, which may include requirements related to student conduct, to have a speaking role. Students eligible for speaking roles will be notified by the principal and given an opportunity to volunteer.

[See the Student Code of Conduct and policy FNA(LOCAL) for more information.]

[See Student Speakers (All Grade Levels) for student speakers at other school events.]

Graduation Expenses

Because students and parents will incur expenses to participate in the traditions of graduation — such as the purchase of invitations, senior ring, cap and gown, and senior picture — both the student and parent should monitor progress toward completion of all requirements for graduation. The expenses are often incurred in the junior year or the first semester of the senior year. [See Fees (All Grade Levels)]

Scholarships and Grants

Students who have a financial need according to federal criteria and who complete the foundation graduation program may be eligible under the TEXAS Grant Program, Teach for Texas Grant Program, and Future Texas Teachers Scholarship Program for scholarships and grants toward tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions. Certain students who graduate early may also be eligible for the Texas First Scholarship Program.

[See College and University Admissions and Financial Aid (All Grade Levels) for more information.]

Contact the school counselor for information about other scholarships and grants available to students.

Harassment

[See Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)]

Hazing (All Grade Levels)

Hazing is defined as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

- Any type of physical brutality

- An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances
- An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code
- Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated

The district will not tolerate hazing. Disciplinary consequences for hazing will be in accordance with the Student Code of Conduct. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to the principal, superintendent, or law enforcement official.

[See Bullying (All Grade Levels) and policies FFI and FNCC for more information.]

Health — Physical and Mental

Health-Related Services

The district is required to provide notice of each health-related service offered at a student's campus. A parent may withhold consent for or decline a health-related service.

Each campus has access to a health care professional. Visit www.wacoisd.org for more details.

Illness (All Grade Levels)

When your child is ill, please contact the school to let us know they will not be attending that day.

State rules require schools to exclude students with certain illnesses from school for certain periods of time. For example, a child with a fever over 100 degrees must stay out of school until fever-free for 24 hours without the use of fever-reducing medications. Students with diarrheal illnesses must stay home until they are diarrhea-free without the use of diarrhea-suppressing medications for 24 hours.

A full list of conditions for which the school must exclude children can be obtained from the school nurse.

If a student becomes ill during the school day and the school nurse determines that the child should go home, the nurse will contact the parent.

The district is required to report certain contagious (communicable) diseases or illnesses to the Department of State Health Services (DSHS) or our local/regional health authority. The school nurse can provide information from DSHS on these notifiable conditions.

The school nurse is available to answer any questions for parents who are concerned about whether or not their child should stay home.

Immunization (All Grade Levels)

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized.

For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. You may access the DSHS exemption form (https://www.dshs.texas.gov/immunization-unit/texas-school-child-care-facility-immunization/texas-immunization-exemptions) online or by writing to this address:

Texas Department of State Health Services
Immunization Section, Mail Code 1946
P.O. Box 149347
Austin, Texas 78714-9347

The form must not be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student.

The immunizations required are:

- Diphtheria, tetanus, and pertussis
- Polio
- Measles, mumps, and rubella
- Hepatitis B
- Varicella (chicken pox)
- Meningococcal
- Hepatitis A

The school nurse can provide information on immunization requirements. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. registered and licensed physician stating that, in the doctor's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or a member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a lifelong condition.

For information on immunization against bacterial meningitis and college enrollment and attendance, see Bacterial Meningitis (All Grade Levels).

[See the DSHS's School and Childcare Vaccine Requirements (https://www.dshs.texas.gov/immunizations/school) and policy FFAB(LEGAL) for more information.]

Lice (All Grade Levels)

Head lice is very common among children. Although not an illness or a disease, head lice spread through head-to-head contact during play, sports, nap time, and when children share things like brushes, combs, hats, and headphones.

The district does not require or recommend that students be removed from school because of lice or nits.

If careful observation indicates that a student has head lice, the school nurse will contact the student's parent to discuss a treatment plan using an FDA-approved medicated shampoo or cream rinse that may be purchased from any drug or grocery store. After the student undergoes one treatment, the parent should contact the school nurse to discuss the treatment used. The nurse can also offer additional recommendations, including subsequent treatments, how best to get rid of lice, and how to prevent lice from returning.

The district will provide notice to parents of elementary school students in an affected classroom without identifying the student with lice.

More information on head lice is available on the DSHS website, Managing Head Lice in School Settings and at Home (https://www.dshs.texas.gov/texas-school-health/skilled-procedures-texas-school-health/managing-head-lice-school) and the Centers for Disease Control and Prevention's website About Head Lice (https://www.cdc.gov/lice/about/head-lice.html).

[See policy FFAA for more information.]

Medicine at School (All Grade Levels)

If a student must take medication during school hours, the student's parent must provide the medication. All medication, whether prescription or nonprescription, must be kept in the nurse's office and be administered by the nurse or another authorized district employee. A student may be authorized to possess their own medication because of asthma or a severe allergy, as described below, or as otherwise allowed by law.

The district will not purchase nonprescription medication to give to a student.

In accordance with policy FFAC, authorized employees may administer:

- Prescription medication in the original, properly labeled container, provided by the parent, along with a written request.
- Prescription medication from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee from the original, properly labeled container provided by the parent, along with a written request.
- Nonprescription medication in the original, properly labeled container, provided by the parent along with a written request. **Note:** Insect repellent is considered a nonprescription medication.
- Herbal or dietary supplements are provided by the parent only if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.

An elementary or secondary student may possess and self-apply sunscreen to avoid overexposure to the sun. An elementary student's teacher or other district personnel will apply sunscreen to the student's exposed skin if the student brings the sunscreen to school and asks for help applying it. If a secondary student needs assistance with sunscreen application, please address the need with the school nurse.

Whether a student is at the elementary or secondary level, if sunscreen needs to be administered to treat any type of medical condition, this should be handled through communication with the school nurse so that the district is made aware of any safety and medical issues.

Asthma and Severe Allergic Reactions

A student with asthma or severe allergic reaction (anaphylaxis) may possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if they have written authorization from a parent and a physician or other licensed health-care provider. The student must also demonstrate to their health-care provider and the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal.

[See also Food Allergies (All Grade Levels)]

Unassigned Epinephrine Delivery Systems

In accordance with Chapter 38, Subchapter E of the Education Code, the board has adopted a policy to allow authorized school personnel who have been adequately trained to administer an unassigned epinephrine delivery system to a person who is reasonably believed to be experiencing a severe allergic reaction (anaphylaxis).

An "unassigned epinephrine delivery system" is an epinephrine delivery system, including an auto-injector or nasal spray, prescribed by an authorized health-care provider in the name of the school, issued with a non-patient-specific standing delegation order for the administration of an epinephrine delivery system.

Epinephrine delivery systems include brand-name devices such as EpiPens® and Neffy®.

Authorized and trained individuals may administer an epinephrine delivery system at any time to a person experiencing anaphylaxis on a school campus.

The district will ensure that at each campus a sufficient number of school personnel are trained to administer epinephrine so that at least one trained individual is present on campus during regular on-campus school hours and when school personnel are physically on site for school-sponsored activities.

Authorized and trained individuals may administer an unassigned epinephrine delivery system to a person experiencing anaphylaxis at an off-campus school event or while in

transit to or from a school event when an unassigned epinephrine delivery system is available.

For additional information, see FFAC(LOCAL).

Unassigned Medication for Respiratory Distress

In accordance with Chapter 38, Subchapter E of the Education Code, the board has adopted a policy to allow authorized and trained school personnel to administer a medication for respiratory distress on a school campus or at a school-related activity to a person reasonably believed to be experiencing symptoms of respiratory distress.

The district will provide at each campus school personnel who are trained to administer prescription medication for respiratory distress during regular school hours.

“Unassigned medication for respiratory distress” means albuterol, levalbuterol, or another medication designated by the executive commission of the Health and Human Services Commission for treatment of respiratory distress, prescribed by an authorized health-care provider in the name of the district with a non-patient-specific standing delegation order for the administration of a medication for respiratory distress, and issued by an authorized health-care provider.

For additional information, see FFAC(LOCAL).

Unassigned Opioid Antagonists All Grades

In accordance with Chapter 38, Subchapter E of the Education Code, the board has adopted a policy to allow authorized and trained school personnel at each campus that serves students in grades 6-12 to administer an opioid antagonist, such as Narcan or Naloxone, to an individual who is reasonably believed to be experiencing an opioid-related drug overdose.

One or more authorized and trained individuals will be present on each campus, subject to this policy, during regular school hours.

Steroids (Secondary Grade Levels Only)

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for physician-prescribed medical use only.

Bodybuilding, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

Mental Health Support (All Grade Levels)

The district has implemented programs to address the following mental health, behavioral health, and substance abuse concerns:

- Mental health promotion and early intervention

- Building skills to manage emotions, establish and maintain positive relationships, and engage in responsible decision-making
- Substance abuse prevention and intervention
- Suicide prevention, intervention, and postvention (interventions after a suicide in a community)
- Grief, trauma, and trauma-informed care
- Positive behavior interventions and supports
- Positive youth development
- Safe, supportive, and positive school climates

If a student has been hospitalized or placed in residential treatment for a mental health condition or substance abuse, the district has procedures to support the student's return to school. Please contact the district's mental health liaison for further information.

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend the use of psychotropic drugs. A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication that is intended to alter perception, emotion, mood, or behavior.

A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [See policy FFEB for more information.]

For related information, see:

- Consent to Conduct a Psychological or Psychiatric Evaluation and Consent to Provide a Mental Health Care Service for the district's procedures for recommending a mental health intervention, and the mental health liaison's contact information
- Counseling for the district's comprehensive school counseling program
- Physical and Mental Health Resources (All Grade Levels) for campus and community mental and physical health resources
- Policies and Procedures that Promote Student Physical and Mental Health (All Grade Levels) for board-adopted policies and administrative procedures that promote student health

Physical Activity Requirements

Elementary School

The district will ensure that students in full-day prekindergarten -grade 5 engage in moderate or vigorous physical activity for 135 minutes per week, in accordance with policies at EHAB, EHAC, EHBG, and FFA.

For additional information on the district's elementary school student physical activity programs and requirements, please see the principal.

Middle School

The district will ensure that students in middle school will engage in at least 225 minutes of moderate or vigorous physical activity within each two-week period for at least four semesters, in accordance with policies at EHAB, EHAC, EHBG, and FFA.

For additional information on the district's middle school student physical activity programs and requirements, please see the principal.

Temporary Restriction from Participation in Physical Education

Students who are temporarily restricted from participation in physical education will not actively participate in skill demonstration but will remain in class to learn the concepts of the lessons.

Physical Fitness Assessment (Grades 3-12)

Annually, the district will conduct a physical fitness assessment of students in grades 3-12 who are enrolled in a physical education course or a course for which physical education credit is awarded. At the end of the school year, a parent may submit a written request to obtain the results of their child's physical fitness assessment conducted during the school year by contacting:

Lanny Williams
Director of Athletics
1401 S. New Road, Waco, TX, 76711
lanny.williams@wacoisd.org
254-745-2250

Physical Health Screenings/Examinations

Athletics Participation (Secondary Grade Levels Only)

For certain extracurricular activities, a student must submit certification from an authorized health-care provider. The certification must state that the student has been examined and is physically able to participate in the relevant program, including:

- A district athletics program
- District marching band
- Any district extracurricular program identified by the superintendent

This examination is required in the first year of middle school competition and the first and third years of high school competition. During the alternate years, the student must complete a medical appraisal form, and the results of this appraisal may prompt the district to require a physical examination.

Students should be aware of the rare possibility of sudden cardiac arrest, which in athletes is usually caused by a previously unsuspected heart disease or disorder. A student may request an electrocardiogram (ECG or EKG) to screen for such disorders, in addition to the required physical examination.

See the UIL's explanation of sudden cardiac arrest (https://www.uiltexas.org/health/info/sudden-cardiac-death) for more information.

Spinal Screening Program

School-based spinal screening helps identify adolescents with abnormal spinal curvature at an early stage when the curve is mild and may go unnoticed. Early detection is key to controlling spinal deformities. Spinal screening is non-invasive and conducted in accordance with the most recent nationally accepted and peer-reviewed standards.

All students who meet the Texas Department of State Health Services criteria will be screened for abnormal spinal curvature before the end of the school year. As appropriate, students will be referred for follow-up with their physician.

For information on spinal screening by an outside professional or exemption from spinal screening based on religious beliefs, contact the superintendent or see policy FFAA(LEGAL).

Other Examinations and Screenings (All Grade Levels)

[See policy FFAA for more information.]

Special Health Concerns (All Grade Levels)

Bacterial Meningitis (All Grade Levels)

Please see the district's website at www.wacoisd.org for information regarding meningitis.

Note: Entering college students must show, with limited exception, evidence of receiving a bacterial meningitis vaccination within the five-year period prior to enrolling in and taking courses at an institution of higher education. Please see the school nurse for more information, as this may affect a student who wishes to enroll in a dual credit course taken off campus.

[See Immunization (All Grade Levels)]

Diabetes

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF(LEGAL) for more information.]

Food Allergies (All Grade Levels)

Parents should notify the district when a student has been diagnosed with a food allergy, especially an allergy that could result in dangerous or life-threatening reactions, either by breathing, eating, or touching the particular food. It is important to disclose the food to which the student is allergic as well as the nature of the allergic reaction. Please contact the school nurse or campus principal if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

The district has developed and annually reviews a food allergy management plan, based on the Texas Department of State Health Services' (DSHS) *Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis found* on the DSHS Allergies and Anaphylaxis website (https://www.dshs.texas.gov/texas-school-health/resource-library/asthma-allergies-and-anaphylaxis)

When the district receives information that a student has a food allergy that puts the student at risk for anaphylaxis, an individual care plan will be developed to assist the student in safely accessing the school environment. The district's food allergy management plan can be accessed at www.wacoisd.org.

[See Celebrations (All Grade Levels) and policy FFAF for more information.]

Seizures (All Grade Levels)

To address the care of a student with a seizure disorder while at school or participating in a school activity, a parent may submit a seizure management and treatment plan to the district before the beginning of the school year, upon enrollment of the student, or as soon as practicable following diagnosis of a seizure disorder. A parent who submits a plan must use the Seizure Management and Treatment Plan Form (https://tea.texas.gov/academics/tea-seizure-management-form.pdf) developed by the Texas Education Agency.

[See A Student with Physical or Mental Impairments Protected under Section 504 and contact the school nurse for more information.]

Tobacco, E-Cigarettes, and Nicotine Products Prohibited (All Grade Levels)

Students are prohibited from possessing or using any type of tobacco product, electronic cigarette (e-cigarette), or any other electronic vaporizing device while on school property or while attending an off-campus school-related activity. With limited exceptions for medication [see Medicine at School (All Grade Levels)], students are also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on school property or while attending an off-campus school-related activity.

The district and its staff strictly enforce prohibitions against the use of all tobacco products, e-cigarettes, or any other electronic vaporizing device by students and all others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies FNCD and GKA for more information.]

Health-Related Resources, Policies, and Procedures

Physical and Mental Health Resources (All Grade Levels)

Parents and students in need of assistance with physical and mental health concerns may contact the following campus and community resources:

- All WISD schools have either a school RN/LVN on campus or access to a health care professional to provide quality and preventative health care to all students.

Please contact your child's campus or visit https://www.wacoisd.org/Page/4152,the health services webpage.

- All WISD schools have at least one degreed and certified school counselor on campus to provide support, resources, and guidance to all students and families. Please contact your child's campus or visit https://www.wacoisd.org/Page/11120 for a list of the campus counselor(s).
- The local public health authority, Waco-McLennan County Public Health District, may be contacted at 254-750-5450.
- The local mental health authority, Heart of Texas Region MHMR, may be contacted at 866-752-3451. The Crisis Hotline may be reached at 866-752-3451.

Policies and Procedures that Promote Student Physical and Mental Health (All Grade Levels)

The district has adopted board policies that promote student physical and mental health. Local policies on the topics below can be found in the district's policy manual, available at the central administration office and online at www.wacoisd.org.

- Food and nutrition management: CO, COA, COB
- Wellness and Health Services: FFA
- Physical Examinations: FFAA
- Immunizations: FFAB
- Medical Treatment: FFAC
- Communicable Diseases: FFAD
- School-Based Health Centers: FFAE
- Care Plans: FFAF
- Crisis Intervention: FFB
- Trauma-informed Care: FFBA
- Student Support Services: FFC
- Student Safety: FFF
- Child Abuse and Neglect: FFG
- Freedom from Discrimination, Harassment, and Retaliation: FFH
- Freedom from Bullying: FFI

In addition, the District Improvement Plan details the district's strategies to improve student performance through evidence-based practices that address physical and mental health.

The district has developed administrative procedures as necessary to implement the above policies and plans.

For more information about these procedures and access to the District Improvement Plan, please contact:

Melissa King-Knowles, Ed.D.
Deputy Superintendent
501 Franklin Ave., Waco, TX, 76701
melissa.king_knowles@wacoisd.org

254-755-9417

School Health Advisory Council (SHAC) (All Grade Levels)

During the preceding school year, the district's School Health Advisory Council (SHAC) held four meetings. Additional information about the district's SHAC is available from the Executive Director for Student Support Services.

Notification of upcoming SHAC meetings will be posted at each campus administrative office at least 72 hours before the meeting. Notification of upcoming SHAC meetings, meeting minutes, and a recording of each meeting will be posted on the district website at https://www.wacoisd.org/Page/4216.

[See Consent to Human Sexuality Instruction, Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking, and policies BDF and EHAA for more information.]

Student Wellness Policy/Wellness Plan (All Grade Levels)

To encourage healthy habits in our students, the district has developed a board-adopted wellness policy at FFA(LOCAL) and corresponding plans and procedures to implement it. For questions about the content or implementation of the district's wellness policy and plan, please contact:

Rhiannon Settles, RN-BC, BSN
Director for Health Services
501 Franklin Ave., Waco, TX, 76701
rhiannon.settles@wacoisd.org
254-754-9480

Law Enforcement Agencies (All Grade Levels)

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school, the principal will cooperate fully regarding the conditions of the interview, including, without parental consent, if necessary, if it is part of a child abuse investigation. In other circumstances, the principal will:

- Verify and record the identity of the officer or other authority and ask for an explanation of the need to question the student at school
- Ordinarily, make reasonable efforts to notify the parents, unless the interviewer raises what the principal considers to be a valid objection
- Ordinarily, be present for the questioning or interview, unless the interviewer raises what the principal considers to be a valid objection

Students Taken into Custody

State law requires the district to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court

- To comply with the laws of arrest
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision
- By a law enforcement officer to obtain fingerprints or photographs for comparison in an investigation
- By a law enforcement officer to obtain fingerprints or photographs to establish a student's identity, where the child may have engaged in conduct indicating a need for supervision, such as running away
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court
- By an authorized representative of Child Protective Services (CPS), Texas Department of Family and Protective Services (DFPS), a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety
- To comply with a properly issued directive from a juvenile court to take a student into custody

Before a student is released to a legally authorized person, the principal will verify the person's identity and, to the best of their ability, will verify the person's authority to take custody of the student.

The principal will immediately notify the superintendent and will attempt to notify the parent, unless the legally authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a legally authorized person, any notification will most likely be after the fact.

Notification of Law Violations

The district is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody, arrested, or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors that occur in school, on school property, or at a school-sponsored or school-related activity on or off school property. These personnel will also be notified if the principal has reasonable grounds to believe the student has engaged in certain conduct.
- All appropriate district personnel regarding a student who is required to register as a sex offender.

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

Leaving Campus (All Grade Levels)

Student attendance is crucial. Appointments should be scheduled outside of school hours if possible. Except for extenuating circumstances, students will not regularly be released before the end of the school day.

Parental consent is required before any student leaves campus for any part of the school day.

For students in elementary and middle school, a parent or authorized adult must come to the office and show identification to sign the student out. A campus representative will ask the student to report to the office. For safety purposes and stability of the learning environment, we cannot allow any unescorted adult to go to the classroom or other area to pick up the student. If the student returns to campus the same day, the parent or authorized adult must sign the student back in through the main office upon the student's return. Documentation regarding the reason for the absence will also be required.

The same process applies to students in high school if a parent picks the student up from campus. If the student's parent authorizes the student to leave campus unaccompanied, the parent must submit a note to the main office at least two hours before the student needs to leave campus. A phone call from the parent may be accepted, but the school may ultimately require a note for documentation purposes. The student must sign out through the main office and sign in upon return if the student returns the same day.

If a student becomes ill during the school day and the school nurse or other district personnel determines that the student should go home, the nurse will contact the student's parent and document the parent's wishes regarding release from school.

Unless the parent directs district personnel to release the student unaccompanied, the parent or other authorized adult must follow the sign-out procedures listed above. If a student is permitted by their parent to leave campus unaccompanied, the nurse will document the time of day the student was released. Under no circumstances will a student in elementary or middle school be released unaccompanied.

If a student is 18 years of age or is an emancipated minor, the student may sign out of school. Documentation regarding the reason for the absence will be required.

During Lunch

Students are not allowed to leave campus during lunch without a parent.

At Any Other Time During the School Day

Students are not authorized to leave campus during regular school hours for any other reason, except with the permission of the principal.

Students who leave campus in violation of these rules will be subject to disciplinary action in accordance with the Student Code of Conduct.

Lost and Found (All Grade Levels)

A lost and found collection box is located in the campus office. A student who loses an item should check the lost and found box. The district discourages bringing personal items of high monetary value to school, as the district is not responsible for lost or stolen items. The campus will dispose of lost and found items at the end of each semester.

Makeup Work

Makeup Work Because of Absence (All Grade Levels)

A teacher may assign makeup work to a student who misses class based on instructional objectives and the needs of the student in mastering the essential knowledge and skills or meeting subject or course requirements.

The student will be responsible for obtaining and completing the makeup work within the time specified by the teacher. A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

The student is encouraged to speak with the teacher if the student knows of an absence ahead of time so that the teacher and student may plan any makeup work. Please remember the importance of student attendance at school. With limited exceptions, all absences count for the 90 percent threshold set in state law regarding attendance for credit or final grade. [See Attendance for Credit or Final Grade (All Grade Levels)]

A student involved in an extracurricular activity must notify teachers ahead of time about any absences.

A student will be permitted to make up tests and turn in projects due in any class missed because of absence. Teachers may assign a late penalty to any long-term project in accordance with timelines approved by the principal and previously communicated to students.

DAEP Makeup Work

Elementary and Middle School Grade Levels

The academic mission of DAEP shall be to enable students to perform at grade level. A DAEP shall focus on English language arts, mathematics, science, history, and self-discipline.

Grades 9-12

If a high school student is enrolled in a foundation curriculum course at the time of removal to a disciplinary alternative education program (DAEP), the student will have an opportunity to complete the course before the beginning of the next school year. The district may provide the opportunity to complete the course through an alternative method, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FOCA(LEGAL) for more information.]

In-School Suspension (ISS) and Out-of-School Suspension (OSS) Makeup Work (All Grade Levels)

Alternative Means to Receive Coursework

While a student is in ISS or OSS, the district will provide the student with all coursework for the student's foundation curriculum classes that the student misses as a result of the suspension.

Opportunity to Complete Courses

A student removed from the regular classroom to ISS or another setting, other than a DAEP, will have an opportunity to complete, before the beginning of the next school year, each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FO(LEGAL) for more information.]

Nondiscrimination Statement (All Grade Levels)

In its efforts to promote nondiscrimination and as required by law, the district does not discriminate on the basis of race, religion, color, national origin, gender, sex, age, disability, or any other basis prohibited by law in providing education services, activities, and programs, including Career and Technical Education (CTE) programs. The district provides equal access to the Boy Scouts and other designated youth groups.

In accordance with Title IX, the district does not and is required not to discriminate on the basis of sex and prohibits sex discrimination in its educational programs or activities. The requirement not to discriminate extends to employment. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator (see below), to the U.S. Department of Education's Office for Civil Rights, or both.

Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

The district's nondiscrimination policy and grievance procedures are in policy FFH in the district's policy manual, available at www.wacoisd.org.

The district has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sex-based harassment:

Suzanne Hamilton, Ed.D.
Assistant Superintendent for Student Services & Support
501 Franklin Ave.
suzanne.hamilton@wacoisd.org
254-755-9417

Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon the district receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described in policy FFH.

The following district representatives have been designated to address concerns or inquiries about other kinds of discrimination:

- For concerns regarding discrimination on the basis of disability, see the ADA/Section 504 Coordinator:

  Nkechi Washington
  Executive Director of Special Education
  501 Franklin Ave
  nkechi.washington@wacoisd.org
  254-755-9596
- For all other concerns regarding discrimination, see:

  Tiffany Spicer, Ph.D.
  Superintendent
  501 Franklin Ave
  tiffany.spicer@wacoisd.org
  254-755-9474

[See policies at FB, FFH, and GKD for more information.]

Nontraditional Academic Programs (All Grade Levels)

Optional Flexible School Day Program

The Optional Flexible School Day Program allows for students who meet certain at-risk criteria to attend school for partial days. The program is designed to accommodate students who work, who are taking care of family, and other circumstances that make it difficult to attend full day.

Waco ISD Future Educators Academy

Waco ISD, Future Educators Academy, is a Pathways in Technology Early College High School (P-TECH). The purpose of the program is to culminate in an Associate's Degree for students who complete the program and offer the possibility of a Bachelor's of Education two years after high school graduation. Students have the opportunity to graduate with an Educator Aide 1 certification, obtain college credit hours, and/or an Associate Degree at no cost. The program reflects the population of the district and shall be weighted via lottery if more than the maximum number of students apply.

Parent and Family Engagement (All Grade Levels)

Parental Rights and Options

State law provides that a parent has the right to direct the moral and religious training of the parent's child, make decisions concerning the child's education, and consent to medical, psychiatric, and psychological treatment of the child without obstruction or interference from a governmental entity of Texas, including a school district.

In addition to referring to the rights of parents, including the right to withhold consent for or exempt the parent's child from certain activities and instruction specified throughout this handbook, parents may access additional information regarding parental rights at the district's website at www.wacoisd.org.

Working Together

Experience and research tell us that a child succeeds in education with good communication and a strong partnership between home and school. A parent's involvement and engagement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child every day to make the most of the educational opportunities the school provides.
- Ensuring that your child completes all homework assignments and special projects and comes to school each day prepared, rested, and ready to learn.
- Becoming familiar with all your child's school activities and with the academic programs, including special programs, offered in the district.
- Discuss with the school counselor or principal any questions you may have about the options and opportunities available to your child.
- Reviewing the requirements and options for graduation with your child in middle school and again while your child is enrolled in high school.
- Monitoring your child's academic progress and contacting teachers as needed. [See Academic Counseling]
- Attending scheduled conferences and requesting additional conferences as needed. The district will provide at least two opportunities for in-person conferences during each school year for each parent of a child enrolled in the district with the child's teachers. To schedule a telephone or in-person conference with a teacher, school counselor, or principal, please call the school office for an appointment. The teacher will usually return your call or meet with you during their conference period or before or after school. [See Report Cards/Progress Reports and Conferences (All Grade Levels)]
- Becoming a school volunteer. [See Volunteers (All Grade Levels) and policy GKG for more information.]
- Participating in campus parent organizations. Parent organizations include:
    - Quality District Advisory Committee (QDAC)
    - Parent Teacher Organizations, Parent Teacher Associations (PTOs, PTAs)
    - Campus Decision-Making Councils (CDMC).

- Serving as a parent representative on the district-level or campus-level planning committees that develop educational goals and plans to improve student achievement. For more information, see policies BQA and BQB and contact:

  Melissa King-Knowles, Ed.D.
  Deputy Superintendent
  501 Franklin Ave.
  melissa.king_knowles@wacoisd.org
  254-755-9419
- Serving on the School Health Advisory Council (SHAC) and assisting the district in aligning local community values with health education instruction, human sexuality instruction, instruction on prevention of child abuse, family violence, dating violence, and sex trafficking, and other wellness issues. [See School Health Advisory Council (SHAC) (All Grade Levels) and policies BDF, EHAA, FFA for more information.]
- Being aware of the school's ongoing bullying and harassment prevention efforts.
- Contact school officials if you are concerned about your child's emotional or mental well-being.
- Attending board meetings to learn more about district operations. Regular board meetings are held on the third or fourth Thursday of each month at 6:00 p.m. at 115 South 5th Street, Waco, TX 76701. An agenda for a regular or special meeting is posted no later than 3 business days before each meeting at 501 Franklin Ave, Waco, TX, 76701, and 115 South 5th Street, Waco, TX, 76701, and online at https://www.wacoisd.org/domain/2487 [See policies BE and BED for more information.]

Parking and Parking Permits (Secondary Grade Levels Only)

A student must present a valid driver's license and proof of insurance to be eligible for a parking permit.

Students must request a parking permit to park in a school parking lot. So long as space is available, parking permits may be issued throughout the year.

Students will not be permitted to:

- Speed
- Double-park
- Park across a white or yellow line
- Park in a fire lane
- Sit in parked cars during school hours

Students may be subject to disciplinary action for violation of these rules. The district may tow cars that are parked in violation of these rules.

Pledges of Allegiance and a Minute of Silence (All Grade Levels)

Each school day, students will recite the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. Parents may submit a written request to the

principal to excuse their child from reciting a pledge. [See Reciting the Pledges to the U.S. and Texas Flags]

State law requires that one minute of silence follow the recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that minute, so long as the silent activity does not interfere with or distract others.

In addition, state law requires that each campus provide for the observance of one minute of silence in remembrance of those who lost their lives on September 11, 2001, at the beginning of the first class period when September 11 falls on a regular school day.

[See policy EC for more information.]

Prayer (All Grade Levels)

Each student has a right to pray individually, voluntarily, and silently or to meditate in school in a manner that does not disrupt school activities. The school will not require or coerce a student to engage in or refrain from such prayer or meditation during any school activity.

Private Spaces

In accordance with law, the district shall designate each multiple-occupancy private space in a building the district owns, operates, or controls for use only by individuals of one sex.

Multiple-occupancy private space means a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. The term includes a restroom, locker room, changing room, or shower room.

Promotion and Retention

A student will be promoted only on the basis of academic achievement or proficiency. In making promotion decisions, the district will consider the following:

- Teacher recommendation
- Grades
- Scores on criterion-referenced or state-mandated assessments
- Any other necessary academic information as determined by the district

Elementary and Middle Grade Levels

In grades 1-5, promotion is based on an overall final average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) in mathematics, reading, and language arts, and a combined average of 70 in science and social studies.

In grades 6-8, promotion is based on an overall final average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all

subject areas and a grade of 70 or above in English language arts and mathematics, and a grade of 70 in either science or social studies. [For additional information, see policies EIE(LEGAL) and EIE(LOCAL).]

Repeating Prekindergarten or Kindergarten-Grade 8 at Parent Request

A parent may request in writing that a student repeat prekindergarten, kindergarten, or any grade in grades 1-8. Before granting the request, the district may convene a retention committee to meet and discuss the request, and will invite the parent to participate.

High School Grade Levels

To earn credit in a course, a student must receive a grade of at least 70 based on course-level standards.

A student in grades 9-12 will be advanced a grade level based on the number of course credits earned. [See Grade-Level Classification (Grades 9-12 Only)]

Repeating a High-School Credit Course

A parent may request in writing that a student repeat a high-school credit course in which the student was enrolled during the previous school year unless the district determines that the student has met all requirements for graduation.

Before granting the request, the district may convene a retention committee to meet and discuss the request, and will invite the parent to participate.

Only the student's first passing grade will be included in the calculation of class ranking.

Release of Students from School

[See Leaving Campus (All Grade Levels)]

Remote Instruction

The district may offer remote instruction in accordance with TEA guidelines.

All district policies, procedures, guidelines, rules, and other expectations of student behavior will be enforced as applicable in a remote or virtual learning environment.

Report Cards/Progress Reports and Conferences (All Grade Levels)

Report cards with each student's performance and absences in each class or subject are issued at least once every six weeks.

At the end of the first three weeks of a grading period, parents will receive a progress report if their child's performance in any course/subject area is near or below 70 or is below the expected level of performance. If a student receives a grade lower than 70 in any class or subject at the end of a grading period, the parent will be asked to schedule a conference with the teacher. [See Working Together for how to schedule a conference.]

Teachers follow grading guidelines that have been approved by the superintendent pursuant to the board-adopted policy. Grading guidelines are designed to reflect each student's relative mastery of each assignment. State law provides that a test or course grade issued by a teacher cannot be changed unless the board determines that the grade was arbitrary or contains an error, or that the teacher did not follow the district's grading policy. [See Grading Guidelines (All Grade Levels) and policy EIA(LOCAL) for more information.]

Questions about grade calculation should first be discussed with the teacher. If the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG(LOCAL).

The report card or unsatisfactory progress report will state whether tutorials are required for a student who receives a grade lower than 70.

Report cards and unsatisfactory progress reports must be signed by the parent and returned to the school. The district may communicate academic information about a student electronically, including for progress reporting purposes. An electronic signature will be accepted by the district, but parents are entitled to request a handwritten signature of acknowledgment instead.

Retaliation

[See Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)]

Required State Assessments

STAAR (State of Texas Assessments of Academic Readiness) for Grades 3-8

In addition to routine tests and other measures of achievement, students at certain grade levels are required to take the state assessment, called STAAR, in the following subjects:

- Mathematics, annually in grades 3-8
- Reading, annually in grades 3-8
- Science in grades 5 and 8
- Social Studies in grade 8

Standardized Testing for a Student Enrolled Above Grade Level

If a student in grades 3-8 is enrolled in a class or course intended for students above the current grade level, in which the student will be administered a state-mandated assessment, the student will be required to take an applicable state-mandated assessment only for the course in which they are enrolled, unless otherwise required to do so by federal law.

A student in grades 3-8 shall be assessed at least once in high school with the ACT or the SAT if the student completes the high school end-of-course assessments in mathematics, reading/language arts, or science before high school.

High School Courses End-of-Course (EOC) Assessments

STAAR end-of-course (EOC) assessments are administered for the following courses:

- Algebra I
- English I and English II
- Biology
- U.S. History

Satisfactory performance on the applicable assessments is required for graduation, unless waived or substituted as allowed by state law and rules.

There are three testing windows during the year in which a student may take an EOC assessment. The windows occur in the fall, spring, and summer months. If a student does not meet satisfactory performance, the student will have opportunities to retake the assessment.

Requesting Administration of STAAR/EOC in Paper Format (All Grade Levels)

STAAR and EOC assessments are administered electronically.

A parent or teacher may request that a STAAR or EOC be administered to a student in paper format. The district may grant this request for any single administration for up to three percent of the number of students enrolled in the district. Requests will be granted in the order in which they are received.

Requests for paper format for a fall administration of a STAAR or EOC must be submitted no later than September 15 each school year.

Requests for paper format for a spring administration of a STAAR or EOC must be submitted no later than December 1 each school year.

Standardized Testing for a Student in Special Programs

Certain students — some with disabilities and some classified as emergent bilingual students — may be eligible for exemptions, accommodations, or deferred testing.

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain state-established criteria as determined by the student's ARD committee.

An admission, review, and dismissal (ARD) committee for a student in grades 9-12 receiving special education services will determine whether successful performance on the EOC assessments will be required for graduation within the parameters identified in state rules and the student's personal graduation plan (PGP). [See Graduation (Secondary Grade Levels Only)]

STAAR Spanish is available for eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

For more information, see the principal, school counselor, or special education director.

Failure to Perform Satisfactorily on a STAAR or EOC Assessment

If a student does not perform satisfactorily on a required state assessment in any subject, the district will provide accelerated instruction for the student in the next school year through one of the following:

- Assigning the student to a teacher who is certified as a master, exemplary, or recognized teacher if one is available in the grade and subject matter of the state assessment on which the student did not perform satisfactorily
- Providing supplemental instruction

A student may be required to attend any assigned supplemental instruction program before or after school or during the summer.

When a student fails to perform satisfactorily on a required state assessment in the same subject area for two or more years, the district shall develop an accelerated education plan. Parents are encouraged to participate in developing this plan.

Personal Graduation Plan — Middle School Students

For a middle-school student who does not perform satisfactorily on a state-mandated examination, a school official will prepare a personal graduation plan (PGP).

School officials will also develop a PGP for a middle-school student who is determined by the district to be unlikely to earn a high school diploma within five years of high school enrollment.

The plan will, among other items:

- Identify the student's educational goals
- Address the parents' educational expectations for the student
- Outline an intensive instruction program for the student

[See the school counselor and policy EIF(LEGAL) for more information.]

For a student receiving special education services, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

[See Personal Graduation Plans for information related to the development of personal graduation plans for high school students.]

Safe Storage of Firearms

A firearm should be stored unloaded in a safe or locked container, with ammunition stored elsewhere.

It is unlawful to store, transport, or abandon an unsecured firearm in a place where children are likely to be and can obtain access to the firearm. Under the Penal Code, a person commits the offense of making a firearm accessible to a child if the child gains access to a readily dischargeable firearm, and the person commits the offense with criminal negligence:

- Failed to secure the firearm; or

- Left the firearm in a place to which the person knew or should have known the child would gain access

The penalty for allowing a child access to a firearm can range from a Class C misdemeanor (punishable by a $500 fine) to a Class A misdemeanor (punishable by a $4000 fine, a year in jail, or a combination of the two).

Safety (All Grade Levels)

Student safety on campus, at school-related events, and in district vehicles is a high priority of the district. The cooperation of students is essential to ensuring school safety. A student is expected to:

- Avoid conduct that is likely to put the student or others at risk.
- Follow all behavioral standards in this handbook and the Student Code of Conduct or those set by district employees.
- Help secure the campus by keeping all exterior doors closed, latched, and locked unless the door is actively monitored by a district employee.
- Follow instructions from teachers and other district employees regarding classroom doors.
- Remain alert to any safety hazards, such as intruders on campus or threats made by any person toward a student or staff member, and promptly report any incidents to a district employee. A student may make anonymous reports about safety concerns by submitting an online anonymous reporting tool at https://www.wacoisd.org/Page/10997 .
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

Accident Insurance

Soon after the school year begins, parents will have the opportunity to purchase low-cost accident insurance that would help meet medical expenses in the event of injury to their child.

Insurance for Career and Technical Education (CTE) Programs

The district may purchase accident, liability, or automobile insurance coverage for students and businesses involved in the district's CTE programs.

Preparedness Drills: Evacuation, Severe Weather, and Other Emergencies

Periodically, the school will conduct preparedness drills of emergency procedures. When the command is given or an alarm is sounded, students need to follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

Preparedness Training: CPR and Stop the Bleed

The district will offer instruction in CPR and the use of an automated external defibrillator (AED) at least once to students enrolled in grades 7-12. The instruction can be provided as part of any course and is not required to result in CPR or AED certification.

The district will annually offer students in grades 7-12 instruction on the use of bleeding control stations to respond to traumatic injury. For more information, see Stop the Bleed Texas (https://stopthebleedtexas.org/).

Emergency Medical Treatment and Information

All parents are asked each year to complete a medical care authorization form, providing written parental consent to obtain emergency treatment and information about allergies to medications or drugs. Parents should contact the school nurse to update emergency care information (name of doctor, emergency phone numbers, allergies, and the like).

The district may consent to medical treatment, including dental treatment, if necessary, for a student if all of the following requirements are met:

- The district has received written authorization from a person having the right to consent
- That person cannot be contacted
- That person has not given the district actual notice to the contrary

The emergency care authorization form will be used by the district when a student's parent or authorized designee cannot be contacted. A student may provide consent if authorized by law or court order.

Regardless of parental authorization for the district to consent to medical treatment, district employees will contact emergency medical services to provide emergency care when required by law or when deemed necessary, such as to avoid a life-threatening situation.

Emergency School Closing Information

Each year, parents are asked to complete an emergency release form to provide contact information if the district needs to notify parents of early dismissal, delayed opening, or restricted access to a campus because of severe weather, a security threat, or another emergency cause.

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. It is crucial to notify your child's school when a phone number changes. State law requires parents to update contact information within two weeks after the date the information changes.

If the campus must close, delay opening, or restrict access to the building because of an emergency, the district will also alert the community in the following ways: automated phone calls, texts, emails, the District website, Twitter, Facebook, and local news outlets.

[See Parent Contact Information and Automated Emergency Communications]

SAT, ACT, and Other Standardized Tests

[See Standardized Testing]

Schedule Changes (Middle and High School Grade Levels)

Course assignments were made based on the course selection and alternate choices. If an error has been made, please indicate the error. Every effort will be made to correct the error as soon as possible. Changes will NOT be approved without valid documentation and/or reasoning.

Changes MAY be considered for the following reasons:

1. Students are in need of a graduation requirement.

2. Error in the schedule (wrong class assigned, no class assigned, duplicate class assigned).

3. Balancing class sizes (counselor or principal may change a student's schedule to balance class size in order to facilitate an optimal learning environment.)

4. A student may be removed from a class if counseling and other corrective measures have failed to create a positive situation for the student and the rest of the class. Students must attend all classes listed on their original schedule until a new schedule is issued.

School Facilities

Asbestos Management Plan (All Grade Levels)

The district works diligently to maintain compliance with federal and state law governing asbestos in school buildings. A copy of the district's asbestos management plan is available in the central administrative office. If you have any questions or would like to examine the district's plan in more detail, please contact the district's designated asbestos coordinator:

Randy Sulak
Director of Maintenance & Grounds
4315 Beverly Dr., Waco, TX, 76711
randy.sulak@wacoisd.org
254-752-3497

Food and Nutrition Services (All Grade Levels)

The district participates in the School Breakfast Program and National School Lunch Program and offers students nutritionally balanced meals daily in accordance with standards set forth in state and federal law.

Some students are eligible for free and reduced-price meals based on financial need. Information about a student's participation is confidential. The district may share information such as a student's name and eligibility status to help enroll eligible children in Medicaid or the state children's health insurance program (CHIP) unless the student's parent requests the student's information not be disclosed.

Participating students will be offered the same meal options as their peers and will not be treated differently from their peers.

To apply for free or reduced-price meal services, contact:

Attention: Sarah Hodde
Child Nutrition Services
2025 S. 19th Street
Waco, TX 76706-3018
(254) 752-5522
cns@wacoisd.org

[See policy COB for more information.]

Parents should continually monitor their child's meal account balance. When a student's meal account is exhausted or insufficient, the district will notify the parent. The student may continue to purchase meals according to the grace period set by the school board. The district will present the parent with a schedule of repayment for any outstanding account balance and an application for free or reduced meals. [See policy CO for more information.]

If the district is unable to work out an agreement with the student's parent on replenishment of the meal account and payment of any outstanding balance, the student will receive a meal. The district will make every effort to avoid bringing attention to the student.

The following information is published as required by the USDA for participation in the National School Lunch Program:

> "In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity.
>
> "Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.
>
> "To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at: https://www.usda.gov/sites/default/files/documents/ad-3027.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

2. **fax:**
(833) 256-1665 or (202) 690-7442; or

3. **email:**
Program.Intake@usda.gov

"This institution is an equal opportunity provider."

The responsible state agency that administers the program is the Texas Department of Agriculture (https://www.texasagriculture.gov/Home/Contact-Us), which can be reached at (800) TELL-TDA (835-5832) or (800) 735-2989 (TTY).

The local agency that administers the program is the district. [See Nondiscrimination Statement (All Grade Levels) for the name and contact information for the Title IX coordinator, ADA/Section 504 coordinator, and superintendent for other concerns about discrimination.]

[See policy COB for more information.]

Vending Machines (All Grade Levels)

The district has adopted and implemented the state and federal policies for food service, including guidelines to restrict student access to vending machines. For more information about these policies and guidelines, see the www.wacoisd.org. [See policy FFA for more information.]

Pest Management Plan (All Grade Levels)

The district is required to follow integrated pest management (IPM) procedures to control pests on school grounds. Although the district strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, periodic indoor and outdoor pesticide use is sometimes necessary to ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the U.S. Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area.

Parents who have questions or who want to be notified of the times and types of applications prior to pesticide application inside their child's school assignment area may contact the district's IPM coordinator:

Lucas Wells
Custodial Supervisor / IPM Coordinator

4315 Beverly Dr., Waco, TX, 76711
lucas.wells@wacoisd.org
254-750-3404

Conduct Before and After School (All Grade Levels)

Teachers and administrators have full authority over student conduct at before- or after-school activities. Whether a school activity is on or off district premises, students must follow the same rules of conduct that apply during the instructional day. Misbehavior will be subject to consequences established by the Student Code of Conduct or any stricter standards of behavior established by the sponsor for extracurricular participants.

Library (All Grade Levels)

The library is a learning laboratory with books, computers, magazines, and other materials available to assist with classroom instruction and assignments, projects, and reading or listening pleasure. The library is open for independent student use before and after school and during the day, according to the specific campus schedule.

The district provides a wide range of library materials for students and faculty that support student achievement and present varying levels of difficulty, diversity of appeal, and a variety of points of view. The district follows the Texas State Library and Archive Commission's standards for school library collection development.

Parents are the primary decision makers regarding their students' access to library material. The district encourages parental involvement in library acquisition, maintenance, and campus activities. Parents are encouraged to communicate with the campus librarian and their child's teacher about special considerations regarding library materials self-selected by their student. A parent may submit to the district a list of library materials that their child may not be allowed to check out or otherwise access for use outside of the school library by submitting the list to the campus principal.

The district will provide parents with a record of each time their child checks out a library material, including the title, author, genre, and return date, through the Destiny system used to manage circulation.

A parent may access the school's library or any available online catalog by accessing the school's website for the library link to the Destiny program.

The district welcomes student and parent feedback on library materials and services. Parents may contact the campus principal with questions or comments about their child's campus library. A district employee, parent, or person residing in the district may submit a written challenge to the inclusion of any library material in the catalog of the school library by submitting the form available on the district's website.

Use of Hallways during Class Time (All Grade Levels)

During class times, loitering or standing in the halls is not permitted, and a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action in accordance with the Student Code of Conduct.

Use by Students Before and After School (All Grade Levels)

Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place.

Unless the teacher or sponsor overseeing an activity gives permission, a student will not be permitted to go to another area of the building or campus.

Students must leave campus immediately after dismissal of school in the afternoon, unless the student is involved in an activity under the supervision of a teacher or other authorized employee or adult.

Meetings of Noncurriculum-Related Groups (Secondary Grade Levels Only)

Student-organized, student-led non-curriculum-related groups are permitted to meet during the hours designated by the principal before and after school. These groups must comply with the requirements of policy FNAB(LOCAL). A list of these groups is available in the principal's office.

Parental consent is required before a student may participate in a student club that is authorized or sponsored by the district. [See Extracurricular Activities, Clubs, and Organizations (All Grade Levels)]

School-Sponsored Field Trips (All Grade Levels)

The district periodically takes students on field trips for educational purposes.

A parent must provide permission for a student to participate in a field trip.

The district may ask the parent to provide information about a student's medical provider and insurance coverage, and may also ask the parent to sign a waiver allowing for emergency medical treatment in the case of a student accident or illness during the field trip.

The district may require a fee for student participation in a field trip that is not required as part of a basic educational program or course to cover expenses such as transportation, admission, and meals; however, a student will not be denied participation because of financial need. [See Fees (All Grade Levels) for more information.]

The district is not responsible for refunding fees paid directly to a third-party vendor.

Searches and Investigations

Searches in General (All Grade Levels)

In the interest of promoting student safety and drug-free schools, district officials may occasionally conduct searches and investigations.

District officials may conduct investigations in accordance with law and district policy and may question students regarding a student's own conduct or the conduct of others. [For questioning of students by law enforcement officials, see Law Enforcement Agencies (All Grade Levels).]

District officials may search students, their belongings, and their vehicles in accordance with law and district policy. Searches of students will be conducted without discrimination, based on, for example, reasonable suspicion or voluntary consent or pursuant to district policy providing for suspicionless security procedures, including the use of metal detectors.

In accordance with the Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on district property.

If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a district official may conduct a search in accordance with law and district regulations.

District Property (All Grade Levels)

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice. Students have no expectation of privacy in district property.

Students are responsible for any item found in district property provided to the student that is prohibited by law, district policy, or the Student Code of Conduct.

Metal Detectors (All Grade Levels)

To maintain a safe and disciplined learning environment, the district reserves the right to subject students to metal detector searches when entering a district campus and at off-campus, school-sponsored activities.

Personal Communications and Other Electronic Devices (All Grade Levels)

Use of district-owned equipment and its network systems is not private and will be monitored by the district. [See policy CQ for more information.]

Any searches of personal electronic devices will be conducted in accordance with the law, and the device may be confiscated to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed.

[See Electronic Devices and Technology Resources (All Grade Levels) and policy FNF(LEGAL) for more information.]

Trained Dogs (All Grade Levels)

The district may use trained dogs to screen for concealed, prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in an area that is going to be screened, such as a classroom, a locker, or a vehicle. If a dog alerts to an item or an area, it may be searched by district officials.

Drug Testing (Secondary Grade Levels Only)

The district's policy FNF(LOCAL) addresses board authorization for drug testing of students as described in the policy, but specifics of the drug-testing program should be addressed in administrative regulations, such as this handbook or your extracurricular conduct guide.

[See Steroids (Secondary Grade Levels Only)]

Vehicles on Campus (Secondary Grade Levels Only)

If a vehicle subject to search is locked, the student will be asked to unlock the vehicle. If the student refuses, the district will contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the district may turn the matter over to law enforcement. The district may contact law enforcement even if permission to search is granted.

Sexual Harassment

[See Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)]

Special Programs (All Grade Levels)

The district provides special programs for gifted and talented students, students who are experiencing homelessness, students in foster care, bilingual students, migrant students, emergent bilingual students, students diagnosed with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the district or by other organizations. A student or parent with questions about these programs should contact the campus counselor/principal or the Waco ISD Administrative Offices at 254-755-9473.

The Texas State Library and Archives Commission's Talking Book Program (https://www.tsl.texas.gov/tbp) provides audiobooks free of charge to qualifying Texans, including students with visual, physical, or reading disabilities such as dyslexia.

Standardized Testing

SAT/ACT (Scholastic Aptitude Test and American College Test)

Many colleges require either the American College Test (ACT) or the Scholastic Aptitude Test (SAT) for admission. These assessments are usually taken at the end of the junior year. Students are encouraged to talk with the school counselor early during their junior year to learn about these assessments and determine the appropriate examination to take. The Preliminary SAT (PSAT) and Pre-ACT are the corresponding preparatory and readiness assessments for the SAT and ACT.

Note: These assessments may qualify a student to receive a performance acknowledgment on the student's transcript under the foundation graduation program and may qualify as a substitute for an end-of-course testing requirement in certain circumstances. A student's performance at a certain level on the SAT or ACT also

makes the student eligible for automatic admission to a Texas public institution of higher education.

TSI (Texas Success Initiative) Assessment

Prior to enrollment in a Texas public college or university, most students must take a standardized test called the Texas Success Initiative (TSI) assessment. The TSI assesses the reading, mathematics, and writing skills that first-year students need to perform effectively as undergraduates in Texas public colleges and universities. This assessment may also be required before a student enrolls in a dual credit course offered through the district. Achieving certain benchmark scores on this assessment may also waive certain end-of-course assessment requirements in limited circumstances.

Student Speakers (All Grade Levels)

The district provides students the opportunity to introduce the following school events. If a student meets the eligibility criteria and wishes to introduce one of the school events listed above, the student should submit their name in accordance with policy FNA(LOCAL).

[See Graduation (Secondary Grade Levels Only) for information related to student speakers at graduation ceremonies and policy FNA(LOCAL) regarding other speaking opportunities.]

Summer School (All Grade Levels)

Accelerated Program

HB 1416 requires students who fail the state assessment for one year to have 15 hours of accelerated instruction . Students who fail the state assessment for two or more consecutive years are required to have 30 hours of Accelerated Instruction (AI) per subject. Students must receive AI in at least two subjects, with reading and math as a priority for AI. These hours can be obtained by attending summer school. Still, students may also be assigned to additional accelerated instruction during the school day, during campus-wide or grade-level supplemental instruction time. High school students may attend the WISD Summer School Program for credit recovery. A maximum of one credit may be earned during the program. Most students participate in the regular classroom instruction environment.

Language Acquisition

This program is for children of limited English proficiency who will be eligible for admission to kindergarten or first grade at the beginning of the next school year, and the instructional focus is on language development and basic core content appropriate to the level of the student. The program addresses the limited English proficient students' affective, linguistic, and cognitive needs. [For additional information, see policy (EHBE(LEGAL).]

Special Education

Extended School Year services are designed for eligible students with disabilities. ESY services are available to provide FAPE to a student with a disability. ESY services are provided if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. [For additional information, see policy (EHBA(LEGAL).]

Tardies (All Grade Levels)

A student who is more than 10 minutes tardy to class may be assigned to detention hall or given another appropriate consequence.

Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials (All Grade Levels)

Instructional materials are any resources used in classroom instruction as part of the required curriculum, such as textbooks, workbooks, computer software, or online services.

The district selects instructional materials in accordance with state law and policy EFA.

The district provides approved instructional materials to students free of charge for each subject or class. Students must treat instructional materials with care, as directed by the teacher.

If a student needs a graphing calculator for a course and the district does not provide one, the student may use a calculator application with graphing capabilities on a phone, laptop, tablet, or other computing device.

A student who is issued a damaged item should report the damage to the teacher.

Any student who does not return an item or returns an item in an unacceptable condition loses the right to free textbooks and technological equipment until the item is returned or the damage is paid for by the parent. However, the student will be provided with the necessary instructional resources and equipment for use at school during the school day.

For information on library books and other resources that students may access voluntarily, see Library (All Grade Levels).

Transfers (All Grade Levels)

The principal is authorized to transfer a student from one classroom to another.

The superintendent is authorized to investigate and approve transfers between schools.

[See Safety Transfers/Assignments, Bullying (All Grade Levels), and A Student with Physical or Mental Impairments Protected under Section 504, for other transfer options.]

Transportation (All Grade Levels)

School-Sponsored Trips

Students who participate in school-sponsored trips are required to use school-provided transportation to and from the event. However, in accordance with campus procedures,

a parent may provide written consent for their child to ride with or be released after the event to the parent or another adult designated by the parent. [See School-Sponsored Field Trips (All Grade Levels)]

Buses and Other School Vehicles

The district makes school bus transportation available to all students living two or more miles from school and to any eligible students who are experiencing homelessness. This service is provided at no cost to students.

Bus routes and stops will be designated annually. Any changes will be posted at the school and on the district's website. For the safety of the driver and all passengers, students must board district vehicles only at authorized stops, and drivers must unload passengers only at authorized stops.

The district has identified the following areas where hazardous traffic conditions and/or a high risk of violence exist for students who live within two miles of the campus:

The district has identified the following areas where hazardous traffic conditions and/or a high risk of violence exist for students who live within two miles of the campus:

1. Bells Hills Elementary- North- S 18th St. & S 17th St.; South- 26th St. between Clay Ave. and I-35; East- Speight Ave. between S Valley Mills Dr. and S 18 th St. & S 17th St.; West- Clay Ave. between S Valley Mills and S 18th St. & S 17th St.; Circle Rd. from 18th St. to the I-35 frontage road.

2. Brook Avenue Elementary School- Southwest- N 18th St. between Trice Ave. and Herring Ave.; Southeast- Trice Ave. between 18th St. and 15th St.; Colcord between 9th St. and 6th St. for The Villages Apartments.

3. Cedar Ridge Elementary School- North & West- Lake Shore Dr. between College Dr. and Park Lake Dr. (will still pick up students at apartments on Lake Shore Dr.); South- Herring Ave between 18th St. and 15th A St.; East- N 19th St./ N 18th St. between Lyle Ave. and Lake Shore Dr.

4. Crestview Elementary School- Northwest- Bosque Blvd. between Lake Air and 36th St.; Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Valley Mills between Waco Dr. and Lake Air; East- Waco Dr. between Valley Mills and 36th St; West- Lake Air between Valley Mills and Bosque Blvd.

5. Dean Highland Elementary School- Northwest- Lyle Ave. between N 18 th St. and MacArthur + Herring Ave. between N 18th St. and MacArthur; Northeast- 26th St. between Maple and Herring Ave.

6. J. H. Hines Elementary School- Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Martin Luther King Blvd between Waco Dr. and I-35; East- I-35; West- E Waco Dr. between Martin Luther King Blvd and Clifton; Faulkner Ln. between Martin Luther King Blvd and Garrison Ave.

7. Kendrick Elementary School- South- New Road between Franklin Avenue and I-35 (will still pick up Tuscany Apartments on New Rd); West- the railroad tracks from Valley Mills to New Road

8. Mountainview Elementary- Southeast- Cobbs Dr. between Valley Mills and Lake Air; Hillcrest Dr. from Lake Shore Dr. to Lake Air Dr.; Lake Shore Dr./Valley Mills Dr.

9. Parkdale Elementary-North- Valley Mills between Sanger Ave. and Bosque Ave.; South-Hwy 6; East- Sanger Ave. between Valley Mills and Hwy 6; West- Bosque Blvd between Hwy-6 and Valley Mills; Lake Air Dr.

10. Provident Heights - Northwest- Trice Ave from 21st St.-30th St.; Southeast- Waco Dr. (18 th St.-26th St.)

11. South Waco Elementary- South- Robinson Dr from the Circle to Highway 6 (will still pick up students off of Robinson Dr.); East- Garden from S 16th St. to 4th St.; West- LaSalle Ave

12. West Avenue Elementary- Southeast- Waco Dr. between 22nd St. and 5th St.; Southwest- N 18th St. and 17th St. between Bosque Blvd. and W Waco Dr.

13. Cesar Chavez MS- South- 26th St. from Jackson Ave. to Bagby Ave.; East- I-35 and Speight Ave. from 18th St. to 26th St; West- Railroad tracks by Jackson Avenue from the Brazos River to 26 th St

14. GW Carver MS- South- Martin Luther King between Waco Dr. and Herring; East- Waco Dr. between Clifton St. and Martin Luther King Blvd.; West- Herring Ave. between Martin Luther King Blvd. and Gholson.

15. Tennyson MS- North- Valley Mills between Hwy 84 and Bosque Blvd.; South- Hwy 6 between Hwy 84 and Bosque Blvd.; East- Sanger Ave. between Hwy 6 and Valley Mills Dr.; West- Bosque Blvd. between Hwy 6 and Valley Mills Dr.; Hwy 84 between Hwy 6 and Valley Mills; Lake Air Dr.

16. Waco High- North & West- North and West Lake Shore Dr., Herring Ave. from MacArthur Dr. to 25th St.; South- Valley Mills Dr. between Cobbs and Waco Dr.; East- Waco Dr. between Valley Mills and 36th St.; 34th St./36th St. from Bosque Blvd. to Waco Dr.; Bosque Blvd. from 34th St. to 26th St.; 25th St./26th St. from Herring Ave. to Bosque Blvd.

17. University High- North- Primrose Dr. (will still pick up students at apartments on Primrose Dr.); South- Hwy 6 between I-35 and North Robinson Dr.; East- North Robinson Dr. between Hwy 6 and Primrose Dr.; West- I-35 between Hwy 6 and Primrose Dr.

Because students in these areas might encounter hazardous traffic conditions or be subject to a high risk of violence when walking to and from school, the district will provide transportation to these students. For additional information, please contact:

Monique Brock
Director of Transportation
monique.dibrell_brock@wacoisd.org
254-752-9691

A parent may designate a child-care facility or a grandparent's residence as the regular pickup and drop-off location for their child. The designated location must be an approved stop on an approved route. For information on bus routes and stops or to designate an alternate pickup or drop-off location, contact infofinder.com.

Students are expected to assist district staff in ensuring that buses and other district vehicles are clean and safe. When riding in district vehicles, students are held to behavioral standards established in this handbook and the Student Code of Conduct. Students must:

- Observe all usual classroom rules
- Follow the driver's directions at all times
- Enter and leave the vehicle in an orderly manner at the designated stop
- Keep feet, books, instrument cases, and other objects out of the aisle
- Do not deface the vehicle or its equipment
- Do not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the vehicle
- Not possess or use any form of tobacco or e-cigarettes in any district vehicle
- Be seated while the vehicle is moving
- Fasten their seat belts, if available
- Wait for the driver's signal upon leaving the vehicle and before crossing in front of the vehicle
- Follow any other rules established by the operator of the vehicle

Misconduct will be punished in accordance with the Student Code of Conduct, including loss of the privilege to ride in a district vehicle.

[See the Student Code of Conduct for provisions regarding transportation to the DAEP.]

Vandalism (All Grade Levels)

Littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

Video Cameras (All Grade Levels)

For safety purposes, the district uses video and audio recording equipment to monitor student behavior, including on buses and in common areas on campus. Students will not be told when the equipment is being used.

The principal will review the video and audio recordings as needed and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

In accordance with state law, a parent of a student who receives special education services, a staff member (as this term is defined by law), a principal or assistant principal, or the board may make a written request for the district to place video and audio recording equipment in certain special education classrooms. The district will provide notice before placing a video camera in a classroom or other setting in which a child receives special education services. For more information or to request the installation and operation of this equipment, contact the principal or Special Education

office at 254-755-6569, which the district has designated to coordinate the implementation of and compliance with this law.

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

[See Consent to Video or Audio Record a Student When Not Already Permitted by Law for video and other recordings by parents or visitors to virtual or in-person classrooms.]

Visitors to the School (All Grade Levels)

General Visitors

Parents and others are welcome to visit district schools. For the safety of those within the school and to avoid disruption of instructional time, all visitors must:

- Request entry to the school at the primary entrance unless otherwise directed by a district employee
- Report to the main office
- Be prepared to show identification
- Exit the school at the primary entrance and leave all exterior doors closed, latched, and locked unless actively monitored by a district employee
- Comply with all applicable district policies and procedures

If requested by a district employee, a visitor must provide identification such as a driver's license, other picture identification issued by a government entity, or employee or student identification issued by the district. A person who refuses to provide identification and who reasonably appears to have no legitimate reason to be on district property may be ejected from district property.

Individuals may visit classrooms or observe virtual instruction during instructional time only with the approval of the principal and teacher. Visitors may not interfere with instruction or disrupt the normal school environment.

All visitors are expected to demonstrate the highest standards of courtesy and conduct. Disruptive behavior or violations of student privacy will not be permitted.

[See Consent to Video or Audio Record a Student When Not Already Permitted by Law for video and other recording by parents or visitors to virtual or in-person classrooms.]

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer has the authority to refuse entry to or eject a person from district property if the person refuses to leave peaceably on request and either of the following applies:

- The person poses a substantial risk of harm to any person
- The person behaves in a manner that is inappropriate for a school setting and persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection

A verbal warning and persistent inappropriate behavior are not required for a person serving as a referee, judge, or other official of an extracurricular athletic activity or competition sponsored or sanctioned by the school district or UIL to eject a spectator.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL).

[See the Student Code of Conduct]

Visitors Participating in Special Programs for Students

Business, Civic, and Youth Groups

The district may invite representatives from patriotic societies listed in Title 36 of the United States Code to present information to interested students about membership in the society.

Career Day

On college and career days, the district invites representatives from colleges and universities and other higher education institutions, prospective employers, and military recruiters to present information to interested students.

Volunteers (All Grade Levels)

The district invites and appreciates the efforts of volunteers who are willing to serve our district and students.

If you are interested in volunteering, please contact:

Human Resources Department

501 Franklin Ave, Waco, TX, 76701

254-284-1115

Subject to exceptions in accordance with state law and district procedures, the district requires a state criminal history background check for each volunteer, including parents, guardians, or grandparents of a child enrolled in the district. The volunteer must pay all costs for the background check.

Voter Registration (Secondary Grade Levels Only)

A student who is eligible to vote in any local, state, or federal election may obtain a voter registration application at the main campus office.

Withdrawing from School (All Grade Levels)

To withdraw a student under age 18 from school, the parent or guardian must submit a written request to the principal specifying the reasons for withdrawal and the final day the student will be in attendance. Withdrawal forms are available from the principal's office.

A student who is age 18 or older, who is married, or who has been declared by a court to be an emancipated minor may withdraw without parental signature.

Please provide the school at least three days' notice of withdrawal so that records and documents may be prepared.

Glossary

Accelerated instruction, including supplemental instruction, is an intensive educational program designed to help an individual student acquire the knowledge and skills required at their grade level. It is required when a student does not meet the passing standard on a state-mandated assessment. Accelerated instruction may be provided by assigning a student to a classroom teacher who is certified as a master, exemplary, or recognized teacher or by providing supplemental instruction in addition to regular instruction.

ACT, or the American College Test, is one of the two most frequently used college or university admissions examinations. The test may be required for admission to certain colleges or universities.

ACT-Aspire is designed as a preparatory and readiness assessment for the ACT. This is usually taken by students in grade 10.

ARD stands for admission, review, and dismissal. The ARD committee convenes for each student who is identified as needing a full and individual evaluation for special education services. The eligible student and their parents are members of the committee.

Attendance review committee is responsible for reviewing a student's absences when the student's attendance drops below 90 percent, or in some cases 75 percent, of the days the class is offered. Under guidelines adopted by the board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit or a final grade lost because of absences.

CPS stands for Child Protective Services.

DAEP stands for disciplinary alternative education program, a placement for students who have violated certain provisions of the Student Code of Conduct.

DFPS stands for the Texas Department of Family and Protective Services.

DPS stands for the Texas Department of Public Safety.

DSHS stands for the Texas Department of State Health Services.

ED stands for the U.S. Department of Education.

Emergent bilingual student refers to a student of limited English proficiency. Other related terms include English learner, English language learner, and limited English proficient student.

EOC (end-of-course) assessments are state-mandated and are part of the STAAR program. Successful performance on EOC assessments is required for graduation. These examinations will be given in English I, English II, Algebra I, Biology, and U.S. History.

ESSA is the federal Every Student Succeeds Act.

FERPA refers to the federal Family Educational Rights and Privacy Act, which grants specific privacy protections to student records. The law contains certain exceptions, such as for directory information, unless a student's parent or a student 18 years of age or older directs the school not to release directory information.

IEP stands for individualized education program and is the written record prepared by the ARD committee for a student with disabilities who is eligible for special education services.

IGC is the individual graduation committee, formed in accordance with state law, to determine a student's eligibility to graduate when the student has failed to demonstrate satisfactory performance on no more than two of the required state assessments.

ISS refers to in-school suspension, a disciplinary technique for misconduct found in the Student Code of Conduct. Although different from out-of-school suspension and placement in a DAEP, ISS removes the student from the regular classroom.

PGP stands for personal graduation plan, which is required for high school students and for any student in middle school who fails a section on a state-mandated test or is identified by the district as not likely to earn a high school diploma before the fifth school year after beginning grade 9.

PSAT is the preparatory and readiness assessment for the SAT. It also serves as the basis for the awarding of National Merit Scholarships.

Safe and Supportive School Team is a team established at each campus that is responsible for conducting a threat assessment regarding individuals who make threats of violence or exhibit harmful, threatening, or violent behavior and determining appropriate intervention, and providing guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual.

SAT refers to the Scholastic Aptitude Test, one of the two most frequently used college or university admissions examinations. The test may be required for admission to certain colleges or universities.

SHAC stands for School Health Advisory Council, a group of at least five members, a majority of whom must be parents, appointed by the school board to help ensure that local community values and health issues are reflected in the district's health education instruction, as well as assist with other student and employee wellness issues.

Section 504 is the federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined to be eligible for special education services under the Individuals with Disabilities Education Act (IDEA), general education with appropriate instructional accommodations will be provided.

STAAR is the State of Texas Assessments of Academic Readiness, the state's system of standardized academic achievement assessments.

STAAR Alternate 2 is an alternative state-mandated assessment designed for students with severe cognitive disabilities receiving special education services who meet the participation requirements, as determined by the student's ARD committee.

STAAR Spanish is an alternative state-mandated assessment administered to eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

State-mandated assessments are required of students at certain grade levels and in specified subjects. Except under limited circumstances, students must pass the STAAR EOC assessments to graduate. Students have multiple opportunities to take the tests, if necessary, for graduation.

Student Code of Conduct is developed with the advice of the district-level committee and adopted by the board and identifies the circumstances, consistent with law, when a student may be removed from a classroom, campus, or district vehicle; sets out the conditions that authorize or require the principal or another administrator to place the student in a DAEP; and outlines conditions for out-of-school suspension and for expulsion. The Student Code of Conduct also addresses notice to the parent regarding a student's violation of one of its provisions.

TAC stands for the Texas Administrative Code.

TEA stands for the Texas Education Agency, which oversees primary and secondary public education in Texas.

TELPAS stands for the Texas English Language Proficiency Assessment System, which assesses the progress that emergent bilingual students make in learning the English language and is administered for those who meet the participation requirements in kindergarten through grade 12.

TSI stands for the Texas Success Initiative, an assessment designed to measure the reading, mathematics, and writing skills that entering college-level freshmen students should have if they are to be successful in undergraduate programs in Texas public colleges and universities.

UIL refers to the University Interscholastic League, the statewide, voluntary nonprofit organization that oversees educational extracurricular academic, athletic, and music contests.

Appendix: Freedom from Bullying Policy

Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying. For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

For legal context and the most current copy of the local policy, visit *https://pol.tasb.org/PolicyOnline/PolicyDetails?key=867&code=FFI#legalTabContent*.

Below is the text of *Waco ISD*'s policy FFI(LOCAL) as of the date this handbook was finalized for this school year.

Student Welfare: Freedom from Bullying

Policy FFI(LOCAL) was adopted on *July 27, 2023*

Bullying Prohibited:

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples-

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism.

Minimum Standards:

In accordance with the law, the Superintendent shall develop administrative procedures to ensure that minimum standards for bullying prevention are implemented.

Retaliation:

The District prohibits retaliation by a student or District employee against any person who, in good faith, makes a report of bullying, serves as a witness, or participates in an investigation.

Examples-

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claims:

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Timely Reporting:

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

Reporting Procedures:

Student Report-

To obtain assistance and intervention, any student who believes that they have experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to report an alleged bullying incident anonymously.

Employee Report-

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

Report Format-

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

Periodic Monitoring-

The Superintendent shall periodically monitor the reported counts of bullying incidents, and that declines in the count may represent not only improvements in the campus culture because bullying declines, but also declines in the campus culture because of a decline in openness to report incidents.

Notice of Report:

When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.

Prohibited Conduct:

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

Investigation of Report:

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim

action calculated to prevent bullying during the course of an investigation, if appropriate.

Concluding the Investigation:

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time, if necessary, to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred and, if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

Notice to Parents:

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

District Action:

Bullying-

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.

Discipline-

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Corrective Action-

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

Transfers-

The principal or designee shall refer to FDB for transfer provisions.

Counseling-

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

Improper Conduct-

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

Confidentiality:

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal:

A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.

Records Retention:

Retention of records shall be in accordance with CPC(LOCAL).

Access to Policy and Procedures:

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative office.

Waco Independent School District

Board of Trustees Board Meeting Item

Date: June 18, 2026 **Contact Person**: Dr. Suzanne Hamilton

RE: 2026-2027 Student Code of Conduct

==========

Background Information:

Attached is the Student Code of Conduct (SCC) for 2026-2027, with no legislative changes to this year's SCC.

Location	Date of Change	Name & Reason	Summary of Change
Entire Document Review	May 20226	Suzanne Hamilton; TASB model	Minor changes, names, and dates updated.

TASB made no legislative or other changes to the 2026-2027 Student Code of Conduct.

Fiscal Implications:

None

Administrative Recommendation(s):

Approve the 2026-2027 Student Code of Conduct as presented.

WACO INDEPENDENT SCHOOL DISTRICT

Student Code of Conduct
2026-2027 School Year

If you have difficulty accessing the information in this document because of disability, please contact the District Administrative Offices at 254-755-9473 or emailinfo@wacoisd.org.

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Student Code of Conduct

Accessibility

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

Purpose

The Student Code of Conduct ("Code of Conduct"), as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences, including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

The Waco ISD board of trustees has adopted this Code of Conduct and developed with the advice of the district-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code of Conduct remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version for the next school year.

In accordance with state law, the Code of Conduct shall be posted at each school campus or shall be available for review at the campus principal's office. Additionally, the Code of Conduct shall be available at the campus behavior coordinator's office and posted on the district's website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Not later than the first day of the 2025-2026 school year, the Texas Education Agency (TEA) shall prepare and provide to each school district a report identifying each law relating to school discipline that was amended or added by the 89th Legislature, Regular Session, 2025. A school district shall provide to each student and the parent of or person standing in parental relation to the student the prepared report.

Because the Code of Conduct is adopted by the district's board of trustees, it has the force of policy. In the event of a conflict between the Code of Conduct and the Student Handbook, the Code of Conduct shall prevail.

Please note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

School District Authority and Jurisdiction

School rules and the district's authority to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day;
2. While the student is traveling on district transportation;
3. During lunch periods in which a student is allowed to leave campus;
4. At any school-related activity, regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
7. When a student engages in cyberbullying, as defined by Education Code 37.0832;
8. When criminal mischief is committed on or off school property or at a school-related event;
9. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
10. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
11. When the student commits a felony, as provided by Education Code 37.006, 37.007, or 37.0081; and
12. When the student is required to register as a sex offender.

Campus Behavior Coordinator

As required by law, a single person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal or any other campus administrator selected by the principal. Additional staff members may assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies that all aspects of Chapter 37, Subchapter A, are appropriately implemented. The CBC is primarily responsible for maintaining student discipline. The CBC shall monitor disciplinary referrals and report the following behavior to the campus's threat assessment and safe and supportive school team:

- Conduct that contains the elements of the offense of terroristic threat under Penal Code 22.07;
- Conduct that contains the elements of the offense of unlawfully carrying weapons under Penal Code 46.02;

- Conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125; and
- Any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

The district shall post, for each campus, on its website and in the Student Handbook the email address and telephone number of the person serving as CBC. Contact information may be found at www.wacoisd.org and at www.wacoisd.org/Page/10955.

Threat Assessment and Safe and Supportive School Team

The CBC or other appropriate administrator will work closely with the campus threat assessment and safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

Searches

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

Reporting Crimes

The principal or CBC and other school administrators, as appropriate, shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

Security Personnel

The board utilizes District Police Officers and security personnel to ensure the security and protection of students, staff, and property. In accordance with law, the board has coordinated with the CBC and other district employees to ensure appropriate law enforcement duties are assigned to these persons. Provisions addressing the various types of security personnel can be found in the CKE policy series.

Police officers employed by the District shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District.

The law enforcement duties of District Police Officers are:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.

2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate law violations as needed. In doing so, District police officers may serve search warrants concerning District-related investigations in compliance with the Texas Code of Criminal Procedure.

3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.

4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in enforcing this policy as necessary.

5. Assist with investigating violations of District policy, rules, and regulations as requested by the Superintendent.

6. Carry weapons as directed by the Chief of Police and approved by the Superintendent.

7. Perform all other duties as directed by the Chief of Police or the superintendent. District police officers shall not be assigned routine classroom discipline or administrative tasks.

"Parent" Defined

Throughout the Code of Conduct and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

Participating in Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating the district's Code of Conduct.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, to be considered eligible, a student shall not have engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, SRO, or district police officer shall have the authority to refuse entry to or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 calendar days, unless the complaint is resolved before a board hearing.

[See Restrictions During Placement for information regarding a student assigned to DAEP at the time of graduation.]

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner.
- Exercise self-discipline.
- Attend all classes regularly and on time.
- Bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Code of Conduct.

General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on In-School Suspension, Out-of-School Suspension, Disciplinary Alternative Education Program (DAEP) Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion, those offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in Removal from the Regular Educational Setting.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures, including any form of racial, ethnic, religious, gender, sexual orientation, nationality, disability, or other slurs.
- Fight or scuffle. [See Placement and/or Expulsion for Certain Offenses for assault.]
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism. [See Glossary]
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See Glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. [See Glossary]
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. [See Glossary]

- Coerce an individual to act through the use or threat of force.
- Commit extortion or blackmail.
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. [See Placement and/or Expulsion for Certain Offenses for felony criminal mischief.]
- Deface or damage school property, including textbooks, technology and electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. [See Placement and/or Expulsion for Certain Offenses for felony robbery, aggravated robbery, and theft.]
- Enter, without authorization, district facilities that are not open for operations.

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- A short barrel firearm;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- *A location-restricted knife;
- *A club;
- *A firearm;

- A stun gun;
- Knuckles;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products (including nicotine pouches), cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

*See Placement and/or Expulsion for Certain Offenses for weapons and firearms. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Personal Communication Devices

Students shall not:

- Use a personal communication device, including a cell phone, or other electronic device on school property during the school day and shall store the device in accordance with the method of storage established by the district. [See Glossary]
- The school day begins when a student enters the school building and ends when the student leaves the school building for the day or after the last instructional bell rings, whichever comes first. [See Glossary].
- The use of cell phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.
- Students who turn on, use, or remove a personal communication device from proper storage during the school day will receive disciplinary consequences in accordance with this Code of Conduct.
    - First Offense - An authorized district employee will confiscate the personal communication device. The student may retrieve the personal communication device the following school day.
    - Second Offense - An authorized district employee will confiscate the personal communication device. The student's parent or legal guardian may retrieve the device the following school day.
    - Third and Subsequent Offenses -Third and Subsequent Offenses - The third and subsequent violations will be considered insubordination and

school consequences, such as but not limited to ISS, OSS, and confiscation of the device.

- If the first or second offense occurs on the last day of a school week a student's parent or legal guardian may retrieve the personal communications device on the same day it was confiscated.
- Campus Administrators have the authority to apply consequences based on individual student circumstances and needs.
- The district may authorize the use of a personal communication device for the following reasons:
    - To implement an individualized education program (IEP) or for a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C Section 794) or a similar program or plan;
    - With documented need based on a directive from a qualified physician; or
    - To comply with a health or safety requirement imposed by law or as part of the district's safety protocols.

Inappropriate use of a personal communication device during the school day will result in disciplinary action in accordance with this Code of Conduct.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. [See Disciplinary Alternative Education Program (DAEP) Placement and Expulsion for mandatory and permissive consequences under state law.]
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. [See Glossary for "paraphernalia."]
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. [See Glossary for "abuse."]
- Abuse over-the-counter drugs. [See Glossary for "abuse."]
- Be under the influence of prescription or over-the-counter drugs that cause impairment to the body or mind. [See Glossary for "under the influence."]
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.

Safety Transgressions

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, unauthorized use of artificial intelligence, plagiarism, and unauthorized communication between students during an examination.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

The district may impose campus or classroom rules in addition to those in the Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code of Conduct.

Discipline Management Techniques

Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including Multi-Tiered System of Support (MTSS) resources and responsive practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette

An appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by Section 161.081, Health and Safety Code.

If a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days.

Students with Disabilities

Discipline of students with disabilities is subject to applicable state and federal law in addition to the Code of Conduct. In the event of any conflict, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

In accordance with the Education Code, a student who receives special education services may not be disciplined in a manner that results in a change to the student's educational placement for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists [see Glossary] until an Admission, Review, and Dismissal (ARD) committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.

- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office, another assigned area, or to in-school suspension (ISS).
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- In-school suspension, as specified in In-School Suspension.
- Out-of-school suspension, as specified in Out-of-School Suspension.
- Placement in a DAEP, as specified in Disciplinary Alternative Education Program (DAEP) Placement.
- Expulsion and/or placement in an alternative educational setting, as specified in Placement and/or Expulsion for Certain Offenses.
- Expulsion, as specified in Expulsion.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Prohibited Aversive Techniques

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL)]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student using physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Notification

The CBC shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The CBC shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of Education Code 37.0012(d).

A good-faith effort shall be made to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the CBC shall send written notification by U.S. Mail. If the CBC is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 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.

Parental Involvement

The district has not adopted a policy for parental involvement in school disciplinary placements under Education Code 37.0014.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or CBC, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the central administration office or online at www.wacoisd.org.

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. [See policies FFH(LEGAL) and (LOCAL)]

Removal from the School Bus

A bus driver may refer a student to the principal's office or the CBC's office to maintain effective discipline on the bus. The principal or CBC must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

To transport students safely, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the CBC may restrict or revoke a student's transportation privileges, in accordance with law.

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the CBC's office as a discipline management technique. The CBC shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for behavior that violates this Code of Conduct to maintain effective discipline in the classroom.

Formal Teacher Removal

A teacher may initiate a formal removal from class if:

1. A student's behavior repeatedly interferes with the teacher's ability to teach the class or with other students' ability to learn.
2. A student demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student in the classroom.
3. A student engages in conduct that constitutes bullying, as defined by Education Code 37.0832.0.

A teacher, CBC, or other appropriate administrator must notify a parent or person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior.

Within three school days of the formal removal, the CBC or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the CBC or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the CBC or other administrator may place the student in:

- Another appropriate classroom.
- ISS.
- Out-of-school suspension.
- DAEP.

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

Returning a Student to the Classroom

A student who has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault may not be returned to the teacher's class without the teacher's written consent.

A student who has been formally removed by a teacher for any other conduct may not be returned to the teacher's class without the teacher's written consent unless the placement review committee determines that the teacher's class is the best or only alternative, and not later than the third-class day after the day the student was removed from class, a conference in which the teacher was provided an opportunity to participate has been held. The student may not be returned to the teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student.

In-School Suspension

An in-school suspension is not subject to any time limit.

A school's principal or other appropriate administrator shall review the in-school suspension of a student at least once every 10 school days after the date of the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate.

During in-school suspension, a student shall receive appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services, the student must continue to receive special education and related services specified in the student's individualized education program (IEP) and continue to have an opportunity to progress in the general curriculum.

[See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for limitations to the general rule.]

Process

Before being suspended, a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The CBC shall determine the number of days of a student's suspension.

In deciding whether to order in-school suspension, the CBC shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

Out-of-School Suspension

Misconduct

Students may be suspended for behavior listed in the Code of Conduct as a general conduct violation, DAEP offense, or expellable offense.

The district shall not use out-of-school suspension for students below grade 3 unless the conduct meets the requirements established in law.

A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code sections 46.02 or 46.05;
- Conduct that threatens the immediate health and safety of other students in the classroom;
- Documented conduct that results in repeated or significant disruption to the classroom; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Process

State law allows a student to be assigned to out-of-school suspension for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The CBC shall determine the number of days of a student's suspension, not to exceed three school days.

In deciding whether to order out-of-school suspension, the CBC shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;

3. The student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

Alternative Assignment

A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and documentation that they are unable to provide suitable supervision for the student during school hours during the period of the suspension. It is the sole discretion of the principal or other appropriate administrator to reassign the student placed in out-of-school suspension.

Coursework During Suspension

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to ISS or another setting, other than a DAEP, will have an opportunity before the beginning of the next school year to complete each course the student was enrolled in at the time of removal. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any completion method provided by the district.

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten-grade 5 and secondary classification shall be grades 6-12.

Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the CBC shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student may be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code of Conduct.

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any of the following offenses:

- Engaging in bullying that encourages a student to die by suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Involvement in a public-school fraternity, sorority, or secret society, or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public-school fraternity, sorority, secret society, or gang. [see Glossary]
- Involvement in criminal street gang activity. [see Glossary]

- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.
- Engages in conduct that contains the elements of the offense of disruptive activities under Education Code 37.123.
- Engages in conduct that contains the elements of the offense of disruption of classes under Education Code 37.124.
- Possesses or uses an e-cigarette, as defined by Section 161.081,Health and Safety Code, except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days. See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for additional information.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief [see Glossary] that the student engaged in conduct punishable as a felony that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. Aggravated robbery or felonies listed as offenses in Title 5 [see Glossary] of the Penal Code are punishable as mandatory expulsions.

The CBC **may** place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. [see Glossary]
    - Commits the following offenses on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
    - Engages in conduct punishable as a felony.
    - Commits an assault [see Glossary] under Penal Code 22.01(a)(1).
    - Except as provided by Education Code 37.007(a)(3), sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. [School-related felony drug offenses are addressed in

Expulsion.] [See Glossary for "under the influence," "controlled substance," and "dangerous drug."]

- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol.
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. [see Glossary]
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code sections 42.07(a)(1), (2), (3), or (7).

- Engages in expellable conduct and is six to nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation under Penal Code 36.06 against any school employee or volunteer on or off school property.
- Engages in conduct that contains the elements of harassment under Penal Code 42.07 against any school employee or volunteer on or off of school property.

The student receives deferred prosecution [see Glossary], or a court or jury finds that the student has engaged in delinquent conduct [see Glossary], or the superintendent or designee has a reasonable belief [see Glossary] under Section 53.03, Family Code, for conduct defined as any of the following offenses under the Penal Code:

1. A felony offense under Title 5;
2. The offense of deadly conduct under Section 22.05;
3. The felony offense of aggravated robbery under Section 29.03;
4. The offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8); or
5. The offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a Class C misdemeanor under that section.

Sexual Assault and Campus Assignments

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and
- The victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus.

If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

Process

The CBC shall make removals to a DAEP.

Conference

When a student is removed from class for a DAEP offense, the CBC or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and, in the case of a teacher removal, the teacher.

At the conference, the CBC or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the CBC shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

Placement Order

After the conference, if the student is placed in a DAEP, the CBC shall write a placement order. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in a DAEP and the length of placement is inconsistent with the guidelines included in this Code of Conduct, the placement order shall give notice of the inconsistency.

DAEP at Capacity

If a DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If a DAEP is at capacity at the time the CBC is deciding placement for a student who engaged in violent conduct, a student placed in a DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete, at no cost to the student, a foundation curriculum course in which the student was enrolled at the time of removal, and which is required for graduation. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The CBC shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or district employees.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Exceeds School Year

Students who are in a DAEP placement at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the CBC or the board's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or
2. The student has engaged in serious or persistent misbehavior [see Glossary] that violates the district's Code of Conduct.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the central administration office or online at www.wacoisd.org.

Appeals shall begin at Level One with the Student Services Department.

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

Restrictions During Placement

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's IEP or Section 504 plan.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day. The student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the CBC or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted. The CBC may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication [see Glossary], or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parents may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

When a student violates the district's Code of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the CBC may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the CBC or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The district shall decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district including a district in another state. The district may place the student in the district's DAEP or a regular classroom setting.

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district

determines that the student is a threat to the safety of other students or employees, or if the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. [See policy FOCA(LEGAL) for more information.]

Placement and/or Expulsion for Certain Offenses

This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the student shall be placed in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the student may be placed in DAEP or JJAEP for one semester or placed in a regular classroom. The student may not be placed in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers;
2. Will be detrimental to the educational process; or
3. Is not in the best interests of the district's students.

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

Newly Enrolled Students

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to

register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the CBC shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. [see Disciplinary Alternative Education Program (DAEP) Placement]

Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to die by suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Criminal mischief, if punishable as a felony.
- Breach of computer security. [see Glossary]
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, unless the conduct is punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the

Health and Safety Code does not violate this provision. [See Glossary for "under the influence."]

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in deadly conduct. [see Glossary]

Within 300 Feet of School

A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line.

Property of Another District

A student may be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in a DAEP

A student may be expelled for engaging in documented serious misbehavior that violates the district's Code of Conduct, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Penal Code 1.07; or
4. Conduct that constitutes the offense of:
    a. Public lewdness under Penal Code 21.07;
    b. Indecent exposure under Penal Code 21.08;
    c. Criminal mischief under Penal Code 28.03;
    d. Hazing under Education Code 37.152; or
    e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

A student **must** be expelled under federal or state law for any of the following offenses that occur on or off school property.

Under Federal Law

Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. [see Glossary]

Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Penal Code

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
    - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. [see Glossary] Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
- A location-restricted knife, as defined by state law. [see Glossary]
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. [see Glossary]
- Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
    - Aggravated assault, sexual assault, or aggravated sexual assault.
    - Arson. [see Glossary]
    - Murder, capital murder, or criminal attempt to commit murder or capital murder.
    - Indecency with a child.
    - Kidnapping or aggravated kidnapping.
    - Burglary, robbery or aggravated robbery.

- Manslaughter.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or disabled individual.
- Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug.
- Engaging in conduct that contains elements of assault against a school employee or volunteer.

Under Age 10

When a student under the age of 10 engages in behavior that is expellable behavior, the student shall not be expelled but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

Process

If a student is believed to have committed an expellable offense, the CBC or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parents shall be invited in writing to attend the hearing.

Until a hearing can be held, the CBC or other administrator may place the student in:

- Another appropriate classroom.
- ISS.
- Out-of-school suspension.
- DAEP.

Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district;
2. An opportunity to testify and to present evidence and witnesses in the student's defense; and
3. An opportunity to question the witnesses called by the district at the hearing.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the Office of Student Management authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall consider and base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

Expulsion Order

Before ordering the expulsion, the board or CBC shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Office of Student Management shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Code of Conduct, the expulsion order shall give notice of the inconsistency.

Length of Expulsion

The length of an expulsion shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees; or
2. Extended expulsion is in the student's best interest.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal During Process

When a student's conduct requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the CBC or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the CBC or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions During Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

The district shall decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in the district.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the district with a copy of the expulsion order; and

2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees; or
2. Extended placement is in the best interest of the student.

Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Emergency expulsion may be ordered based on a single incident of behavior by the student. Within 10 days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than 10 years of age.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See policies FOCA(LEGAL) and FODA(LEGAL) for more information.

Certain Felonies

Regardless of whether DAEP placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or CBC makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 [see Glossary] of the Penal Code. The student must have:

- Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;

- Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred;
2. The location at which the conduct occurred;
3. Whether the conduct occurred while the student was enrolled in the district; or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing and Required Findings

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers;
2. Will be detrimental to the educational process; or
3. Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

Length of Placement

The student is subject to the placement until:

1. The student graduates from high school;
2. The charges are dismissed or reduced to a misdemeanor offense; or
3. The student completes the term of the placement or is assigned to another program.

Placement Review

A student placed in a DAEP or JJAEP under this section is entitled to a review of his or her status, including academic status, by the CBC or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

Newly Enrolled Students

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

Glossary

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Penal Code 29.03(a) as when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
    a. 65 years of age or older; or
    b. A disabled person.

Antisemitism is defined by Government Code section 448.001 as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

Armor-piercing ammunition is defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is defined in part by Penal Code 28.02 as a crime that involves:

1. Starting a fire or causing an explosion with intent to destroy or damage:
    a. Any vegetation, fence, or structure on open-space land; or
    b. Any building, habitation, or vehicle:
        (1) Knowing that it is within the limits of an incorporated city or town;
        (2) Knowing that it is insured against damage or destruction;
        (3) Knowing that it is subject to a mortgage or other security interest;
        (4) Knowing that it is located on property belonging to another;
        (5) Knowing that it has located within it property belonging to another; or
        (6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or

3. Intentionally starting a fire or causing an explosion and in so doing:
    a. Recklessly damaging or destroying a building belonging to another; or
    b. Recklessly causing another person to suffer bodily injury or death.

Assault is defined in part by Penal Code 22.01 as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

Breach of computer security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system.

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

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

Bullying includes cyberbullying. (See below.) This state law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Chemical dispensing device is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an

adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is defined by Penal Code 46.01 as an instrument, specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk.

Controlled substance means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

Criminal street gang is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Cyberbullying is defined by Education Code 37.0832 as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

Dangerous drugs are defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

Deadly conduct under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Deferred adjudication is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

Deferred prosecution may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

Delinquent conduct is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

Discretionary means that something is left to or regulated by a local decision maker.

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Explosive weapon is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

False alarm or report under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

Firearm is defined by federal law (18 U.S.C. 921(a)) as:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such a term does not include an antique firearm.

Graffiti includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Handgun is defined by Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Education Code 37.001(b)(2); or
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
    a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
    b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
    c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
    d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
    e. Making a telephone call and intentionally failing to hang up or disengage the connection;
    f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
    g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
    h. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law; or

i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

Hazing is defined by Education Code 37.151 as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; or
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

Hit list is defined in Education Code 37.001(b)(3) as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Improvised explosive device is defined by Penal Code 46.01 as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

Indecent exposure is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

Intimate visual material is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

Location-restricted knife is defined by Penal Code 46.01 as a knife with a blade over five and one-half inches.

Knuckles means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

Look-alike weapon means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

Machine gun as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

Mandatory means that something is obligatory or required because of an authority.

Paraphernalia are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Personal Communication Device means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication.

Possession means to have an item on one's person or in one's personal property, including, but not limited to:

1. Clothing, purse, or backpack;
2. A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;
3. Personal communication devices or electronic devices; or
4. Any school property used by the student, including, but not limited to, a locker or desk.

Prohibited weapon under Penal Code 46.05(a) means:

1. The following items, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
    a. An explosive weapon; or
    b. A machine gun.
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or
6. An improvised explosive device.

Public Lewdness is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, when the person is reckless about whether another is present who will be offended or alarmed by the act.

Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its

membership rather than on the free choice of a qualified student. Educational organizations listed in Education Code 37.121(d) are excepted from this definition.

Reasonable belief is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information and must consider the information furnished in the notice of a student's arrest under Code of Criminal Procedure Article 15.27.

School Day begins when a student enters the school building and ends when the student leaves the school building for the day or after the last instructional bell rings, whichever comes first.

Self-defense is the use of force against another to the degree a person reasonably believes is immediately necessary to protect himself or herself.

Serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Penal Code Section 1.07; or
4. Conduct that constitutes the offense of:
    a. Public lewdness under Penal Code 21.07;
    b. Indecent exposure under Penal Code 21.08;
    c. Criminal mischief under Penal Code 28.03;
    d. Hazing under Education Code 37.152; or
    e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

Serious or persistent misbehavior includes, but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete schoolwork as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.

- Falsifying records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is defined by Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

Terroristic threat is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

Tire deflation device is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

Title 5 felonies are those crimes listed in Title 5 of the Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02–.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05–.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;

- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to die by suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the in-fluence" need not be legally intoxicated to trigger disciplinary action.

Use means voluntarily introducing into one's body, by any means, a prohibited substance.

Zip gun is defined by Penal Code 46.01 as a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Dr. Suzanne Hamilton

RE: Extension of Memorandum of Understanding (MOU) between Waco ISD and the YMCA of Central Texas

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Background Information:
Waco ISD and the YMCA of Central Texas have partnered since 2023 for after-hours programs. This MOU extends the current partnership for one year and includes a summer camp program for the summer of 2026.

Fiscal Implications:

The YMCA of Central Texas will pay Waco ISD $12,000 for the use of our facilities.

Administration Recommendations:

The Administration recommends that the Board of Trustees approve the memorandum of understanding between Waco ISD and YMCA of Central Texas, as presented.

YMCA AFTER SCHOOL CHILD CARE AGREEMENT
YMCA of Central Texas: Waco Independent School District
2026-2027

This Agreement is made by and between the Waco Independent School District ("WISD") and the YMCA of Central Texas ("YMCA") for the purposes, mutual promises, and consideration expressed herein.

WHEREAS a continuing need has been identified in the Waco Independent School District for an afterschool day care program and a summer day camp program; and

WHEREAS, the Young Men's Christian Association is a nationally recognized leader in the provision of child care programs, athletic programs and management of recreational facilities; and

WHEREAS, the YMCA conducts an after school day-care program / summer day camp-program, has current facilities to host outdoor and environmental educational programs; and

WHEREAS, students and parents in WISD would benefit from such a community partnership;

NOW THEREFORE, WISD and YMCA agree as follows:

1. **After-Hours School Day Care Program ("After Hours Program"):**

   a. YMCA shall sponsor, conduct, and provide, and WISD shall allow and cooperate in provision of an After Hours Program at selected WISD elementary schools. The After Hours Program shall start each year on the First Day of School as that term is herein defined and end on the last day of Summer Day Camp as that term is herein defined. The "First Day of School" is defined as the first day of regular student attendance at WISD. The "Last Day of Summer Day Camp"" is defined as the last day of Summer Break at WISD.

2. **After Hours Program – Locations:** WISD facilities shall be available to the YMCA for conduct of the After Hours Program on the above referenced days. Specific sites will be determined based on WISD's principal's preference, meaning they have chosen the YMCA to be their After Hours program provider. The parties agree other sites will be made available as new Elementary Schools are opened during the term of this contract assuming the WISD principal invites the YMCA to offer the After Hours Program on their campus.

3. **After Hours Program - Hours:** The After Hours Program shall be conducted each regular school day from the time that school is dismissed until 6:00 p.m.

4. **After Hours Program - Fees:** The After Hours facility usage fees shall be as follows:

- The YMCA agrees to pay WISD $30 per month per participant for the After Hours program as a facility usage payment for the 2023-2024 school year.
- The YMCA will provide WISD a monthly enrollment chart and invoice and the end of each month.
- The YMCA requests that all students receiving YMCA financial assistance and students receiving state assistance (CCS) be exempted from facility rental.
- The YMCA agrees to pay WISD the determined facility rental amount within twenty days of each completed billing month.
- YMCA agrees to pay negotiated facility rental amount for summer camp.

** Fees may increase pending final decisions by the Board of Trustees regarding the WISD budget, particularly as those decisions impact facility use fees in conjunction with Chapter 41 reductions and increased revenues.*

5. **All Day Out Program for WISD Staff Development / Prep Days:** The YMCA shall conduct a full day program located at the Waco YMCA similar to the After Hours Program on weekdays during the regular school year when school is not in session due to professional development training days. The full day program shall be conducted on staff development and preparation dates from 7:00 a.m. – 6:00 p.m. Specific dates will be designated by WISD at the time the WISD School Calendar is adopted.

WISD facilities are not available for use on the following dates, due to district and custodial holidays as well as YMCA recognized holidays:

- Labor Day
- Thanksgiving Break
- **Winter Break
- Martin Luther King Jr. Day

- Good Friday
- Memorial Day

6. Summer Camps Programs ("Summer Camp"):

a. The YMCA shall conduct summer camp during the summer months when school is not in session. Summer Day Camp program will start on the "First Day of Summer Break" and shall end on the last day in August prior to the "First Day of School". (See Exhibit A for District Calendar)

7. Summer Camp - Locations: WISD facilities shall be made available to conduct Summer Day Camp. The specific site will be determined based on WISD maintenance schedules and number of students participating in the summer camp program, a minimum of one school site will be identified by February 1 of each year.

WISD will coordinate with the YMCA to guarantee that facility access is available during the summer break for WISD including air conditioning and emergency contacts.

8. Summer Camp – Facility Usage Fees: The fees for the Summer Camp shall be as follows.

WISD shall charge $12,000 for the YMCA to conduct summer camp.

— Fees may increase pending final decisions by the Board of Trustees regarding the budget, particularly as those decisions impact facility use fees in conjunction with Chapter 41 reductions and increased revenues.

9. Program Fees to Participants: Program fees shall be determined by the YMCA with the approval of WISD administrative personnel in March of each year for the following school year such approval to not be unreasonably withheld. YMCA shall be responsible for billing and collection of fees from parents of children enrolled in the After Hours Program. Upon receipt of sufficient proof of financial need the YMCA may waive all or a portion of the established fee for any program participant. The availability to a program participant of such a full or partial fee waiver shall be based on the availability at subsidies from other sources. The YMCA shall strive to provide access to the After Hours Program regardless of a participant's ability to pay.

10. Available Space: The spaces to be used by the YMCA for provision of the programs, at the specified WISD facilities, must be available on a daily basis and will include: an outdoor play area, indoor program area including gym and cafeteria, restroom facilities, water fountains, storage area, and flow areas between the foregoing spaces. YMCA shall be responsible for keeping the available areas in a neat and orderly condition and shall repair or replace at the expense of the YMCA any damaged or missing equipment or damage to the facility, resulting from any negligence of the YMCA. YMCA shall be responsible for securing all areas used at each facility at the close of each program day.

WISD and YMCA understand and agree that other uses of the cafeteria and/or gym may preempt the YMCA's scheduled use of the facilities, and WISD agrees to give as much notification as possible to the YMCA of such events except in case of emergencies, or other unforeseen events.

11. Costs: YMCA shall bear all costs associated with initiation and provision of the After Hours Program and Summer Day Camp. YMCA shall specifically bear all costs associated with licensing, staffing and operating the programs.

12. Standards and Licensing: The After Hours Program shall be licensed by the Texas Department of Protective and Family Regulatory Services, or any successor agency, as a licensed day care center at each specific school in which the program operates. YMCA shall secure required license prior to operation *of* program at any school and shall conduct program in such a manner as to comply with on-going requirements of licensure. The Principal at each WISD facility covered by this Agreement shall cooperate with YMCA in the licensing process by providing such documents and information as may be required to obtain and maintain licensing. Any expense, modifications or other actions required to be taken to receive or comply with any required license shall be taken at the expense of the YMCA and only after permission of the principal at the school involved.

13. Students: The After Hours Program shall be available to all students regardless of race, color, sex, national origin, or religion, and all reasonable efforts shall be made to accommodate handicapped children who are mainstreamed Students will be enrolled at the school where they attend, with the exception of any supplemental program sites and on professional development training days or holidays when sites will be combined. Enrollment may be limited by licensed capacity, space available at each school, and YMCA staffing levels.

YMCA shall take complete charge of the students participating in the program upon the student's arrival at the designated day care area, and shall abide by and enforce standard school rules, including, without limitation, rules requiring walking in the halls, keeping school property unmarred and the facility clean. YMCA shall also establish rules for behavior for students participating in the After Hours Program.

14. Program Planning / Training: The YMCA administrator shall visit each campus site a minimum of once a week for the purpose of observing the program in place to ensure that the safety and security needs of the children in the program are being

met and that the program is proceeding in an orderly fashion.

Students shall be provided 30 to 45 minute quiet time daily for homework. All groups will have time allocated for additional instructional enrichment. YMCA staff, will at all times, incorporate character education consistent with the campus where located into their programs. Staff should know and ensure that students in the YMCA program adhere to campus behavioral rules and expectations. Staff shall treat students respectfully at all times and be sensitive to cultural differences.

Curriculum shall be posted and followed by YMCA staff members and Principals shall be given a copy of the curriculum two (2) weeks in advance.

15. **Promotion and Public Relations:** YMCA shall be responsible for promoting the After Hours Program. WISD shall assist by allowing information to be distributed through the schools. YMCA shall monitor program quality by regular meeting with principals encouraging parental involvement, and conducting an annual evaluation.

16. **Staff:** Recruiting, hiring, training, supervision and compensation of staff for the After Hours Program shall be the sole responsibility of the YMCA.

17. **Insurance:** During the term of this Agreement and any extension thereof, YMCA shall maintain comprehensive general liability insurance coverage in the amount of two million dollars ($2,000,000). All insurance shall be with companies acceptable to WISD and shall name WISD, its trustees, officers, employees and agents as additional named insured.

18. **Effective Date and Term of Agreement:** This Agreement shall become effective on the date signed by both parties. This Agreement shall be for a term of three (3) years. This Agreement commences on August 1, 2026 and ends on the Last Day of Summer Day Camp for school year 2026-2027. Commencing March 1, 2027 WISD may give YMCA notice at any time prior to the following First Day of School of intent to terminate this Agreement and the Agreement will terminate on the Last Day of Summer Day Camp.

19. **Meeting to Discuss and Negotiate Modifications:** The parties agree that they will meet each March during the term of this Agreement to discuss modifications to the Agreement, potential extensions and other matters as may be necessary to coordinate the programs provided in this Agreement.

20. **Termination for Cause:** WISD may terminate the agreement for good cause, WISD shall give written notice of YMCA failure to perform according to the terms of this agreement. If such failures are not cured by the 90th day from the date of written notice the agreement may be terminated.

21. **Modifications:** This Agreement may be modified by written addenda with the approval of the Waco Independent School District Board of Trustees, or its designees, Board of Directors and YMCA of Central Texas, Board of Directors or its designee.

22. **Entire Agreement:** This document is the Final Agreement of the parties hereto, and replaces and supersedes all previous Agreements. There are no representations or promises between the parties other than those set out herein.

23. **Applicable** Law: This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

25. **Multiple Originals:** This Agreement may be executed in a number of identical counterparts each of which shall be deemed an original for all purposes.

26. **Authority:** The undersigned warrants that he or she is duly authorized to execute this Agreement on behalf of the named entity.

27. **Indemnity and Release:** The YMCA hereby waives, releases and discharges WISD, its trustees, officers and employees, from any claim, demand or cause of action arising out of this Agreement or any activity undertaken pursuant to this Agreement The YMCA further indemnifies and holds harmless WISD, its trustees, officers and employees from any and all claims for loss, damage, injury or death, including claims for attorney's fees and cost of court, sustained by any person, or for any damages to property, arising out of the activities described in this Agreement or arising out of the use of WISD buildings and facilities as contemplated by this Agreement.

28. **Training of Personnel:** YMCA will provide staffs that are fully trained, properly supervised, and competent to perform child care duties as contemplated to be provided by YMCA under this Agreement YMCA shall be solely responsible for the provision of trained personnel and for supervision of such personnel. WISD, its trustees, officers and employees shall have no responsibility for supervision of such personnel provided by YMCA or for supervision of children participating in the day care programs offered by the YMCA.

29. **Prior Agreement:** This revised Agreement replaces all prior agreements between the YMCA and WISD. However, all prior agreements shall continue for the following purposes:

a. Through July 31st, 2026.

b. For purposes of indemnity and hold harmless agreements, the prior Agreement shall continue as to any occurrence during the term of the prior Agreement.

c. The prior Agreement shall continue to govern any prior claims by any party to the prior Agreement regarding breach of the Agreement or damages which are the obligation of a party and which are the result of occurrences occurring on or prior to July 31st, 2026.

d. The prior Agreement shall continue in force with regard to any claims WISD may have regarding any insurance provided, or required to be provided, by YMCA.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the _____ day of _____, 2026.

WACO INDEPENDENT SCHOOL DISTRICT

Dr. Tiffany Spicer, Superintendent — Date

YMCA OF Central Texas

Jeff Andresen, President/CEO — 5-27-2026 — Date

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Stephanie Hines

RE: Acceptance of Gifts over $50,000

==========

Background Information (Gifts >$50,000 for Board Approval):

The Waco ISD Education Foundation awarded 45 innovative grants across 16 campuses or departments valued at $155,003. Campuses that will benefit include Advanced Academics, Bell's Hill Elementary, Brook Avenue Elementary, Cedar Ridge Elementary, Crestview Elementary, G.W. Carver Middle School, Greater Waco Advanced Health Care Academy (GWAHCA), J.H. Hines Elementary, Kendrick Elementary, Lake Air Montessori Magnet, Mountainview Elementary, Parkdale Elementary, Provident Heights Elementary, Tennyson Middle School, University High School, and Waco High School.

Administrative Recommendation(s):

The administration recommends acceptance of the gift over $50,000.

Date	Name	Cash	Item	Service	Total	Description	Campus
6/3/2026	Waco ISD Education Foundation	$ 155,003.00			$ 155,003.00	45 - Innovative Classroom Grants (2026-2027 school year)	Various Campuses
	Totals	$ 155,003.00	$ -	$ -	$ 155,003.00		

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Dr. Deena Cornblum

RE: Library Books Purchase

==========

Background Information

In accordance with Senate Bill 13 (SB 13), the district previously adopted a local policy requiring board approval of library materials prior to their inclusion in campus catalogs. The list of proposed library books was posted on the district website on May 19, 2026, for the required public review period. The list is now being presented to the Board of Trustees for formal approval in compliance with state law.

Fiscal Implications

Funding is allocated in campus budgets. Costs per campus will vary depending on campus requests.

Administrative Recommendation(s):

It is recommended that the Board approve the proposed list of library books as presented

Title	Author/Illustrator	Intended Audience
12 to 22	Calonita, Jen	Middle/High
A City on Mars: Can we Settle Space, Should We Settled Space, and H	Weinersmith, Kelly and Zach	High
A kid's guide to chess : learn the game's rules, strategies, gambits, an	Reppen, Ellisiv	Middle/High
A Voice of Hope: the Myrlie Evers-Williams Story	Salomon, Nadia	Elementary
ABC Black History and Me: an inspirational journey through Black hist	Monyei, Queenbe	Elementary
Ali the Great and Too Many Cooks	Faruqi, Saadia	Elementary
Alrededor Del Arañiverso (Around the Spider Verse)	Leon, Pablo	Middle
Andre: Andre Leon Talley - a fabulously fashionable fairy tale	Weatherford, Carole Boston	Elementary
Aphmau: Searching for Home	Bravura, Jessica	Elementary
Baby-Sitters Little Sister: Karen's Prize	Martin, Ann M.	Elementary
Bandage Buddies	Rammell, Kathryn	Elementary
Banned Together: Our Fight for Readers' Rights	Perez, Ashley Hope	High
Barack Obama (Black History Biographies)	White-Thompson, Stephen	Elementary
Barrier Breakers book set (8 books)	Capstone Press	Elementary/Middle
Beacon of Hope: the life of Barack Obama	Rappaport, Doreen	Elementary
Beth is dead	Bernet, Katie	Middle/High
Beyonce: the voice that shaped a generation: the rise of a superstar	Pete, Patricia	Elementary
Black Civil War Soldiers: the 54th Massachusetts Regiment	Baumann, Susan K	Elementary
Black Girl, Black Girl: Celebrate the Power of You	Kamanda, Ali	Elementary
Black Heroes: 51 inspiring people from ancient Africa to modern-day	Norwood, Arlisha	Elementary
Black History (Little Legends Alphabet)	Feiner, Beck	Elementary
Black History Heroes book set (6 books)	Pete, Patricia and Chris Singleton	Elementary
Black History Legends Alphabet	Feiner, Beck	Elementary
Black Leaders in the civil Rights Movement: a black history book for k	Armand, Glenda	Elementary
Black Men in Science: 15 Inspiring People You Should Know: a black h	Avery, Bryan Patrick	Elementary/Middle
Braided Roots	Westbrook, Pasha	Elementary
Catching Fire: Illustrated Edition (the Hunger Games #2)	Suzanne Collins	Middle
Cats: A Visual Catalog of More Than 50 Breeds	Smith, Miranda	Elementary
Chi Chi's Story: How a Heroic Dog Spread Joy One Step at a Time	Andrus, Aubre	Elementary
Chickenpox	Lai, Remy	Elementary
Christian Pulisic vs. Clint Dempsey: Who Would Win?	Idzikowski, Lisa	Elementary/Middle
Creepover: Truth or Dare (Graphic Novel)	Night, PJ	Middle
Cricket in the Thicket	Murray, Carol	Elementary
Curlfriends: New in Town	Miller, Sharee	Elementary/Middle

Title	Author/Illustrator	Intended Audience
Daniel Visits the Library	Testa, Maggie	Elementary
Darkstalker: a Graphic Novel (Wings of Fire: Legends Graphic Novel)	Sutherland, Tui	Middle
Deep Secrets: a Titanic Novel	Smith, Nikki Shannon	Elementary/Middle
Destination Moon: The Remarkable and Improbable Voyage of Apollo	Maurer, Richard	High
Disney Manga: Descendants - Mal's Royal Challenge (Spanish)	Muell, Jason	Middle
Dreamer	Aliu, Akim	Middle
Dreaming of a Quinceanera	Mendez, Yamile Saied	Elementary
Duckie & Snaps: We Cannot Be Friends	Dyckman, Ame	Elementary
Escape the Pizzaplex, Five Nights at Freddy's Interactive Novel	Cawthon, Scott	Middle
Essie and the march on Selma: a Bloody Sunday survival story (Girls S	Butler-Ngugi, Anitra	Elementary/Middle
Everything New Again	Watson, Renee	High
Excellent Ed	McAnulty, Stacy	Elementary
Extraordinary Magic: the storytelling life of Virginia Hamilton	Crews, Nina	Elementary
Few Blue Skies	Ixta, Carolina	Middle/High
Find Your Porpoise	Ross, M. C.	Elementary
Forbidden World	Schreiber, Sam	High
Forgotten Atnama	Schreiber, Sam	High
Freedom on the Sea: true story of Civil War hero Robert Smalls and hi	Moore, Michael Boulware	Elementary
From "Loser" to "Legend" - How 60+ Celebrities Survived & Thrived Aft	Patricia Stahl, LCSW	Elementary/Middle
Fros fades and braids : brief history of Black hair in America	Qualls, Sean	Elementary/Middle
Funerals are for the Living	Ellis, Sami	High
Goldfinches	Melissa Sweet	Elementary
Great Figures in Black History (set of 6 books)	Lake, Theia	Elementary/Middle
Hannah and Sugar	Berube, Kate	Elementary
Hello! My Name is Capybara: Join me on my life-cycle adventure	Abbas, Zaina	Elementary
Hello! My Name Is Honeybee: Join me on my life-cycle adventure	Atkinson, Mary	Elementary
Hello! My name is Tiger Shark: Join me on my life-cycle adventure	Dean, Gemma	Elementary
Heroes of the World Cup	Mugford, Simon	Elementary
Hikaru No Go (Manga Series)	Hotta, Yumi	Middle
How Big is That? A Life-Size Guide to the Animal Kingdom	Jackson, Tom	Elementary
How Do You Turn Data into Drawings?: A Statistics Book About Graph	Grider, Clayton	Elementary/Middle
How Not to Make a Jelly Sandwich	Burach, Ross	Elementary
How to Catch a Dream	Walstead, Alice	Elementary
How to win at chess : from first moves to checkmate	King, Daniel	Elementary/Middle

Title	Author/Illustrator	Intended Audience
I survived the California Wildfires, 2018 (graphic novel)	Tarshis, Lauren	Elementary
I survived the Japanese Tsunami, 2011 (graphic novel)	Tarshis, Lauren	Elementary/Middle
If the Moon	Matthew Burgess	Elementary
In Our Own Words: True Stories of Indian Boarding Schools	Child, Brenda J.	High
Interrupting Chicken Saves the Nutcracker	Stein, David Ezra	Elementary
Investigators: Case Files	Green, John Patrick	Elementary
Jax Freeman and the tournament of spirits	Mbalia, Kwame	Elementary/Middle
Just Like Home: Kitten Delivery	Downing, Erin Soderberg	Elementary
Just Like Home: Love Rolls In	Downing, Erin Soderberg	Elementary
King of the Mole People	Gilligan, Paul	Elementary
Kingfisher Ocean Encyclopedia	Claybourne, Anna	Elementary
KPop Demon Hunters	Yoon, Jessica	Elementary/Middle
La Pelea Final de Pterosaurios (Ultimate Pterosaur Rumble)	Pallotta, Jerry	Elementary/Middle
Laugh Riot: Be Careful What You Draw	Krovatin, Christopher	Elementary
Laugh-Out-Loud Ultimate Jokes for Kids	Elliott, Rob	Elementary
Let Us March On! James Weldon Johnson and the Silent Protest Para	Williams, Yohuru	Elementary
Mabuhay! Can two kids save the world and still work their family food	Sterling, Zachary	Elementary
Magic at the Mansion	Yi, Susie	Elementary/Middle
Magnitude	Nielsen, Jennifer A	Elementary
Mailing Himself to Freedom: a graphic novel biography of Henry "Box'	Smith, Elliott	Elementary/Middle
May I Have a Word?	Levis, Caron	Elementary
Meet Me on Love Street	Heron, Farah	High
Millie	Hoyle, McCall	Elementary
Miss Camper	Fajardo, Kat	Elementary
Nature of Frost	Accardo, Jus	Middle/High
Nelson Mandela (Black History Biographies)	Howell, Izzi	Elementary
On This Day in Black History: a kid's day-to-day guide to significant ev	Johnson, Judy	Elementary/Middle
Our Solar System! A Stellar Neighborhood	McAnulty, Stacy	Elementary
Pete the Cat: Trick or Pete	Dean, James	Elementary/Middle
Piggy: Jungle Pursuit	Vannotes	Elementary/Middle
Recovering the Hispanic History of Texas	Perales, Monica	High
Red Bird Danced	Dawn Quigley	Elementary/Middle
Refugee (Graphic Novel)	Gratz, Alan	Middle
Reindeer Christmas	Moulton, Mark Kimball	Elementary

Title	Author/Illustrator	Intended Audience
Right Back at You	Mackler, Carolyn	Elementary
Ripley:Fire Station Five	Cameron, W. Bruce	Elementary
Ripples	Katie Yamasaki	Elementary
Search and Rescue: Surviving Ground Zero	London, Alez	Elementary/Middle
Sew Totally Nala	Rocks!, Misako	Elementary
Shadow Warrior (Spider-Man: Original Manga)	Aoki, Shogo	Middle
She Raised Her Voice: 50 Black women who sang their way into musi	Elizabeth, Jordannah	Elementary/Middle
Shining Bright, Shining Black: 100 inspiring black icons	Wilson, Jamia	Elementary/Middle
Shrinking Violet	Laurel Snyder	Elementary
Smiley: A Smile can change the world	Ross, M. C.	Elementary
Snoop	Korman, Gordon	Elementary
Soccer Encyclopedia: the Young Fan's Guide to the World of Soccer	Stead, Emily	Elementary
Soccer Stars 2025: Stats, Profiles, Top Players	Ballheimer, David	Elementary
Soccer: a visual guide to the world's favorite sport	Scholastic	Middle
Sonic the Hedgehog Overpowered, 14	Stanley, Evan	Middle
Soundtrack	Reynolds, Jason	Middle/High
Spider-Ham: Hollywood May-Ham	Foxe, Steve	Middle
Spy Ninjas: Boss Battle	Vannotes	Elementary
Spy Ninjas: New Recruits	Vannotes	Elementary/Middle
Stealing the Score	Liu, Sylvia	Elementary
Stick Man	Donaldson, Julia	Elementary
Stranded	Nikki Shannon Smith	Middle
Stranger Things and Dungeons & Dragons	Houser, Jody	Middle
Super-Cute Kittens	Atkinson, Mary	Elementary
Teenage Mutant Ninja Turtles Saturday morning adventures	Burnham, Eric	Middle
TEXAS Before the Lone Star	Texas Society Daughters of the An	Elementary/Middle
The Baseball Encyclopedia	Kostival, Alec	Elementary
The Basketball Encyclopedia	Rynston-Lobel, Eric	Elementary
The Chismosas Only Book Club (one copy in English and one in Span	Kemp, Laekan Zea	Middle
The Cook Who Defended Pearl Harbor: a graphic novel biography of D	Pryor, Shawn	Elementary/Middle
The everything chess basics book (Everything Games)	Kurzdorfer, Peter	Middle/High
The Explorer's Guide to the Monstrous Cryptid Creatures of the Unitec	Denton, Shannon Eric	Middle/High
The football encyclopedia	Scholastic	Elementary/Middle
The Future Book	Mac Barnett	Elementary

Title	Author/Illustrator	Intended Audience
The Hunger Games: Illustrated Edition	Suzanne Collins	Middle
The Lair of the Owl King	Yi, Susie	Elementary/Middle
The Last First Tooth	Hyde, Kat	Elementary
The League of Dangerous Young Ladies	Morgenstein, J.A.	Middle
The Prophecies Begin 3	Hunter, Erin	Elementary/Middle
The Reckoning	Hudson, Wade	Elementary/Middle
The Terrible Trio: The (Not So) Superheroes	Haddow, Swapna	Elementary
The True Ugly Duckling	Sandra Nickel	Elementary
The Winter of the Dollhouse	Schlitz, Laura Amy	Elementary/Middle
Time Flies: Down to the Last Minute	Lazar, Tara	Elementary
Titanic: True Stories of Young Survivors	Zullo, Allan	Elementary
Twelfth Knight	Follmuth, Alexene Farol	High
Un Futbolista Fabuloso (A Fabulous Soccer Player)	Maddox, Jake	Elementary
Uncle John's City Garden	Ford, Bernette G	Elementary
Unico: Hunted (Volume 2)	Sattin, Samuel	Middle
Unicorn Diaries: The Glitter Bug	Elliott, Rebecca	Elementary
Value Biographies (set of 8)	The Child's World	Elementary
Venus! Fierce and Fabulous	McAnulty, Stacy	Elementary
Vincent Ventura and the Curse of the Dancing Devil #5	Garza, Xavier	Middle
Vincent Ventura and the Curse of the Donkey Lady #6	Garza, Xavier	Middle
Wallace and Grace and the Cupcake Caper	Alexander, Heather	Elementary
Wallace and Grace and the Owl-O-ween Mystery	Alexander, Heather	Elementary
Warriors The Prophecies Begin Book 1	Hunter, Erin	Middle
Warriors The Prophecies Begin Book 2	Hunter, Erin	Middle
Warriors The Prophecies Begin Book 3	Hunter, Erin	Middle
We Are Black History	Andrews, Tequitia	Elementary
Welcome Back, Stacey	Martin, Ann M.	Elementary/Middle
When We Flew Away: a Novel of Anne Frank Before the Diary	Hoffman, Alice	Elementary/Middle
When We Go Missing	Henry, April	High
When You Dream Big!	Reynolds, Peter H.	Elementary
Who Would Win? Underwater Battles	Pallotta, Jerry	Elementary
Wild Things: the Most Amazing Animals in the World	Guinness World Records	Elementary/Middle
Winging It: a Graphic Novel	Lloyd, Megan	Middle
Wings of fire the graphic novel: Legends Darkstalker	Sutherland, Tui	Elementary/Middle

Title	Author/Illustrator	Intended Audience
Wolf Pups Join the Pack	American Museum of Natural Hist	Elementary/Middle
Year in Sports 2026	Buckley, Jr, James	Elementary
You Are the Land	Steph Littlebird	Elementary
You Come From Greatness: a Celebration of Black History	Chinakwe, Sara	Elementary
You Quack Me Up: 800 Animal Jokes for Kids	Tommy Nelson	Elementary
Young World	Chainani, Soman	High
Youtube World Records: the World's Greatest Record-Breaking Feats,	Besley, Adrian	Elementary

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Dr. Ronnita Carridine

RE: Hiring of an Employee Related to a Current Administrator

==========

Background Information:

Policy DC (Local) states "An applicant of employment, who is related to a district administrator within the second degree by blood or marriage, as defined in this policy, shall disclose the nature of the relationship during the application process. The District shall employ such an applicant only with board approval."

Aaliyah Daily has been hired as a Teacher at Cedar Ridge Elementary School and will be under the supervision of Erin Lange. Aaliyah Daily is Jennifer Rigg's daughter, currently serving as the Special Education Director.

Fiscal Implications:

Salary is included in the fiscal year budget

Administrative Recommendation(s):

Approve the employment of Aaliyah Daily.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Dr. Tiffany Spicer

RE: Resolution for the Historic Lofts of Waco High Development

==========

Background Information:

The Historic Lofts of Waco High is a 104-unit affordable housing community operating within a former school district facility, the historic 1912 Waco High School campus. A new ownership group, led by Fitch Irick Corporation, is currently undertaking a comprehensive $23.5 million rehabilitation of the property. This extensive investment will completely upgrade the site's infrastructure, interiors, roofing, and security, preserving a vital housing resource for local working families, seniors, and the approximately 47 children who currently live there.

To ensure the long-term viability of this community, the developer has requested a resolution from the Board of Trustees supporting the addition of a non-profit partner to the ownership structure. This transition will legally guarantee the property's affordability for at least 30 years and unlock dedicated funding for expanded resident services, such as educational tutoring, financial literacy, and wellness programming. These services will be monitored by the Texas Department of Housing and Community Affairs (TDHCA) to ensure ongoing accountability.

The District has been reassured that incorporating this non-profit structure will not reduce the amount of property taxes currently collected on this property. While it allows future resources to be reinvested directly into the facility's preservation and resident programs, the developer anticipates that local taxing entities will realize an increase in annual tax revenue compared to current collections, all while leveraging over $23 million in private investment.

Fiscal Implications:

N/A

Administrative Recommendation(s):

Approve the resolution in support of the development of the Historic Lofts of Waco High as presented.

RESOLUTION NO. _____

A RESOLUTION OF THE WACO INDEPENDENT SCHOOL DISTRICT OF WACO, TEXAS, IN SUPPORT OF THE HISTORIC LOFTS OF WACO HIGH DEVELOPMENT.

WHEREAS, the Waco Independent School District (the "ISD") understands there is a continuing need for affordable housing in Waco; and

WHEREAS, the Historic Waco Lofts Rehab, LLC (the "Owner") proposes the rehabilitation of 104 units known as Historic Lofts of Waco High (the "Development"), located at 815 Columbus Avenue, Waco, McLennan County, Texas 76701; and

WHEREAS, the Owner has advised the ISD that it intends to submit an amendment to the original application to the Texas Department of Housing and Community Affairs ("TDHCA") for a change in the organizational structure to include a Non-Profit partner to enable the Development to acquire a property tax exemption; and

WHEREAS, the Owner has requested the ISD's continued support of the Development with the proposed inclusion of a property tax exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE ISD OF WACO, TEXAS, THAT:

The ISD supports the Historic Lofts of Waco High to submit an amendment to their application, to include a Non-profit partner for the purpose of acquiring a property tax exemption.

INTRODUCED AND PASSED by the Waco Independent School District Board on _____, 2026.

Waco Independent School District

By: _____

Board President

ATTEST:

_____

ISD Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Special Meeting, Wednesday, April 29, 2026 - 5:30pm
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Jose Vidana
Jeremy Davis
Jim Patton
Angelo Ochoa
Taylor Bledsoe
Arash Abnoussi

BOARD MEMBERS ABSENT
Keith Guillory

CALL TO ORDER
Jose Vidana, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 5:30 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.

The board convened into closed session at 5:30 p.m.

The board reconvened at 7:21 p.m.

CONSIDERATION OF PERSONNEL
Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of Public Officer or Employee - Board of Trustees Vacancy (Place 7)

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION ON BOARD VACANCY
Jose Vidana, Board President, entertained a motion. Jim Patton made a motion to appoint Mr. Everett Phipps to fill the vacant seat (Place 7), seconded by Taylor Bledsoe. The motion passed 4-2.

ADJOURNMENT

The meeting was adjourned at 7:24 p.m.

_____
Board President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Regular Meeting, Thursday, May 14, 2026- 6:00pm
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Angelo Ochoa
Jim Patton
Taylor Bledsoe
Jose Vidana
Jeremy Davis
Arash Abnoussi
Everett Phipps

BOARD MEMBERS ABSENT

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

PUBLIC COMMENTS ON AGENDA
During public comment, Will Phipps, Joe Nesbit and Stephanie Korteweg spoke in support of the Board's recent appointment decision of Everett Phipps.

MOMENT OF SILENCE AND PLEDGE OF ALLEGEIANCE

SPECIAL RECOGNITIONS

Pledge Leaders
Mountainview Elementary students, Iris Horton and Emilio Alvarado, led the Pledge of Allegiance.

Texas Science and Engineering Fair
The Board recognized Tennyson Middle School ATLAS students for their achievements at the 2026 Texas Science and Engineering Fair held at Texas A&M University. Multiple student teams advanced to the state level and earned top honors. The Board also recognized staff members Leslie Segura and Leslie Canon for their leadership and support of the students' success.

Future Educators State Competition
The Board recognized 24 students from the Future Educators Academy who participated in the Texas Association of Future Educators State Competition in Dallas. Students competed in 19 categories and earned a combined total of 12 Gold, 11 Silver and 19 Bronze awards. Additionally, 9 students qualified for the National Educators Rising Competition to be held in Portland, Oregon.

Texas State Solo and Ensemble State Qualifiers
Students from Waco High and University High School were recognized for their participation in the UIL Solo and Ensemble Contest. A total of 95 students earned 115 medals and 24 students qualified for the Texas State Solo and Ensemble Contest.

UIL Academic Region Contest
The University High School Speech Team was recognized for their outstanding performance at the UIL Academic Region Contest. The achievement marks the fourth consecutive year a University High School student has qualified for the UIL State Competition.

Community Partner Award
GG's FlowerHut, LLC was honored with the Community Partner Award for their service and commitment to Waco ISD students.

SUPERINTENDENT'S REPORT

Graduation
Dr. Spicer shared details about the upcoming 2026 graduation ceremonies. University High School graduation is scheduled for May 21, 2026 and Waco High School graduation is scheduled for May 22, 2026 both at the Waco ISD Stadium.

Summer School and Other Programs
Dr. Spicer provided an update on Summer 2026 academic and enrichment programming. Summer School will be held June 1-18 at designated elementary and secondary campuses. Additional summer opportunities include Camp READ, Language Acquisition, MELA, ESY Programs, Math Venture Challenge, Camp Invention, the GWACHA Junior Clinician Camp and Camp Story Time events throughout the community. Dr. Spicer highlighted partnerships with organizations including the YMCA and Mentoring Alliance.

Waco ISD Education Foundation Enrichment Grants
Dr. Spicer gave an update on the Waco ISD Education Foundation 2026 SurPrize Patrol grant initiative. The Education Foundation visited 15 campuses, awarded 45 teacher grants from more than 70 applications and distributed $155,003 in classroom funding. Also noted was that the Education Foundation has awarded more than $2.6 million in grants over the past 15 years.

Teacher Incentive Allotment
Dr. Spicer shared that for the 2025-2026 school year, 90 educators earned new or higher TIA designations, bringing the district total to 337 designated teachers. Dr. Spicer shared that TIA compensation totaled approximately $4.2 million districtwide, with average payouts of $16,000 and the highest individual payout exceeding $30,000. Also shared was the district's three Master-level teachers who currently earn six-figure salaries while remaining in the classroom.

INFORMATION ITEMS/REPORTS

- Monthly Financial Reports for the Period Ended April 30, 2026

CONSENT AGENDA: CONSIDER AND TAKE APPROPRIATE ACTION

- Amendments to the 2025-2026 Budget
- Bid Award for Maintenance Supplies, Equipment and Services
- Bid Award for Educational Consultants, Professional Development and Other Student-Based Contracted Services
- Bid Award for Educational Software and Other School District Related Software
- Bid Award for Exclusive Beverage Contract
- Purchases in Excess of $50,000 Under Pre-Existing Bids, Purchasing Cooperatives or Allowed Professional Services
- Compensation Modification for Child Nutrition Summer Feeding Program
- Memorandum of Understanding (MOU) Between Waco ISD and Rapoport Academy Public School
- Memorandum of Understanding (MOU) with Tarleton State University
- Approval of Resolution Authorizing Dr. Tiffany Spicer to Serve on the Lone Star Investment Pool Board of Trustees
- Board of Trustees Meeting Minutes
    - April 16, 2026 - Workshop Meeting
    - April 16, 2026 - Special Meeting
    - April 23, 2026 - Regular Meeting

Board President, Jose Vidana entertained a motion to approve the consent agenda as presented. Jim Patton made a motion, seconded by Taylor Bledsoe. The motion passed unanimously (6-0).

OATH OF OFFICE

The oath of office was administered to board members Jose Vidana, Angelo Ochoa, Dr. Arash Abnoussi and Everett Phipps.

REVIEW, DISCUSS AND TAKE APPROPRIATE ACTION ON CONTRACT FOR VIRTUAL SCHOOLS

Dr. Melissa King-Knowles proposed an agreement with Pearson Virtual Schools to provide virtual and hybrid instructional programming in accordance with Senate Bill 569 and Texas Education Code Chapter 30B. The agreement includes TEKS-aligned curriculum, certified instructional staff, attendance and PEIMS compliance measures, student support services and teacher protections required by law. Taylor Bledsoe made a motion, seconded by Jeremy Davis to approve the Contract for Virtual Schools. The motion passed unanimously 6-0.

REVIEW, DISCUSS AND TAKE APPROPRIATE ACTION ON BOND FUNDED STRATEGIC INITIATIVES

Jerry Allen reviewed facility enrichment projects funded through remaining 2021 bond funds. Projects include athletic facility improvements at University High School and Cesar Chavez Middle School, weather-resistant canopies at several elementary campuses and additional facility enhancements at Waco High School, South Waco Elementary and Kendrick Elementary. Taylor Bledsoe made a motion, seconded by Jim Patton. The motion passed 5-0 with Taylor Bledsoe abstaining his vote.

REVIEW AND DISCUSS PRIORITY 1 - 1.3 CREATE AND SUSTAIN SAFE AND SUPPORTIVE LEARNING ENVIRONMENTS

Dr. Suzanne Hamilton provided an update related to Strategic Priority 1, supporting student achievement and Strategic Objective 1.3, creating and sustaining a safe and supportive learning environment. The presentation included updates on Multi-Teared Systems of Support for Behavior (MTSS-B), discipline data validation indicators and district safety protocols and practices.

REVIEW AND DISCUSS KEY SPECIAL EDUCATION FINDINGS FROM THE TEXAS ACADEMIC PERFORMANCE REPORT (TAPR)

Nkechi Washington provided an overview of the Special Education data included in the Texas Academic Performance Report (TAPR). The presentation highlighted district and campus performance indicators, including areas of strength and opportunities for growth related to student achievement, staffing and program effectiveness.

REVIEW AND DISCUSS FACILITY RENAMING

Elizabeth Cox reviewed Board Policy CW (LOCAL) regarding the naming and renaming of district campuses and facilities. She facilitated a discussion with the Board of Trustees on the potential renaming of Cesar Chavez Middle School.

ANNOUNCEMENTS

Elizabeth Cox, Chief of Staff, shared the following announcements:

- 5/21 - University High School Graduation
- 5/22 - Waco High School Graduation
- 5/15 - Teacher of the Year Ceremony at Waco High School
- 5/19 - Retirement Celebration
- 5/22 - Final day of school for the 2025-2026 school year
- 5/26 - District Holiday - Memorial Day

REVIEW AND DISCUSS POTENTIAL CONTRACTS ON REAL PROPERTY

The board convened into closed session at 7:40 p.m.

The board reconvened at 8:00 p.m.

CONSIDERATION OF PERSONNEL

Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee

Hear a Complaint or Charge Against an Officer or Employee

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE REORGANIZATION OF THE BOARD OF TRUSTEES

- President
- Vice President
- Secretary

Jeremy Davis made a motion, seconded by Dr. Arash Abnoussi to keep Jose Vidana as the Board of Trustees President. The motion failed 2-4 with the following roll call vote:

- Yes: Dr. Arash Abnoussi, Jeremy Davis
- No: Taylor Bledsoe, Everett Phipps, Jim Patton and Angelo Ochoa
- Jose Vidana's vote was inaudible

Jim Patton made a motion, seconded by Taylor Bledsoe to nominate Angelo Ochoa as the Board of Trustees President. The motion passed 4-2 with the following roll call vote:

- Yes: Taylor Bledsoe, Everett Phipps, Jim Patton and Angelo Ochoa
- No: Dr. Arash Abnoussi, Jeremy Davis
- Jose Vidana's vote was inaudible

Jose Vidana made a motion, seconded by Dr. Arash Abnoussi to keep Jeremy Davis as the Board of Trustees Vice President. The motion failed 2-4 with the following roll call vote:

- Yes: Dr. Arash Abnoussi, Jeremy Davis and Jose Vidana
- No: Taylor Bledsoe, Everett Phipps, Jim Patton and Angelo Ochoa

Taylor Bledsoe nominated Jose Vidana to become the Board of Trustees Vice President. Jose Vidana declined the nomination.

Angelo Ochoa made a motion, seconded by Taylor Bledsoe to nominate Jim Patton as the Board of Trustees Vice President. The motion passed 4-2 with the following roll call vote:

- Yes: Taylor Bledsoe, Everett Phipps, Jim Patton and Angelo Ochoa
- No: Dr. Arash Abnoussi, Jeremy Davis
- Jose Vidana's vote was inaudible

Taylor Bledsoe nominated Jose Vidana to become the Board of Trustees Secretary. Jose Vidana declined the nomination.

Jim Patton made a motion, seconded by Dr. Arash Abnoussi to nominate Taylor Bledsoe as the Board of Trustees Secretary. The motion passed 5-1 with the following roll call vote:

- Yes: Dr. Arash Abnoussi, Taylor Bledsoe, Everett Phipps, Jim Patton and Angelo Ochoa
- No: Jeremy Davis
- Jose Vidana's vote was inaudible

ADJOURNMENT

The meeting was adjourned at 8:04 p.m.

_____
Board President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Special Meeting, Thursday, May 14, 2026- 6:00pm
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Angelo Ochoa
Jim Patton
Taylor Bledsoe
Jose Vidana
Jeremy Davis
Arash Abnoussi
Everett Phipps

BOARD MEMBERS ABSENT

ADMINISTRATION PRESENT
Dr. Tiffany Spicer
Dr. Melissa King-Knowles
Dr. Ronnita Carridine
Elizabeth Cox
Lena Engelage

CALL TO ORDER
Angelo Ochoa, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 8:17 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
None

The board convened into closed session at 8:17 p.m.

The board reconvened at 8:38 p.m.

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION ON EMPLOYEE LEVEL III GRIEVANCE
During the closed session, the Board of Trustees heard the grievance as presented by the grievant. The Board of Trustees also heard the administration's response presented by Elizabeth Cox. Trustees were given the opportunity to ask questions of both parties.

Upon returning to open session, the board took the following action as recommended by Walsh Gallegos regarding the Level III grievance:

- Financial Reconciliation (Salary) - denied.
- Restoration of Records - granted to the extent possible.
- Return personal property

ADJOURNMENT
The meeting was adjourned at 8:45 p.m.

_____
Board President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Workshop Meeting, Tuesday, June 2, 2026 - 5:30pm
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Angelo Ochoa
Taylor Bledsoe
Jose Vidana
Jeremy Davis
Arash Abnoussi
Everett Phipps

BOARD MEMBERS ABSENT
Jim Patton

CALL TO ORDER
Angelo Ochoa, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 6:03 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.

NEW BOARD MEMBER TRAINING
Dr. Jodi Duran, facilitated a training session for newly elected board members. The purpose of the training is to provide foundational knowledge and guidance related to board governance, district policies, and the role and responsibilities of trustees

ADJOURNMENT
The meeting was adjourned at 8:44 p.m.

_____
Board President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Special Meeting, Tuesday, June 9, 2026 - 5:30pm
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Angelo Ochoa
Jim Patton
Taylor Bledsoe
Jose Vidana
Jeremy Davis

BOARD MEMBERS ABSENT
Arash Abnoussi
Everett Phipps

CALL TO ORDER
Angelo Ochoa, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 5:33 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.

The board convened into closed session at 5:34 p.m.

The board reconvened at 5:38 p.m.

CONSIDERATION OF PERSONNEL
- Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
- Hear a Complaint or Charge Against an Officer or Employee

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION RESCINDING PRIOR BOARD AUTHORIZATION FOR NOTICE OF PROPOSED NON-RENEWAL
Taylor Bledsoe made a motion, seconded by Jeremy Davis to approve the Superintendent's recommendation to rescind the notice of proposed nonrenewal of an employee's term contract. The motion passed (4-0) with Jim Patton abstaining his vote.

ADJOURNMENT
The meeting was adjourned at 5:39 p.m.

_____
Board President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT

Board Meeting Minutes

Workshop Meeting, Tuesday, June 9, 2026 - 5:30pm
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Angelo Ochoa
Jim Patton
Taylor Bledsoe
Jose Vidana
Jeremy Davis

BOARD MEMBERS ABSENT
Arash Abnoussi
Everett Phipps

CALL TO ORDER
Angelo Ochoa, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 6:39 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.

REVIEW AND DISCUSS BUDGET
The board engaged in discussion regarding the current budget and overall financial outlook for the District.

REVIEW AND DISCUSS CREATIVE SOLUTIONS FOR FUNDING SPECIAL PROJECTS AND COMPENSATION
The board and administration discussed potential funding opportunities and creative solutions to support special projects and future compensation initiatives.

ADJOURNMENT
The meeting was adjourned at 7:53 p.m.

_____
Board President

_____
Board Secretary

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: **S. Smith**

RE: Review and Discuss Budget Update

==========

Background Information:

The administration will present an update on the 2025-26 budget.

Fiscal Implications:
None

Administrative Recommendation(s):
The report is presented for information only.

WACO INDEPENDENT SCHOOL DISTRICT

Budget Update

June 18, 2026

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Agenda

General Fund

- 2025-26 Updated Projections
- 2025-26 Local Property Values

Revenue from Bond

There were three bond sales with the 2021 bond issue. The first bond series, the 2022 series, has been expended. I discovered during arbitrage calculations that the GW Carver insurance proceeds were incorrectly posted to the bond fund back in 2022. These funds should have been posted as general revenue and accounted for separately. There is approximately $4,084,090 remaining in the 2022 bond series account balance attributed to the G.W. Carver fire insurance recovery. These residual funds will be moved to the General Fund providing additional revenue this fiscal year.

Major Budget Amendments for 2025-2026 from Fund Balance:

After the 25-26 budget was adopted by the Board in August 2025:

$217,584 was amended for purchase orders that were outstanding at the end of fiscal year 2025 and were re-budgeted

$2,049,272 was amended for re-budgeted maintenance projects, hail damage projects, SECO project expenditures and additional classroom furniture.

Total amendment from Fund Balance is $2,266,856 (Board approved 9/25/25)

Actual and Estimated Enrollment Figures

	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	*2026-27*	2027-28
Enrollment:										
Fall PEIMS	14,756	14,899	14,428	14,086	13,823	13,517	13,366	12,905	*12,405*	
Increase / (Decrease) from Prior Year		143	(471)	(342)	(263)	(306)	(151)	(461)	*(500)*	
Percentage Change		+0.97%	-3.16%	-2.37%	-1.87%	-2.21%	-1.12%	-3.4%	*-4.0%*	
Demographic Projections	14,808	14,907	14,991	14,825	14,118	13,827	13,812	13,128	*12,970*	*12,816*
District Projections	14,722	14,648	14,800	14,661	14,001	13,776	13,294	13,166	*12,933**	*12,706**
Average Daily Attendance	13,337	12,693	12,925	11,923	11,909	11,782	11,664	*11,434*	*11,340*	*11,155*

* Prior year estimates by the district

According to TEA a 1% increase in attendance rates would lead to a roughly .86% increase in total M&O funding

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Updated Projections for 2025-2026

Under protest $8,387,275,529

	Revised Budget	Actual / *Projected*	Variance
Enrollment	13,179	12,870	-309
Average Daily Attendance *(projected at end of fifth six weeks)*	11,502	*11,434*	-368
Comptroller's Property Value Study (T2 Value)	8,541,113,693	*8,455,188,993*	-0.01%
Revenues *(includes bond/G. W. Carver fire proceeds)*	$ 161,244,992	*$ 166,206,336*	*$ 4,961,344*
➢Foundation School Program Revenue	$ 82,408,309	*$ 86,646,705*	*$ +4,238,396*
➢Maintenance & Operations Property Tax Collections	$ 64,323,431	*$ 63,680,714*	*$ - 642,717*
➢Earnings on Investments	$ 2,900,000	*$ 3,250,000*	*$ + 350,000*
Expenditures *(95% of budget + Projects discussed at workshop)*	$ 176,594,819	*$ 170,330,371*	*$ -6,264,448*
Other Resources/(Uses) *SECO loan, ISMS sale, auction proceeds*	$1,127,277	*$32,797,233*	*$ + 31,669,956*
Change in Fund Balance	$(14,222,550)	*$ 28,673,198*	*$ + 42,895,748*

Your text here

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2025 Local Property Values

Tax Year	Net Taxable Values		Value Adjustment	Percent Change from:		Homestead Exemption
	Preliminary	Certified		Preliminary	Prior Year	
2018	$ 6,530,822,722	$ 6,341,596,283	$ (189,226,439)	- 2.90%	+ 10.39%	$ 25,000
2019	7,014,667,561	6,827,446,082	(187,221,479)	- 3.21%	+ 7.66%	25,000
2020	7,587,072,447	7,247,140,447	(339,932,000)	- 4.48%	+ 6.74%	25,000
2021	7,421,037,502	7,557,152,053	136,114,551	+ 1.83%	+ 4.28%	25,000
2022	9,773,735,622	8,838,221,086	(935,514,536)	- 9.57%	+ 16.95%	$ 40,000
2023	10,101,801,466	9,191,914,689	(909,886,777)	- 9.01%	+ 4.00%	$ 100,000
2024	9,808,290,401	9,237,012,137	(571,278,264)	- 5.82%	+ 0.49%	$ 100,000
2025	10,159,659,992	8,786,598,844	(1,373,061,148)	- *13.51%*	- *4.89%*	$ *140,000*
2026	9,068,401,404					

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Some Preliminary Cost Increases for 2026-2027

What we know right now….



Utilities – Increase in water, gas, and ONCOR delivery fees. Our .03798/kWh rate is fixed until 2033



Property and casualty insurance – TASB is working on projections and has not provided an indication of next years rates



Fuel prices will remain uncertain

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Some Preliminary Revenue Changes for 2026-2027

What we know right now….



Enrollment is projected to continue to decline



Virtual Schools will produce an additional revenue stream



Bank account interest rates are expected to gradually drift lower, as the Federal Reserve continues moderate rate cuts to manage inflation and labor metrics

Budget Adoption Calendar:

6/18/26	Budget Update
	-no Board meeting in July
7/25/26	Chief Appraiser certifies 2026 property values
8/6/26	-Special Board Meeting to present the proposed budget and tax rate
8/20/26	-Budget and Tax Rate Adoption

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772

Thank You

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773

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Dr. Ronnita Carridine

RE: Review, Discuss and Take Appropriate Action Regarding Annual Compensation Plan

==========

Background Information:

In accordance with Board Policy DEA (LOCAL), the Superintendent is required to present an annual compensation plan for all district employees to the Board of Trustees. This plan may include adjustments to salary schedules, stipends, benefits, and incentive structures.

Teacher Compensation (House Bill 2):
Under House Bill 2, school districts with over 5,000 students must provide the following retention stipends:

- $2,500 for teachers with 3–4 years of experience
- $5,000 for teachers with 5 or more years of experience

Proposed Salary Adjustments for 2026-2027 (HB2)

- Zero-year teacher without certification/experience $54,500
- Zero-year teacher salary increases with experience $55,000
- Current 3 year teachers receive an additional $1,000 increase to satisfy the $2,500 requirement from HB2
- Current 5 year teachers receive an additional $2,500 increase to satisfy the $5,000 requirement from HB2

Additional Proposed Salary Adjustments for 2026-2027:
General Pay Increases (GPI):

- All Teachers will receive a 2% GPI based on the midpoint of their pay grade.
- All Administrative/Professional staff will receive a 2% GPI based on the midpoint of their pay grade
- All Paraprofessional staff will receive a 4% GPI based on the midpoint of their pay grade
- All Auxiliary staff will receive a 4% GPI based on the midpoint of their pay grade
- December Retention Bonus for all employees: $500

Pay Grade Reclassifications:

- Assistant Athletic Director 106 → 107
- Custodial & IPM Coordinator 103 → 104
- Electricians 308 → 309
- Electrician Lead 310 → 311
- HVAC Lead 310 → 311
- HVAC Chiller Specialist 309 → 310
- HVAC Controls Technician 309 → 310
- Plumbers 308 → 309
- Plumber Lead 310 → 311
- Police Dispatcher 206 → 309
- Preventative Maintenance Lead 310 → 311
- Purchasing Specialist II 207 → 208
- Sign Language Interpreter (Certified) 208 → 209
- Social Worker Specialist PEPP 101 → 102

Guest Educator/Substitute Pay:

- Aide/Para pay increase $5 a day for regular and long term assignments
- Teacher Sub (30+ College Hours) increase $10 a day for regular and long term assignments
- Teacher Sub (Bachelors Degree) increase $15 a day for regular and long term assignments
- Teacher Sub (Certified) increase $10 a day for regular and long term assignments
- Nurse Sub (LVN or RN) increase $10 a day

New Stipends & Extra Duty Pay/Additions

Stipends

- $2,000 - Teacher Residency Host Teacher
- $1,000 - Teacher Certification Incentive
- $1,500 - Middle School Choir Assistant Director
- $3,000 - Principal Mentor
- $3,000 - Grade Level/Department Lead (All Levels Core Content)

Extra Duty

- $35/hr - Athletic Trainer

Benefits/Insurance:

- Continued $500 annual contribution to a flexible spending account for employees who waive health insurance

Fiscal Implications:

The proposed compensation plan specifically, regarding the proposed raises, is estimated to cost approximately $4.8 million, and will be included in the 2026-2027 proposed budget.

Administrative Recommendation:

Approve the 2026–2027 compensation plan as presented.

WACO INDEPENDENT SCHOOL DISTRICT

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2026-2027 COMPENSATION PLAN

Presented by Dr. Ronnita Carridine

June 18 2026

Overview

Compensation Plan Proposal

- Annual compensation plan presented per DEA (LOCAL)
- Includes
  - Salary Adjustments
  - Stipends
  - Benefits
  - Incentives
- Supports
  - Recruitment
  - Retention
  - Employee Well-Being

House Bill 2 – Teacher Retention Allotment

HB2 Requirement (2025-2026)

- $2,500: Teachers with 3–4 years of experience
- $5,000: Teachers with 5+ years of experience

This allotment began in the 25-26 year

Classroom Teacher (087): ≥ 4 hrs/day in academic or CTE setting

Teacher Salary Adjustments

Maintain HB2 Requirement (Yrs of Completion)

- 3rd Yr Teachers moving into their 4th Year: $1,000 increase (These teachers received $1,500 in 25-26 for competitive purposes; They are receiving the remaining $1,000 to meet HB2 requirements)
- 5th Year Teachers moving into their 6th Year: $2,500 increase

Teacher Salary Adjustments

Maintain HB2 Requirement (Yrs of Completion)

Eligible Milestone Completed	Total State HB 2 Mandate	What You Already Received	Your New Base Salary Increase This Year
3 Years Completed *(Entering Year 4)*	$2,500	$1,500	+$1,000
5 Years Completed *(Entering Year 6)*	$5,000	$2,500	+$2,500

Teacher Salary Adjustments

Teacher Pay Scale Adjustment

- Zero-Year: $54,500 (Uncertified; Intern/Probationary)
- Zero-Year: $55,000 (Certified)
- All other years of experience will receive an increase of $400 to $500

General Pay Increase

GPI

Percentages calculated at the **midpoint** for:

- 2% Administrative/Professional
- 2% Teachers
- 4% Paraprofessional
- 4% Auxiliary Staff

$3,800,000

December Retention Bonus

- $500 for ALL WISD Employees

$1,000,000

Pay Grade Reclassifications

Pay Grade Changes

- Assistant Athletic Director 106 → 107
- Custodial & IPM Coordinator 103 → 104
- Electricians 308 → 309
- Electrician Lead 310 → 311
- HVAC Lead 310 → 311
- HVAC Chiller Specialist 309 → 310
- HVAC Controls Technician 309 → 310
- Plumbers 308 → 309
- Plumber Lead 310 → 311
- Police Dispatcher 206 → 309
- Preventative Maintenance Lead 310 → 311
- Purchasing Specialist II 207 → 208
- Social Worker Specialist PEP 101 → 102

Pay Grade Reclassifications

Guest Educator/Substitute Pay:

- Aide/Para pay increase $5 a day for regular and long term assignments **($80 to $85; Long Term $85-90)**
- Teacher Sub (30+ College Hours) increase $10 a day for regular and long term assignments **($100 to $110; LT $115-$125)**
- Teacher Sub (Bachelor's Degree) increase $15 a day for regular and long term assignments **($100 to $115; LT $125 to $140)**
- Teacher Sub (Certified) increase $10 a day for regular and long term assignments **($125 to $135; LT $150 to $160)**
- Nurse Sub (LVN or RN) increase $10 a day **($150 to $160)**

Stipend & Extra Duty Pay Increases

New Stipends & Extra Duty Pay/Additions

Stipends

- $2,000 - Teacher Residency Host Teacher
- $1,000 - Teacher Certification Incentive
- $1,500 - Middle School Choir Assistant Director
- $3,000 - Principal Mentor
- $3,000 - Grade Level/Department Lead (All Levels Core Content)

Extra Duty

- $35/hr - Athletic Trainer

Recommendation

The Administration recommends that the Board of Trustees approve the ***2026-2027 Compensation Plan*** as presented.

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WACO INDEPENDENT SCHOOL DISTRICT

Thank You!

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Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Jerry N. Allen

RE: Review, Discuss and Take Appropriate Action on Strategic District Enhancements Funding from General Fund

==========

Background Information:

Administration is presenting an item in support of the strategic plan to assist with district wide enhancements to:

- District Safety
- District Technology
- District Operations Equipment
- District Transportation
- District Police Department

These enhancements were designed with the district approved priorities in mind of Students, Staff, Community, and Financial and Operational Efficiencies.

Fiscal Implications:

Budget transfer of funding from General Fund of $2,555,438.50

Administrative Recommendation(s):

Administration recommends the approval of a budget transfer from the General Fund in an amount not to exceed $2,555,438.50 for the projects as presented, to be utilized with a Waco ISD approved vendor.

WACO INDEPENDENT SCHOOL DISTRICT

Strategic District Enhancements: Advancing District Priorities

General Fund Capital Enhancements: June Board Meeting

Jerry N. Allen, Chief Operations Officer



Total Investment: $525,544.10

Safety - Open Gate Weapon Detection $275,544.10

Implementation of Open Gate security technology at secondary campuses (UHS, WHS, CCMS, TMS, GWCMS, and Lake Air Montessori & Middle School).

Phase 1: Planning (6/1/2026) | Phase 2: Execution (7/1/2026) | Project Completion (9/1/2026)

Safety - Administration Building Security Enhancements $250,000.00

Secure electronic access controls for the Administration building; card access (24), cameras (68), door and window contacts (80) for the following; elevator, basement, sky bridge, parking deck, exterior street level, and other high profile areas. New storefront design for skybridge vs. current sliding door.

Strategic Value: ***Improving student entry safety at key campuses and providing a highly secure working environment for district staff.***

Phase 1: Planning (6/1/2026) | Phase 2: Execution (7/1/2026) | Project Completion (9/1/2026)

WACO INDEPENDENT SCHOOL DISTRICT

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Total Investment: $240,190.00

Transportation - Bus GPS System $165,190.00

Implementation of the Bus GPS System to provide GPS driver direction, routing, and fleet tracking. Also real time tracking for parents.

Strategic Value: ***Improving overall transportation efficiency and enabling real-time parent notifications regarding bus locations.***

Phase 1: Planning (6/1/2026) — Phase 2: Execution (8/1/2026) — Project Completion (9/1/2026)

Transportation - Fuel Management Renovation $75,000.00

Modernization of the district's aging fuel pump infrastructure.

Strategic Value: ***Ensuring high-speed, reliable fuel delivery for the fleet, securing bulk inventory, and improving tracking of fuel accuracy.***

Phase 1: Planning (6/1/2026) — Phase 2: Execution (7/1/2026) — Project Completion (12/1/2026)

Wisdom works wonders.



Total Investment: $1,404,114

Technology - Infrastructure $896,414.00

Modernization of the district's technology environment, including upgrades to classrooms, network operations, wireless systems, and servers. Includes adding external wireless access points to 10 elementary campuses and cleartouch interactive panels.

Strategic Value: ***Ensuring a stable, high-performance foundation for student learning.***

Phase 1: Planning (6/1/2026) — Phase 2: Execution (8/1/2026) — Project Completion (3/1/2027)

Technology - Student and Staff Devices $507,700.00

Replacement of staff and student devices, including potential equipment upgrades for Teaching and Learning - minimum technology for the classroom. Chromebooks, Teacher/Admin Devices.

Strategic Value: ***Supporting the resources needed for Teaching and Learning.***

Phase 1: Planning (6/1/2026) — Phase 2: Execution (8/1/2026) — Project Completion (3/1/2027)

WACO INDEPENDENT SCHOOL DISTRICT

Wisdom works wonders.



Total Investment: $238,000.00

Warehouse Equipment $238,000.00

Life cycle replacement of the essential warehouse and delivery fleet vehicles, specifically acquiring a new Box Truck, Delivery Van, and Forklift.

Strategic Value: ***Maintaining reliable logistical operations and operational continuity for district-wide deliveries.***

Phase 1: Planning (6/1/2026)

Phase 2: Execution (10/1/2026)

Project Completion (12/1/2026)

WACO INDEPENDENT SCHOOL DISTRICT

Wisdom works wonders.



Total Investment: $147,590.40

Waco ISD Police Department $147,590.40

Life cycle replacement and right-sizing of the police vehicle fleet to replace aged units.

Strategic Value: ***Meeting the current operational, patrol, and rapid-response needs of the district police department.***

Phase 1: Planning
(7/1/2026)

Phase 2: Execution
(10/15/2026)

Project Completion
(3/1/2027)

WACO INDEPENDENT SCHOOL DISTRICT

Wisdom works wonders.

WACO INDEPENDENT SCHOOL DISTRICT

2026 Summary of Projects

Total Immediate Commitment
$2,555,438.50

DEPARTMENT	INVESTMENT	STRATEGIC FOCUS	TARGET COMPLETION
Technology	**$1,404,114.00**	Network & Device Modernization	March 2027
Safety & Security	**$525,544.10**	Campus Entry Safety & Administration Building Security	September 2026
Warehouse	**$238,000.00**	Logistical Continuity and Fleet Life Cycle	December 2026
Transportation	**$240,190.00**	GPS Routing/Parent Notification & Fuel Infrastructure	September/December 2026
Police	**$147,590.40**	First Responder Fleet	March 2027

WACO INDEPENDENT SCHOOL DISTRICT

Thank you!

Wisdom works wonders.

WACO INDEPENDENT SCHOOL DISTRICT

Recommendation:

Administration recommends the approval of $2,555,438.50 from the General Fund to be used as a not to exceed budget for the projects as presented, to be utilized with Waco ISD approved vendors.

Wisdom works wonders.

2025-2026 Accelerated Instruction Data & 2026-2027 Strategic Action Plan

A comprehensive blueprint for assessing student growth and implementing targeted academic acceleration across Waco ISD.

WACO INDEPENDENT SCHOOL DISTRICT

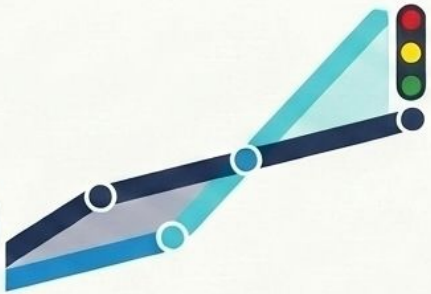
Significant District-Wide Migrations Toward Grade-Level Mastery.

Overarching Beginning of Year to End of Year shifts show massive movements of students from multiple grades below level into the Early On and Mid/Above grade-level tiers.



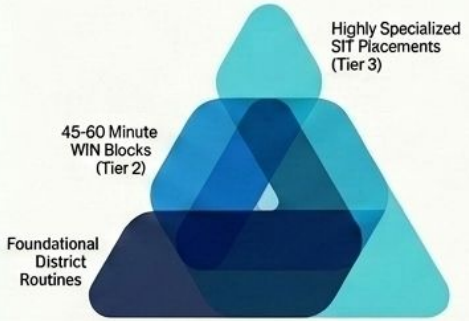
Alignment in Tier 2 and Tier 3 Velocity.

While typical growth is strong, our most vulnerable populations require structural shifts to achieve the Stretch Growth needed to close historical gaps, as evidenced by Spring STAAR results.



The Interlocking Blueprint for 26-27.

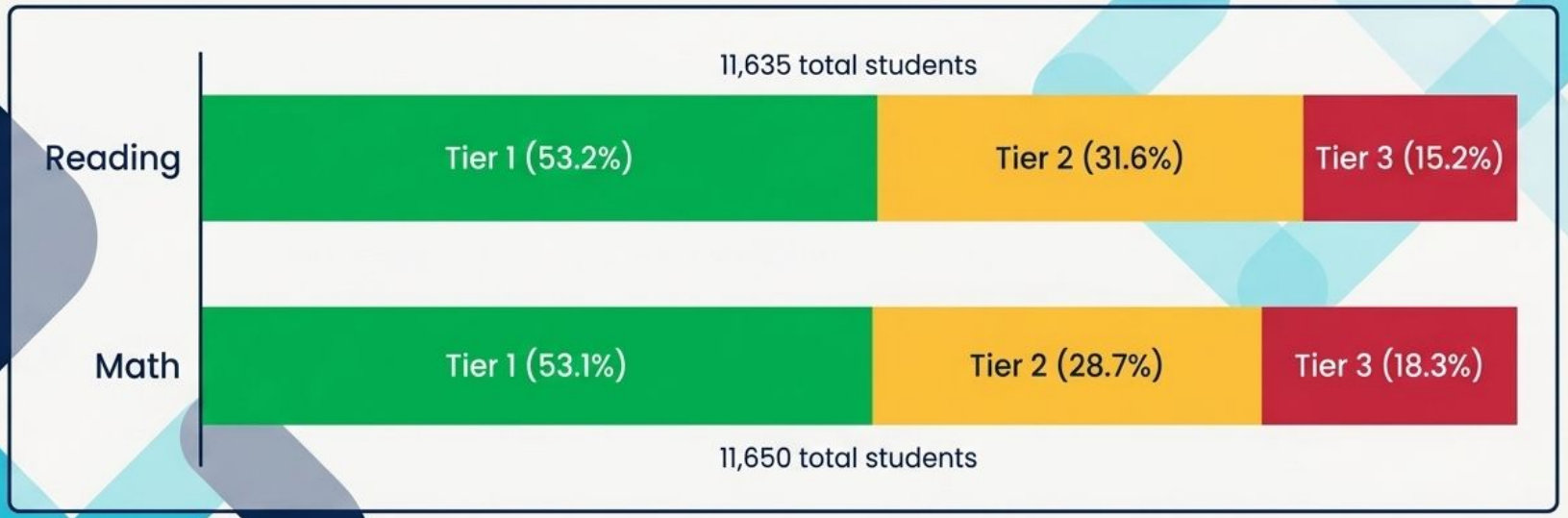
A three-tiered pyramid of support featuring foundational district routines, 45-60 minute WIN blocks for Tier 2, and highly specialized SIT placements for Tier 3.



NotebookLM

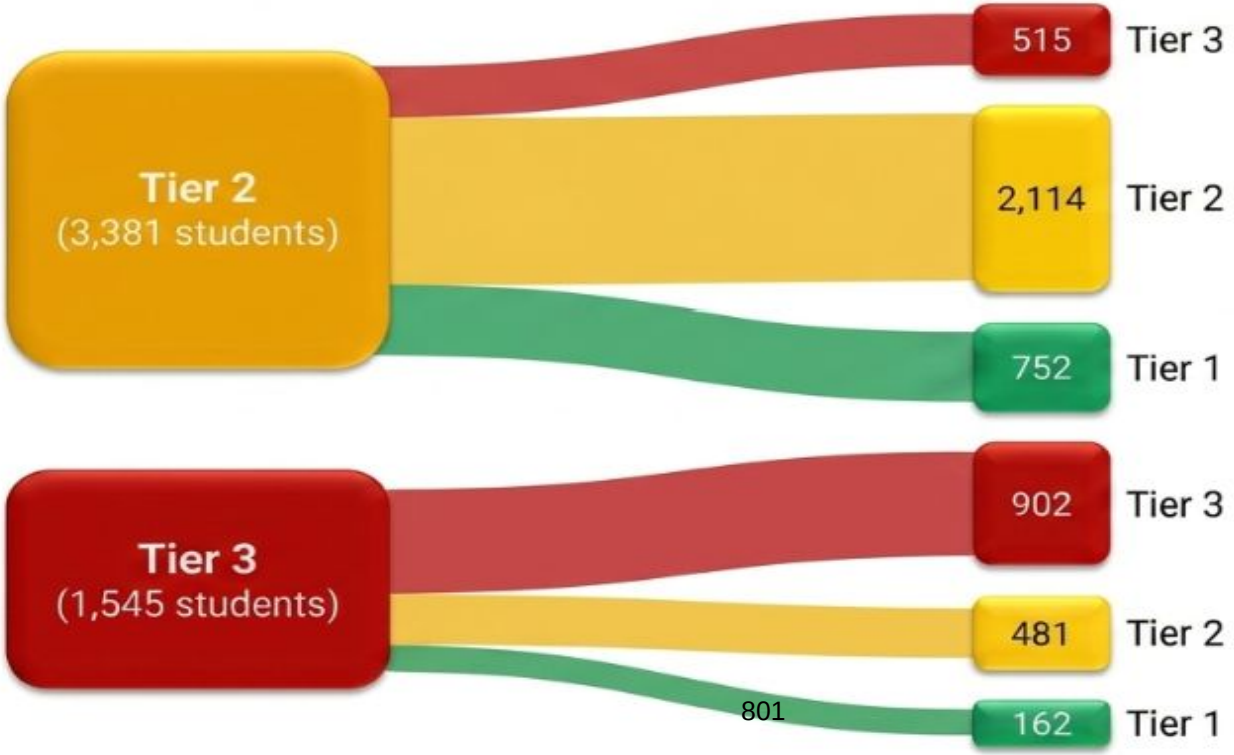
Baseline Populations Reveal the Scope of Required Interventions

Approximately half of Waco ISD students are entering the year requiring some level of tiered intervention, emphasizing the critical need for a systemic, district-wide approach.

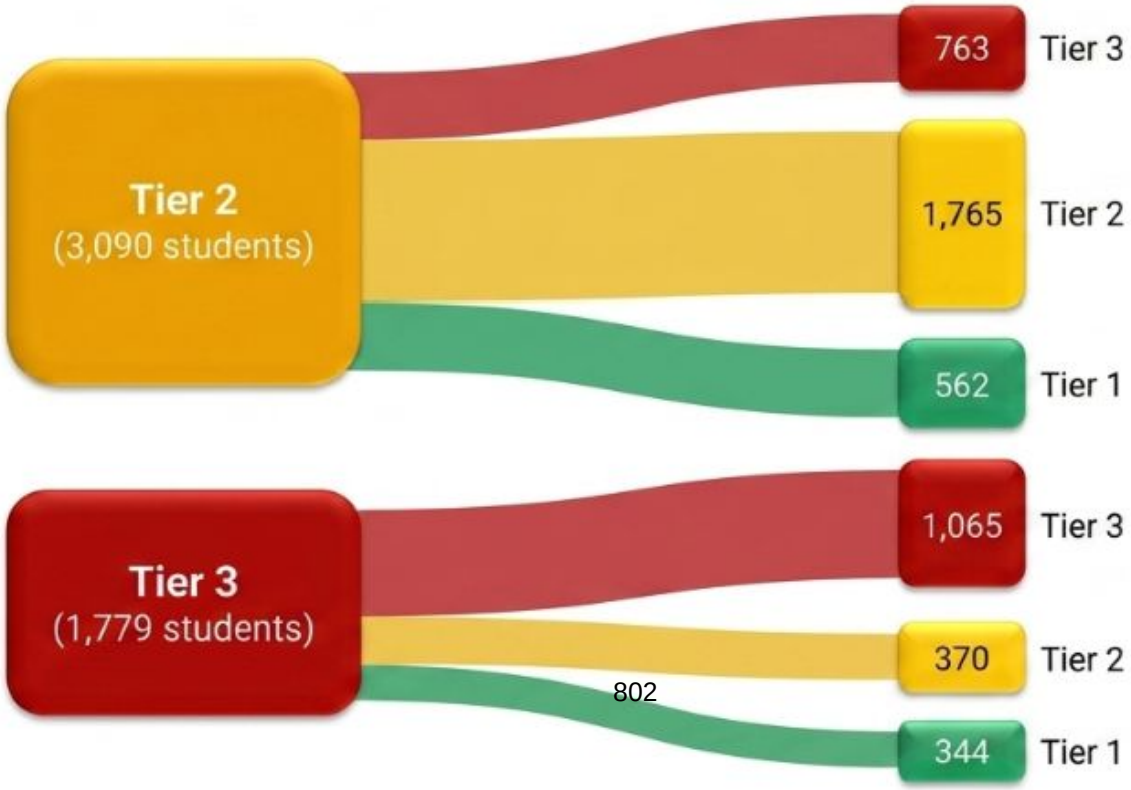


NotebookLM

25-26 Reading Tier Movement

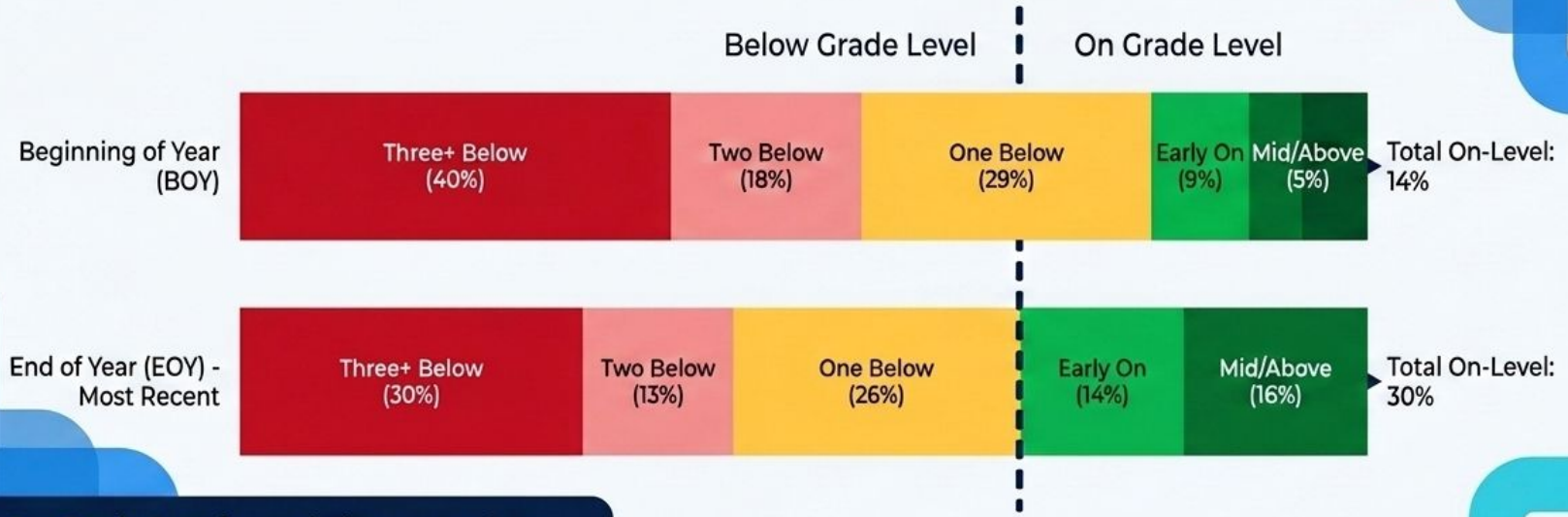


25-26 Math Tier Movement



Reading Placement Sees a Massive Migration Toward Proficiency

Students Assessed/Total: 9,242/11,783 (BOY)



The **On-Grade Level** population more than doubled from 14% to 30%, pulling hundreds of students out of the critical "Three or More Grade Levels Below" category.

NotebookLM

Math Placement Experiences a Transformative Shift Across the District

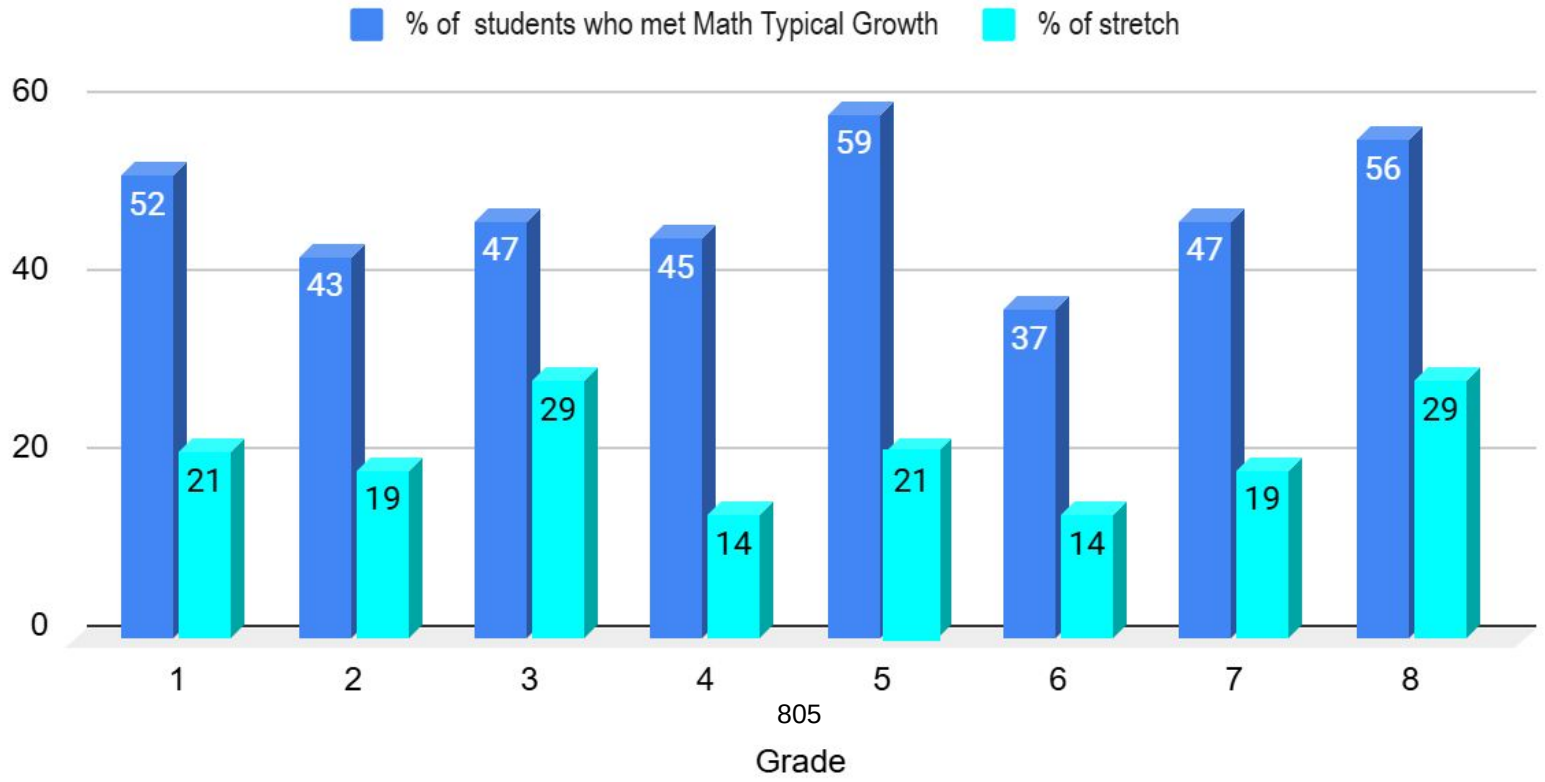
Students Assessed/Total: **8,284/11,783** (BOY)



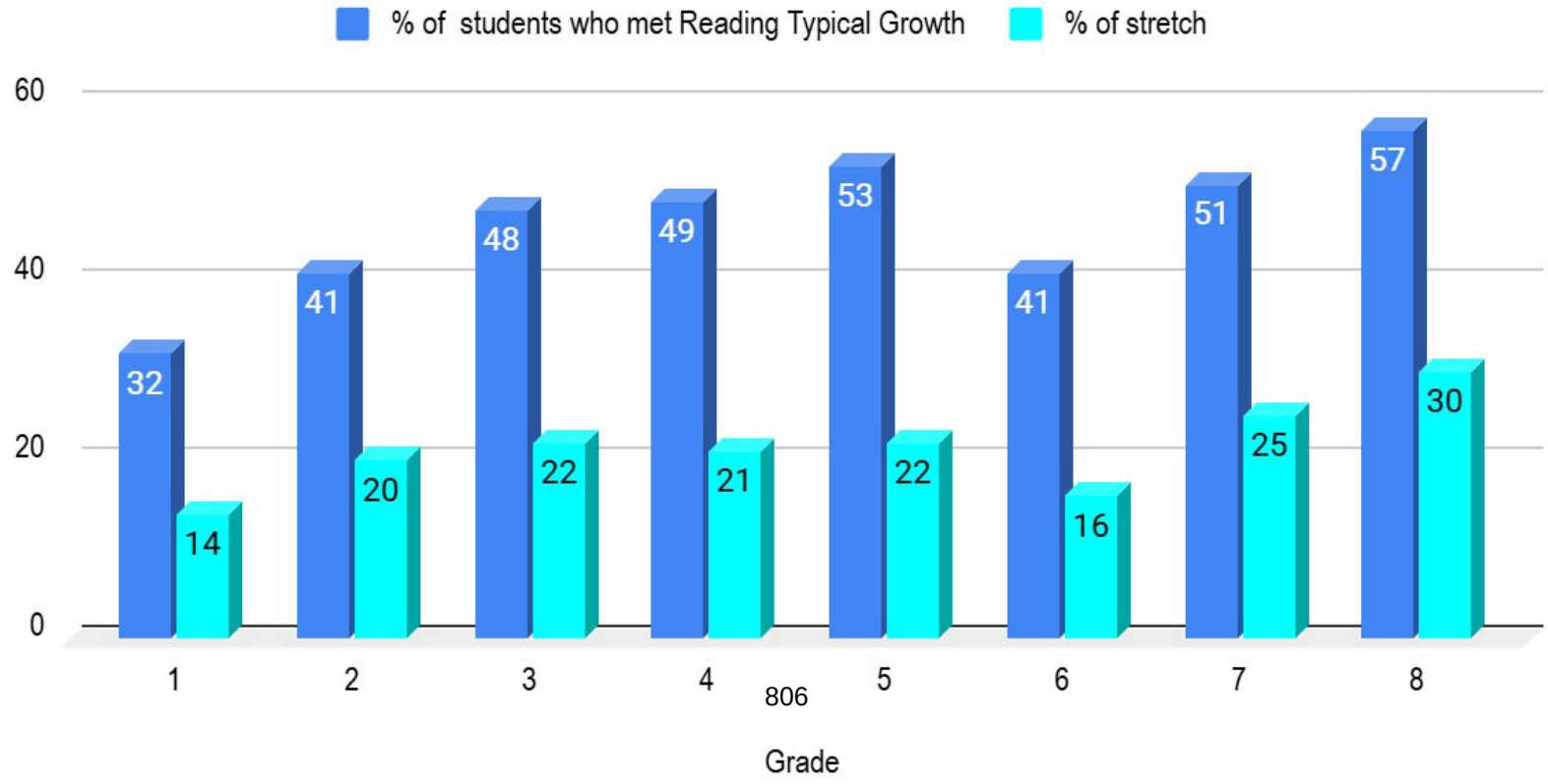
Math saw even steeper acceleration than Reading, with the On-Grade Level population **quadrupling** from **8% to 33%** by End of Year.

NotebookLM

% of students who met IReady Math Typical Growth and % of stretch



% of students who met IReady Reading Typical Growth and % of stretch



Preliminary Data for T3

Elementary

Reading
24% Approaches or Higher
40% Met Growth Measures

Math
23% Approaches or Higher
61% Met Growth Measures

Middle School

Reading
24% Approaches or Higher
41% Met Growth Measures

Math
14% Approaches or Higher
59% Met Growth Measures

High School

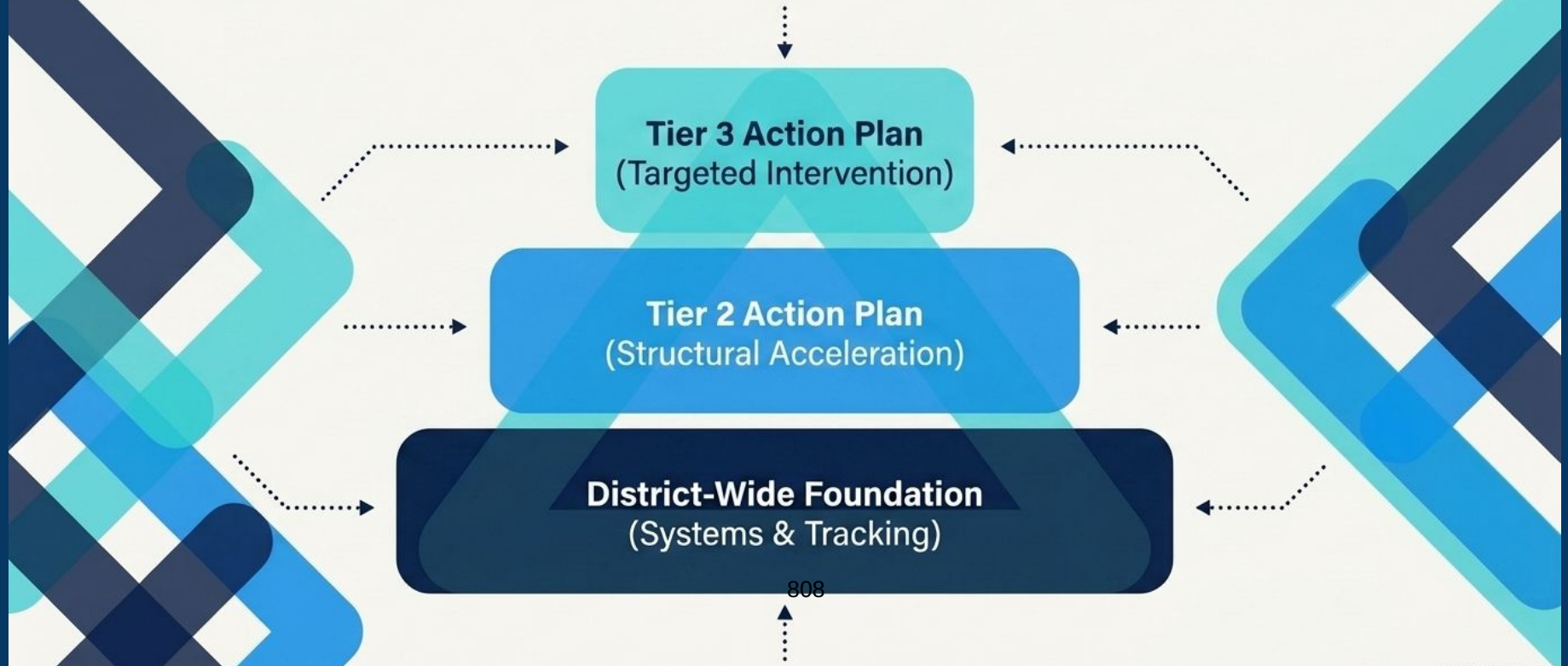
Alg I 62%
Eng I 26%
Eng II 28%

While Middle School Math and High School Algebra I show promising growth interventions, foundational reading (Eng I/II) for Tier 3 students remains our greatest district-wide challenge

NotebookLM

The 26-27 Interlocking Blueprint for Accelerated Instruction

To convert typical growth into stretch growth, Waco ISD is deploying an interlocking matrix of structural, scheduling, and personnel interventions.



NotebookLM

The Foundation: District Support & Early Warning Systems

Tier 3 Action Plan
(Targeted Intervention)

Tier 2 Action Plan
(Structural Acceleration)

District-Wide Foundation
(Systems & Tracking)



At-Risk Specialists

Every campus hosts an expert overseeing Title I accelerated instruction, ensuring fidelity to district pacing and family engagement.



Early Warning Systems (EWS)

Protocols monitoring ABCs (Attendance, Behavior, Coursework) to instantly categorize risk levels and assign mentors.



Data Tracking Folders

Students take ownership of their BOY i-Ready goals, allowing for continuous self-reflection and growth monitoring.

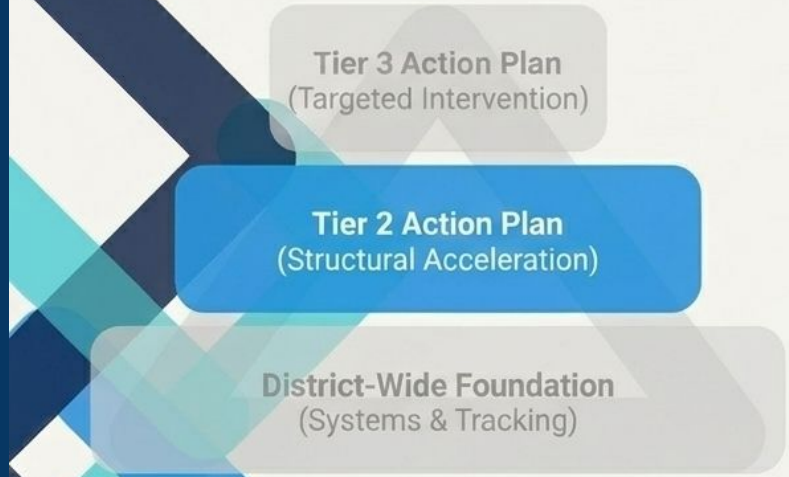


Walkthroughs

Leadership will conduct specific walkthroughs during intervention/WIN periods to guarantee teaching effectiveness and immediate feedback.

NotebookLM

Tier 2 Acceleration: Structural Shifts and the WIN Block



The WIN Block

Standardized 45-60 minute "What I Need" intervention blocks across all campuses for targeted support, acceleration, and TSIA/SAT/UIL enrichment.

Year-at-a-Glance (YAG)

A district-developed pacing document mapping high-priority TEKS to core pacing for just-in-time alignment.

Early Small Group Intervention

Elementary campuses mandated to launch small group instruction with fidelity by the third week of the school year.

Three-Week TEKS Challenge

Secondary cycle to review prior standards, bolster engagement, and provide immediate refinement data.

Six-Week Incentives

Programs specifically designed to reward consistent attendance and active engagement in accelerated learning.

NotebookLM

Tier 3 Targeted Intervention: Specialized Personnel and Curriculum



NotebookLM

Thank You

NotebookLM

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Jill Anderson

RE: Review and Discuss Priority 3 - 3.3 Strategic Communication and Branding

==========

Background Information:

The Waco ISD Strategic Plan Priority 3.3 focuses on ensuring district communications are strategic. Strategic Objective 3.3 directs the district to investigate and implement tools to assist the district in increasing recruitment and enrollment; employ a variety of marketing strategies including special events, digital, billboard, social media, and parent communication; and continue to assertively pitch stories to local media.

The attached presentation provides an update on district progress and includes the following areas of focus:

- Implementing a data tracking tool;
- Developing a targeted communications plan based on data and in alignment with the district strategic plan priorities; and
- Tracking stories on television and newspaper outlets to include viewership and value of dollars quantified in advertising.

Fiscal Implications:
N/A

Administration Recommendations:
For discussion only

WACO INDEPENDENT SCHOOL DISTRICT

Priority Three: Community

Strategic Priority 3.3: Strategic, Targeted, and Transparent Communication, Marketing, and Branding

"Ensure district communication, marketing, and branding are strategic, targeted, and transparent to improve public perception of Waco Independent School District."

Strategic Progress Overview

Moving in the Right Direction

We are strategically implementing new tools.

- Multi-departmental, collaborative work extending far beyond just the communications team
- Daily, focused district-wide execution to uplift public perception
- Strategic alignment across leadership, campus coaches, and operations



KEY ACTION 3.3.1

Data & Analytics

Recruitment & Enrollment Tools

Integrated Intelligence Platforms

Vetted and implemented a powerful combined platform pairing **mapping tools** with advanced **demographics tools** tailored to our specific organizational recruitment and enrollment goals.

Data-Driven Action

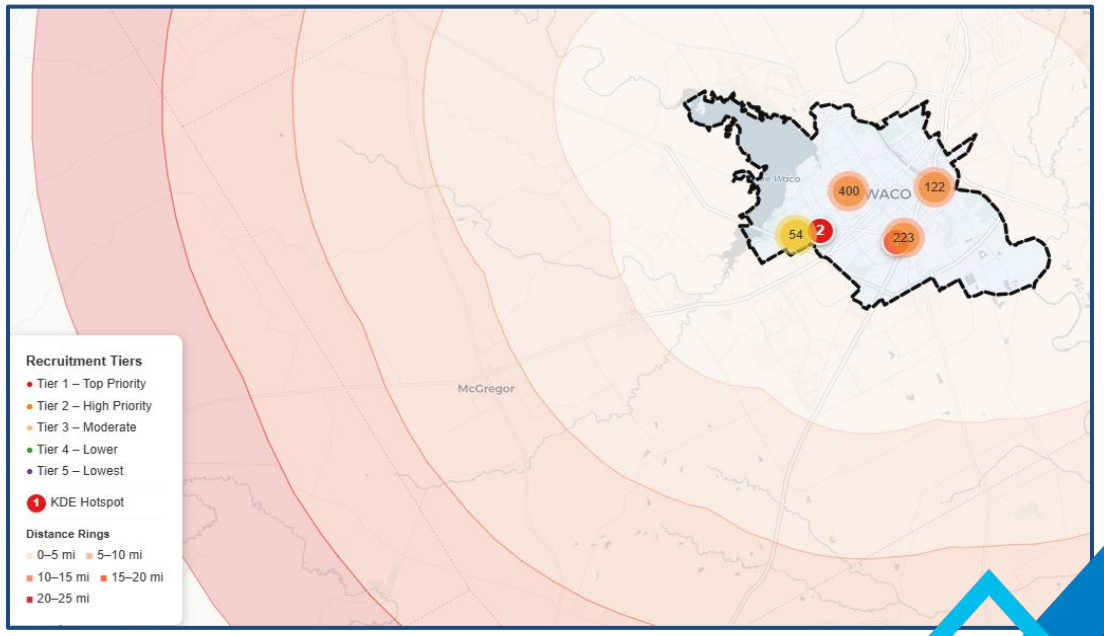
Fueling high-precision targeted marketing plans and launching our modern recruitment campaigns.

2026-202

7

Target Marketing

Data tracking tool is fully deployed and actively informing the upcoming school year marketing plans.



KEY ACTION 3.3.2

Milestone Achieved

Targeted Communications Plan

First Annual Strategic Communications Plan is Done!

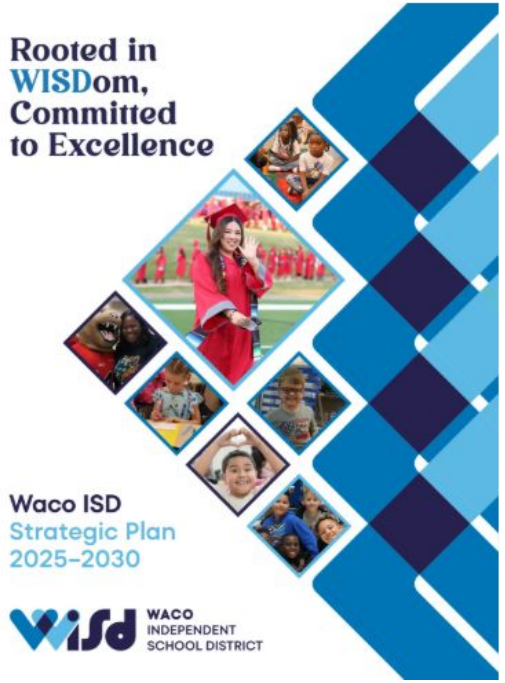
Moving systematically from high-level goal definitions to functional implementation. Our completed Communications Roadmap directly drives strategic goals through a diversified media mix.

Multi-Channel Marketing Framework

Deploying data-backed targeted outreach using a variety of outreach methods: Special Events, Targeted Digital Media, Targeted Print Media, Intentional Social Frameworks, and Transparent Parent Communication.

Built-In Accountability Framework

Success parameters and metric checks are directly engineered into an end-of-year review schedule set for completion at the close of the **2027 school year**.



KEY ACTION 3.3.3

Assertive Media Pitching & TV Reach

Broadcast Impact

We maintain an assertive, weekly pitch cadence to local and regional news channels to guarantee the excellent progress across our campuses receives prime visual coverage.

Quantified TV Advertising Value ($)



Total Broadcast Viewership Reach



+5%

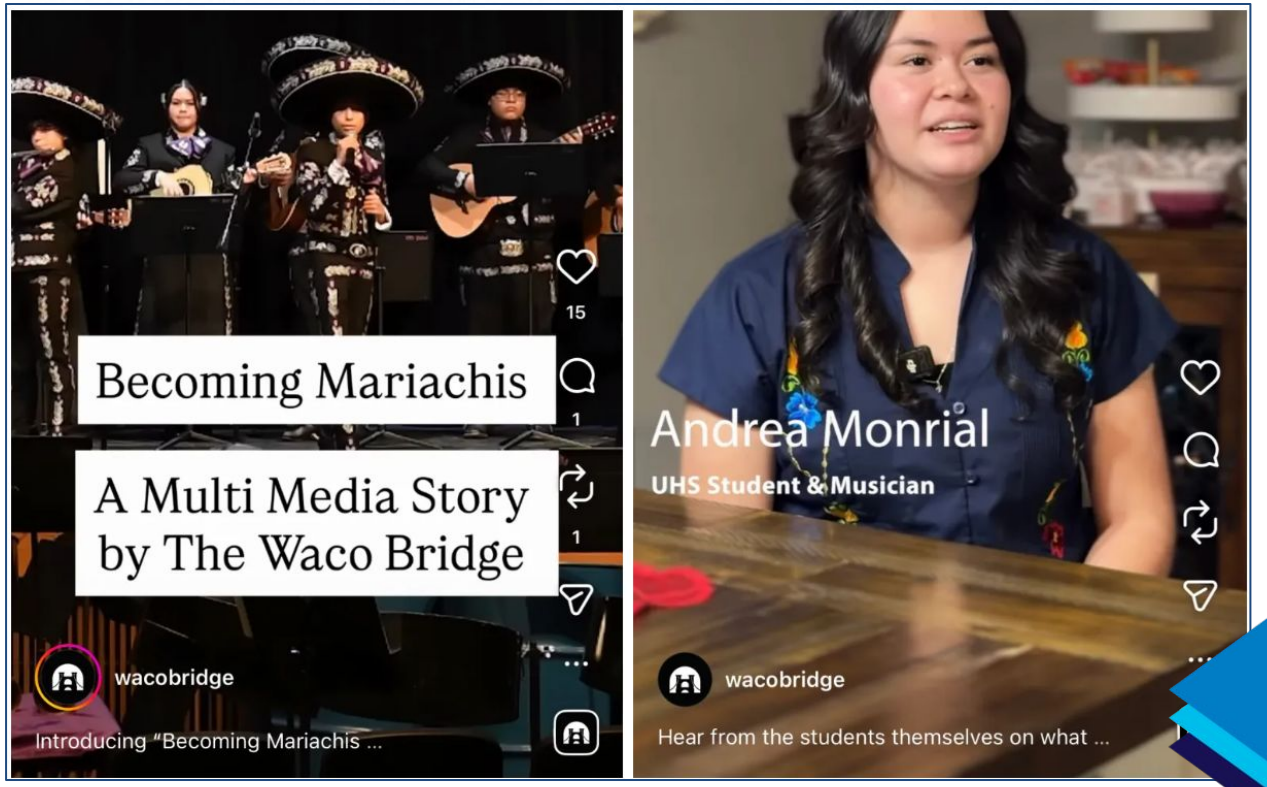
Target YoY Increase

Compounding year-over-year growth goal covering active broadcast pitches, advertising equivalent value, and total digital engagement.

Quantifying Our Print & Digital Footprint

Note: Digital and print publications detailed below are tracked purely on volume and are completely separate from broadcast TV advertising baselines.

Media Outlet Focus	Stories Published
Waco Tribune-Herald Comprehensive news, print, digital features, and extensive athletic narratives made possible by coaches.	251
Waco Bridge Deep long-form focus. Inaugural year of operation required substantial time investment from the team.	38



Strategic Targets: Horizon 2030

$1.91M

2030 Advertising Value Target

7.27M

Minimum Target Viewership Reach

Strategic Adaptability

We are well on our way to hitting these structural horizons.

Moving forward, our structural blend of media outreach will continuously adapt to prioritize strategic narrative alignment. Our deliberate goal is optimizing and elevating overall **district sentiment** rather than tracking mention volume by itself.

Wisdom works wonders.

CROSS-TRAINED OPERATIONAL EXCELLENCE

⭐Team Spotlight

The Communications Team Partnership

Escorting, briefing, and supporting regional media partners is a rigorous, high-speed team mandate.

Stephanie Hines

Communications Coordinator

Directs community partnerships and our Education Foundation. Serves as first-line backup for critical media requests.

Marianna Arellano-Rodriguez

First Impressions

The face and voice of our building. Fully bilingual asset providing high-value translation execution during on-site press interviews.

Michael Anderson

Content Creator Extraordinaire

Generates powerful visual assets for digital channels while regularly stepping in to act as media field escort.

Quinta Robinson

Operations Central

Keeps the entire department moving smoothly; continuously monitors central incoming flows for instant media resolution.

Margarita Ramirez

Records Specialist

Maintains organizational integrity and manages PIA requests while constantly deploying to cover operational and media escort workflows.



WACO INDEPENDENT SCHOOL DISTRICT

THANK YOU

Questions & Board Discussion

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person**: Dr. Deena Cornblum

RE: Review, Discuss and Take Appropriate Action on Amendment to Optional Flexible School Day (OFSDP) Program

==========

Background Information:

The District currently offers an Optional Flexible School Day Program (OFSDP) at Waco High School and University High School. The program launched during the 2023–2024 school year at both campuses as a night school option designed to serve students at risk of dropping out. Following the closure of Brazos High School after the 2023–2024 school year, each comprehensive high school expanded its OFSDP to offer a more comprehensive, campus-based approach for supporting students on their home campus.

The OFSDP is specifically designed for students who are unable to attend school on a traditional schedule due to circumstances such as employment obligations, childcare responsibilities, or other personal situations that prevent full-day attendance. In these cases, students may attend only on certain days and for limited hours, including evening sessions. The program also serves as a credit recovery option for students who are at risk of losing credit due to poor attendance.

With board approval and a submitted application, the Texas Education Agency allows districts to operate an OFSDP to provide flexible scheduling for students at risk of dropping out or of losing credit for failing to meet state attendance requirements.

Students enrolled in the OFSDP are individually scheduled to attend their assigned campus location (Waco High School or University High School) during the school day for one of two designated time blocks for in-person instruction: 8:00 AM – Noon or Noon – 4:00 PM. Students with extenuating circumstances may be approved for virtual instruction supported by Creative Climb Academy and their home campus. Virtual Instruction takes place in the evenings from 4:15 PM – 8:15 PM. Monday-Thursday. Participation requires written consent from both the student and parent/guardian if the student is under 18 and not emancipated, or from the student if 18 or older, as outlined in Texas Administrative Code §129.1027(b)(2). Students may be assigned to OFSDP at any point during the school year, with program coding effective the day after

any point during the school year, with program coding effective the day after acceptance. Students transitioning back to a traditional schedule will complete the current grading period before being recoded at the start of the next six-week term.

Instruction is delivered through Edmentum, an online learning platform, and supported by Waco ISD's one-to-one technology initiative, ensuring every student has access to a personal device. Program oversight is provided by the Coordinator of Credit Recovery Systems. Each campus also has a designated Credit Recovery Program Specialist/Counselor, along with 2–3 certified teachers in core content areas (English Language Arts, Mathematics, Social Studies, and Science). In addition, a Special Education inclusion teacher is assigned to each campus to provide necessary accommodations and support. Class sizes are targeted at 25 students per teacher. Students requiring Special Education, Bilingual Services, Career and Technical Education, or Pregnancy Related Services will be reviewed individually in consultation with district departments and campus staff to determine appropriate placement and services.

The Credit Recovery Program Counselor identifies appropriate state assessments for graduation. Testing is administered by certified Texas teachers during TEA-approved district testing windows (between 8:15 AM – 4:00 PM).

Fiscal Implications:
The program is funded through State Compensatory Education (SCE) allocations.

Administrative Recommendation(s):

Approve the attached application for the Optional Flexible School Day Program (OFSDP)

Optional Flexible School Day Program

Board of Trustees Presentation | 2025–2026 Program Review & 2026–2027 Approval

Keeping students on track to graduation — flexibly.

WHAT IS THE OFSDP?

A TEA-authorized alternative attendance program that removes scheduling barriers for students at risk of dropping out allowing them to earn credits on a flexible schedule while remaining enrolled in Waco ISD.

Who It Serves

At-risk students (TEC §29.081) who cannot attend a traditional full-day program due to work, childcare, or other qualifying circumstances as well as students denied credit for poor attendance.

How It Works

Students attend flexible 4-hour instructional shifts at Waco High or University High, OR participate remotely through the Creative Climb Academy partnership. All remain WISD-enrolled.

826

State Authority

Authorized under TEC §29.0822. Students count toward ADA for actual contact hours. Board approval and annual TEA application are required.

PROGRAM FEATURES

IN-PERSON (Both Campuses)

- Waco High School & University High School
- Shift 1: 8:15 AM – 12:15 PM
- Shift 2: 12:00 PM – 4:00 PM
- Target ratio 25:1, max 28:1
- Edmentum TEKS-aligned platform

REMOTE / HYBRID (Creative Climb Academy)

- Mon–Thu, 4-hr active sessions via Edmentum
- Shift 3: 4:15 PM – 8:15 PM (remote)
- Live virtual tutoring from CCA teachers
- Minimum 45 min/day to count toward ADA
- 30 students per campus (per CCA contract)
- In-person support at The Cove Waco
- Individual Learning Plans monitored monthly

KEY PROGRAM SAFEGUARDS

Written Consent Required

Parent + student must agree in writing before enrollment

Minutes, Not Absences

Only actual instructional minutes are recorded. Days with fewer than 45 minutes are excluded from ADA funding- no exceptions.

No Double-Counting

Traditional ADA coding ends the day OFSDP coding begins. No student can generate more than one full ADA in a year.

Six-Week Audits

Credit Recovery Counselors generate, review, and certify attendance reports every six-week period; Coordinator oversees compliance across both campuses.

Special Populations Covered

SpEd, Bilingual/ESL, CTE, and pregnancy-related services all addressed on a case-by-case basis with certified staff.

2025–2026 RESULTS | Level 3 On-Campus Program

92%

Completed Graduation Requirements

144 of 157 enrolled

99%

Graduates Met CCMR

142 of 144 graduates

93%

Enrolled Students Met CCMR

146 of 157 enrolled

Campus Breakdown

Metric	WHS	UHS	Total	Rate
Completed Graduation Requirements / Total Enrolled	89 / 95	55 / 62	144 / 157	**92%**
Met CCMR / Total Graduates	88 / 89	54 / 55	142 / 144	**99%**
Met CCMR / Total Enrolled	91 / 95	55 / 62	146 / 157	**93%**

2025–2026 RESULTS | Remote (CCA) & Combined Program

Creative Climb Academy (Remote/Hybrid)

Metric	
Completed Graduation Req. / Enrolled	**29%**
Met CCMR / Total Graduates	**57%**
Met CCMR / Total Enrolled	**17%**

Note: CCA is in its first full year of operation; enrollment was 24 students across both campuses.

Combined Credit Recovery (In-Person and Virtual)

Metric	
Completed Graduation Req. / Enrolled	**83%**
Met CCMR / Total Graduates	**97%**
Met CCMR / Total Enrolled	**83%**

Certification Earned (Industry-Based Certifications)

19 **IBCs Earned**

10 WHS | 9 UHS

830

12%

of all enrolled students earned an IBC

2026–2027 CONTINUATION

- Both in-person campuses (WHS & UHS) continue with same shift structure
- Remote/hybrid partnership with Creative Climb Academy renewed for 2026-27
- TEA application submitted upon board approval

Optional Flexible School Day Program Agreement

This document must be fully completed and signed by the school system's Board President and Superintendent. The signed document must be uploaded into the OFSDP Smartsheet application. This document is a required component of the OFSDP application submission.

Waco Independent School District

Legal Name of School District or Open-Enrollment Charter School

501 Franklin Ave. Waco, TX 76703

Physical Address

Board Agreement

All information requested must be included with this form. The school district or open-enrollment charter school hereinafter called "district" does hereby certify and agree to the following conditions of the agreement.

1. The board of trustees of the school district or the governing board of the open-enrollment charter school **agrees to include the OFSDP as an item on the agenda** concerning the proposed application.

2. The board of trustees of the school district or the governing board of the open-enrollment charter school must discuss the progress of the program before applying to operate an OFSDP.

The proposed OFSDP application was on the agenda and discussed at the board meeting conducted on:

Month: June

Day: 18

Year: 2026

Time: 6:00 pm

Location: 501 Franklin Ave. Waco, TX 76703

The board reviewed the OFSDP program and application and approved the submission on behalf of the school district or open-enrollment charter school by authorized representatives.

Angelo Ochoa, Board President 254-755-9473

Name, Title, and Telephone Number of School Board President

Signature of School Board President Date

832

Authorized School System Official

On behalf of the school district or charter school, I hereby certify that the district/charter will implement and operate the OFSDP in accordance with Texas Education Code (TEC) §29.0822, 19 Texas Administrative Code (TAC) §129.1027, the Student Attendance Accounting Handbook, and all applicable guidance, forms, and instructions issued by the Texas Education Agency (TEA) for the applicable school year.

I certify that the information submitted in connection with this application is true and correct and the district/charter will fully comply with all application assurances, applicable laws, rules, and TEA guidance governing the Optional Flexible School Day Program.

Dr. Tiffany Spicer, Superintendent 254-755-9473

Name, Title, and Telephone Number of District Superintendent or Charter School Chief Operations Officer

Signature of Person Authorized to Bind the District or Charter School Date

OFSDP Application Guide - 2026-2027

ELIGIBLE APPLICANTS: The Texas Education Agency (TEA) will make available to eligible school districts and open-enrollment charter schools an application form that must be completed and submitted annually to the TEA for approval.

This application guide template is provided for planning purposes only. The final application must be submitted through the linked Smartsheet form available on the OFSDP website.

Definition of Program Provisions

The school district or open-enrollment charter school, hereinafter referred to as the "district."

Eligible Students

A student in any grade level is eligible to participate in an OFSDP authorized under the Texas Education Code, (TEC), §29.0822, if the student is:

- at-risk of dropping out of school, as defined by the TEC, §29.081,
- attending a campus implementing an approved innovative campus plan,
- attending a TEA-designated ECHS as defined by the TEC, §29.908, P-TECH, or ICIA,
- attending a community-based dropout recovery education program, as defined by the TEC, §29.081(e-1) or (e-2), or
- not meeting attendance requirements under the TEC, §25.092, resulting in denied credit for one or more classes in which the student has been enrolled.

AND

There must be an agreement in writing to the student's participation:

- by the student, if the student is over 18 years of age; or
- by the student and the student's parent or person standing in parental relation to the student, if the student is less than 18 years of age and not emancipated by marriage or court order.

Board Approvalre

The board of trustees of a school district or open enrollment charter school must include the OFSDP as an item on a regular agenda for a board meeting. The board of trustees of a school district or charter school must discuss the progress of the program before approving the program and applying to operate an OFSDP. Please note that, pursuant to 19 Texas Administrative Code (TAC) §129.1027, a progress report for OFSDP may be required to be included in subsequent annual applications starting the 2026-2027 school year.

Attendance Credit

A student attending an OFSDP under the TEC, §29.0822, may be counted in average daily attendance (ADA) for purposes of funding under the TEC, Chapters 46, 48, and 49, only for the actual number of contact hours the student receives, not to exceed 720 hours or 43,200 minutes per 12-month period. **Students enrolled in the**

traditional program for part of the year and the OFSDP program for part of the year may not earn more than one ADA.

Assessment

The student must take the required state assessments specified under the TEC, §39.023, during the regularly scheduled assessment calendar.

Continuation or Revocation of Program Authorization

Applications are approved for a period of one (1) school year. Continuation of the approval for the OFSDP will be contingent on the demonstrated success of the program. Determination of success will include a review and analysis of data provided in the mandatory final progress report(s). The commissioner of education may revoke authorization for participation in the OFSDP after consideration of relevant factors, including performance of students participating in the program on assessment instruments required under the TEC, Chapter 39; the percentage of students participating in the program who graduate from high school; and other criteria agreed to in the application and adopted by the commissioner of education. A decision to revoke approval of the program by the commissioner of education is final and may not be appealed.

Reporting Requirements

Following approval of the application, the applicant may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. When requested, reports will require applicants to disclose the overall progress of the students in the program, the number of students enrolled in the program (disaggregated by ethnicity, age, gender, and socioeconomic status), the number of students graduating from high school (disaggregated by ethnicity, age, gender, and socioeconomic status), and additional criteria selected by the applicant and agreed to by the commissioner. The TEA will provide notice to applicants and additional instructions for completion of reports at least 45 days before the date a report is due, or as soon as possible, in order to give school districts and charter schools adequate time to prepare and submit the reports to the TEA. The TEA may request additional reports as necessary to monitor and assess the progress of students participating in the program.

Participation in University Interscholastic League (UIL)

A student enrolled in an OFSDP under the TEC, §29.0822, may participate in a competition or other activity sanctioned or conducted under the authority of the University Interscholastic League (UIL) only if he or she meets all UIL eligibility criteria.

Application Process

- For questions or assistance regarding this application, email opflex@tea.texas.gov.
- Applications should be submitted 30 days prior to the start of the program. Start date(s) listed in the spreadsheet upload should be at least thirty (30) days after the application is submitted.

- Submit the application and all attachments through the OFSDP Smartsheet form posted on the OFSDP website.

OFSDP Application

This application guide template is provided for planning purposes only. The final application must be submitted through the linked Smartsheet form available on the OFSDP website.

School System Overview
School System Name: Waco ISD
School System CDN (6-Digit): 161914
Mailing Address: 501 Franklin Ave
City: Waco
State: Texas
Zip Code:76703
Superintendent's Name: Tiffany Spicer
Superintendent's Email Address: tiffany.spicer@wacoisd.org
School System Phone Number: 254-755-9473
District PEIMS Coordinator Name: Judy Wasson
Email Address: judy.wasson@wacoisd.org
OFSDP Contact Name: Deena Cornblum
Email Address: deena.cornblum@wacoisd.org
OFSDP Contact Name: Alonzo.mcadoo@wacoisd.org
Email Address: alonzo.mcadoo@wacoisd.org

Attendance and Compliance Procedures of Proposed Program

1. What type of OFSDP program is the school system applying for? (Select all that apply)

   ☐ At-Risk Students – The student is at risk of dropping out of school, as defined by the TEC, §29.081.

☐ Minimum Attendance – Students that do not meet the attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled without retaking the class. Funding for attendance is limited to that which is necessary for the student to recover class credit.

☐ Early College High School – The student is attending a campus that has been designated by the Texas Education Agency (TEA) as an Early College High School (ECHS), as defined by the TEC, §29.908, Pathways in Technology Early College High School (P-TECH), as defined by the TEC, §29.553, or Industry Cluster Innovative Academy (ICIA).

☐ Campus Turnaround Plan – The student is attending a campus implementing an approved innovative campus plan, as defined by TEC, §39A.107.

☐ Credit Recovery – Credit recovery classes may be offered during the summer recess for students who have not earned a full ADA during the regular school year. For an eligible OFSDP student attending summer OFSDP classes for credit recovery, funding for attendance is limited to that which is necessary for the student to recover class credit.

☐ Campus Dropout Recovery – The student is attending a community-based dropout recovery education program, as defined by the TEC, §29.081 (e-1), in which courses are offered on-campus 100% of the time. To be eligible for this designation, the campus will be designated by TEA as an Alternative Education Campus (AEC) of Choice - Dropout Recovery School. More information can be found on the Performance Reporting Division website.

■ Remote/Hybrid Dropout Recovery – The student is attending a community-based dropout recovery education program, as defined by the TEC, §29.081 (e-2). A dropout recovery program can be offered for students to work in a remote or hybrid setting, only if the campus is designated by TEA as an Alternative Education Campus (AEC) of Choice - Dropout Recovery School and meets the requirements of TEC, §29.081 (e-2). More information can be found on the Performance Reporting Division website.

Please ensure that all questions below are addressed for each selected program type and for each campus listed in the OFSDP spreadsheet.

2. Describe the program goals and objectives. (The goals and objectives must align with the type of OFSDP program that is planned to be offered).

Following its closure, the district transitioned its dropout recovery model to an on-campus credit recovery program at each high school campuses (Waco High School and University High School), allowing eligible students to attend in flexible four-hour instructional shifts.

The program was extended for the 2025-2026 to include a remote option for students who needed to complete coursework after normal school hours. Waco ISD will continue its partnership with Creative Climb Academy (CCA) for the 2026-2027 school year. This virtual program supports students who need a remote learning option while continuing to meet credit recovery and CCMR goals. Students remain enrolled in WISD and have access to district wraparound services. The district also partners with The Cove Waco who supports students who are at-risk. Students have the opportunity to go to The Cove for in-person support provided by personnel from Creative Climb Academy.

The 2026-2027 OFSDP will continue to offer the in-person campus based program and the remote/hybrid option, consistent with TEC §29.081(e-2) and (e-4). The program pursues the following goals and objectives, aligned with TEC §29.0822:

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Goal 1 - Dropout Prevention: Provide a flexible instructional schedule for students who are at risk of dropping out of school as defined by TEC §29.081 and who are unable to attend a traditional full-day program due to real-life circumstances such as employment obligations to support their household, childcare responsibilities, or other qualifying at-risk factors. By removing schedule barriers, the district seeks to increase student retention and promote on-time graduation.

Goal 2 - Credit Recovery: Provide structured opportunities for students who have been denied class credit to poor attendance under TEC §25.092 due to poor attendance or failure that occurred during the semester that is unrecoverable to recover or earn credits toward graduation in an environment tailored to their individual schedules and needs.

Goal 3 - Remote/Hybrid Access: Offer a remote or hybrid dropout recovery option that includes career-aligned credentials and certifications, individual learning plans, academic coaching, and local advocacy, enabling students who cannot participate in a traditional campus setting to continue their education and move toward graduation.

Objective 1: Increase the number of at-risk students who remain enrolled and progress toward graduation by providing flexible scheduling options (morning, afternoon, and evening shifts) at Waco High School and University High School.

Objective 2: Reduce the number of students denied class credit due to attendance deficiencies by providing structured OFSDP credit recovery sessions during and, if applicable, after the regular school year.

Objective 3: Monitor and document each student's instructional minutes daily through the Edmentum online platform and teacher-certified attendance records within the Student Information System.

Objective 4: Ensure eligible remote/hybrid students are supported by an academic coach and local advocate, receive individual learning plans, and have access to an in-person student engagement center.

Objective 5: Annually present disaggregated student performance and graduation data to the board of trustees using data-driven decisions to assess and improve program effectiveness.

3. Provide the proposed schedule offered to students participating in the OFSDP, specifying days of the week and times courses are available. If the program is proposed at more than one campus, include the full proposed schedule for each campus location.

   Students enrolled in the OFSDP will be individually scheduled to attend their assigned campus location. The student and parent/guardian (if the student is under 18 and not emancipated) will agree in writing to the schedule per TAC §129.1027(b)(2). Assignment to OFSDP can occur during the year; however, OFSDP coding begins the day after acceptance. Students returning to a traditional schedule must complete the current six-week period before being re-coded at the start of the next six-week period.

   In-Person

   The two daytime sessions remain in-person at each high school campus.

   Remote/Hybrid Option:

   Eligible students participating in the remote/hybrid dropout recovery program (TEC §29.081(e-2)) will access coursework through the Edmentum online platform on a schedule agreed upon in their individual learning plan. Students who are remote will be supported by live virtual tutoring and instruction from CCA teachers. Students are required to log in Monday through Thursday for 4 hours of active instructional time. Students must attend or log a minimum of 45 instructional minutes on any given day for those minutes to be reported. All students have access to the designated in-person student engagement center at their assigned campus for instruction, support services, and engagement activities.

   Campus: Waco High School

   Shift 1: 8:15 AM - 12:15 PM (4 hours)
   Shift 2: 12:00 PM - 4:00 PM (4 hours)
   Shift 3: 4:15 PM - 8:15 PM (4 hours- Remote)
   Saturday School: Available on pre-approved Saturdays to assist students in accumulating the instructional minutes required for full ADA (up to 43,200 minutes per 12-month period).

Campus: University High School
Shift 1: 8:15 AM - 12:15 PM (4 hours)
Shift 2: 12:00 PM - 4:00 PM (4 hours)
Shift 3: 4:15 PM - 8:15 PM (Remote- 4 hours)
Saturday School: Available on pre-approved Saturdays to assist students in accumulating the required instructional minutes.

Remote Option:

Eligible students participating in the remote/hybrid dropout recovery program (TEC §29.081(e-2)) will access coursework through the Edmentum online platform on a schedule agreed upon in their individual learning plan. Students must attend or log a minimum of 45 instructional minutes on any given day for those minutes to be reported. All students have access to the designated in-person student engagement center at their assigned campus for instruction, support services, and engagement activities.

4. Provide an outline of staff positions and resource personnel (teachers, administrators, counselors, support staff, etc.) associated with the program. Include contact hours each staff position will be obligated to the program.

The following staff positions are assigned to the OFSDP across both campuses. The Edmentum on-line learning platform provides core on-line instruction, and Waco ISD's one-to-one technology model ensures each student has a personal device. Target student-to-teacher ratio: 25:1. Students requiring
Special Education, Bilingual Services, Career and Technology Education, and/or Pregnancy Related Services will be evaluated on a case by case basis in consultation with district level departments. If it is determined that the student would best be served within the OFSDP, then relevant personnel will be assigned to support said student.

1. Director of Credit Recovery Systems

Role: Program oversight, compliance, and coordination across both campuses.

Contact Hours Obligated: Full-time

2. Credit Recovery Program Specialist/Counselor (one per campus)

Role: Student identification and eligibility documentation; consent form collection; state assessment identification and coordination; six-week attendance report review and certification; counseling (pre-entry, post-entry, academic, personal, career).

Contact Hours Obligated: Full program hours at each campus shift

3. Content Area Certified Teachers - 2 to 3 per campus (ELA, Math, Social Studies)

Role: Serve as teachers of record; provide instructional support for rigorous content; record and certify daily instructional minutes per student with signature; monitor Edmentum platform progress.

Contact Hours Obligated: Full program hours for in-person instruction at each campus shift

4. Special Education Inclusion Teacher (one per campus)

Role: Provide inclusion support and ensure IEP compliance for students with disabilities enrolled in OFSDP.

Contact Hours Obligated: Full program hours as needed per student IEPs.

5. Academic Coach / Online Tutors from Creative Climb/ Campus Teacher/ and Partnership with the Cove the Cove Waco Personnel (for Remote/Hybrid students)

Role: Provide individualized academic coaching; serve as local advocate for each remote/hybrid student; monitor individual learning plans; maintain monthly progress reports for submission to the district. Students can access live tutoring through the Creative Climb remote platform. Waco ISD also has a partnership with Cove Waco who assists students who are considered at-risk. Creative Climb personnel will be on-site at the Cove on designated days. Students also have access to teachers at their home campus.

Contact Hours Obligated: Weekly as required to support remote/hybrid student caseload.

5. Describe the procedures for identifying students, including how the school confirms and documents student eligibility and obtains student and parental consent for OFSDP participation. (Student or parental consent is required in writing)

Overview

Waco ISD's Credit Recovery Program (CRP) provides structured, tiered intervention for students who have fallen behind in credit attainment. The program operates across three levels of intensity, each calibrated to the number of credits a student must recover to return to grade-level standing with their cohort.

Student Identification

Students are identified through a review of cumulative credit attainment conducted by their assigned alpha counselor in collaboration with the Credit Recovery (CR) Program Counselor, using data from Branching Minds and Frontline. Students needing four or fewer credits are considered for Level 1. Students needing between 4.5 and 7 credits are referred to Level 2. Students needing more than 7 credits are referred to Level 3. All placement decisions are documented in Branching Minds, the district's required platform for intervention record keeping.

Parental and Guardian Notification

For all students under the age of eighteen, parental or guardian permission is required before enrollment in any Credit Recovery Program level. The assigned alpha counselor initiates to obtain permission. Students who are eighteen or older, or designated as unaccompanied minors, are contacted directly as legal adults. Any changes to contact information must be reported for immediate record updates. All contact attempts and outcomes, including the name of the person contacted, must be logged in Branching Minds. Staff are required to document student progress and contact efforts in Branching Minds to maintain a running record of due diligence and to keep campus administration informed.

Level 1 Enrollment Process

Level 1 serves students in cohorts 2027 and 2028 who need four or fewer credits to return to grade-level standing. Beginning at the semester, Level 1 may also be open to 2029 cohort students if seats are available and the student has failed two or more classes. After identifying an eligible student, the alpha counselor contacts the parent or guardian and obtains written permission, documented in Branching Minds, before proceeding. The counselor then completes the OLL Request form, specifying course order, uploads it to Branching Minds, and notifies the CR Program Counselor. The CR Program Counselor reviews the request against the student's credit attainment and Frontline enrollment data. Record keeping is shared: the alpha counselor logs the OLL request and enrollment; the CR Program Counselor maintains the shared CRP tracker and Google Completion spreadsheet. Parent contact is required at a minimum every two weeks for students not making adequate progress, who are consistently absent, or who have ongoing discipline concerns.

Level 2 Enrollment Process

Level 2 serves students who need between 4.5 and 7 credits to reach grade-level standing. The alpha counselor completes a formal Level 2 referral form and then contacts the parent or guardian to obtain written permission. Written permission is documented in Branching Minds before any further steps occur. Once permission is confirmed, a collaborative planning meeting is held among the alpha counselor, the CR Program Counselor, and the student to develop an individualized plan. Shared record keeping responsibilities and biweekly parent contact requirements are the same as those described for Level 1.

Level 3 Enrollment Process

Level 3 is reserved for students who need more than 7 credits to return to on-track status and includes additional enrollment requirements based on at-risk information. The alpha counselor completes the campus-specific Level 3 referral form, and the student completes a TEA-required application. Parent or guardian contact to obtain written permission. Written permission is documented in Branching Minds prior to enrollment. While the TEA application and the Coordinator of Credit Recovery's enrollment confirmation are being processed, students are placed on an interim mixed Level 2 schedule to ensure uninterrupted instruction.

Upon confirmation of Level 3 enrollment, the CR Program Counselor meets with the student to develop a Graduation Plan addressing both coursework completion and EOC graduation requirements. Students are enrolled in no more than four credit hours of recovery work at a time, with support from Level 3 OLL teachers or Creative Climb teachers. As credits are earned, the Graduation Plan is updated, and the student maintains their own copy in their Game Plan binder. Upon program completion, the CR Program Counselor conducts a final audit of the Graduation Plan and transcript and coordinates with the alpha counselor to verify completion. The CR Program Counselor maintains the tracking system for all Level 3 students and documents biweekly parent contact in Branching Minds.

Shared Recordkeeping and Communication Standards
A shared spreadsheet is maintained between alpha counselors and the CR Program Counselor across all levels and is updated as needed. When credit is completed in the OLL, the Earning/Recording/Transcription of Credits from Edmentum flowchart is followed to ensure accurate transcription.

6. Indicate the estimated number of OFSDP students that will be served per teacher. (The student–teacher ratio for in-person dropout recovery programs must not exceed 28:1. For elementary grade levels, the ratio is limited to 22:1. Districts of Innovation campuses may be eligible for applicable exceptions.)
Target student-to-teacher ratio: 25:1. The student-teacher ratio will not exceed 28:1 for secondary grades, in compliance with OFSDP requirements for in-person dropout recovery programs. Elementary-level limits of 22:1 are not applicable as this program serves high school students.
The virtual remote option will serce 30 students per campus as outlined in the contract with Creative Climb.

7. Describe the district's plan for serving students in the OFSDP should the need arise for special education, career and technical education (CTE), pregnancy-related services, and/or bilingual/ESL education.
The response must include:
   - How services will be provided;
   - Required teacher certifications in each program area; and
   - How services will comply with the Student Attendance Accounting Handbook.

   The district assures that if a student participating in the OFSDP is receiving Compensatory Education Home Instruction (CEHI, homebound instructional services) for pregnancy, the student's instructional code will be transitioned from OFSDP to the appropriate traditional coding for the duration of the CEHI placement. The student will not be reported as participating in OFSDP during any period in which CEHI services are provided.

Students with special service needs who participate in the OFSDP will be evaluated on a case-by-case basis in consultation with the relevant district-level departments. If it is determined that a student's needs can be appropriately met within the OFSDP structure. Services will be delivered in accordance with each student's Individualized Education Program (IEP) and the Attendance Accounting Handbook.

Special Education

- Special Education case managers must be notified when a student may need to be enrolled into the On-line Learning Lab (OLL) for credit recovery by the assigned (alpha) counselor. The case manager will determine if an ARD should be scheduled to discuss the student's needs and schedule. If the student is scheduled into courses offered through the OFSDP and the OLL, the case manager is responsible for ensuring that accommodations are being provided.
- Students should not automatically have to complete a reduced amount of assignments to complete the course. This is a case by case basis and modification of content would only be for resource students requiring modified curriculum or accommodation per their IEP.
- A student who requires a modified curriculum (i.e resource level) can be enrolled in Edmentum but this will need to be approved by the Waco ISD Special Education Department in conjunction with the student's case manager and ARD Committee.
- Students who need accommodations, will receive those by activating them in the set up of the course. Updated accommodations will be noted in the student's IEP or 504 service plan and uploaded into Branching Minds by the SPED case manager.
- Each scheduled teacher per student will receive an email notification explaining that the latest IEP has been uploaded to access in Branching Minds.

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Accommodations:

- Extended time is built into the design of Edmentum as all coursework and assessments within the system are self-paced.
- Preferential seating should be considered in the physical setting for the student and the setup of their technology.
- Students may use course provided notes as support while taking exams.
- A calculator may be provided where the course or test allows. Edmentum does have a built-in calculator feature for the lessons only.
- Text to speech is within lessons only. If a student needs a "read aloud" for exams, this should be provided by the CRP case manager.
- Speech to text is within the lesson only. If a student needs writing to be recorded for an exam, this should be provided by the case manager.
- Increasing the text or screen size is a setting that may be accessed on the laptop or device. - Language translation is provided
- Students may access the highlighter function within the system.
- When a student's IEP indicates shortened assignments as an allowable accommodation, this assessment must be printed and shortened according to the student's IEP, and the grade for the assignment will be entered into Edmentum manually. Edmentum does not allow instructors to shorten assignments within the system.
- Any other accommodations may need to be discussed with the Technology Department and/or Special Education Department for guidance.

Bilingual/ESL Education:

Emergent bilingual students enrolled in OFSDP will receive required Bilingual/ESL services consistent with their Language Proficiency Assessment Committee (LPAC) decisions. Instruction will be provided by appropriately certified Bilingual/ESL teachers or supported through co-teaching. Services comply with TEC Chapter 29, Subchapter B, and the Student Attendance Accounting Handbook Section 6. Language translation is also provided within the Edmentum system as needed.

Career and Technical Education (CTE):

CTE course needs will be addressed on a case-by-case basis. Where CTE courses are included in a student's OFSDP schedule, course can be obtained through the Edmentum platform for students who are in-person or virtual. In person students will also have access to CTE courses delivered by appropriately CTE-certified teachers according to the student's plan and schedule. Services will comply with the Student Attendance Accounting Handbook Section 5 and applicable CTE guidelines.

Pregnancy-Related Services:

Students requiring Compensatory Education Home Instruction (CEHI) for pregnancy will be transitioned from OFSDP coding to the appropriate traditional instructional coding for the duration of the CEHI placement. The student will not be reported as an OFSDP participant during any period in which CEHI services are provided, consistent with the district's assurance in the OFSDP application. CEHI will consist of face-to-face instruction by a certified teacher of the district at the student's home or bedside. All services will comply with the Attendance Accounting Handbook Section 9.

8. OFSDP requires a teacher of record to record the actual number of students' instructional minutes on any given day. Explain how the classroom teacher verifies the number of instructional minutes a student receives each day. (Absences and days present do not exist in OFSDP)

A student who qualifies for the optional flexible school day option will only attend four hours per day in the morning or afternoon session. Attendance minutes will be tracked through a sign-in/out log system used in the classroom and verified by teacher of record before being entered into the SIS. These students will be coded (ADA07).

The teacher of record is responsible for verifying and certifying the number of instructional minutes each student receives on any given day. Unlike traditional attendance (which tracks absences and days present), OFSDP tracks actual contact minutes.

Verification Procedure:

1. At the beginning of each instructional session, the student signs in and records the arrival time.
2. At the conclusion of the session, the teacher logs the departure time and calculates the total number of instructional minutes received by the student that day.
3. The teacher certifies the accuracy of the recorded minutes with their signature on the daily attendance log.
4. The teacher records these minutes in the district's Student Information System (SIS) for each student.
5. For remote/hybrid students, the Edmentum online platform automatically tracks time-on-task and logs the number of instructional minutes the student is actively engaged. The assigned teacher reviews and verifies the platform records each day. The student is considered scheduled for and receiving instruction for 60 minutes each day for each virtual course taken through the online dropout recovery education program.
6. The Coordinator of Credit Recovery Systems will be responsible for communicating with the virtual partner, Creative Climb, to collect verified attendance records and will enter the minutes into the district's SIS. The TEA determines a student's ultimate ADA eligibility status for a semester based on the student successfully completing each a remote semester course in which the student was enrolled, using course completion data reported by the district.

No absences or 'days present' are recorded in OFSDP. Only actual instructional minutes are recorded and certified. Students who accumulate less than 45 minutes on a given day will not have those minutes reported for funding purposes (see Question 9).

9. Describe how the district will ensure that minutes for students who did not attend a minimum of 45 minutes on a particular day are not reported for funding.

The district will implement the following procedures to ensure that instructional minutes for students who did not attend a minimum of 45 minutes on a particular day are not reported for funding:

1. The teacher of record calculates and verifies the total instructional minutes for each student at the end of each day or session and enters the minutes into the SIS.
2. Minutes for students who fall below the 45-minute threshold on a given day are not entered into the SIS record for that day/session.
3. At the end of each six-week period, the Credit Recovery Program Specialist/Counselor will review and certify attendance reports to ensure accuracy of reporting against the attendance logs.

10. Explain how the district will ensure that students transferring from the traditional program (ADA Codes 0-6) to OFSDP (ADA Codes 7-8) will not generate more than one ADA in total for the school year and that students will not receive more than 10,800 minutes per course. (**Note**: It is recommended that the district apply the following formula to determine the maximum OFSDP minutes a student is eligible = (Calendar School Days - Traditional Days Present) x 240)

The district will use the following procedures to ensure students transferring from the traditional program (ADA Codes 0-6) to OFSDP (ADA Code 7) do not generate more than one ADA for the school year, and that students do not receive more than 10,800 minutes per course:

1. At the time a student is transitioned to OFSDP, the traditional ADA coding (Codes 0-6) is ended effective the last day of the student's traditional attendance. OFSDP coding (Code 7) begins the following day. No student will be coded in both the traditional and OFSDP programs on the same day. The Credit Recovery Specialists is responsible for ensuring coding accuracy in the SIS. Coding will be checked and verified by the Coordinator of Credit Recovery Systems.

2. Students are not simultaneously coded as participating in OFSDP and a traditional instructional program on any given day. Coding transitions follow the six-week period rules described in Section 2.2.3.

3. The district applies the TEA-recommended formula to determine the maximum OFSDP minutes a student is eligible to earn:

Maximum OFSDP Minutes = (Calendar School Days - Traditional Days Present) x 240

This calculation is performed at the time of enrollment in OFSDP and monitored throughout the student's participation.

4. Per-course minute tracking is maintained in the Edmentum Platform. Each course is capped at 10,800 instructional minutes. The Credit Recovery Program Specialist/Counselor monitors cumulative minutes per course through the Edmentum platform and alerts the teacher of record when a student is approaching the cap.

11. Describe how the district will ensure that attendance practices and records comply with Sections 2.2.3 and 11.6 of the Student Attendance Accounting Handbook.

The district will ensure that all attendance practices and records for the OFSDP comply with Sections 2.2.3 and 11.6 of the Student Attendance Accounting Handbook (SAAH) through the following procedures:

1. At the beginning of each instructional session, the student signs in and records the arrival time on an paper attendance log.

2. At the conclusion of the session, the teacher logs the departure time and calculates the total number of instructional minutes received by the student that day and verifies the attendance log with their signature.

3. The teacher of record records the actual instructional minutes each day into the district's SIS (Frontline) consistent with SAAH Section 11.6 requirements for OFSDP.

4. Attendance for students who are remote will logged and also verified and signed by the remote teacher of record and given to the district Coordinator of Credit Recovery Systems to enter into the district's SIS.

5. The districts SIS meets the requirements outlined in section 2.2.3 of the SAAH.

6. Minutes recorded for both in-person and remote students meet the criteria for reportable minutes that count toward ADA for students as outlined in section 11.6 of the SAAH.

7. Students who receive fewer than 45 instructional minutes on any given day are excluded from funding reporting for that day, per SAAH guidance.

8. Students are not simultaneously coded as participating in OFSDP and a traditional instructional program on any given day. Coding transitions follow the six-week period rules described in Section 2.2.3.

9. The Credit Recovery Program Specialist/Counselor at each campus generates, reviews, and certifies the Student Detail Audit and related six-week attendance and academic reports for the OFSDP during each six-week attendance reporting period.

10. Student records are maintained and available including signed consent forms, daily minute logs verified by each teacher of record, and all documentation required by SAAH Sections 2.2.3 and 11.6.

11. The district's Coordinator of Credit Recovery Systems provides oversight of SAAH compliance across both campuses and coordinates with the PEIMS Coordinator to ensure accurate and timely TSDS submissions.

Credit Recovery Program Offered in the Summer

12. Will eligible OFSDP students participate in a credit recovery program offered in the summer? (Credit recovery classes may be offered during the summer recess for students who have not earned a full ADA during the regular school year. For an eligible OFSDP student attending summer OFSDP classes for credit recovery, funding for attendance is limited to that which is necessary for the student to recover class credit. The Summer Period of Agreement (Credit Recovery) section should only include dates after the regular school year, should not exceed 30 days, and may not extend past July 31st. A student cannot earn more than the equivalent of one ADA in a year.)

○ Yes

● No

These students will be invited to the summer school offered to all students and funded through the district's Title I program; therefore, attendance will not be reported for funding purposes. Attendance will be recorded and retained for attendance credit for students who also need to recover attendance for a class that was not passed due to attendance or truancy.

- If yes, funding is limited to the attendance necessary for the student to recover class credit. Please describe how attendance will be monitored to ensure additional minutes are not reported for funding.

Campus Dropout Recovery Education Program

13. Will the school system offer a community-based dropout recovery education program as defined by TEC, §29.081(e-1) or (e-2)?

○ Yes

● No

- If yes, what type of community-based dropout recovery education program will be implemented?

☐ District operated dropout recovery education program

■ Contracted dropout recovery education program with an education management organization

- If education management organization services are contracted, please provide the organization name, accreditation status, and the name of the accrediting agency.
Creative Climb Academy-TEFA approved by the Texas Education Agency

Remote/Hybrid Dropout Recovery Program

14. Will the district offer a dropout recovery program in a remote or hybrid setting, as defined by TEC, §29.081 (e-2)?

● Yes

○ No

If yes –

- Describe the curriculum credentials, certifications, or other course offerings that relate directly to employment opportunities in the state.

  Science) as well as career-related elective offerings. Course offerings include dual credit pathways and career and technical education (CTE) electives that align directly with Texas employment opportunities, such as business and industry certifications available through the district's established CTE pathways. Students receive guidance from the Credit Recovery Program Specialist/Counselor on selecting course options that align with their post-secondary and career goals.

  By integrating industry-recognized certifications with essential workplace soft skills, the platform ensures that non-traditional and recovering students earn their high school diplomas while simultaneously gaining the practical qualifications necessary to secure immediate, meaningful employment in the state. Specifically, our program leverages Edmentum to offer targeted curriculum credentials, course sequences, and workforce readiness in the following high-demand areas such as:

  - Certified Nurse Aide (CNA) & Health Science: Provides foundational health science coursework structured to meet the Texas Health and Human Services CNA exam criteria and medical terminology essentials.
  - Welding & Applied Trades: Delivers instructional pathways aligned with the American Welding Society (AWS) foundational standards to prepare students for immediate entry into the industrial workforce.
  - Digital Arts & Graphic Design (Adobe): Features multimedia design pathways that train students in industry-standard software to prepare for Adobe Certified Professional credentials in applications like Photoshop and Illustrator.
  - Business Management: Offers comprehensive training in business fundamentals, financial literacy, and entrepreneurship, preparing students for Microsoft Office Specialist (MOS) credentials.
  - Texas IBC Alignment: Formats all CTE tracks to directly support the Texas Education Agency's (TEA) list of Industry-Based Certifications for public school accountability.

- Describe the individual learning plan or process used to monitor each student's progress.

  Each student enrolled in the remote/hybrid program has an Individual Learning Plan (ILP) developed in collaboration with the the student and the Credit Recover Program Specialist/Counselor, and then provided to the academic coach. The ILP documents the student's credit recovery goals, target graduation date, course enrollment, weekly instructional minute goals, and benchmarks for academic progress. Progress toward ILP goals is reviewed monthly and adjusted as needed. Monthly progress reports are submitted to the district by the academic coach. The Edmentum platform provides automated tracking of time-on-task, course completion percentages, and assessment scores, which are integrated into the ILP review process.

  Additionally, Course Completion Trackers are provided to the student and designed to keep them focused on consistent credit attainment. Teachers/academic coaches will be given a copy of the form to converse with the students about how they should progress towards their goals in order to meet the "Credit Attainment Expectations." Self accountability and continuous credit attainment are student goals that program staff use to coach to students. This Course Completion Tracker narrows the student's focus by chunking their requirements on a weekly basis and assists with time management.

- Indicate how students will be served by an academic coach and local advocate.

  Each remote/hybrid student is assigned a dedicated academic coach assigned through the Creative Climb Academy who serves as the student's local advocate. The academic coach: (1) monitors the student's daily and weekly instructional minute accumulation via the Edmentum platform; (2) provides check-in support to help the student maintain progress toward their ILP goals; (3) connects the student with school-based counseling, mental health referrals, and community resources as needed; (4) submits monthly progress reports to the district; and (5) coordinates with campus and the Credit Recovery Program Specialist/Counselor. (6) Coaches are also available on designated evenings to meet students in-person at The Cove Waco to assist with tutoring and course completion. The coach may also refer the student to the home campus for additional assistance. The campus also serves as an engagement center for students. The Credit Recovery Specialists/Counselor also serves as a local advocate for the students from their home campus and coordinates with the Creative Climb Academy academic coach.

- Describe the educational software utilized and explain how the software will help track and certify the number of instructional minutes each student receives each day to monitor student progress.

  Waco ISD utilizes the Edmentum online learning platform for in-person and remote/hybrid instruction. Edmentum is a state-approved, TEKS-aligned online curriculum platform. The software tracks and certifies instructional minutes for each student by logging session start times, active engagement time, and session end times. The platform distinguishes between active instructional time and idle time, ensuring that students are engaged while using the platform. Daily and cumulative minute totals per student, per course are available to teachers of record and academic coaches for review and certification. These records are cross-referenced with the attendance logs and then minutes are entered into the Student Information System (SIS), Frontline, before being reported to TSDS. Any day on which a student logs fewer than 45 instructional minutes is excluded from funding reporting. The one-to-one technology model in Waco ISD ensures all students have access to a device for remote instruction.

Participating Campuses, Student Eligibility, and Period of Agreement

15. Attach a completed OFSDP campus designation spreadsheet that includes all participating campuses.

Board Approval

16. Attach a copy of the local school board's official minutes showing approval to operate an OFSDP program.

17. Summarize the information presented to the board during the OFSDP approval meeting regarding program operations and compliance with 19 TAC §129.1027(h), including performance indicators, disaggregated student data, annual performance goals reviewed in an open meeting, and data-driven continuation decisions.

Signed Authorization

18. Attach a copy of the OFSDP agreement, signed by all required parties.

Assurances

The applicant shall check all assurances below to confirm awareness of and understanding of responsibilities established herein.

☑ The district assures the board of trustees of the school district, or the governing board of the open-enrollment charter school will include the OFSDP as an item on the agenda concerning the proposed application.

☑ The district assures the board of trustees of the school district, or the governing board of the open-enrollment charter school will discuss the progress of the program before applying to operate an OFSDP.

☑ The district agrees to enroll only eligible students to participate in an OFSDP authorized under this application. A student is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if:

1. the student meets one of the following conditions:
   - the student is at-risk of dropping out of school, as defined by the TEC, §29.081; or

- the student is attending a campus implementing an approved innovative campus plan; or
- the student is attending a community-based dropout recovery education program, as defined by the TEC, §29.081(e-1) or (e-2); or
- the student is attending a campus with an approved Early College High School program designation as defined by the TEC, §29.908; or
- the student, as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled.

and

2. there is an agreement in writing to the student's participation
   - by the student, if the student is over 18 years of age; or
   - by the student and the student's parent or person standing in parental relation to the student, if the student is less than 18 years of age and not emancipated by marriage or court order.

☑ The district assures that it will administer all mandatory assessment instruments during the regular assessment cycle to students enrolled in the OFSDP.

☑ The district assures that all instructional materials and facilities provided to students in the OFSDP will be comparable to, or exceed, the required standards for students in similar programs.

☑ The district assures that students participating in an OFSDP will not be isolated from other academic and vocational programs and will have access to school counselors for pre-entry and post-entry counseling, academic or personal counseling, and career counseling.

☑ The district assures that faculty and administrators assigned to the OFSDP will meet all qualification requirements, including holding baccalaureate or advanced degrees, being highly qualified, and possessing appropriate certification as required by TAC, §129.1027.

☑ The district assures that it will adopt and implement a policy that does not penalize students participating in an OFSDP in accordance with the 90% rule (TEC, §25.092(a)) or the 75% to 90% rule for class credit (TEC, §25.092(a-1)).

☑ The district assures that it will adopt a policy requiring students to attend regularly scheduled instruction in the OFSDP and will apply penalties for nonattendance, including filing truancy charges when appropriate.

☑ The district assures that it will accurately track the number of instructional minutes each student receives daily and will comply with all applicable sections of the Student Attendance Accounting Handbook.

☑ The district assures that it will comply with all reporting requirements established by the TEA.

☑ The district assures that it will not discriminate on the basis of disability, race, color, national origin, religion, or sex in the operation of the OFSDP.

☑ The district assures that students participating in an OFSDP will be prohibited from participating in competitions or activities sanctioned or conducted under the authority of the University Interscholastic League (UIL) unless all UIL eligibility requirements are met.

☑ The district assures that procedures will be implemented to ensure students are not coded as participating in a

traditional instructional program on any day for which OFSDP instructional minutes are earned.

☑ The district assures that Student Detail Audit and related six-week attendance and academic reports for the OFSDP track will be generated, reviewed, and certified during each six-week attendance reporting period.

☑ The district assures that procedures are in place to offer and provide students with appropriate referrals for mental health services, including access to school-based supports and external community resources, as needed.

☑ The district assures that when **a remote or hybrid dropout recovery program** is provided by a third-party provider, monthly student progress reports will be submitted to the student's school district by a designated date each month.

☑ The district assures that an in-person student engagement center is available **to students participating in a remote or hybrid dropout recovery program** provided by a third-party provider and that its location and purpose are clearly defined to support OFSDP student instruction, engagement, and access to services.

Period of Agreement

The period of the agreement, as detailed by participating campuses in **the uploaded spreadsheet**, is for a maximum of one (1) school year plus an additional thirty (30) school days if the district is applying for credit recovery. **Note that the agreement term is subject to annual renewal.**

Purpose of Agreement

The district must perform all the functions and duties set out in the agreement, the authorizing program statute, and applicableregulations.

Reporting Requirements

The district may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. The TEA may request additional reports as necessary to monitor and assess the progress of students participating in theprogram.

Official Submission

By submitting this document, the applicant acknowledges and affirms that all information and assurances contained in this application are accurate and complete to the best of their knowledge. The applicant further agrees to comply with all applicable laws, regulations, and program requirements associated with this application. This submission shall constitute a binding commitment to uphold the assurances provided.

Upon submission of this application, an authorized representative acknowledges and accepts its terms on behalf of the school district or open-enrollment charter school, with such acceptance becoming effective upon approval by the TEA.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2026 **Contact Person:** Monique Brock

RE: Review, Discuss and Take Appropriate Action Regarding Hazardous Routes

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Background Information:

Texas Education Code 42.155(d) allows Districts to obtain supplemental state funding for transporting regular, otherwise ineligible students, who live within two miles of their school, but who would be subject to hazardous traffic conditions if they walked to school. No more than 10% of the District's routes may be designated as "hazardous" for state funding purposes. Using a standardized matrix with various safety and traffic criteria, the Transportation Department evaluates the hazardous walk-out areas in the District to ensure that students have a safe walking path to school and annually makes recommendations for the adoption of a Resolution regarding Hazardous Traffic Conditions.

The Administration has identified the following hazardous routes for the 2026-2027 school year, which are included in the proposed Resolution:

1. Bells Hills Elementary- North- S 18th St. & S 17th St.; South- 26th St. between Clay Ave. and I-35; East- Speight Ave. between S Valley Mills Dr. and S 18th St. & S 17th St.; West- Clay Ave. between S Valley Mills and S 18th St. & S 17th St.; Circle Rd. from 18th St. to the I-35 frontage road.
1. Brook Avenue Elementary School- Southwest- N 18th St. between Trice Ave. and Herring Ave.; Southeast- Trice Ave. between 18th St. and 15th St.; Colcord between 9th St. and 6th St. for The Villages Apartments.
2. Cedar Ridge Elementary School- North & West- Lake Shore Dr. between College Dr. and Park Lake Dr. (will still pick up students at apartments on Lake Shore Dr.); South- Herring Ave between 18th St. and 15th A St.; East- N 19th St./ N 18th St. between Lyle Ave. and Lake Shore Dr.
3. Crestview Elementary School- Northwest- Bosque Blvd. between Lake Air and 36th St.; Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Valley Mills between Waco Dr. and Lake Air; East- Waco Dr. between Valley Mills and 36th St; West- Lake Air between Valley Mills and Bosque Blvd (except for the Valley Terrace Apartments).
4. Dean Highland Elementary School- Northwest- Lyle Ave. between N 18th St. and MacArthur + Herring Ave. between N 18th St. and MacArthur; Northeast- 26th St. between Maple and Herring Ave.
5. J. H. Hines Elementary School- Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Martin Luther King Blvd between Waco Dr. and I-35; East- I-35; West- E Waco Dr. between Martin Luther King Blvd and Clifton; Faulkner Ln. between Martin Luther King Blvd and Garrison Ave.

6. Kendrick Elementary School- South- New Road between Franklin Avenue and I-35 (will still pick up Tuscany Apartments on New Rd); West- the railroad tracks from Valley Mills to New Road
7. Mountainview Elementary- Southeast- Cobbs Dr. between Valley Mills Dr. and Lake Air Dr.; Hillcrest Dr. from Lake Shore Dr. to Lake Air Dr.; Lake Shore Dr./Valley Mills Dr.
8. Parkdale Elementary-North- Valley Mills between Sanger Ave. and Bosque Ave.; South- Hwy 6; East- Sanger Ave. between Valley Mills and Hwy 6; West- Bosque Blvd between Hwy-6 and Valley Mills; Lake Air Dr.
9. Provident Heights - Northwest- Trice Ave from 21st St.-30th St.; Southeast- Waco Dr. (18th St.-26th St.)
10. South Waco Elementary- South- Robinson Dr from the Circle to Highway 6 (will still pick up students off of Robinson Dr.); East- Garden from S 16th St. to 4th St.; West- LaSalle Ave.
11. West Avenue Elementary- Southeast- Waco Dr. between 22nd St. and 5th St.; Southwest- N 18th St. and 17th St. between Bosque Blvd. and W Waco Dr.
12. Cesar Chavez MS- South- 26th St. from Jackson Ave. to Bagby Ave.; East- I-35 and Speight Ave. from 18th St. to 26th St; West- Railroad tracks by Jackson Avenue from the Brazos River to 26th St
13. GW Carver MS- South- Martin Luther King between Waco Dr. and Herring; East- Waco Dr. between Clifton St. and Martin Luther King Blvd.; West- Herring Ave. between Martin Luther King Blvd. and Gholson.
14. Tennyson MS- North- Valley Mills between Hwy 84 and Bosque Blvd.; South- Hwy 6 between Hwy 84 and Bosque Blvd.; East- Sanger Ave. between Hwy 6 and Valley Mills Dr.; West- Bosque Blvd. between Hwy 6 and Valley Mills Dr.; Hwy 84 between Hwy 6 and Valley Mills; Lake Air Dr.
15. Waco High- North & West- North and West Lake Shore Dr., Herring Ave. from MacArthur Dr. to 25th St.; South- Valley Mills Dr. between Cobbs and Waco Dr.; East- Waco Dr. between Valley Mills and 36th St.; 34th St./36th St. from Bosque Blvd. to Waco Dr.; Bosque Blvd. from 34th St. to 26th St.; 25th St./26th St. from Herring Ave. to Bosque Blvd.
16. University High- North- Primrose Dr. (will still pick up students at apartments on Primrose Dr.); South- Hwy 6 between I-35 and North Robinson Dr.; East- North Robinson Dr. between Hwy 6 and Primrose Dr.; West- I-35 between Hwy 6 and Primrose Dr.

Fiscal Implications:

The Resolution regarding Hazardous Traffic Conditions allows the District to secure transportation funding. The designated routes continue to exceed 10% of our regular routes, but there will be a reduction in routes overall which will result in a cost savings.

Administrative Recommendation:

Approve the Resolution regarding Hazardous Traffic Conditions as presented.

Waco ISD Transportation Hazard Analysis

2026-2027 School Year Recommended Changes

Presented by Monique Brock & Travis Cheatham

June 18 2026

2025-2026 Celebrations



- Over 2800 students routed (compared to ~2300 in 24-25) -- this is ~22% of all students
- Average turnaround time for routing highly mobile students was 1.88 business days
- 1349 field trips serviced
- Continued improvement in collaboration with the city on road closures, necessary tree trimming etc.







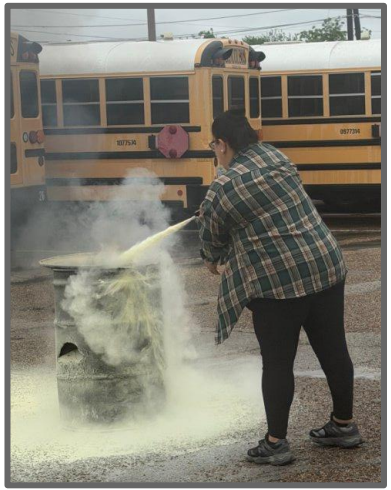


2025-2026 Celebrations

- **Developed specialty trainings with other departments and community organizations on fire safety, special education, CPI, and TBRI**







Crestview Recommendation

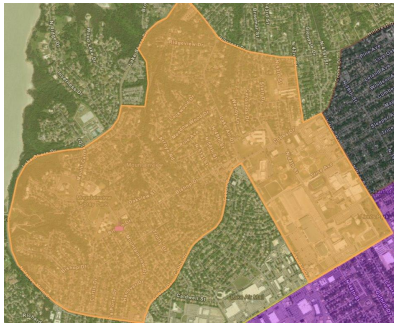


The following change was made during last school year but will need to be officially updated on our hazards list.

The recommendation is to provide transportation for the Valley Terrace Apartments located at Lake Air Dr & Valley Mills Dr.

While there is a sidewalk available to connect to Erath St, the campus recommended the change.

Mountainview Recommendation



25-26 Non-Eligible Zone



26-27 Non-Eligible Zone Recommendation

We recommend changing Lake Air Dr into a hazard for Mountainview Elementary.

While Lake Air can be crossed safely at Cobbs Dr, this is really the only crossing location. This change would provide approximately 18 students with transportation.

Proposed Boundaries

- **Lake Air Dr**
- **Lake Shore Dr (although apartments on Lake Shore are still eligible for transportation)**
- **Valley Mills Dr**
- **Cobbs Dr**
  - ***(although recent road improvements have added additional pedestrians crossings and elements to make the road more accessible- may consider this in the future)***

WACO INDEPENDENT SCHOOL DISTRICT

Questions?

Thank you for your support and encouragement of the Transportation Department

RESOLUTION REGARDING HAZARDOUS TRAFFIC CONDITIONS

WHEREAS, Texas Education Code 42.155(d) allows the Board of Trustees of the Waco Independent School District to obtain supplemental state funding for transporting regular, otherwise ineligible students who live within two miles of their school but who would be subject to hazardous traffic conditions if they walked to school;

WHEREAS, the TEA handbook of School Transportation Allotments requires the Board to adopt language providing the definition of hazardous traffic conditions applicable to the District and identifying the specific hazardous areas for which such funding is requested;

WHEREAS, the Board acknowledges the Texas Education Code 42.155(d) provisions stating that a hazardous condition exists where no walkway is provided and students must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Waco Independent School District has defined hazardous traffic conditions in the same manner as stated in Texas Education Code 42.155(d) and has identified the following specific hazardous areas in which such conditions exist:

1. Bells Hills Elementary- North- S 18th St. & S 17th St.; South- 26th St. between Clay Ave. and I-35; East- Speight Ave. between S Valley Mills Dr. and S 18th St. & S 17th St.; West- Clay Ave. between S Valley Mills and S 18th St. & S 17th St.; Circle Rd. from 18th St. to the I-35 frontage road.
2. Brook Avenue Elementary School- Southwest- N 18th St. between Trice Ave. and Herring Ave.; Southeast- Trice Ave. between 18th St. and 15th St.; Colcord between 9th St. and 6th St. for The Villages Apartments.
3. Cedar Ridge Elementary School- North & West- Lake Shore Dr. between College Dr. and Park Lake Dr. (will still pick up students at apartments on Lake Shore Dr.); South- Herring Ave between 18th St. and 15th A St.; East- N 19th St./ N 18th St. between Lyle Ave. and Lake Shore Dr.
4. Crestview Elementary School- Northwest- Bosque Blvd. between Lake Air and 36th St.; Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Valley Mills between Waco Dr. and Lake Air; East- Waco Dr. between Valley Mills and 36th St; West- Lake Air between Valley Mills and Bosque Blvd (except for the Valley Terrace Apartments).
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6. J. H. Hines Elementary School- Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Martin Luther King Blvd between Waco Dr. and I-35; East- I-35; West-

E Waco Dr. between Martin Luther King Blvd and Clifton; Faulkner Ln. between Martin Luther King Blvd and Garrison Ave.

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15. Tennyson MS- North- Valley Mills between Hwy 84 and Bosque Blvd.; South- Hwy 6 between Hwy 84 and Bosque Blvd.; East- Sanger Ave. between Hwy 6 and Valley Mills Dr.; West- Bosque Blvd. between Hwy 6 and Valley Mills Dr.; Hwy 84 between Hwy 6 and Valley Mills; Lake Air Dr.
16. Waco High- North & West- North and West Lake Shore Dr., Herring Ave. from MacArthur Dr. to 25th St.; South- Valley Mills Dr. between Cobbs and Waco Dr.; East- Waco Dr. between Valley Mills and 36th St.; 34th St./36th St. from Bosque Blvd. to Waco Dr.; Bosque Blvd. from 34th St. to 26th St.; 25th St./26th St. from Herring Ave. to Bosque Blvd.
17. University High- North- Primrose Dr. (will still pick up students at apartments on Primrose Dr.); South- Hwy 6 between I-35 and North Robinson Dr.; East- North Robinson Dr. between Hwy 6 and Primrose Dr.; West- I-35 between Hwy 6 and Primrose Dr.

ADOPTED THIS 18th DAY OF JUNE, 2026.

WACO INDEPENDENT SCHOOL DISTRICT

By: _____
President, Board of Trustees